



Council of the  
European Union

Brussels, 14 September 2015  
(OR. en)

11687/15

INF 153  
API 88

**NOTE**

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From: General Secretariat of the Council  
To: Working Party on Information  
Subject: Public access to documents  
- Confirmatory application No 20/c/03/15

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Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 17 July 2015 and registered on the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 31 August 2015 ([Annex 2](#));
- confirmatory application dated 31 August 2015 and registered on 1 September 2015 ([Annex 3](#))

**[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 17 July 2015 - 10:08 using the electronic form available in the Asktheeu.org platform]**

**From:** Michael Bauer <[ask+request-2154-9d6d262d@asktheeu.org](mailto:ask+request-2154-9d6d262d@asktheeu.org)>

**Sent:** Friday 17 July 2015 - 10:08

**To:** SECRETARIAT DGF Access

**Subject:** access to information request - "Complete Operational Procedures" framework for the European Global Navigation Satellite System

Dear Council of the EU,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting the following documents:

"Complete Operational Procedures" framework for the European Global Navigation Satellite System (GNSS) Security Architecture 11000/15 (ADD1)

And all related documents

Yours faithfully,

Michael Bauer

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This is a request for access to information under Article 15 of the TFEU and, where applicable, Regulation 1049/2001 which has been sent via the AsktheEU.org website.

Please kindly use this email address for all replies to this request: [ask+request-2154-9d6d262d@asktheeu.org](mailto:ask+request-2154-9d6d262d@asktheeu.org)

If [Access@consilium.europa.eu](mailto:Access@consilium.europa.eu) is the wrong address for information requests to Council of the EU, please tell the AsktheEU.org team on email [team@asktheEU.org](mailto:team@asktheEU.org)

This message and all replies from Council of the EU will be published on the AsktheEU.org website. For more information see our dedicated page for EU public officials at <http://www.asktheeu.org/en/help/officers>



**Council of the European Union**

General Secretariat

Directorate-General Communication and Document Management

Directorate Document Management

Transparency and Access to Documents Unit

Brussels, 31 August 2015

Mr Michael Bauer

Email: : ask+request-2154-9d6d262d@asktheeu.org

Ref. 15/1866-mi/nb

Request made on: 17.07.2015

Extended on: 10.08.2015

Dear Mr Bauer,

Thank you for your request for public access to documents of the Council of the European Union.<sup>1</sup>

I regret to inform you that public access to documents 11000/15, 11000/15 ADD 1 and 11000/15 ADD 1 COR 1 cannot be given for the reasons set out below.

Document 11000/15 is a report to the Political and Security Committee (PSC) relating to the first approach of the "Complete Operational procedures" to be defined pursuant to Art. 5 of Council Decision 2014/496/CFSP for the European Global Navigation Satellite System (GNSS) Security Architecture. It is classified "RESTREINT UE/EU RESTRICTED". This classification is applied to information and material the unauthorised disclosure of which could be disadvantageous to the interests of the European Union or of one or more of its Member States.<sup>2</sup>

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<sup>1</sup> The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35).

<sup>2</sup> Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU), OJ L 274, 15.10.2013, p. 1.

In view, in particular, of its strategic dimension, regional and global coverage and multiple usage, the European Global Navigation Satellite System constitutes sensitive infrastructure the deployment and usage of which are susceptible to affect the security of the European Union and its Member States. Document 11000/15 includes a first identification of threat scenarios for the system for which a mitigation action can be foreseen. Releasing information about such mitigation actions to the public would enable third parties to jeopardise or prevent those actions and thus harm the deployment and usage of the infrastructure of the system. Release to the public of the contents of the document would thus undermine public security interests both at the level of the EU and its Member States.

Documents 11000/15 ADD 1 and its Corrigendum, document 11000/15 ADD 1 COR 1, set out, among others, the decision of the High Representative of the Union for Foreign Affairs and Security Policy on the early operational procedures relating the European Global Navigation Satellite System (GNSS) Security Architecture. Releasing this information to the public would reveal how the European External Action Service (EEAS) functions internally in a crisis situation and would enable third parties to jeopardise the functioning of the EEAS in such a situation. Disclosure to the public of these two documents would thus undermine public security interests both at the level of the EU and its Member States.

On the basis of the above, the General Secretariat has to refuse public access to documents 11000/15, 11000/15 ADD 1 and 11000/15 ADD 1 COR 1.<sup>3</sup>

Furthermore, the discussions and consultations with Member States and relevant European institutions and bodies on the first approach of the "Complete Operational procedures" are still ongoing. Release to the public at this stage of the details concerning the first approach would affect the on-going negotiating process and diminish the chances of an agreement.

Disclosure of the documents at this stage would therefore seriously undermine the decision-making process of the Council. As a consequence, the General Secretariat has to refuse access to the documents at this stage.<sup>4</sup>

Having examined the context in which the documents were drafted and the current state of play on this matter, on balance the General Secretariat could not identify any evidence suggesting an overriding public interest in their disclosure.

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<sup>3</sup> Article 4(1)(a), first indent, of Regulation (EC) No 1049/2001.

<sup>4</sup> Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.

We have also looked into the possibility of releasing parts of the documents.<sup>5</sup> However, as the exceptions to the right of access apply to the entire content of the documents, the General Secretariat is unable to give partial access.

You can ask the Council to review this decision within 15 working days of receiving this reply.<sup>6</sup>

Yours sincerely,

Jakob THOMSEN

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<sup>5</sup> Article 4(6) of Regulation (EC) No 1049/2001.

<sup>6</sup> Article 7(2) of Regulation (EC) No 1049/2001.

Council documents on confirmatory applications are made available to the public. According to data protection rules at EU level (Regulation (EC) No 45/2001), if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent.

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 31 August 2015 - 17:50 ]

**From:** Michael Bauer <ask+request-2154-9d6d262d@asktheeu.org>

**Sent:** Monday, August 31, 2015 17:50

**To:** SECRETARIAT DGF Access

**Subject:** Internal review of access to information request - "Complete Operational Procedures" framework for the European Global Navigation Satellite System

Dear Council of the EU,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Council of the EU's handling of my FOI request "'Complete Operational Procedures" framework for the European Global Navigation Satellite System'.

As someone who has some insight into the design of security concepts for technical installations, I find it hard to believe that releasing a document on security concepts would help to circumvent them. Obscurity is a very bad concept and can not be relied on. Any security measure must be able to stand up to critical review and testing.

Therefore I can not accept the answer that the release would create an operational risk. Both GNSS and EEAS security practices should be able to withstand public knowledge of said practices.

Otherwise as a european Citizen I am very concerned about the fact that there are Satellites in Space with security so poor. If the concepts rely on the requested document to stay accessible only to the "right" people we are truly doomed...

A full history of my FOI request and all correspondence is available on the Internet at this address:  
[http://www.asktheeu.org/en/request/complete\\_operational\\_procedures](http://www.asktheeu.org/en/request/complete_operational_procedures)

Yours faithfully,

Michael Bauer

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Please use this email address for all replies to this request:  
[ask+request-2154-9d6d262d@asktheeu.org](mailto:ask+request-2154-9d6d262d@asktheeu.org)

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