



Council of the  
European Union

Brussels, 2 February 2016  
(OR. en)

5044/16

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**NOTE**

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From: General Secretariat of the Council  
To: Working Party on Information  
Subject: Public access to documents  
- Confirmatory application No 01/c/01/16

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Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 12 November 2015 and registered on the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 22 December 2015 ([Annex 2](#));
- confirmatory application dated 5 January 2016 and registered on the same day ([Annex 3](#))

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 12 November 2015 - 16:02 using the electronic form available in the Register application]

Title/Gender: **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of: **DELETED**

Requested document(s): ST 13581 2015 INIT

ASEAN: launch of bilateral FTA-negotiations with the Philippines



**Council of the European Union**  
General Secretariat

Directorate-General Communication and Document Management  
Directorate Document Management  
Transparency and Access to Documents Unit

Brussels, 22 December 2015

**DELETED**

Email: **DELETED**

Ref. 15/2647-nh/dm

Request made on: 12.11.2015

Extended on: 03.12.2015

Dear **DELETED**,

I regret to inform you that access to document **13581/15** cannot be given for the reasons set out below.

Document **13581/15** is a classified document, bearing the classification "RESTREINT UE". This means that the unauthorised disclosure of its contents could be disadvantageous to the interests of the European Union or of one or more of its Member States.<sup>1</sup>

Document **13581/15** is a note from the Trade Policy Committee to the Permanent Representatives Committee and to the Council. It contains sensitive information on bilateral Free Trade Agreement negotiations with the Philippines which are about to start.

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<sup>1</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.

Disclosure of the information contained in the document would have a negative impact on the relations of the European Union with the Philippines. Should its internal views and negotiation strategy be made public while negotiations are about to start, the position of the Union in such trade negotiations would be seriously weakened. Disclosure of the document would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse access for this reason as well.<sup>2</sup>

You can ask the Council to review this decision within 15 working days of receiving this reply.<sup>3</sup>

Yours sincerely,

Jakob THOMSEN

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<sup>2</sup> Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001.

<sup>3</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 5 January 2016 - 15:26 ]

**From:** **DELETED**

**Sent:** Tuesday, 5 January 2016 - 15:26

**To:** SECRETARIAT DGF Access

**Subject:** **DELETED** Confirmatory Application Ref. 15/2647-nh/dm

Dear Mr Thomsen,

Thank you for your reply.

This is a confirmatory application according to Art 7(2) of the Regulation (EC) No 1049/2001, asking you to reconsider your position, in particular pointing out that your first reason of refusal does not bear grounds under the abovementioned Regulation and the second reason did not seem to apply in cases of TTIP or TiSA negotiating directives. How do you reconcile publication of negotiating directives and refusal of access?

Doesn't the disclosure of the negotiating directives for TTIP and TiSA 'undermine the protection of the public interest as regards international relations'?

Kind regards,

**DELETED**

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