



Council of the
European Union

021555/EU XXVI. GP
Eingelangt am 17/05/18

Brussels, 17 May 2018
(OR. en)

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INF 72
API 48

NOTE

From:	General Secretariat of the Council
To:	Working Party on Information
Subject:	Public access to documents - Confirmatory application No 11/c/01/18

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 13 March 2018 and registered on 14 March 2018 ([Annex 1](#));
- reply from the General Secretariat of the Council dated 30 April 2018 ([Annex 2](#));
- confirmatory application dated 14 May 2018 and registered on 15 May 2018 ([Annex 3](#))

[E-mail message sent to access@consilium.europa.eu on 13 March 2018 - 18:33 using the electronic form available in the Register application]

Title/Gender: **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation:

On behalf of:

Address:

Telephone:

Mobile:

Fax:

Requested document(s):

WK 160/18

WK 1346/18

WK 2674/18



Council of the European Union

General Secretariat

Directorate-General Communication and Information

Knowledge Management

Transparency

Head of Unit

Brussels, 30 April 2018

DELETED

Email: **DELETED**

Ref. 18/0526-nh/mf

Request made on: 13.03.2018

Registered on: 14.03.2018

Deadline extension: 09.04.2018

Dear **DELETED**,

Thank you for your request for access to documents of the Council of the European Union.¹

After having consulted the European External Action Service², the General Secretariat of the Council has come to the following conclusion.

I regret to inform you that access to documents **WK 160 2018**, **WK 1346 2018** and **WK 2674 2018** cannot be given for the reasons set out below.

WK 160 2018, **WK 1346 2018** and **WK 2674 2018** are Working Papers from the EEAS to the Committee for Civilian Aspects of Crisis Management (CIVCOM) containing respectively *CivCom - Tentative Planning for January, February and March 2018*.

¹ 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).

² Article 4(4) of Regulation (EC) No 1049/2001.

For the Council to reach a final agreement on the CIVCOM planning, its Member States held initial consultations and exploratory talks. These documents contain opinions that were put forward for internal use only, as part of initial deliberations within the Council. Release of this information would harm future decision-making on this and similar issues.

Disclosure of the documents would therefore seriously undermine the decision-making process of the Council, even after the specific decision has been adopted.

Having examined the context in which the documents were drafted, on balance the General Secretariat could not identify any evidence suggesting an overriding public interest in their disclosure.

As a consequence, the General Secretariat has to refuse access to these documents.³

We have also looked into the possibility of releasing parts of these documents.⁴ However, as the information contained in these documents forms an inseparable whole, 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 (confirmatory application).⁵

Yours sincerely,

Sally BLISS

3 Article 4(3), second subparagraph, of Regulation (EC) No 1049/2001.

4 Article 4(6) of Regulation (EC) No 1049/2001.

5 Article 7(2) of Regulation (EC) No 1049/2001.

Council documents on confirmatory applications are made available to the public. Pursuant 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 on 14 May 2018 - 17:05]

From: **DELETED**

Sent: Monday, May 14, 2018 5:05 PM

To: SECRETARIAT DGF Access <Access@consilium.europa.eu>

Subject: AW: Ref. 18/0526-nh/mf

Dear Madam or Sir,

Thank you for your reply. I hereby respectfully ask you to review your decision not releasing the documents I requested.

Sincerely,

DELETED
