



Brussels, 20 August 2018
(OR. en)

11644/18

INF 148
API 90

NOTE

From: General Secretariat of the Council
To: Working Party on Information
Subject: Public access to documents
- Confirmatory application No 22/c/01/18

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 20 June 2018 and registered the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 1 August 2018 ([Annex 2](#));
- confirmatory application dated 17 August 2018 and registered on the same day ([Annex 3](#)).

[E-mail message sent to access@consilium.europa.eu on 20 June 2018 - 11:43 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: **DELETED**

Telephone: **DELETED**

Mobile:

Fax:

Requested document(s): ST 10445 2009 INIT

1st preferred linguistic version: EN - English

2nd preferred linguistic version: FR - French



Council of the European Union
General Secretariat
Directorate-General Communication and Information - COMM
Directorate Information and Outreach
Information Services Unit / Transparency
Head of Unit

Brussels, 1 August 2018

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Ref. 18/1292-nh/ns

Request made on: 20.06.2018

Deadline extension: 11.07.2018

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 Service (EEAS)², the General Secretariat of the Council has come to the following conclusion.

I regret to inform you that access to document **10445/09** cannot be given for the reasons set out below.

Document **10445/09** 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.³

It is a note from the General Secretariat of the Council to the Political and Security Committee containing *European Union Police Mission in the Palestinian Territories (EUPOL COPPS) Six-monthly report*. The content of this report is provided by the EEAS.

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(5) of Regulation (EC) No 1049/2001.

³ 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.

The requested document contains delicate information on the ongoing mission in a territory with serious security challenges. Release of this document which also contain internal EU assessments would jeopardies the EU's efforts to bring stability to the region, hurt relations with relevant third parties and affect the future mission's capability to fulfill its tasks.

Disclosure of the documents would therefore undermine the protection of the public interest as regards public security and international relations. As a consequence, the General Secretariat has to refuse access to these documents.⁴

We have also looked into the possibility of releasing parts of the document.⁵ However, as the information contained in the document (in each of the 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).⁶

Yours sincerely,

Sally BLISS

⁴ Article 4(1)(a), first and third indent, of Regulation (EC) No 1049/2001.

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

⁶ 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 17 August 2018 - 14:07]

From: **DELETED**

Sent: Friday, August 17, 2018 14:07

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

Subject: Confirmatory application re. access to documents request 18/1292-nh/ns

Dear Sir/Madam

I wish to make a confirmatory application concerning my access to document request, which you have filed under the number 18/1292-nh/ns.

A considerable length of time has passed since the document I requested was drawn up. Therefore, I do not believe that the reasons cited for refusing me access to the document could remain valid.

For that reason, I ask that the document is sent to me without further delay.

Yours sincerely,

DELETED
