



Council of the
European Union

053156/EU XXVI. GP
Eingelangt am 07/02/19

Brussels, 7 February 2019
(OR. en)

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NOTE

From: General Secretariat of the Council
To: Working Party on Information
Subject: Public access to documents
- Confirmatory application No 03/c/01/19

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 20 July 2018 and registered on the same day (Annex 1);
- reply from the General Secretariat of the Council dated 6 February 2019 (Annex 2);
- confirmatory application dated 6 February 2019 and registered on 7 February 2019 (Annex 3).

[E-mail message sent to access@consilium.europa.eu on 20 July 2018 - 16:11 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:

Address: **DELETED**

Telephone:

Mobile:

Fax:

Requested document(s): EU priorities, statements, and contributions at all FAO COFI sessions

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, 6 February 2018

DELETED

Email: **DELETED**

Ref. 18/1537-aa/nb

Request made on: 20.07.2018

Deadline extension: 10.08.2018

Dear **DELETED**,

Following our letter of 3 September 2018, the General Secretariat of the Council has examined your request on the basis of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents¹ (hereafter the "Regulation") and specific provisions of the Council's Rules of Procedure² and has come to the following conclusions:

The following documents have been identified as relevant to your request:

- ST 10440/14 ADD2
- ST 10729/14 INIT
- ST 12062/15 INIT
- ST 12054/15 INIT
- ST 12054/15 REV1
- ST 12054/15 REV2
- ST 5655/16 INIT
- ST 5655/16 REV1
- ST 5923/16 ADD3

¹ Official Journal L 145, 31.5.2001, p. 43.

² Annex II to the Council's Rules of Procedure – Council Decision No 2009/937/EU; Official Journal L 325, 11.12.2009, p. 35.

- ST 10325/16 ADD1
- ST 10736/16 INIT
- ST 9681/18 INIT
- ST 9681/18 ADD1
- ST 9681/18 ADD 2
- ST 9681/18 REV1
- ST 9681/18 ADD 1 REV1, and
- ST 10786/18 INIT.
-

These documents contain decisions addressed to the European Commission and defining the positions taken on behalf of the European Union (EU) in various meetings of the Committee on Fisheries of the FAO (FAO-COFI). They set out details about EU positions and related strategic approaches during the said FAO-COFI meetings.

Even though these specific negotiations have been concluded, full release of the information contained in these documents would weaken the position of the Union in the framework of similar future multilateral negotiations in this International organisation and other relevant fisheries organisations.

Accordingly, pursuant to the third indent of Article 4(1)(a) of the Regulation (protection of the public interest with regard to international relations), the General Secretariat is unable to accede to your request.

We have also looked into the possibility of releasing parts of the documents.³ However, as the exception to the right of access applies to their entire content, the General Secretariat of the Council is unable to give partial access at this stage.

You can ask the Council to review this decision within 15 working days of receiving this reply (confirmatory application).⁴

Yours sincerely,

Paulo VIDAL

³ Article 4(6) of Regulation (EC) No 1049/2001.

⁴ 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 (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018, OJ L 295, 21.11.2018, p. 39), if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent.

From: **DELETED**

Sent: Wednesday, February 6, 2019 5:24 PM

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

Subject: Re: Ref. 18/1537-aa/nb

Dear Sir/Madam,

Thank you for your message. Please find attached my appeal for reconsideration of the refusal. Should you need further information please do not hesitate to contact me.

Best regards,

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Mr Paulo Vidal

Ref. 18/1537-aa/nb

Edinburgh, 6 February 2019

Request made on: 20.07.2018

Deadline extension: 10.08.2018

Dear Mr Vidal,

Thank you very much for your letter of 6 February 2019 with the results of my access to documents request of 20 July 2018. I appreciate the work of the Secretariat in managing to find the list of documents you referred to.

I would like to take this opportunity to avail myself of the right under Article 7(2) of Regulation 1049/2001 to which you also referred in your letter. In particular, my request to have the decision reconsidered is with respect to two matters.

First, if my files are correct, my request referred to "EU priorities, statements, and contributions at all FAO COFI sessions". This decision, however, seems to me, relates only to documents from 2014 onward. Thus, I would like to ask about the said documents relating to the earlier COFI meetings. I understand that this may be a lot of documents which is why I have not followed up on this request after the initial deadline extension from half a year ago. Should I understand your letter that the EU had no priorities, statements, and contributions at the FAO COFI prior to 2014?

Second, I am inclined to agree with the reasoning behind the refusal to share the documents you had identified in your letter in full and I would not want to be in any way prejudicing EU's position internationally. However, I would like to ask for a reconsideration of the part of the decision which refuses releasing even part of the documents. In particular, I do not see how it would prejudice the EU for certain *meta* information to be publicly available. In particular, I would like to at least know the topics on which the EU had priorities, statements, and contributions. Also, I imagine there were certain statements of procedural character such as ones

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relating to its competence to participate that can be released without disclosing any positions on substantive negotiations.

In light of these considerations I would like to formally ask the Council to review its decision. Thank you in advance for the consideration and I am looking forward to your answer.

Best regards

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