



Council of the
European Union

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Eingelangt am 10/01/18

Brussels, 10 January 2018
(OR. en)

5167/18

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NOTE

From: General Secretariat of the Council
To: Working Party on Information
Subject: Public access to documents
- Confirmatory application No 02/c/01/18

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 17 November 2017 and registered on the same day ([Annex 1](#));
- reply from the General Secretariat of the Council dated 9 January 2018 ([Annex 2](#));
- confirmatory application dated 9 January 2018 and registered the same day ([Annex 3](#))

[E-mail message sent to access@consilium.europa.eu on 17 November 2017 - 16:14 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**

Address:

Telephone:

Mobile: **DELETED**

Fax:

Requested document(s):

14316/17

14317/17

14308/17

12438/17

1st preferred linguistic version: EN - English

2nd preferred linguistic version:



Council of the European Union

General Secretariat

Directorate-General Communication and Information

Knowledge Management

Transparency

Head of Unit

Brussels, 9 January 2018

DELETED

Email: **DELETED**

Ref. 17/2384-rh/jg

Request made on: 17.11.2017

Deadline extension: 08.12.2017

Dear **DELETED**,

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

Please find attached a partially accessible version of document **12438/17 INIT**. However, I regret to inform you that full access to document **12438/17 INIT** cannot be given for the reasons set out below.

Document **12438/17 INIT** of 25 September 2017 is a note from the General Secretariat of the Council to delegations on *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008 - Mandate for negotiations with the European Parliament.*

This document concerns an issue which is still at the stage of discussion within the preparatory bodies of the Council.

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).

The document gives details of progress made, contains drafting suggestions prepared by the Presidency and identifies the difficulties that still need to be addressed before the Council can reach a political agreement.

Full release to the public of the information contained in the document would affect the negotiating process and diminish the chances of the Council reaching an agreement.

Full disclosure of the document at this stage would therefore seriously undermine the decision making-process of the Council. As a consequence, the General Secretariat has to refuse full access to the document at this stage.²

Having examined the context in which the document was drafted and the current state of play on this matter, on balance the General Secretariat of the Council could not identify any evidence suggesting an overriding public interest in its full disclosure.

I regret to inform you that access to documents **14316/17 INIT**, **14317/17 INIT** and **14308/17 INIT** cannot be given for the reasons set out below.

Document **14308/17 INIT** of 14 November 2017 is a note from the General Secretariat of the Council to delegations on Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008.

Document **14316/17 INIT** of 15 November 2017 is a note from the General Secretariat of the Council to delegations on *Regulation on Atlantic and North Sea TACs and Quotas for 2018 Non-paper on European seabass*.

Document **14317/17 INIT** of 16 November 2017 is a note from the General Secretariat of the Council to delegations on *Regulation on Atlantic and North Sea TACs and Quotas for 2018 Non-paper with updates*.

These documents concern issues which are still under discussion within the preparatory bodies of the Council.

The documents give details of progress made, contain drafting suggestions prepared by the Presidency and identify the difficulties that still need to be addressed before the Council can reach a political agreement.

² Article 4(3), first subparagraph, of regulation (EC) No 1049/2001.

Release to the public of the information contained in the documents would affect the negotiating process and diminish the chances of the Council reaching 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.³

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

We have also looked into the possibility of releasing parts of the documents.⁴ However, as the information contained in each of the documents forms an inseparable whole, the General Secretariat 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).⁵

Yours sincerely,

Ramón CHISMOL IBÁÑEZ

Enclosure

³ Article 4(3), first 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 9 January 2018 - 15:44]

From: **DELETED**

Sent: Tuesday, January 09, 2018 3:44 PM

To: SECRETARIAT DGF Access

Subject: RE: Ref. 17/2384-rh/jg

Dear Sir or Madam,

Thank you for the letter dated 9th January 2018 and signed by Mr. Chismol Ibáñez.

I would like to submit a confirmatory application for documents 12438/17 INIT, 14316/17 INIT, 14317/17 INIT and 14308/17 INIT.

Document 12438/17 INIT:

This document, of 25 September 2017, is a note from the General Secretariat of the Council to delegations on *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008 - Mandate for negotiations with the European Parliament.*

The stated reasons for not granting full access to the contents of the document are:

- This document concerns an issue which is still at the stage of discussion within the preparatory bodies of the Council.
- The document gives details of progress made, contains drafting suggestions prepared by the Presidency and identifies the difficulties that still need to be addressed before the Council can reach a political agreement.

- Full release to the public of the information contained in the document would affect the negotiating process and diminish the chances of the Council reaching an agreement.
- Full disclosure of the document at this stage would therefore seriously undermine the decision making-process of the Council. As a consequence, the General Secretariat has to refuse full access to the document at this stage.

The Council has reached an agreement with the Commission and the European Parliament on the *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008* on the 8th of December of 2017, as attested by official press releases from the three institutions:

Council press release: <http://www.consilium.europa.eu/en/press/press-releases/2017/12/08/north-sea-fisheries-new-multiannual-management-plan-agreed/>

Parliament press release: <http://www.europarl.europa.eu/news/en/press-room/20171208IPR89908/sustainable-north-sea-fisheries-meps-and-ministers-strike-provisional-deal>

Commission press release: https://ec.europa.eu/fisheries/agreement-commission-proposal-multi-annual-fisheries-management-plan-north-sea_en

Therefore, the argument that the issue is still at the stage of discussion, that releasing the documents would affect the negotiating process and diminish the chances of Council reaching an agreement, and that disclosure of the document would undermine the decision-making process of the Council is not valid.

Document 14308/17 INIT:

This document, of 14 November 2017, is a note from the General Secretariat of the Council to delegations on Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008.

The stated reasons for not granting access to the document are:

- This document concerns an issue which is still at the stage of discussion within the preparatory bodies of the Council.
- The document gives details of progress made, contains drafting suggestions prepared by the Presidency and identifies the difficulties that still need to be addressed before the Council can reach a political agreement.
- Full release to the public of the information contained in the document would affect the negotiating process and diminish the chances of the Council reaching an agreement.
- Full disclosure of the document at this stage would therefore seriously undermine the decision making-process of the Council. As a consequence, the General Secretariat has to refuse full access to the document at this stage.

The Council has reached an agreement with the Commission and the European Parliament on the *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008* on the 8th of December of 2017, as attested by official press releases from the three institutions:

Council press release: <http://www.consilium.europa.eu/en/press/press-releases/2017/12/08/north-sea-fisheries-new-multiannual-management-plan-agreed/>

Parliament press release: <http://www.europarl.europa.eu/news/en/press-room/20171208IPR89908/sustainable-north-sea-fisheries-meps-and-ministers-strike-provisional-deal>

Commission press release: https://ec.europa.eu/fisheries/agreement-commission-proposal-multi-annual-fisheries-management-plan-north-sea_en

Therefore, the argument that the issue is still at the stage of discussion, that releasing the documents would affect the negotiating process and diminish the chances of Council reaching an agreement, and that disclosure of the document would undermine the decision-making process of the Council is not valid.

Document 14316/17 INIT:

This document, of 15 November 2017 is a note from the General Secretariat of the Council to delegations on *Regulation on Atlantic and North Sea TACs and Quotas for 2018 Non-paper on European seabass*.

The stated reasons for not granting access to the document are:

- This document concerns an issue which is still at the stage of discussion within the preparatory bodies of the Council.
- The document gives details of progress made, contains drafting suggestions prepared by the Presidency and identifies the difficulties that still need to be addressed before the Council can reach a political agreement.
- Full release to the public of the information contained in the document would affect the negotiating process and diminish the chances of the Council reaching an agreement.
- Full disclosure of the document at this stage would therefore seriously undermine the decision making-process of the Council. As a consequence, the General Secretariat has to refuse full access to the document at this stage.

The Council has reached an agreement on *Atlantic and North Sea TACs and Quotas for 2018* on the 13th of December 2017, as attested by official press releases from the Council and the Commission:

Council press release: <http://www.consilium.europa.eu/en/press/press-releases/2017/12/13/council-agreement-on-2018-fishing-quotas-in-the-atlantic-and-north-sea/#>; the press release includes a link to further details of the agreement: <http://www.consilium.europa.eu/media/32288/final-table-rev.pdf>

Commission press release: https://ec.europa.eu/fisheries/eu-ministers-agree-fishing-catch-limits-atlantic-and-north-sea-2018_en

Therefore, the argument that the issue is still at the stage of discussion, that releasing the documents would affect the negotiating process and diminish the chances of Council reaching an agreement, and that disclosure of the document would undermine the decision-making process of the Council is not valid.

Document 14317/17 INIT:

This document, of 16 November 2017 is a note from the General Secretariat of the Council to delegations on *Regulation on Atlantic and North Sea TACs and Quotas for 2018 Non-paper with updates*.

The stated reasons for not granting access to the document are:

- This document concerns an issue which is still at the stage of discussion within the preparatory bodies of the Council.
- The document gives details of progress made, contains drafting suggestions prepared by the Presidency and identifies the difficulties that still need to be addressed before the Council can reach a political agreement.
- Full release to the public of the information contained in the document would affect the negotiating process and diminish the chances of the Council reaching an agreement.
- Full disclosure of the document at this stage would therefore seriously undermine the decision making-process of the Council. As a consequence, the General Secretariat has to refuse full access to the document at this stage.

The Council has reached an agreement on *Atlantic and North Sea TACs and Quotas for 2018* on the 13th of December 2017, as attested by official press releases from the Council and the Commission:

Council press release: <http://www.consilium.europa.eu/en/press/press-releases/2017/12/13/council-agreement-on-2018-fishing-quotas-in-the-atlantic-and-north-sea/#>; the press release includes a link to further details of the agreement: <http://www.consilium.europa.eu/media/32288/final-table-rev.pdf>

Commission press release: https://ec.europa.eu/fisheries/eu-ministers-agree-fishing-catch-limits-atlantic-and-north-sea-2018_en

Therefore, the argument that the issue is still at the stage of discussion, that releasing the documents would affect the negotiating process and diminish the chances of Council reaching an agreement, and that disclosure of the document would undermine the decision-making process of the Council is not valid.

Thank you in advance for considering this request.

With best regards,

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