



Council of the
European Union

Brussels, 7 January 2020
(OR. en)

15310/19

INF 344
API 176

NOTE

From: General Secretariat of the Council
To: Working Party on Information
Subject: Public access to documents
- Confirmatory application No 40/c/01/19

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 29 October 2019 and registered on the same day (Annex 1);
- reply from the General Secretariat of the Council dated 19 December 2019 (Annex 2);
- confirmatory application dated 20 December 2019 and registered on the same day (Annex 3).

[E-mail message sent to access@consilium.europa.eu on 29 October 2019 - 10:29 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: **DELETED**

Telephone: **DELETED**

Mobile:

Fax:

Requested document(s): ST 12283 2018 INIT21-09-2018

WHO Framework Convention on Tobacco Control (FCTC) – Eighth session of the Conference of the Parties (COP8), Geneva, Switzerland, 1-6 October 2018: EU Common Approaches and Positions (Except on Agenda Item 8.8) - Approval

1st preferred linguistic version: EN - English

2nd preferred linguistic version:



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, 19 December 2019

DELETED

Email: **DELETED**

Ref. 19/2275-aa/nb

Request made on: 29.10.2019

Deadline extension: 20.11.2019

Dear **DELETED**,

Following our letter of 20 November 2019, the General Secretariat of the Council has concluded its examination of document **ST 12283/18 INIT**, and regrets to inform you that access to this document cannot be given for the reasons set out below.

Document **12283/18** is a Note from the **Working Party on Public Health** to the Permanent Representatives Committee (COREPER). It contains draft EU Common Approaches and Positions in view of the Eighth session of the Conference of the Parties (COP8) in the context of the WHO Framework Convention on Tobacco Control (FCTC).

Full Release of the information contained in this document would have a negative impact on the relations between the European Union and the non-EU members of this International Organisation, as it would disclose negotiation strategies used by the EU during this Conference.

Even though these specific negotiations have been concluded, full release of the information contained in the document would weaken the position of the European Union in the framework of similar future international negotiations.

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 full access to the document.¹

We have also looked into the possibility of releasing parts of the document.² However, as the exception to the right of access applies to its entire content, the General Secretariat of the Council is unable to accede to your request.

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may ask the Council to review this decision within 15 working days of receiving this reply.³ Should you see the need for such a review, you are invited to indicate the reasons thereof.

Yours sincerely,

Fernando FLORINDO

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

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

³ 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) No 2018/1725, if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent.

From: **DELETED**

Sent: Friday, December 20, 2019 06:14

To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

Subject: Re: Ref. 19/2275-aa/nb

I would like to request a review of this decision on the basis that the exception being applied is being applied to broadly and was not meant to cover matters of this nature.
