



Council of the  
European Union

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Eingelangt am 21/02/20

Brussels, 21 February 2020  
(OR. en)

6244/20

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INF 32

#### NOTE

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From: General Secretariat of the Council  
To: Working Party on Information  
Subject: Public access to documents  
- Confirmatory application No 06/c/01/20

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Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 8 January 2020 (Annex 1);
- reply from the General Secretariat of the Council dated 18 February 2020 (Annex 2);
- confirmatory application dated 21 February 2020 and registered on the same day (Annex 3).

**[E-mail message sent to Press Office on 8 January 2020 - 08:52]**

From: **DELETED**

Subject: Enquiry about sanctions against Russia

Dear **DELETED**

My name is **DELETED**.

One area which I am investigating is the sanctions regime against Russia imposed from 17th March 2014 following events in Ukraine and Crimea. One of the most senior sanctioned Russians was Dmitry Rogozin, then deputy prime minister responsible for the space industry and subsequently head of the Russian space agency, Roskosmos. Obviously, sanctioning him was likely to have implications for European-Russian cooperation in space, be that carried out by the EU, its member states and the European Space Agency, where there is a substantial overlap of membership.

What I would like to ask you is whether there exist any papers, documentation, briefing or background papers, or research prepared before, around or after the decision by the EU to sanction Dmitry Rogozin; and/or which might have outlined the considerations around his being sanctioned (e.g. justification, arguments pro and con); and if you could make them available to me please.

Thank you.

Yours sincerely,

**DELETED**

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**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, 18 February 2020

DELETED

Email: DELETED

Ref. DELETED

Request made on: 07.01.2020

Deadline extended on: 28.01.2020

Dear DELETED,

Thank you for your request for access to documents of the Council of the European Union.<sup>1</sup>

Our Transparency Service received your request by our DG RELEX (the Directorate-General responsible for this policy) which in turn received it from our Press Office. We apologise for the delay in replying to it, owing to an technical/administrative inconvenient and to our necessary internal consultations to research, identify and examine the documents concerned.

Please find attached the following documents: 6180/19, 6175/19, 11294/18, 11292/18, 11290/18, 6654/17, 6650/17, 11798/16, 11797/16, 11796/16, 11795/16, 11685/15, 11680/15, 11679/15 and 7962/14 + COR 1 + ADD 1 REV 2 DCL 1.

You will also find enclosed copy of the relevant Council Decisions (CFSP) 2019/415 of 14 March 2019 and 2014/145/CFSP of 17 March 2014 as published in the Official Journal of the EU.

<sup>1</sup> 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).

We also identified two additional documents: **WK 11963/19** and **WK 14081/18** examined by the Council Working Party on Eastern Europe and Central Asia corresponding to your request.

I regret to inform you that, having regard to their sensitive content (evidence of undermining actions requiring restrictive measures), access to the two abovementioned working documents cannot be granted, since their release to the public would cause prejudice to public interest with regard to public security and international relations.

Moreover, having due regard to the personal data contained in these two working documents, we would like to inform you that the data protection rules at EU level<sup>2</sup> provide that, when personal data collected is to be used for a different purpose than the organisation of work in the Council, including disclosure to the public, a balance needs to be established between the public interest in having access to such data and the legitimate right of individuals to protect their personal data.<sup>3</sup>

After carefully considering all the principles related to this request, on balance the General Secretariat has concluded that disclosure of the personal data contained in these documents would undermine the protection of privacy and the integrity of the identified individuals. As a consequence, the General Secretariat has to refuse access.<sup>4</sup>

We have also looked into the possibility of releasing parts of documents **WK 11963/19** and **WK 14081/18**.<sup>5</sup> However, as the information therein contained forms an inseparable whole, the General Secretariat is unable to give partial access.

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. Should you see the need for such a review, you are invited to indicate the reasons thereof.<sup>6</sup>

Yours sincerely,

Fernando FLORINDO

Enclosures: 19

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<sup>2</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295 21.11.2018, p. 39).

<sup>3</sup> Article 9 of Regulation (EU) No 2018/1725.

<sup>4</sup> Article 4(1)(a), first and second indent and Article 4(1)(b) of Regulation (EC) No 1049/2001.

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

<sup>6</sup> 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.

Mr Fernando Florindo, Head of Unit  
Council of the European Union General Secretariat  
DG COMM Directorate General for Communications and Information  
Information Services (Transparency)  
rue de la Loi 175, B 1048 Brussels, Belgium  
2020 Feb 21

Dear Mr Florindo

Review

I thank you for your communication of 18th February and what you supplied was helpful to my research. I regret that you refused to release to me working documents WK 11963/19 and WK 14081/18 and pursuant to the last paragraph of your letter wish to ask for a review. I do so on public interest grounds. In your letter you referred to personal data issues: I should make it clear that I work as a journalist/writer in public policy issues, especially spaceflight and I am not seeking highly personalized or familial information on Mr Rogozin.

You invited me to indicate the reasons for my request for review. Because of the non-specific nature and opacity of the refusal, any appellant is automatically placed in a disadvantaged position in presenting an argument. My request for review is based on the contention that:

- European - Russian cooperation in spaceflight is an important aspect of the scientific, engineering and industrial activity of the European Union. At least 43,454 people are directly employed therein, notably in such high-profile companies as Airbus, scientific institutes (e.g. Max Planck Institute) and the space agencies of each country (see ASD: *State of the European space industry in 2018*. Press release 11th June 2019). This constitutes an important public interest. There is a high level of media interest in European-Russian cooperation in space, for example in missions to Mars (ExoMars), astronomy (Spektr RG) and the International Space Station;
- The European Union itself is directly invested therein (e.g. Copernicus, Galileo);
- The sanctioning of Mr Rogozin has potentially serious and negative consequences for cooperation between Europe and Russia, which makes the matter of legitimate public interest;

- It is therefore overwhelmingly in the public interest that we know the reasons for his being sanctioned, the considerations weighed and the information supplied that informed this decision. Conversely, it is not in the public interest that important information concerning such a decision be withheld, such withholding being likely to prompt idle, harmful and uninformed speculation that, if anything, is *more* likely to be prejudicial to the public interest, public security and international relations.

Accordingly I ask that the matter be re-considered and the decision to withhold the papers in question be overturned. Thank you.

Yours sincerely,

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