



Council of the  
European Union

014433/EU XXVII. GP  
Eingelangt am 28/02/20

Brussels, 28 February 2020  
(OR. en)

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#### NOTE

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From:	General Secretariat of the Council
To:	Working Party on Information
Subject:	Public access to documents - Confirmatory application No 07/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 31 January 2020 and registered on the same day (Annex 1);
- reply from the General Secretariat of the Council dated 21 February 2020 (Annex 2);
- confirmatory application dated 27 February and registered on 28 February 2020 (Annex 3).

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 31 January 2020 - 10:49 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: citizen of EU

Address:

**DELETED**

Telephone: **DELETED**

Mobile: **DELETED**

Fax:

Requested document(s): Good Practice Accord between the Gambia and EUROPE 2018

1st preferred linguistic version: EN - English

2nd preferred linguistic version:

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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, 21 February 2020

**DELETED**

Email: **DELETED**

Ref. 20/0230-vl/mf

Request made on: 31.01.2020

Dear **DELETED**,

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

The General Secretariat has identified the document corresponding to your request: **8570/18**. It is an "I/A Item" Note to the Permanent Representatives Committee (COREPER) and to the Council focusing on good practices between the Government of The Gambia and the European Union for the efficient operation of the identification and return procedures of persons without authorisation to stay.

I regret to inform you that access to this document **8570/18** cannot be given for the reasons set out below.

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<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).

This document is one of the practical arrangements defined with regard to return and readmission between the EU and third countries. The positions contained in the document aim to implement the commitments from EU and Gambia to develop cooperation in the area of return and readmission, by jointly defining the procedures, best practices and detailed operational provisions for the efficient operation of the readmission process.

Having regard to the abovementioned sensitive issues, disclosure would reveal to other negotiating partners the strategic approach in the implementation of the EU's mandate, thus weakening its negotiation position, complicating further developments of the ongoing readmission mechanisms and even compromising similar further agreements. Other negotiating partners could use the already reached agreements as leverage in negotiations if they had access to such documents.

The guarantee of confidentiality is key for the success of this complex exercise, which aims to secure both the interests and values of the EU.

Disclosure of document **8570/18** would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse access.<sup>2</sup>

We have also looked into the possibility of releasing parts of this document.<sup>3</sup> However, as the information therein contained forms an inseparable whole, the General Secretariat is unable to give partial access to it.

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>4</sup>

Yours sincerely,

Fernando FLORINDO

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<sup>2</sup> Article 4(1)(a), third indent of Regulation (EC) No **1049/2001**.

<sup>3</sup> Article 4(6) of Regulation (EC) No **1049/2001**.

<sup>4</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.

**From:** **DELETED**

**Sent:** Thursday, February 27, 2020 10:42 PM

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

**Subject:** Re: Ref. 20/0230-vl/mf

Dear Sir\Madam,

thank you for your reply on this matter, it is well noted. It is submitted that the reasons given for restricting access to this document cannot supersede the right provided under Under [Article 15 of the Treaty on the Functioning of the European Union](#). While it is accepted that best practice based on efficient of the readmission process is likely to be followed, a right for a citizen to access Union's document is fundamental to the operation of the Union, in part it enable keep the Union accountable in line the spirit of transparency.

For these reasons, I hereby appeal against the decision to restrict all parts of the document. Alternatively, I request that the General Secretariat make available the minutes of the meetings between The Gambia and EU on matters contained in this document.

Yours Sincerely,

**DELETED**

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