



Council of the
European Union

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Brussels, 26 September 2024
(OR. en)

13855/24

INF 229
API 116

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 26/c/01/24

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 27 July 2024 and registered on 29 July 2029 (Annex 1);
- the reply from the General Secretariat of the Council dated 23 September 2024 (Annex 2);
- the confirmatory application dated 25 September 2024 and registered on the same day (Annex 3).

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Saturday, July 27, 2024 2:20 PM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

This e-mail has been sent to access@consilium.europa.eu using the electronic form available in the Register application.

This electronic form has been submitted in ENGLISH.

Form of address

DELETED

Family name

DELETED

First name

DELETED

E-mail

DELETED

Occupation

Other

I submit this request on my own behalf.

Name of the organisation

Full postal address

DELETED

Telephone

Requested document(s)

Document titled "Overview of the Central-Mediterranean Route - Presidency paper",
number 11373/24

1st option

EN

2nd option

FR



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, 23 September 2024

DELETED

Email: **DELETED**

Ref. 24/2145

Request made on: 27.07.2024

Registered on: 29.07.2024

Deadline extension: 20.08.2024

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 **11373/24**.² However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **11373/24** of 15 July 2024 is a note from the Presidency to the Working Party on External Aspects of Asylum and Migration (EMWP) containing the *Overview of the Central-Mediterranean Route*.

The redacted part of the text gives an indication of the internal elements and their attached weight in the reflection in the Council when cooperation with third countries is assessed and the specific priorities the European Union attaches to various indicators. Granting full access to such politically sensitive information would allow for comparison between the relations with different third countries, on internal priorities and on the rationale thereof. Whereas the information contained in

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).

² Article 4(6) of Regulation (EC) No 1049/2001.

the partially accessible version of the document can be released to the public domain, all the information contained in the document is placed in a specific context where in addition to its simple operational values, it gives a clear indication of what are the driving factors for specific decisions and assessment in the exchanges in the Council.

Therefore, having duly consulted with the responsible political Directorate-General within the General Secretariat of the Council as well as the European Commission who is the originating source of the information related particularly to the cooperation with the third countries concerned, the General Secretariat of the Council is of the opinion that full disclosure of the information contained in the requested document would undermine the protection of the public interest as regards international relations. Consequently, the General Secretariat of the Council must refuse full access to document **11373/24**.³

You may, however, have a partial access to the text of the document.

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.

Yours sincerely,

Fernando FLORINDO

Enclosure

³ Article 4(1)(a), third indent, of Regulation (EC) No **1049/2001**.

From: **DELETED**

Sent: Wednesday, September 25, 2024 12:31 AM

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

Subject: Re: Ref. 24/2145

Dear Transparency unit,

Thank you for your response, and I appreciate your decision to release parts of the document. Unfortunately, I find your decision to be unsatisfactory, and I would therefore like to file a confirmatory application.

Specifically, I find that your response failed to show that there is a non-hypothetical and real harm to public security in the full release of the document. In your response, you speak of a "specific context" where the release of the information would have a detrimental effect on public security with regards to international relations. However, this justification is too hypothetical and not fully realistic in terms of the harm it could cause.

Therefore, I would like you to reconsider your decision, and release the remaining parts of the documents.

Thank you!
