



Council of the
European Union

Brussels, 20 May 2020
(OR. en)

8150/20

INF 102
API 76

NOTE

From: General Secretariat of the Council
To: Working Party on Information
Subject: Public access to documents
- Confirmatory application No 15/c/01/20

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 28 April 2020 and registered on 29 April 2020 (Annex 1);
- reply from the General Secretariat of the Council dated 18 May 2020 (Annex 2);
- confirmatory application dated 19 May 2020 and registered on 20 May 2020 (Annex 3).

[E-mail message sent to access@consilium.europa.eu on 28 April 2020 - 20:55]

Dear Council of the European Union,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

any information related to the pending Copyright Amendment Bill of South Africa. I am explicitly seeking any information that the Council holds in connection with the pending Copyright Amendment Bill of South Africa. I do not want this request to be limited to information that was registered as "not short-lived" or "not unimportant". I am requesting all information, including internal communication, communication with Member States, the European Commission, the Office of the South African President, the South African Department of Trade and Industry, the South African Select Committee on Trade and Industry Relations or any other South African bodies, or with third parties such as external stakeholders regarding or in connection with the pending South African Copyright Amendment Bill. This request also includes short-lived information such as drafts, e-mails, text messages and memos.

Yours faithfully,

DELETED



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 May 2020

Ms **DELETED**
Email: **DELETED**

Ref. 20/0896/em/vk

Request made on: 28.04.2020
Registered on: 29.04.2020

Dear Ms **DELETED**,

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

I would like to inform you that General secretariat of the Council does not hold any document related to the matter you are referring to.

Indeed monitoring of national legislative work of third countries in a specific field does not fall under the powers conferred on the Council by the Treaties. Such monitoring is something that the Commission does through or with the Delegation of the European Union in the respective country. The Council is not involved in any way in such an activity as long as it doesn't require a formal mandate.

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).

You may wish to contact the Commission services by following this link: [European Commission → Transparency → Access to documents](#)

Yours sincerely,

Fernando FLORINDO

[e-mail message sent to access@consilium.europa.eu on 19 May 2020 - 17:53]

Dear Council of the European Union,

Please pass this on to the person who reviews confirmatory applications.

I am filing the following confirmatory application with regards to my access to documents request 'Information regarding the South African Copyright Amendment Bill'.

I am aware that the monitoring of national laws in third countries is not a competency of the Council, however the Council does convene meetings of the working party on intellectual property. In this context, it may also exchange information with the European Commission on its activities in the field of intellectual property. The European Commission has in the past indicated that it acts upon authorization of the Council in matters related to international intellectual property law, see for example here:

https://www.europarl.europa.eu/doceo/document/E-8-2016-008674-ASW_EN.html?redirect

It is therefore possible that the Council holds documents on the subject of the South African copyright reform, as this reform may have been subject to exchanges between the Council and the European Commission. Unfortunately, it is unclear from your previous response whether a search for relevant documents has been performed or whether my request has been declined purely on the basis of the Council's assessment that the matter does not fall within the competence of the Council. In any case, I would like a search for relevant documents to be performed as indicated in my initial request.

A full history of my request and all correspondence is available on the Internet at this address: **DELETED**

Yours faithfully,

DELETED
