



Council of the
European Union

Brussels, 23 July 2020
(OR. en)

9858/20

INF 145
API 98

NOTE

From: General Secretariat of the Council
To: Working Party on Information
Subject: Public access to documents
- Confirmatory application No 18/c/01/20

Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 28 May 2020 and registered on the same day (Annex 1);
- reply from the General Secretariat of the Council dated 3 July 2020 (Annex 2);
- confirmatory application dated 22 July 2020 and registered on the same day (Annex 3).

[E-mail message sent to access@consilium.europa.eu on 28 May 2020 - 14:46]

Dear Sir/Madam,

On April 6, I submitted a request for access to the following information:

“Copies of documents related to the Italian 2 euro commemorative coin 'Centenary of the Alpine Corps' that was not released. This includes copies of the letters with the objections raised by the 2 member states that objected to the issuance of the coin.”

I received an automatic confirmation that the Council of the European Union had received my request. I have not heard from the Council since. Officially the limit before which I should have received a reply expired on 24 April, although I do of course understand that there are currently exceptional circumstances,

Can you please confirm that my request is still being processed?

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, 3 July 2020

Mr **DELETED**
Email: **DELETED**

Ref. 20/1040-em/nb

Request made on: 28.05.2020
Deadline extension: 19.06.2020

Dear Mr **DELETED**,

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

I would like to apologize for the delay in registering your request, which, following investigation with our competent services, was due to a technical issue with the electronic form used for submission of the requests for access. The issue was fixed since then.

You requested "*copies of documents related to the Italian 2 euro commemorative coin 'Centenary of the Alpine Corps' that was not released. This includes copies of the letters with the objections raised by the 2 member states that objected to the issuance of the coin*". Please note that the objections in question were withdrawn after Italy decided to not issue the above-mentioned coin.

We have identified the following documents as related to your request:

- **12804/18**;
- **12805/18**;
- **12857/18**;
- **13057/18**;

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).

- an **e-mail dated 10/10/2018 from the German Federal Ministry of Finance** raising objection to the draft design of the commemorative coin submitted by Italy;
- a **letter dated 10/10/2018 from the Greek Ministry of Finance** raising objection to the draft design of the commemorative coin submitted by Italy.

You may have access to documents 12804/20, 12805/20, 12857/20, 13057/20 and to the e-mail from the German Federal Ministry of Finance. However, personal data of individual persons, that are visible on the latter e-mail, has to be withheld.

Indeed, the EU's data protection rules² provide that when the personal data collected is to be used for a different purpose, including disclosure to the public, a balance needs to be established between the public interest in having access to documents in accordance with Union law and the legitimate right of individuals to protect their personal data.³ These data protection rules also provide that "*personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if:*

- (a) the recipient establishes that the data are necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the recipient; or*
- (b) the recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest".⁴*

You have not justified the need of the transfer of the personal data in question. Disclosure of the personal data in question would undermine the protection of privacy and the integrity of the individuals concerned.⁵

I regret to inform you that access to the letter from the Greek Ministry of Finance raising objection to the draft design of the commemorative coin submitted by Italy cannot be given for the reasons set out below.

Having been consulted on the possible disclosure of this letter pursuant to Art 4(4) of Regulation 1049/2001, the Greek authorities did not agree with this disclosure. They explained that public access to this document, which was revoked shortly after being sent, could result in misleading assumptions, which would undermine the protection of the public interest as regards Greece's international relations. As a consequence, after carefully considering all the principles related to this request, the General Secretariat of the Council has to refuse access to this letter. ⁶

² 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39–98).

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

⁴ Article 9(1) of Regulation (EU) No 2018/1725.

⁵ Article 4(1)(b) of Regulation (EC) No 1049/2001.

⁶ Article 4(1)(a), third indent, of Regulation N° 1049/2001.

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.⁷

Yours sincerely,

Fernando FLORINDO

(Enclosures: 5)

⁷ 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.

[e-mail message sent to access@consilium.europa.eu on 22 July 2020 - 13:55]

Dear Mr Florindo,

Thank you for your letter with reference number 20/1040-em/nb. Please find attached my confirmatory application in regard of this request for access to documents.

Yours faithfully

DELETED

Council of the European Union
access@consilium.europa.eu
By email only

DELETED, 22 July 2020

Re: Confirmatory application

Dear Mr Florindo,

Thank you for processing my request and for providing a part of the requested information. I am writing to you to ask the Council of the European Union to review the decision taken in regard of my request for access to documents of 28 May.

I have no objections to the Council's refusal to provide the small amount of personal data in the email of the German Federal Ministry of Finance about this proposed coin. However, I do not agree with the Council's decision not to provide access to the letter of the Greek Ministry of Finance dated 10 October 2018.

The objections that were raised by the governments of Greece and Germany have not caused problems in Italy. No coins had been produced yet and the design that was planned for the commemorative 2 euro coin was instead used on a collector coin. I cannot see how the release of the reasons of the Greek government for objecting against this coin could harm Greece's international relations, certainly not now that almost 2 years have passed.

It has in the past happened more often that member states objected to the issuance of certain 2 euro commemorative coins and each time the reasoned opinions of these member states were published without any problem. I do not see why that would be any different this time.

Furthermore I think it would be good for the reasoned opinion of the government of Greece to be released as it would add context and would help to understand why the Greek government was against the release of this coin. Currently it is only known that Greece and Germany submitted a reasoned opinion and that after Italy decided not to issue the coin following a review of their minting guidelines, both governments withdrew their objections.

Via this confirmatory application I would like to ask the Council of the European Union to review its decision in regard of the letter of the Greek Ministry of Finance dated 10 October 2018.

Yours sincerely

DELETED
