



Council of the  
European Union

Brussels, 10 June 2021  
(OR. en)

9711/21

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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 27/c/01/21

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Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 18 May 2021 and registered on the same day (Annex 1);
- reply from the General Secretariat of the Council dated 9 June 2021 (Annex 2);
- confirmatory application dated 9 June 2021 and registered on the same day (Annex 3).

**[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 18 May 2021 - 14:53 using the electronic form available in the Register application]**

From: **DELETED**  
Sent: Tuesday, May 18, 2021 2:53 PM  
To: TRANSPARENCY Access to documents (COMM) [Access@consilium.europa.eu](mailto:Access@consilium.europa.eu)  
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

Family name **DELETED**  
First name **DELETED**  
E-mail **DELETED**

Requested document(s): ST 8277 2021 REV 1 - WORKING DOCUMENT



**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, 9 June 2021

**DELETED**

Email: **DELETED**

Ref. 21/1071-mj/jl

Request made on: 18.05.2021

Dear **DELETED**,

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

Please find attached a partially accessible version of document 8277/1/21 REV 1.<sup>2</sup> However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **8277/1/21 REV 1** is a Working Document of 11 May 2021 from the General Secretariat of the Council to the Delegations regarding the 76th session of the International Maritime Organisation Marine (IMO) Environment Protection Committee which will take place from 10 till 17 June 2021.

It contains a non-paper from the Commission drafted to facilitate co-ordination between the EU Member States and the Commission revised in the light of the discussions of the members of the Shipping Working Party on 7 May 2021.

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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).

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

This document contains information about the proposed line of conduct to be followed by the Member States and the Commission at the abovementioned meeting. Disclosure of this information at this stage would have a negative impact on the conduct of the abovementioned meeting. Should its internal views and negotiation strategy be made public, the position of the European Union in such multilateral negotiations would be seriously weakened. It also contains some information about the EU position which remains valid for future meetings.

Disclosure of the whole document would therefore undermine the protection of the public interest as regards international relations.<sup>3</sup> It would also weaken the position of the European Union in the framework of similar future negotiations.

As a consequence, the General Secretariat is not able to grant you full access to the document.

However, pursuant to Article 4(6) of the Regulation, you may have access to those parts of the document which are not covered by this exception.

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

Enclosure: 1

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<sup>3</sup> Article 4(1)(a), third indent, 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.

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 9 June 2021 - 15:24]

**From:** **DELETED**

**Sent:** Wednesday, June 9, 2021 3:24 PM

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

**Subject:** Re: Ref. 21/1071-mj/jl request for Council review

Sir / Madam,

I would respectfully request the Council review its decision not to grant me full access to the documents mentioned herein.

Climate change and the contribution made by the maritime industries are important themes and already the subject of much discussion within industry and the public sphere.

Revealing differences between EU Member States regarding IMO measures would not, I argue, harm the negotiating position of the EU as claimed.

It would on the contrary help those outside the IMO community understand why progress has been so slow, as if often suggested.

Politicians, and government administrations, are supposed to respond to the desires of their electorates.

By denying access to government positions, the Council allows administrations to say one thing in public and another in private, thereby undermining the democratic process.

Sincerely, **DELETED**

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