

**COUNCIL OF
THE EUROPEAN UNION**

GENERAL SECRETARIAT

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RUE DE LA LOI, 175
B - 1048 BRUSSELS
Tel: (32 2) 285 71 83
(32 2) 285 66 18
Fax: (32 2) 285 63 61
E-MAIL:
access@consilium.eu.int

Brussels,

**Mr Tony Bunyan
Editor
STATEWATCH
P.O. Box 1516
London N16 0EW
United Kingdom**

e-mail : office@statewatch.org

05/1497ADD2-kb

Dear Mr Bunyan,

On 23 September 2005 you requested access to the Outcome of Proceedings of a number of Council Working Parties for meetings held in May 2004. By letter of 14 November 2005 the General Secretariat replied stating that, as regards points 4 and 7 of your request, you would be informed "*as soon as possible of the results of consultations which are still going on*".

The purpose of this letter is to provide you with the conclusion reached by the General Secretariat in the light of the above-mentioned consultations.

Point 4

Document 9383/04 contains the report of the EU-US Task Force Videoconference held in Brussels on 6 May 2004. It is classified as "RESTREINT UE", which means that the unauthorised disclosure of the information therein contained could be disadvantageous to the interests of the European Union or of one or more of its Member States.

Document CFSP/SEC/1153/04 contains the report of the Political and Security Committee Troika meeting with the US in Brussels on 26 May 2004.

These documents set out a detailed report on the discussions on a variety of bilateral, regional and international issues, together with information on how and by which side the issues were addressed. It also reports *in extenso* on positions taken by the US side, which are referred to in a frank and "non-diplomatic" language. Generally speaking, not only the actual content of a report on a meeting with a third country, but also the way in which it presents (or omits to present) an issue can make it sensitive, especially in relation to issues on which there is a controversy between the two sides.

Against this background, the General Secretariat considers that, given the nature and content of these documents, their release would undermine the protection of the public interest as regards the EU's international relations. It would jeopardise the good functioning of the EU-US cooperation as such: if the United States has reason to believe that the positions taken by it in non-public meetings will be made public unilaterally by the EU side, it will be considerably more difficult, if not impossible, to address even

rather controversial issues between the two sides in this format. This, in turn would make it considerably more difficult to find constructive solutions for such issues. Additionally, the EU's relations with other third countries which are referred to in the report at issue would be prejudiced.

Accordingly, pursuant to Article 4(1)(a) of the Regulation (international relations), the General Secretariat is unable to accede to your request as far as these documents are concerned.

As the exception applies to the entire content of the documents, the General Secretariat is unable to grant you partial access as provided for in Article 4(6) of the Regulation.

Point 8

Documents CFSP/SEC/1064/04 and CFSP/SEC/1163/04 contain the reports of the meetings of the Working Party on Transatlantic Relations held respectively on 13 and 27 May 2004.

The General Secretariat considers that, given the nature and content of these documents, their release would undermine the protection of the public interest as regards the EU's international relations. If those or any other third country learn of the European Union's orientation on the questions raised in these documents, this could prejudice bilateral relations. Releasing these documents therefore would prejudice the EU's relations with the countries referred in them. Accordingly, access to these documents must be denied pursuant to Article 4(1)(a) (international relations) of the Regulation.

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

Under Article 7(2) of the Regulation, you have 15 working days to submit a confirmatory application for the Council to review its position.¹

Yours sincerely,

For the General Secretariat

Péter Bielek

Annexes

¹ Should you decide to do so, then please indicate whether you allow the Council to make your confirmatory application fully public in the Council's Register of documents. If you do not reply or reply negatively, then your application will be dealt with confidentially. Your reply will in no way prejudice your rights under Regulation 1049/2001.