

**COUNCIL OF
THE EUROPEAN UNION**

GENERAL SECRETARIAT

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- Access to Documents

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01/0717-jv

Dear Mr Bunyan,

Thank you for your e-mail of 23 July 2001 requesting access to copies of the Agendas of the "Senior Level Group" and the "EU-US Task Force" run under the New Transatlantic Agenda since 25 February 1998.

By letters of 22 August and 20 September 2001, the time limit for the General Secretariat of the Council's reply was extended, in accordance with Article 7(5) of Council Decision 93/731/EC (Official Journal L 340/43 of 31.12.1993).

As you know, this Decision was repealed by Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (Official Journal L 145/43 of 31.05.2001).

The fact that the Council on 28 May 2001 released to you the agendas for the period before February 1998 following your complaint to the European Ombudsman (1056/25.11.96/Statewatch/UK/IJH), does not prejudice the Council's reply to the present request. Each request will be studied on a case-by-case basis.

As you know, the agendas of the "Senior Level Group" and the "EU-US Task Force" run under the New Transatlantic Agenda are documents drawn up jointly by the EU and the US side and are therefore - at least partly - third party documents in the sense of Article 3(b) of Regulation 1049/2001. The General Secretariat has therefore consulted the US authorities, which are co-authors of the documents in question, with a view to assessing whether an exception in paragraph 1 or 2 is applicable (Article 4(4) of Regulation 1049/2001). In those contacts, the US authorities stated that they were opposed to releasing the documents in question, as in their view they are to be considered as "government-to-government documents" not intended for - even partial - publication.

In those circumstances, the General Secretariat cannot but conclude that release of these agendas would significantly disturb the good functioning of the cooperation between the European Union and the United States in this field. For this reason, access to these agendas must be denied pursuant to Article 4(1)a of Regulation 1049/2001 (international relations).

Under Article 7(2) of the Regulation you have 15 working days to make a confirmatory application asking for the institution to reconsider its position.

Yours sincerely,

For the General Secretariat

Jacob Visscher