



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 January 2011

5325/11

**PE-L 4
INST 22
SCH-EVAL 6
COMIX 28**

"I" ITEM NOTE

from: Working Party on General Affairs

to: Coreper

No. of prev. doc: 5234/11 PE-L 2 INST 13 SCH-EVAL 4 COMIX 22 (Copy of a letter)
5259/11 PE-L 3 INST 15 SCH-EVAL 5 COMIX 23 (Draft reply)

Subject: **Request for access to documents related to Parliament's opinion concerning the Council decision on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania**
- Approval of a reply*

1. In a letter dated 16 December 2010, the Chair of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) Mr Lopez Aguilar sets out a number of requests for access to documents on the above.
2. On 18 January 2011 the General Affairs Group agreed on the draft reply in Annex.
3. The Permanent Representatives Committee is invited to approve the attached letter, in accordance with the Council's Rules of Procedure (Article 19(7)(k)).

* Item on which a procedural decision may be adopted by the Coreper pursuant to Article 19 (7)(k) of the Council's Rules of Procedure.

18 January 2011

Juan Fernando Lopez Aguilar
President
Committee on Civil Liberties, Justice and Home Affairs
European Parliament
BP 1047
Brussels
BELGIUM

Dear Mr Lopez Aguilar

Thank you for your letter of 16 December 2010 to the Belgian Presidency about the Parliament's opinion concerning the draft Council decision on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania. As current Presidency, I am replying on behalf of the Council.

You request that the draft Council decision on this issue¹ which was forwarded to you under cover of a letter dated 12 November 2010 be made publicly available. This Council document carries the distribution marking 'LIMITE', which means that it is not for public distribution. It has been sent to the LIBE Committee as a basis for the Committee's deliberations, but should not be circulated more widely. I should be grateful if you would ensure that this requirement is fully respected. I would also draw your attention to the fact that the proposed Council decision does not constitute an act to be adopted by legislative procedure.

You also request access to five documents, all classified RESTREINT, which are of relevance to the Committee's deliberations. In response, the Council has agreed that, in line with established practice, these five documents can be made available to yourself, the coordinators of political groups and the rapporteurs. Access will be arranged within a secure room on the Council premises.

¹ Document 14142/10 +COR 1 (en) (LIMITE)

We propose that you make contact with the GSC Security Office in order to make the necessary arrangements. In accordance with the Council's security regulations for protecting EU classified information, the documents will remain in the possession of the Council, and no subsequent direct reference to the content of the documents should be made in any public meetings.

I would also like to inform you that further documents directly related to the draft Council decision on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania , also classified as " RESTREINT", will be issued in the near future. Of course, these documents will also be available under the same arrangements and subject to the same conditions.

Yours sincerely,

P GYÖRKÖS

Chairman of the

Permanent Representatives Committee