



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 21 March 2011**

**6186/11**

**INF 11  
API 9  
JUR 49**

**"I/A" ITEM NOTE**

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from : Working Party on Information  
to : Coreper (part 2)/Council

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No. prev. doc.: 6184/11

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Subject : Public access to documents  
- Confirmatory application No 03/c/01/11

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Delegations will find enclosed a draft reply from the Council to confirmatory application No 03/c/01/11, as it stands after examination by the Working Party on Information at its meeting on 18 March 2011.

The Permanent Representatives Committee is accordingly asked to suggest that the Council, at its next meeting, record its agreement to the draft reply annexed to this document as an "A" item.

The Annex is available in English only.

**DRAFT**  
**REPLY ADOPTED BY THE COUNCIL ON .....**  
**TO CONFIRMATORY APPLICATION No 03/c/01/11,**  
**made by e-mail on 6 February 2011,**  
**pursuant to Article 7(2) of Regulation (EC) No 1049/2001,**  
**for public access to document 17220/10**

The Council has considered this confirmatory application under Regulation (EC) No 1049/2001 (OJ L 145 of 31.5.2001, p. 43) and Annex II to the Council's Rules of Procedure (Council Decision 2009/937/EU, Official Journal L 325, 11.12.2009, p. 35) and has come to the following conclusion:

1. The applicant refers to document 17220/10 which contains a contribution by the Council's Legal Service regarding the compatibility of possible enhanced cooperation in the field of patents with the internal market and the other provisions of the Treaties.
2. In its reply dated 20 January 2011, the General Secretariat refused full public access to the document pursuant to Article 4(2), second indent (protection of legal advice) of the Regulation.
3. Following the applicant's confirmatory application dated 6 February 2011, the Council has thoroughly examined the document concerned. In the light of its examination, the Council has come to the conclusion that public access may be granted to the requested document.

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