



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 9 July 2012

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COVER NOTE

from :	General Secretariat of the Council
to :	Working Party on Information
Subject :	Public access to documents
	- Confirmatory application made by Ms Joanna Hosa (No 15/c/01/12)

Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 5 June 2012 and registered on the same day ([Annex 1](#))
- reply from the General Secretariat of the Council dated 21 June 2012 ([Annex 2](#))
- confirmatory application (first letter dated 4 July 2012 - second letter dated 6 July 2012), registered on 5 July 2012 ([Annex 3](#))

[E-mail message sent on 05 June 2012 - 13:06]

This e-mail has been sent to access@consilium.europa.eu using the electronic form available in the Register application

This electronic form has been submitted in EN

Title/Gender:

Family Name: Hosa

First Name: Joanna

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of: **DELETED**

Address: **DELETED**

Telephone: **DELETED**

Mobilephone:

Fax:

Requested document(s): I would like to request two Council documents on EU-Russia Common Steps towards visa liberalisation.

The first document is dated 9th December 2011, nr 18217/11,
<http://register.consilium.europa.eu/pdf/en/11/st18/st18217.en11.pdf>

The second document is from 18th March, no 7973/11,
<http://register.consilium.europa.eu/pdf/en/11/st07/st07973.en11.pdf>.

Please let me know in case these details are insufficient.

All best,

Joanna Hosa

1st preferred linguistic version: EN - English

2nd preferred linguistic version:

**COUNCIL OF
THE EUROPEAN UNION**

GENERAL SECRETARIAT

*Directorate-General F
Communication
Transparency*

*- Access to Documents/
Legislative transparency*

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access@consilium.europa.eu

Brussels, 21 June 2012

Ms Joanna Hosa

e-mail : DELETED

ref. 12/0966-mjb/ank

Dear Ms Hosa,

Your request of 5 June 2012 for access to documents 18217/11 and 7973/11 has been registered by the "Access to Documents" unit. Thank you for your interest.

The General Secretariat of the Council has examined your request on the basis of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (Official Journal 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, Euratom, Official Journal L 325, 11.12.2009, p. 35) and has come to the following conclusion:

Document **18217/11** is an "I/A" item note dated 9 December 2011 from the General Secretariat to the Permanent Representatives' Committee and to the Council containing the draft Common Steps towards visa-free short-term travel of Russian and EU citizens.

Document **7973/11** is a "I/A" item note from the Working Party on Eastern Europe and Central Asia to the Permanent Representatives' Committee / the Council on the "Methodology of the EU-Russia common steps towards visa free travel.

These documents contain internal assessments and opinions regarding EU relations with Russia. In particular, they refer to the EU negotiating position on the Common Steps towards visa-free short-term travel of Russian and EU citizens which were launched at the EU-Russia Summit on 14-15 December 2011. The next step is to fully implement the "Common Steps" which can lead to the opening of the visa-waiver negotiations. Releasing this document would reveal the EU negotiation positions and thus weaken the EU's negotiating position vis-à-vis Russia. It could also harm relations between the EU and Russia.

Furthermore, document **7973/11** sets out information of the internal procedures to be taken by the EU in the negotiations with Russia. Disclosure of these details could not only influence negatively the negotiations with Russia, but could also affect similar negotiations with other third countries.

Accordingly, pursuant to the third indent of Article 4(1)(a) of the Regulation (protection of the public interest with regard to international relations) and in the absence of any evidence of an overriding public interest in release also pursuant to Article 4(3) of the Regulation (protection of the decision-making process of the Council), the General Secretariat is unable to grant you full access to these documents.

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

According to Article 7(2) of the Regulation, you may submit a confirmatory application requesting the Council to reconsider this position, within 15 working days of receiving this reply¹

Yours sincerely,

For the General Secretariat

Jakob Thomsen

Enclosures

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

[Confirmatory application - first letter - sent by e-mail on 4 July 2012 - 18:32]**Message**

Please find attached my reply to your letter on 21 June 2012.

Kind Regards,
Joanna Hosa

Attachment

Thank you for your reply to my request for documents 18217/11 and 7973/11, received on 21 June 2012.

I understand that the General Secretariat is unable to grant full access to these documents pursuant to Article 4(1)(a) of Regulation (EC) No 1049/2001.

I would like to request access to the final document on Common Steps towards Visa-Free Short-Term Travel of Russian and EU Citizens. The Common Steps were approved at the EU-Russia Summit on 15 December 2011. As negotiations of the Common Steps are over, disclosing the document on Common Steps does not undermine the protection of public interest with regard to international relations and does not fall under Article 4 of the Regulation. Unfortunately, I have not been able to find the final version of the Common Steps in the Public Register of Council Documents. I hope you can grant access to this document.

I permit the Council to make my confirmatory application public in the Council's Register of Documents.

Yours sincerely,
Joanna Hosa

[Confirmatory application - second letter - sent by e-mail on 6 July 2012 - 11:28]**Message**

Following our phone conversation please find attached my clarification about which documents I am requesting.

Kind Regards,
Joanna

Attachment

Following our phone conversation I now understand that the document 18217/11 is in fact the final version of the Common Steps towards visa-free short-term travel of Russian and EU citizens. I would therefore like to ask to be granted access to this document.

As stated in my previous letter, I consider that the document in its final version does not fall under Article 4 of Regulation (EC) No 1049/2001. It has been negotiated and agreed on by both sides. As the Russian side already knows the content very well, the disclosure would not negatively influence future negotiations in the framework of the Common Steps.

I would also like to ask again for the document 7973/11.

Yours sincerely,
Joanna Hosa
