



Bruxelles, le 28 septembre 2017
(OR. en)

11592/1/17
REV 1

LIMITE

INF 142
API 98

NOTE POINT "A"

Origine:	Comité des représentants permanents (2 ^e partie)
Destinataire:	Conseil
N° doc. préc.:	11592/17
Objet:	Accès du public aux documents - Demande confirmative n° 17/c/01/17

Les délégations trouveront en annexe un projet de réponse du Conseil à la demande confirmative n° 17/c/01/17, approuvé par le groupe dans le cadre d'une consultation écrite qui a pris fin le 19 septembre 2017 et par le Coreper le 27 septembre 2017, les délégations de la Suède et du Royaume-Uni s'abstenant.

Les délégations ont marqué leur accord pour que le résultat du vote soit rendu public.

Il est dès lors suggéré que le Conseil, lors de sa prochaine session:

- approuve, en point "A", le projet de réponse figurant à l'annexe du présent document;
- décide de rendre public le résultat du vote.

L'annexe n'est disponible qu'en anglais.

**REPLY ADOPTED BY THE COUNCIL ON ...
TO CONFIRMATORY APPLICATION 17/c/01/17,
made by email on 1 August 2017,
pursuant to Article 7(2) of Regulation (EC) No 1049/2001,
for public access to the summing-up letters of the President of the Eurogroup for the
Eurogroup meetings of 9 and 23 November 2015, 7 December 2015 and 14 January 2016**

The Council has considered this confirmatory application under 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 (OJ L 145 of 31.5.2001, p. 43) (hereafter "Regulation No 1049/2001") 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. On 17 June 2017 the applicant filed an initial application with the Council for access to *"all records of Eurogroup discussions regarding the third assistance programme for Greece since January 2015, in particular the minutes of the meeting on 15 June 2017"*.
2. On 1 August 2017, the General Secretariat of the Council replied to the applicant, providing links to the relevant summing-up letters from February 2016 onwards, which were publicly available. The summing-up letters for the Eurogroup meetings of 9 and 23 November 2015, 7 December 2015 and 14 January 2016 were withheld. In addition, the General Secretariat pointed out that as far as earlier documents were concerned, the application of 17 June 2017 covered the same documents as a recent earlier application of 13 January 2017 by the same applicant, to which a reply was sent on 24 February 2017; as there was no change in circumstances, the General Secretariat simply referred to that previous reply.
3. Still on 1 August 2017, the applicant requested that the General Secretariat's decision be reviewed (confirmatory application).

4. As regards the documents covered by the application of 13 January 2017, which was filed by the same applicant and to which a reply was sent on 24 February 2017, the applicant has not put forward any new legal or factual elements which would justify that the earlier decision be revised. The Council could also not identify any change in the legal or factual situation which has taken place since the 24 February 2017 which would justify a review of the earlier decision. The previous decision of 24 February 2017 must therefore be merely confirmed.
 5. As regards the other documents, the Council understands both the initial and the confirmatory application as referring only to those parts of the summing-up letters which concern Greece (hereafter "relevant parts").
 6. The Council has again analysed the relevant parts of the requested documents. It has determined that the third party from whom they emanate is the President of the Eurogroup. The Council has therefore consulted the President of the Eurogroup pursuant to Article 4(4) of Regulation No 1049/2001.
 7. Based on this consultation, the Council has come to the conclusion that access to the relevant parts can be granted.
 8. The Council points out that this positive decision is made on the basis of an individual analysis of the content of the relevant parts of the requested documents; it does not in any way prejudice any potential future assessment of other parts of the requested documents or of any other Eurogroup summing-up letters.
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