



Council of the
European Union

Brussels, 21 April 2016
(OR. en)

8164/16

INF 67
API 48

NOTE

From:	General Secretariat of the Council
To:	Working Party on Information
Subject:	Public access to documents - Confirmatory application No 11/c/01/16

Delegations will find attached:

- request for access to documents sent to the General Secretariat of the Council on 20 February 2016 and registered on 22 February 2016 ([Annex 1](#));
- reply from the General Secretariat of the Council dated 7 April 2016 (Annex 2);
- confirmatory application dated 7 April 2016 and registered on 8 April 2016 ([Annex 3](#))

[E-mail message sent to access@consilium.europa.eu on 20 February 2016 - 12:19 using the electronic form available in the Register application]

Title/Gender: **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of:

Address: **DELETED**

Telephone:

Mobile:

Fax:

Requested document(s): ST 6341 2016 INIT

1st preferred linguistic version: EN - English

2nd preferred linguistic version: NL - Dutch



Council of the European Union

General Secretariat

Directorate-General Communication and Document Management

Directorate Document Management

Transparency and Access to Documents Unit

Brussels, 7 April 2016

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Ref. 16/0422-jb/mf

Request made on: 20.02.2016
Registered on: 22.02.2016
Extended on: 14.03.2016

Dear **DELETED**,

Thank you for your request for access to documents of the Council of the European Union.¹

I regret to inform you that access to document **6341/16** cannot be given for the reasons set out below.

Document 6341/16 is a cover note containing a letter from the Spanish Mint Director to the Secretary-General of the Council on the submission for approval of the new design of the Spanish 2 euro coin to be issued in 2017.

The draft design submitted by the Spanish authorities has been adopted by the Council on 26 February 2016. However, the necessary internal procedures in Spain are still on-going. The relevant legal act ("Orden Ministerial") regarding the new design of the 2 euro commemorative coin has not yet been adopted.

¹ The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ 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, OJ L 325, 11.12.2009, p. 35).

Release of this document, at this stage, would be premature and impact the decision-making process of the relevant Member State.

Having examined the context in which the document was drafted and the current state of play on this matter, on balance the General Secretariat could not identify any evidence suggesting an overriding public interest in its disclosure.

You can ask the Council to review this decision within 15 working days of receiving this reply.²

Yours sincerely,

Jakob THOMSEN

2 Article 7(2) of Regulation (EC) No 1049/2001.
Council documents on confirmatory applications are made available to the public. According to data protection rules at EU level (Regulation (EC) No 45/2001), if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent.

[E-mail message sent to access@consilium.europa.eu on 7 April 2016 - 22:57]

From: **DELETED**

Sent: Thursday, April 7, 2016 22:57

To: SECRETARIAT DGF Access Access@consilium.europa.eu

Subject: RE: Ref. 16/0422-jb/mf

Dear Mr Thomsen,

Thank you for your letter.

I would like to inform you that I don't share the opinion of the Council of the European Union that publication of this document **"would be premature and impact the decision-making process of the relevant Member State."**

The particular member state has had more than enough time (note that the reply time to my request has already been extended).

Furthermore I don't see any reason why the publication of the document would influence the decision-making process.

If the member state has first sent the documents to the Council and than still needs to decide whether such coin will be issued or not, than that is certainly not my problem. Spain should understand that the documents they send to the Council are public.

As far as I am aware in this case the Council of the European Union has nothing to do with the intern procedures and the Orden Ministerial in Spain. Furthermore if the document is being published, Spain can still decide –without any problem- to not issue the particular coin or to change the design or details, as we have seen in the past with other euro countries. These kind of documents are not highly confidential and can be published without any problem. It is my right to get access to this document and so I again ask the Council of the European Union to provide me the particular document, even if that can only be done under embargo.

Yours sincerely

DELETED