



Council of the
European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	8150/20
Subject:	Public access to documents - Confirmatory application No 15/c/01/20

Delegations will find attached a draft reply to confirmatory application No 15/c/01/20
(see 8150/20).

**DRAFT REPLY ADOPTED BY THE COUNCIL ON
TO CONFIRMATORY APPLICATION 15/c/01/20,
made by email on 19 May 2020,
pursuant to Article 7(2) of Regulation (EC) No 1049/2001,
for public access to documents**

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 referred to as "Regulation (EC) No 1049/2001") 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 conclusions:

1. On 28 April 2020, the applicant submitted via the internet based platform "Ask the EU" a request for access to documents containing any information related to a pending Copyright Amendment Bill of South Africa, including *"internal communication, communication with Member States, the European Commission, the Office of the South African President, the South African Department of Trade and Industry, the South African Select Committee on Trade and Industry Relations or any other South African bodies, or with third parties such as external stakeholders regarding or in connection with the pending South African Copyright Amendment Bill"*. The applicant specified that the request also concerns drafts, e-mails, text messages and memos on this issue.
2. In its reply to the request dated 18 May 2020, the General Secretariat of the Council (GSC) informed the applicant that it does not hold any document related to the matter. The GSC also specified that monitoring of national legislative work of third countries in a specific field does not fall under the powers conferred on the Council by the Treaties and invited the applicant to contact the Commission services which are in charge of such activities.

3. On 19 May 2020 the applicant submitted, by e-mail, a confirmatory application asking the Council to reconsider its position. The applicant expressed doubts that a search for relevant documents had been conducted by the GSC, as the reply to the initial application seemed to rely only on the fact that the matter does not fall within the Council's competences under the Treaties. Moreover, the applicant seemed to believe it possible that the Council holds documents or information on the subject as it exchanges information with the Commission on its activities in the field of intellectual property and, besides this, the Commission acts upon authorization of the Council in matters related to international intellectual property law.
4. Following the confirmatory application, the General secretariat of the Council has conducted a new thorough investigation within its services in order to ensure that the initial research had been exhaustive and the initial request had been handled properly.
5. The competent services of the Council have confirmed that they have not been involved in the pending Copyright Amendment Bill of South Africa and, hence, do not hold any documents or information exchanges with the European Commission on this topic.

Conclusion

6. In the light of the above, the Council came to the conclusion that it is unable to provide any documents containing information on the said South African Copyright Amendment Bill to the applicant.