



Council of the
European Union

Brussels, 19 June 2015
(OR. en)

9041/15

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9040/15
Subject:	Public access to documents - Confirmatory application No 10/c/01/15

Delegations will find attached a draft reply from the Council to the confirmatory application No 10/c/01/15, unanimously approved by the Working Party on Information at its meeting on 19 June 2015.

Delegations agreed to publish the result of the vote.

It is suggested that the Council, by written procedure, record its agreement on the draft reply annexed to this document.

The annex is available in English only.

DRAFT
REPLY ADOPTED BY THE COUNCIL ON
TO CONFIRMATORY APPLICATION 10/c/01/15,
made by e-mail on 14 May 2015,
pursuant to Article 7(2) of Regulation (EC) No 1049/2001,
for public access to document 15856/11

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 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 conclusion:

1. The applicant requests access to document 15856/11 which is an opinion of the Legal Service on the draft agreement on the European Union Patent Jurisdiction (doc. 13751/11).
2. In its reply dated 23 April 2015, the General Secretariat gave access to this document with the exception of one footnote, access to which was refused pursuant to Article 4(2), second indent, of Regulation No 1049/2001 (protection of legal advice).
3. By e-mail of 14 May 2015, the applicant introduced a confirmatory application aiming at gaining full access to the requested document.
4. The Council has carefully considered the confirmatory application. It has re-assessed the request for access in full consideration of the principles underlying Regulation No 1049/2001 and the aim of ensuring the widest possible public access to documents.

5. Taking into account the current state of play in the matter concerned, it has come to the conclusion that on balance the public's interest in disclosure outweighs the existing concerns in relation to the protection of legal advice, and that therefore full public access to document 15856/11 should now be granted.

 6. The Council notes, however, that the present positive decision is based on the facts of the concrete confirmatory application concerned, and under no circumstances it can constitute a precedent for the future, since each application shall be assessed and judged on its own merit, pursuant to the established practice of the Council.
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