



**EUROPOS SĄJUNGOS
TARYBA**

**Briuselis, 2010 m. spalio 25 d. (26.10)
(OR. en)**

14343/10

**INF 127
API 75
JUR 412**

PRANEŠIMAS DĖL „I/A“ PUNKTO

nuo:	Informavimo darbo grupės
kam:	Nuolatinių atstovų komitetui (COREPER II) / Tarybai

Ankstesnio
dokumento Nr.: 14342/10

Dalykas:	Galimybė visuomenei susipažinti su dokumentais
	– Kartotinė paraiška Nr. 20/c/01/10

Delegacijoms priede pateikiamas Tarybos atsakymo į kartotinę paraišką Nr. 20/c/01/10 projektas, parengtas Informavimo darbo grupei jį išnagrinėjus 2010 m. spalio 19 d. posėdyje.

Todėl Nuolatinių atstovų komiteto prašoma pasiūlyti Tarybai kitame posėdyje darbotvarkės A punktu patvirtinti pritarimą atsakymo projektui, kuris pateikiamas šio dokumento priede.

Priedo tekstas pateikiamas tik anglų kalba.

DRAFT**REPLY ADOPTED BY THE COUNCIL ON****TO CONFIRMATORY APPLICATION (No 20/c/01/10)****made by e-mail on 30 September 2010,****pursuant to Article 7(2) of Regulation (EC) No 1049/2001,****for public access to the statements of intervention by the Member States in Cases C-176/03,****C-91/05 and C-440/05**

The Council has considered this confirmatory application under Regulation (EC) No 1049/2001 (OJ L 145 of 31.5.2001, p. 43) 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 refers to the statements of intervention by the Member States in Cases C-176/03 (Commission v. Council), C-91/05 (Commission v. Council) and C-440/05 (Commission v. Council).
2. In its reply dated 30 September 2010, the General Secretariat stated that the documents in question are not covered by the right of access to documents laid down in Article 15 TFEU (which replaced Article 255 EC) and in Regulation (EC) No 1049/2001 and, hence, that their administration lies with the Court of Justice.
3. In his confirmatory application dated 30 September 2010, the applicant disagrees with the General Secretariat's interpretation of the Regulation and asks the Council to reconsider this position.
4. The Council has examined the above-mentioned documents in the light of the applicant's arguments while taking the following elements into consideration:

5. The Council consulted the Member States concerned in regard of their statements of intervention in Cases C-176/03 (Commission v. Council), C-91/05 (Commission v. Council) and C-440/05 (Commission v. Council). The Member States informed the Council that they consented to the disclosure of their written submissions. In addition, the Council consulted the Registrar of the Court of Justice who indicated that the public release of the written submissions in question did not meet any objection from the Court of Justice.
6. The Council has thus come to the conclusion that the requested statements of intervention may be released in their entirety.
