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|  | Brussels, 11 June 2015 |
| Mr Michael BauerEmail: ask+request-2014-0d1edf96@asktheeu.org |
| Ref. 15/1388-mj/nsRequest made on: 22.05.2015 |
| Dear Mr Bauer, |

Thank you for your request for access to documents of the Council of the European Union.[[1]](#footnote-1)

Document **8744/15** is a Presidency Note of 20 May 2015 to the Working Party on Frontiers/Mixed Committee (EU-Iceland/Liechtenstein/Norway/Switzerland) on overstayers in the EU. This document contains a summary of the replies to a questionnaire on overstayers in the EU which was submitted to delegations.

Document **8744/15 ADD 1** contains a compilation of replies from delegations to the abovementioned questionnaire.

Document **8744/15 ADD 2** contains the reply from one delegation to this questionnaire.

The replies set out in these documents are very detailed and contain information regarding

the current practices followed by Member States in overstay cases. Release of this information would affect the fight against irregular immigration and could be used by those trying to stay illegally in the EU and looking for opportunities to do so.

Full disclosure of these three documents would therefore undermine the protection of the public interest as regards public security. As a consequence, the General Secretariat is not able to accede to your request for full access[[2]](#footnote-2).

However, pursuant to Article 4(6) of the Regulation, you may have access to those parts of document **8744/15** and **8744/15 ADD 1** which are not covered by this exception.

The General Secretariat has also looked into the possibility of disclosing parts of document **8744/15 ADD 2** pursuant to Article 4(6) of the Regulation. However, as the information contained in this document forms an inseparable whole, partial access cannot be granted.

You can ask the Council to review this decision within 15 working days of receiving this reply.[[3]](#footnote-3)

Yours sincerely,

Jakob THOMSEN

Enclosures

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). [↑](#footnote-ref-1)
2. Article 4(1)(a), first indent, of Regulation (EC) No 1049/2001. [↑](#footnote-ref-2)
3. 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. [↑](#footnote-ref-3)