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|  | Brussels, 31 August 2015 |
| Mr Michael BauerEmail: ask+request-2154-9d6d262d@asktheeu.org |
| Ref. 15/1866-mi/nbRequest made on: 17.07.2015Extended on: 10.08.2015 |
| Dear Mr Bauer, |

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

I regret to inform you that public access to documents 11000/15, 11000/15 ADD 1 and 11000/15 ADD 1 COR 1 cannot be given for the reasons set out below.

Document **11000/15** is a report to the Political and Security Committee (PSC) relating to the first approach of the "Complete Operational procedures" to be defined pursuant to Art. 5 of Council Decision 2014/496/CFSP for the European Global Navigation Satellite System (GNSS) Security Architecture. It is classified "RESTREINT UE/EU RESTRICTED". This classification is applied to information and material the unauthorised disclosure of which could be disadvantageous to the interests of the European Union or of one or more of its Member States. [[2]](#footnote-2)

In view, in particular, of its strategic dimension, regional and global coverage and multiple usage, the European Global Navigation Satellite System constitutes sensitive infrastructure the deployment and usage of which are susceptible to affect the security of the European Union and its Member States. Document 11000/15 includes a first identification of threat scenarios for the system for which a mitigation action can be foreseen. Releasing information about such mitigation actions to the public would enable third parties to jeopardise or prevent those actions and thus harm the deployment and usage of the infrastructure of the system. Release to the public of the contents of the document would thus undermine public security interests both at the level of the EU and its Member States.

Documents **11000/15 ADD 1** and its Corrigendum, document **11000/15 ADD 1 COR 1**, set out, among others, the decision of the High Representative of the Union for Foreign Affairs

and Security Policy on the early operational procedures relating the European Global Navigation Satellite System (GNSS) Security Architecture. Releasing this information to the public would reveal how the European External Action Service (EEAS) functions internally in a crisis situation and would enable third parties to jeopardise the functioning of the EEAS in such a situation. Disclosure to the public of these two documents would thus undermine public security interests both at the level of the EU and its Member States.

On the basis of the above, the General Secretariat has to refuse public access to documents 11000/15, 11000/15 ADD 1 and 11000/15 ADD 1 COR 1.[[3]](#footnote-3)

Furthermore, the discussions and consultations with Member States and relevant European institutions and bodies on the first approach of the "Complete Operational procedures" are still ongoing. Release to the public at this stage of the details concerning the first approach would affect the on-going negotiating process and diminish the chances of an agreement.

Disclosure of the documents at this stage would therefore seriously undermine the decision‑making process of the Council. As a consequence, the General Secretariat has to refuse access to the documents at this stage.[[4]](#footnote-4)

Having examined the context in which the documents were 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 their disclosure.

We have also looked into the possibility of releasing parts of the documents.[[5]](#footnote-5) However, as the exceptions to the right of access apply to the entire content of the documents, the General Secretariat is unable to give partial access.

You can ask the Council to review this decision within 15 working days of receiving this reply.[[6]](#footnote-6)

Yours sincerely,

Jakob THOMSEN

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. Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU), OJ L 274, 15.10.2013, p. 1. [↑](#footnote-ref-2)
3. Article 4(1)(a), first indent, of Regulation (EC) No 1049/2001. [↑](#footnote-ref-3)
4. Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001. [↑](#footnote-ref-4)
5. Article 4(6) of Regulation (EC) No 1049/2001. [↑](#footnote-ref-5)
6. 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-6)