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|  | Brussels, 14 March 2017 |
| Ms Rachael Tackett  Email: ask+request-4001-b45b256f@asktheeu.org | |
| Ref. 17/0375-ws/jj  Request made on: 18.02.2017  Registered on: 20.02.2017  Deadline extension: 13.03.2017 | |
| Dear Ms Tackett, | |

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

We have identified the following documents, which can be released, as covered by your request:

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| 9698/16 | 8521/16 | 6651/16 |
| CM 1276/16 | 13819/15 | 6803/14 |
| 17069/13 | 13440/13 | 8146/07 |

You will find them enclosed.

In addition, we have identified an internal GSC note of 22 October 2015 to the Secretary-General on the issue of *safe harbour*.

I regret to inform you that access to this latter document cannot be given for the reasons set out below.

This document contains internal information and assessments concerning negotiations with the United States of America on this issue. Its release would prejudice relations with the USA and weaken the EU's position vis-à-vis that country.

Disclosure of the document would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse access to the document.[[2]](#footnote-2)

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

Yours sincerely,

Fernando PAULINO PEREIRA

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), third 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. Pursuant 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)