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|  | Brussels, 18 July 2017 |
| Ms Vicky CannEmail: ask+request-4367-5ae2b7b7@asktheeu.org |
| Ref. 17/1408-mw-mj/nbRequest made on: 06.06.2017Registered on: 06.06.2017Deadline extension: 27.06.2017 |
| Dear Ms Cann*,* |

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

Please find attached the following working papers, compromise proposals and Presidency non-papers related to the work of the Working party on Financial Services (securitisation):

WK 133/2015, WK 134/2015, WK 137/2015, WK 146/2015, WK 147/2015, WK 148/2015,

WK 151/2015, WK 163/2015, WK 164/2015, WK 165/2015, WK 166/2015, WK 167/2015,

WK 4/2016,WK 395/2017, WK 396/2017, WK 747/2017, WK 988/2017, WK 1858/2017,

WK 1864/2017, WK 1947/2017, WK 2491/2017, WK 2866/2017, WK 3193/2017, WK 3357/2017,

WK 4005/2017, WK 4252/2017, WK 4255/2017 and WK 4258/2017.

Working document n° 1 (agenda of the meeting of 07.10.2015)

Working document n° 2 (agenda of the meeting of 20.10.2015)

Working document n° 3 (agenda of the meeting of 27.10.2015)

Working document n° 6 (agenda of the meeting of 25.04.2017)

Working document n° 7 (Presidency Non-Paper - Hierarchy of Methods (Article 254 of CRR)

Working document n° 8 (agenda of the meeting of 10.05.2017)

Presidency Non-Paper of 08.05.2017 - Re-Securitisation (STS Article 5r and CRR Article 269)

Presidency Summary Note: Risk Retention – Responses to EP Proposal

Presidency Non-Paper of 15.05.2017 - Re-Securitisation (Article 5r of STS)

Presidency flash note - 5th Political Trilogue on 12.04.2017

Presidency flash note - Final Trilogue on 30.05.2017.

I regret to inform you that access to documents WK 1860/2017, WK 1862/2017 and

WK 1863/2017, originated from the European Parliament, cannot be given for the reasons set out below.

Documents WK 1860/2017 and WK 1862/2017 are two non-papers of the EP's Negotiating Team on the securitisation files, both dated 10 February 2017.

Document WK 1863/2017 is a paper from European Datawarehouse.

The documents touch upon negotiating points in the trilogue procedure on the securitisation file, namely the risk retention rules and the creation of a data repository for securitisations.

While a provisional agreement has been reached in the trilogue negotiations, the decision-making process is not yet concluded.

Given that there are still important procedural steps (legal-linguistic revision, adoption by the Parliament and Council, and signature) outstanding, there is a risk that disclosure could lead to the compromises reached on those highly sensitive issues or related issues such as mandates and deadlines for regulatory technical standards being opened up again.

The disclosure of the documents would seriously undermine the decision-making process in view of its potential effect on the finalisation of the decision-making process and the possibility to conclude it successfully in a timely manner.

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.

As a consequence, the General Secretariat has to refuse access to the documents[[2]](#footnote-2).

Please note that the external consultations are still ongoing concerning the following documents: WK 152/2015 and WK 154/2015.

You will receive a reply concerning those documents as soon as possible.

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(3), first subparagraph, 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)