



SGS12/010868

**COUNCIL OF  
THE EUROPEAN UNION**

**GENERAL SECRETARIAT**

*Directorate-General F  
Communication  
Transparency*

**The Director General**

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Brussels, **11 -10- 2012**

**Mr Vincent Ryan**

**Access Info Europe  
Calle Príncipe de Anglona 5, 2c  
28005 Madrid  
Spain**

**Ref. 19/c/01/12**

Dear Mr Ryan,

Please find enclosed the reply from the European Council to your confirmatory application dated 3 September 2012.

Pursuant to Article 8(1) of Regulation (EC) No 1049/2001, we draw your attention to the possibility to institute proceedings against the Council before the General Court or to make a complaint to the Ombudsman. The conditions for doing so are laid down in Articles 228 and 263 of the Treaty on the Functioning of the European Union.

Yours sincerely,

Reijo KEMPPINEN

Enclosure

**REPLY ADOPTED BY THE EUROPEAN COUNCIL ON 10 OCTOBER 2012  
TO CONFIRMATORY APPLICATION No 19/c/01/12,  
made by e-mail on 3 September 2012,  
pursuant to Article 7(2) of Regulation (EC) No 1049/2001,  
for public access to all documents and correspondence submitted by the Irish Government in  
relation to Budget 2013**

The European Council has considered this confirmatory application under Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145 of 31.5.2001, p. 43), Article 10(2) of the European Council's Rules of Procedure (European Council Decision No 2009/882/EU, Official Journal L 315, 2.12.2009, p. 51) and Annex II to the Council's Rules of Procedure (Council Decision 2009/937/EU, Official Journal L 325, 11.12.2009, p. 35).

1. In your initial request dated 17 July 2012, you requested "A schedule of all documents and correspondence submitted by the Irish Government in relation to Budget 2013 including the date that the documents and correspondence submitted and the title of the document submitted. A copy of all documents and correspondence submitted by the Irish Government" (later clarified to relate to the Irish Budget only).
2. In order to reply to your initial request, the General Secretariat carried out an internal research in order to identify documents corresponding to the request.
3. In its reply dated 29 August 2012, the General Secretariat identified document 9520/12, which contains the Ireland's Stability Programme Update for 2012, as being the only document corresponding to your request. This document was sent to you together with the reply.
4. In your confirmatory application made on 3 September 2012, you ask the European Council to reconsider its position. You claim that there must be more correspondence than the one document that has been released by the EU.

5. Following this confirmatory application, the European Council, acting through its General Secretariat, has carried out a new internal research in order to check whether any additional documents, including mail or email correspondence, covered by the request could be identified.
  6. As a result of this new research, the European Council confirms that it holds no other document exchanged between the Council or the European Council and the Irish Authorities in relation to the Irish Budget 2013. The only document corresponding to the request is document **9520/12** which was identified and sent to you in the initial phase.
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