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- Access to Documents

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Brussels,

**Mr Caspar Bowden
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99/703-al

Dear Mr Bowden,

Thank you for your e-mail of 9 November 1999, requesting access to the following documents:

- a) 7196/99
- b) 7448/99
- c) 7477/99
- d) 10938/99
- e) 11157/99
- f) 11571/99
- g) 11951/99
- h) 12322/99
- i) 12032/99
- j) 10660/99
- k) 10667/99
- l) 10667/1/99
- m) 11720/99.

Public access to Council documents is governed by Council Decision 93/731/EC (OJ L 340/43 of 31.12.1993 - hereinafter referred to as "the Decision"). The General Secretariat has considered your application in the light of this Decision and has come to the following conclusions:

- a) You may have access to document 7196/99.
- b) Document 7448/99 a note from the Presidency on the draft Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union concerning the provisions on interception of telecommunications. The document reveals in detail the state of the discussions, including the positions of several Member States. Disclosure of the document at the present stage could prejudice the efficiency of the Council's deliberations on this issue. Having weighed your interest in obtaining access to this document against the general

interest in the effectiveness of discussion within the Council, which requires, in the present case, the confidentiality of its deliberations, the General Secretariat has concluded that the latter outweighs the former and that, consequently, the document cannot be made available to you pursuant to Article 4(2) of the Decision.

- c) Document 7477/99 is the Outcome of proceedings of the Working Party on Mutual Assistance in Criminal Matters on the abovementioned Convention. As it contains detailed positions of delegations, disclosure of this document, which is still under discussion, could impede the efficiency of the Council's deliberations. Therefore, having weighed your interest in obtaining access to this document against the general interest in the effectiveness of discussion within the Council, which requires, in the present case, the confidentiality of its deliberations, the General Secretariat has concluded that the latter outweighs the former and that, consequently, the document cannot be made available to you by virtue of article 4(2) of the Decision
- d to e) You may have access to documents 10938/99 and 11157/99.
- f) Document 11571/99 is a note from the Presidency to the Working Party on Cooperation in Criminal Matters concerning the Draft Convention on mutual assistance in criminal matters between the Member States of the European Union and in particular the interception of telecommunications. As the convention in question is still under discussions at the Council, disclosure of the document could impede the efficiency of the ongoing deliberations. Therefore, having weighed your interest in obtaining access to this document against the general interest in the effectiveness of discussion within the Council, which requires, in the present case, the confidentiality of its deliberations, the General Secretariat has concluded that the latter outweighs the former and that, consequently, the document cannot be made available to you pursuant to Article 4(2) of the Decision.
- g) Document 11951/99 is a report from the Working Party on Cooperation in Criminal Matter to the Article 36 Committee on the draft convention on mutual assistance in criminal matters between the Member States of the European Union The document contains delegations' positions on a subject which is still under discussion. Having weighed your interest in obtaining access to this document against the general interest in the effectiveness of discussion within the Council, which requires, in the present case, the confidentiality of its deliberations, the General Secretariat has concluded that the latter outweighs the former and that, consequently, the document cannot be made available to you by virtue of Article 4(2) of the Decision.
- h) Document 12322/99 is a report from Coreper to the Council on the draft convention on mutual assistance in criminal matters between the Member States of the European Union on interception of telecommunications. The matter is still under discussion at the Council, and its disclosure could impede the efficiency of the ongoing deliberations. Having weighed your interest in obtaining access to this document against the general interest in the effectiveness of discussion within the Council, which requires, in the present case, the confidentiality of its deliberations, the General Secretariat has concluded that the latter outweighs the former and that, consequently, the document cannot be made available to you pursuant to Article 4(2) of the Decision.

- i to l) You may have access to document 12032/99, 10660/99, 10667/99 and 10667/1/99 REV 1.
- m) Document 11720/99 is a note from the Hellenic Delegation to the SIS-TECH Group on information regarding the encryption algorithm used by SIS. The document contains information about SIS system, which if disclosed, could undermine the efficiency of the system as well as the protection of the public interest with regard to public security. Access must therefore be refused pursuant to Article 4(1) of the Decision.

Under Article 7(1) of the Decision you have one month to make a confirmatory application for documents that have been refused.

You also ask when we started accepting requests via e-mail. In our letter of 7 June 1999 in reply to your e-mail of 21 May, we said that we had taken careful note of your suggestions and appreciated your interest in improving the efficiency of our work.

We are pleased to inform you that we began sending some documents by e-mail in July. As these first experiences with document delivery in machine readable form were very positive, we decided last August to open a mailbox (access@consilium.eu.int) which is linked to the Register of Council documents on the Council website. Since then we accept all requests by e-mail and send Council documents by e-mail if they exist in electronic form (e.g. documents produced after 1992).

Yours sincerely,

For the General Secretariat

Jacob Visscher

Enclosures