



**COUNCIL OF
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GENERAL SECRETARIAT

*Directorate-General F
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Brussels, 5 November 2008

Mr Ante Wessels

**e-mail:
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08/1835-ws/jj

Dear Mr Wessels,

Your request of 29 October 2008 for full access to the following documents:

7759/08
7095/08
15486/07
12875/08
13448/08
13382/08
13637/08
13750/08 and
13949/08,

has been registered by the "Access to Documents" unit. Thank you for your interest.

The General Secretariat of the Council has examined your request on the basis of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (Official Journal 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 2006/683/EC, Euratom, Official Journal L 285, 16.10.2006, p. 47) and has come to the following conclusion:

Preliminary remark:

Pursuant to Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations (OJ L 101, 11.4.2001, p. 12), the following level of classification applies:

"RESTREINT UE": this classification shall be 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.

Document **7759/08** (RESTREINT UE) is a I/A item note from the Article 133 Committee to the Permanent Representatives' Committee/Council concerning a *Recommendation from the Commission to the Council to authorise the Commission to open negotiations of a plurilateral anti-counterfeiting trade agreement*.

Documents **15486/07** (RESTREINT UE) and **7095/08** (RESTREINT UE) are cover notes containing Commission documents SEC(2007) 1377 final and SEC(2008) 255 final, respectively, both on the same *Recommendation from the Commission to the Council to authorise the Commission to open negotiations of a plurilateral anti-counterfeiting trade agreement*.

The documents contain negotiating directives for the negotiation of the above-mentioned agreement. These negotiations are still in progress. Disclosure of this information could impede the proper conduct of the negotiations.

Accordingly, pursuant to Article 4(1)(a) of the Regulation (protection of the public interest with regard to international relations), the General Secretariat is unable to grant you full access to these documents.

However, pursuant to Article 4(6) of the Regulation, you may have access to those parts of the documents which are not covered by this exception. You will find them in documents 7759/08 EXT 1, 15486/07 EXT 1 + EXT 1 REV 1, and 7095/08 EXT 1 + EXT 1 REV 1, respectively.

Documents **12875/08**, **13448/08** and **13750/08** are working documents from the Commission Services concerning the Anti-Counterfeiting Trade Agreement.

Documents **13382/08** and **13949/08** are notes from the Presidency to Delegations concerning the Plurilateral Anti-Counterfeiting Trade Agreement.

Document **13637/08** (RESTREINT UE) contains an outcome of the consultation of the Justice and Home Affairs Counsellors on 26 September 2008 concerning the Plurilateral Anti-Counterfeiting Trade Agreement - 3rd negotiating session 8-10 October 2008, Tokyo, Japan.

Release of these documents would weaken the position of the European Union in these negotiations and might affect relations with the third parties concerned.

Accordingly, pursuant to Article 4(1)(a) of the Regulation (protection of the public interest with regard to international relations), the General Secretariat is unable to grant you access to these documents.

As the exception to the principle of transparency applies to the content of the entire documents, the General Secretariat isn't able to grant you partial access as provided for in Article 4(6) of the Regulation, either.

Under Article 7(2) of the Regulation, you have 15 working days to submit a confirmatory application for the Council to review its position¹.

Yours sincerely,

For the General Secretariat

Ramón Jiménez Fraile

Enclosures

¹ Should you decide to do so, then please indicate whether you permit the Council to make your confirmatory application fully public in the Council's Register of documents. If you do not reply or reply in the negative, then your application will be dealt with confidentially. Your reply will in no way prejudice your rights under Regulation (EC) No 1049/2001.