



Council of the European Union
General Secretariat

Directorate-General Communication and Information - COMM
Directorate Information and Outreach
Information Services Unit / Transparency
Head of Unit

Brussels, 15 October 2020

Ms Luisa Izuzquiza
Email: l.izuzquiza.dns88zxggh@fragdenstaat.de

Ref. 20/1529-rh/vk

Request made on: 03.09.2020
Deadline extension: 24.09.2020

Dear Ms Izuzquiza,

Thank you for your request for access to documents of the Council of the European Union.

Please find attached documents **13680/19** and **CM 1613/20 INIT** you requested.

I regret to inform you that access to document **5835/20** cannot be given for the reasons set out below.

Document **5835/20** of 21 February 2020 is a note from the Presidency to delegations related on *Proposal for a coordination mechanism to activate different policies to improve the cooperation of third countries on the return/readmission of their nationals*.

It contains sensitive information on the need to enhance cooperation on readmission through the use of tailor-made leverages and incentives as well as reflexions on additional measures to be taken to improve cooperation on readmission.

Release of the information contained in this document would prejudice relations between the European Union and third countries, as ongoing discussions may include leverages in a variety of areas with a view of enhancing third country cooperation on readmission. Disclosure would reveal to future negotiating partners the strategic approach in the implementation of the EU's policy, thus weakening its negotiation position and complicating further developments of the EU leverage mechanism.

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 this document.¹

Having examined the context in which the document was drafted, on balance the General Secretariat could not identify any evidence suggesting an overriding public interest in its disclosure.

We have also looked into the possibility of releasing parts of the document.² However, as the exception to the right of access applies to its entire content, the General Secretariat is unable to give partial access at this stage.

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may ask the Council to review this decision within 15 working days of receiving this reply. Should you see the need for such a review, you are invited to indicate the reasons thereof.³

The General Secretariat is still conducting consultations necessary to the examination of documents **6217/20** and **WK 2552/20 INIT** and you will be notified of a decision as soon as possible. We apologise for the delay in fully replying to your request.

Yours sincerely,

Fernando FLORINDO

Enclosures: 2

¹ Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001.

² Article 4(6) of Regulation (EC) No 1049/2001.

³ Council documents on confirmatory applications are made available to the public. Pursuant to data protection rules at EU level (Regulation (EU) No 2018/1725, if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent.