



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, 3 January 2022



Ref. 21/1965-vl/vk

Request made on: 22.11.2021
Deadline extension: 13.12.2021

Dear Mr 

Thank you for your request for access to documents of the Council of the European Union.¹

As a reminder, you requested access to "the ISAA reports about the Belarussian migrant crisis".

Please note that, since this is the first time you introduce this request for public access, we are examining it as an initial stage application introduced on the ground of Article 6 of Regulation (EC) No 1049/2001 (therefore, not as a confirmatory application, which is the second stage request foreseen by Article 7(2) of the abovementioned Regulation).

I regret to inform you that access to the documents you requested cannot be given for the reasons set out below.

The ISAA report is an analytical document drafted by the European Commission and the European External Action Service aiming to provide decision makers with a detailed picture of the crisis scenarios concerned.

Having due regard to the outcome of our consultations with the directorate responsible for these policy matters, the General Secretariat is of the opinion that regrettably these documents cannot be disclosed, as their sensitive content could be used by hostile entities to cause prejudice to public

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).

security, weakening the coordination of the response mechanism as well as the quality and effectiveness of decision making in this field.

Moreover, their release to the public would undermine international relations, since the information sharing of the confidential data (bearing also politically sensitive connotations) contained therein is based on mutual trust among the national authorities of Member States and third countries concerned, which would be affected by such disclosure.

Consequently, public access to such ISAA reports must be refused.²

We have also looked into the possibility of releasing parts of the requested documents.³ However, as the information contained therein forms an inseparable whole, the General Secretariat is unable to give partial access.

Finally, you may wish to consult the following selection of specific pages of the Council's web site dedicated to the topic of your interest:

- the "external relations" section of the information on the latest European Council held on 16 December 2021: <https://www.consilium.europa.eu/en/meetings/european-council/2021/12/16/?fbclid=IwAR11GZwqUcWTNb43uvx-n3UUT8bppGDRLuITnKCjV1cyXKFVuoenL44iYpA>
- page 6 of the Conclusions of the abovementioned European Council meeting: <https://www.consilium.europa.eu/media/53575/20211216-euco-conclusions-en.pdf>
- sanctions adopted by Council on 2 December 2021 over human rights abuses and the instrumentalisation of migrants: <https://www.consilium.europa.eu/en/press/press-releases/2021/12/02/belarus-eu-adopts-5th-package-of-sanctions-over-continued-human-rights-abuses-and-the-instrumentalisation-of-migrants/>.

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.⁴

Yours sincerely,



² Article 4(1)(a), first and third indent of Regulation (EC) No 1049/2001.

³ Article 4(6) of Regulation (EC) No 1049/2001.

⁴ 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.