

Statewatch

PO Box 1516, London N16 0EW

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30 July 1996

Dear Mr Goebel,

I would be grateful if you could send me copy of the documents listed below under the Council's code of access.

Yours sincerely,

Tony Bunyan,

Editor

(member International Federation of Journalists)

A.

K.4 Committee

Brussels, Wednesday 21, Thursday 22 September 1994

2. Draft Convention on the establishment of EUROPOL, in particular:

8074/1/94 REV 1 EUROPOL 64
8133/94 EUROPOL 66
9251/94 EUROPOL 95
3. Outcome of the Berlin Conference on 8 September 1994
8990/3/94 REV 3 ENFOPOL 107
4. Budget for the "3rd pillar"
6127/94 CK.4 30
8675/94 CK.4 62
5. Article K.5 of the EU Treaty - common positions in international organizations
8225/94 CK.4 57
6. Publication in the Official Journal of Conventions signed before the entry into force of the TEU
8226/94 CK.4 58 + ADD 1
7. Relations with the United States of America and Canada
7999/94 JAI 25

B.

K.4 Committee

Wednesday 12 and Thursday 13 October in Nurnberg

2. Draft Convention on the establishment of Europol, in particular:

9395/94 EUROPOL 98
8133/94 EUROPOL 66
9571/94 EUROPOL 100
9714/94 EUROPOL 103
9827/94 EUROPOL 108
3. Draft conclusions on conditions for the readmission of persons who are illegally resident in a Member State but who hold a residence permit for another Member State (Article 8(3) of the Draft External Frontiers Convention)
9425/94 CK4 70
4. Form of Council Decisions on "guidelines for the harmonized application of the definition of refugee status in Article 1A of the Geneva Convention" and on "minimum guarantees for asylum procedures"
7736/94 ASIM 121
6675/1/94 ASIM 90 REV 1
8713/1/94 ASIM 152 REV 1

6. Budget for the 3rd pillar

9818/94 CK4 76
8675/94 CK4 62
9295/94 JUR 207 + COR 1

C.

K.4 Committee

Brussels, Wednesday 9, Thursday 10 and
Friday 11 November 1994

3. Draft report to the European Council on illicit trafficking in
radioactive substances and nuclear materials
10602/94 ENFORC 11

4. Draft Convention on the establishment of Europol

9583/94 EUROPOL 101
9714/94 EUROPOL 103
9827/94 EUROPOL 108
10324/94 EUROPOL 112
10240/93 CK4 83 + COR 1 + COR 2
10181/94 CK4 82

- Involvement of the European Parliament
10608/94 CK4 90

8. Police cooperation

- Cooperation in the field of public order

9600/94 ENFOPOL 123 + COR 1

- Scientific and technical research

8740/94 ENFOPOL 95 8741/94 ENFOPOL 96

- Cooperation with the Central and East European countries

8742/94 ENFOPOL 97
9438/94 ENFOPOL 121

- Training and continuing training for police officers

8743/94 ENFOPOL 98 + COR 1

9. Legal interception of telecommunications

- Draft Council Resolution on the international requirements
for the legal interception of telecommunications

10571/94 ENFOPOL 150

- Discussion of procedure for a Memorandum of Understanding with third
countries in parallel with the proposed Council Decision

9897/94 ENFOPOL 131

10. Draft report on the scope of police cooperation (declaration in the
Final Act of the TEU)

10594/94 CK4 88

11. Combating customs fraud - Report to the Council

10092/2/94 ENFOCUSTOM 37 REV 2

12. Examination of the draft interim report on cooperation in the campaign against international organized crime

10104/1/94 JUSTPEN 72 REV 1 + ADD 1 ?

14. Draft update of the 1991 report on the relationship between Community law and criminal law

9579/1/94 JUSTPEN 60 REV 1

15. Draft Convention to improve extradition between the Member States of the European Union

10471/1/94 JUSTPEN 78 REV 1

18. Draft report to the European Council on the implementation of the December 1993 action plan in the JHA field

10569/94 CK4 87

20. Draft Council Decision on a joint action concerning cooperation measures to be taken in the JHA sector

9818/1/94 CK6 76 REV 1 (1)

21. Implementation of the Berlin Declaration of 8 September 1994

8990/3/94 ENFOPOL 107 REV 3

9940/94 JUSTPEN 70

9533/94 CK4 72

10597/94 ENFOPOL 152

22. Draft report to the European Council relating to the data protection provisions in the EIS, CIS and Europol Conventions

10437/94 CK4 84

23. Examination of the draft interim report on combating racism and xenophobia

10595/94 CK4 89

24. Draft Council conclusions on burden-sharing with regard to the admission and residence of refugees

10004/94 ASIM 192

25. Draft Resolution on the admission of third country nationals to the territory of the Member States of the European Union for study purposes

7996/4/94 ASIM 127 REV 4

26. Draft Resolution relating to limitations on the admission of third country nationals to the territory of the Member States for the

purpose of pursuing activities as self-employed persons

7572/3/94 ASIM 115 REV 3

27. Minimum guarantees for asylum applications

8713/3/94 ASIM 152 REV 3

10560/94 ASIM 216 + ADD 1 ?

10173/94 ASIM 200

28. Travel facilities for third country nationals (school pupils resident in a Member State)

9741/94 ASIM 185

10495/94 ASIM 211

29. Proposal for a Council Regulation laying down a uniform format for visas

9100/94 ASIM

10006/94 ASIM

10506/94 ASIM

30. Draft standard bilateral readmission agreement between a Member State and a third country

8036/3/94 ASIM 131 REV 3

10337/94 ASIM 204

31. Implementation of readmission agreements

10339/94 ASIM 206

32. Concertation and cooperation regarding the execution of expulsion measures

9738/94 ASIM 184

- Introduction of a standard travel document for the removal/expulsion of third-country nationals

10338/94 ASIM 205

33. Draft Council conclusions on the organization and development of the Centre for Information, Discussion and Exchange on the crossing of borders and immigration (CIREFI)

9966/94 CIREFI 21

10392/94 CIREFI 23

34. Draft Resolution on a further improvement in security at external borders

9964/94 ASIM 188

10510/94 ASIM 213

35. Oral report on progress in examining the Commission initiative on a Convention on the control of persons crossing the external frontiers

11287/93 ASIM 32

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31 July 1996

Dear Mr Goebel,

I would be grateful if you could send me copies of the documents listed below under the Council's code of access.

Yours sincerely,

Tony Bunyan,
Editor
(member International Federation of Journalists)

List:

SN 4824/2/92 WGI 1284 REV 2
SN 4824/2/92 WGI 1284 REV 2 COR 1

9693/93
9691/93
SN 3009/2/93 WGI 1509 REV 2
9947/93

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13 August 1996

Dear Mr Goebel,

I would be grateful if you could send me copies of the documents listed below under the Council's code of access to documents:

1. SN 4824/2/92 WGI 1284 REV 2
2. SN 4824/2/92 WGI 1284 REV 2 COR 1
3. Copies of the documents on the attached list ("A" & "B") considered by the Council of Justice and Home Affairs Ministers at their meeting in Luxembourg on 4 June. I am of course aware that some of these reports were blocked by the absurd UK "mad cow" tactic. I would therefore be grateful if you could provide me with the dates and procedures (ie: another Council of Ministers or written procedure) by which reports not agreed on 4 June were adopted when the UK reservation was dropped.

Yours sincerely,

Tony Bunyan,
Editor
(member International Federation of Journalists)

"A" ITEMS

for : 1933rd meeting of the COUNCIL OF THE EUROPEAN UNION
(Justice and Home Affairs) Luxembourg, Tuesday 4

1. Illegal trafficking of works of art
7333/96 ENFOPOL 91
approved by Coreper, Part 2, on 29.5.1996
2. Measures to combat counterfeiting
7332/96 ENFOPOL 90
7167/1/95 ENFOCUSTOM 14 REV 1
approved by Coreper, Part 2, on 29.5.1996
3. Combating terrorism
- Assessment of the external and internal threat
7389/96 ENFOPOL 92
approved by Coreper, Part 2, on 29.5.1996
4. Draft joint position on pre-frontier assistance and training assignments
7857/96 ASIM 85
approved by Coreper, Part 2, on 29.5.1996
5. Draft joint action adopted by the Council on the basis of Article K.3 of the Treaty on European Union providing for a common framework of the initiatives of the Member States of the European Union concerning liaison officers
7522/96 ENFOPOL 95
7520/96 ENFOPOL 94
approved by Coreper, Part 2, on 29.5.1996
6. Draft Council Decision on measures implementing Article K.1 of the Treaty on European Union
7419/1/96 JAI 32 REV 1
approved by Coreper, Part 2, on 29.5.1996
7. EDU
- Work programme from July to December 1996
7334/96 EUROPOL 29
approved by Coreper, Part 2, on 29.5.1996

- Coordinator's report for 1995
4520/1/96 EUROPOL 9 REV 1
approved by Coreper, Part 2, on 14.3.1996

"B" Main Agenda

for : the 1933rd meeting of the COUNCIL OF THE EUROPEAN UNION
(Justice and Home Affairs) Luxembourg, Tuesday 4 (10.00)

3. Draft Council act establishing the convention on the crossing

by persons of the external frontiers of Member States of the European Union

- Progress report
7574/96 ASIM 80

5. Draft Council recommendation on combating the illegal employment of nationals of third States.

6982/2/96 ASIM 68 REV 2

6. Eurodac
 - Progress report
7417/96 ASIM 77

EDU

- (a) Draft 1997 budget

7717/1/96 EUROPOL 31 REV 1

- (b) Europol computer system

7718/1/96 EUROPOL 32 REV 1

8. Draft Joint Action concerning the creation and maintenance of a directory of counter-terrorist competences to facilitate counter-terrorist cooperation between the Member States

7606/96 ENFOPOL 96

9. European Union participation in the ILEA (International Law Enforcement Academy)

7607/96 ENFOPOL 97 + EXT 1

10. Relations with third countries

- (a) Structured dialogue with the CCEE
Progress report

7748/96 JAI 35

- (b) Latin America and the Caribbean: progress report

7746/96 CORDROGUE 33

11. Draft Council Resolution setting priorities for cooperation in the field of justice and home affairs for the period

7747/96 JAI 34

Financing of Title VI

7749/96 JAI 36

13. Role of the Court of Justice

- EUROPOL Convention and other 3rd-pillar Conventions

7788/96 JUR 174 COUR 6 + EXT 1
7791/96 JUR 175 COUR 7

14. Draft Convention on improved extradition between the Member States of the European Union

7753/96 JUSTPEN 77 + EXT 1

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13 August 1996

Dear Mr Goebel,

I would be grateful if you could send me a copy of the document listed below under the Council's code of access to documents:

SN 4687/92 WGI 1275

Yours sincerely,

Tony Bunyan,
Editor
(member International Federation of Journalists)

GENERAL SECRETARIAT
OF THE COUNCIL

Brussels, 26 September 1996

8635

DG F
CODECISION LEGISLATIVE PROCEDURES
INFORMATION POLICY
PUBLIC RELATIONS

Mr Tony Bunyan
Editor, Statewatch
P.O. Box 1516
London N16 0EW
United Kingdom

Dear Mr. Bunyan,

I refer to your letters dated 30 July, 31 July and 13 August 1996 (two letters) by which you seek access to the following 104 documents:

Re.: Letter of 30 July 1996

8074/1/94 REV 1 EUROPOL 64	10571/94 ENFOPOL 150
8133/94 EUROPOL 66	9897/94 ENFOPOL 131
9251/94 EUROPOL 95	10594/94 CK.4 88
8990/3/94 REV 3 ENFOPOL 107	10092/2/94 ENFOCUSTOM 37 REV 2
6127/94 CK.4 30	10104/1/94 JUSTPEN 72 REV 1 + ADD 1
8675/94 CK.4 62	9579/1/94 JUSTPEN 60 REV 1
8225/94 CK.4 57	10471/1/94 JUSTPEN 78 REV 1
8226/94 CK.4 58 + ADD 1	10569/94 CK.4 87
7999/94 JAI 25	9818/1/94 CK.4 76 REV 1
9395/94 EUROPOL 98	8990/3/94 ENFOPOL 107 REV 3
8133/94 EUROPOL 66	9940/94 JUSTPEN 70
9571/94 EUROPOL 100	9533/94 CK.4 72
9714/94 EUROPOL 103	10597/94 ENFOPOL 152
9827/94 EUROPOL 108	10437/94 CK.4 84
9425/94 CK.4 70	10595/94 CK.4 89
7736/94 ASIM 121	10004/94 ASIM 192
6675/1/94 ASIM 90 REV 1	7996/4/94 ASIM 127 REV 4
8713/1/94 ASIM 152 REV 1	7572/3/94 ASIM 115 REV 3
9818/94 CK.4 76	8713/3/94 ASIM 152 REV 3
8675/94 CK.4 62	10560/94 ASIM 216 + ADD 1
9295/94 JUR 207 + COR 1	10173/94 ASIM 200
10602/94 ENFORC 11	9741/94 ASIM 185
9583/94 EUROPOL 101	10495/94 ASIM 211
9714/94 EUROPOL 103	9100/94 ASIM
9827/94 EUROPOL 108	10006/94 ASIM
10324/94 EUROPOL 112	10506/94 ASIM
10240/93 CK.4 83 + COR 1 + COR 2	8036/3/94 ASIM 131 REV 3
10181/94 CK.4 82	10337/94 ASIM 204
10608/94 CK.4 90	10339/94 ASIM 206
9600/94 ENFOPOL 123 + COR 1	9738/94 ASIM 184
8740/94 ENFOPOL 95	10338/94 ASIM 205
8741/94 ENFOPOL 96	9966/94 CIREFI 21
8742/94 ENFOPOL 97	10392/94 CIREFI 23
9438/94 ENFOPOL 121	9964/94 ASIM 188
8743/94 ENFOPOL 98 + COR 1	10510/94 ASIM 213

Re.: Letter of 31 July 1996

SN 4824/2/92 WGI 1284 REV 2
SN 4824/2/92 WGI 1284 REV 2 COR 1
9693/93
9691/93
SN 3009/2/93 WGI 1509 REV 2
9947/93

Re.: Letter of 13 August 1996

SN 4687/92 WGI 1275

Re.: Letter of 13 August 1996

[SN 4824/2/92 WGI 1284 REV 2
SN 4824/2/92 WGI 1284 REV 2 COR 1
- 7333/96 ENFOPOL 91
- 7332/96 ENFOPOL 90
- 7167/1/95 ENFOCUSTOM 14 REV 1
- 7389/96 ENFOPOL 92
- 7857/96 ASIM 85

7522/96 ENFOPOL 95
7520/96 ENFOPOL 94
7419/1/96 JAI 32 REV 1
7334/96 EUROPOL 29
4520/1/96 EUROPOL 9 REV 1
7574/96 ASIM 80
6982/2/96 ASIM 68 REV 2
7417/96 ASIM 77
7717/1/96 EUROPOL 31 REV 1
7718/1/96 EUROPOL 32 REV 1
7606/96 ENFOPOL 96
7607/96 ENFOPOL 97 + EXT 1
7748/96 JAI 35
7746/96 CORDROGUE 33
7747/96 JAI 34
7749/96 JAI 36
7788/96 JUR 174 COUR 6 + EXT 1
7791/96 JUR 175 COUR 7
7753/96 JUSTPEN 77 + EXT 1

As indicated to you by a previous letter of Mr Goebel (dated 5 August 1996), the General Secretariat of the Council could not consider your requests during the month of August due to the vacational season. Having received your confirmatory application of 27 September 1996 to the above mentioned request in the meantime, and motivated by the lack of reply to the beforementioned, I suggest you reconsider this confirmatory application in the light of today's reply.

Public access to such documents is governed by Council Decision 93/731/EC (OJ L 340/43 of 31.12.1993), in accordance with which your application has been considered.

With regard to these documents, your attention is drawn to the provisions of Article 3(2) of the Decision:

"The relevant departments of the General Secretariat shall endeavour to find a fair solution do deal with repeat applications and/or those which relate to very large documents."

The General Secretariat, having carefully examined your letters, considers that your requests in this regard are repeat applications which equally relate to a very large number of documents.

Indeed, content and structure of your current applications are analogous or very similar to your previous applications, which involve almost always the very same subject: the Council proceedings under Title VI of the Treaty on the European Union.

The mechanistic and indiscriminate nature of your approach is highlighted by the fact that several documents requested had been already released to you by the Council in the past. Moreover, two of the documents mentioned in your letter of 13 August had already been mentioned in your previous letter of 31 July.

The General Secretariat has found a fair solution by considering only the documents produced in 1996:

7333/96 ENFOPOL 91	7748/96 JAI 35
7332/96 ENFOPOL 90	7746/96 CORDROGUE 33
7389/96 ENFOPOL 92	7747/96 JAI 34
7857/96 ASIM 85	7749/96 JAI 36
7522/96 ENFOPOL 95	7788/96 JUR 174 COUR 6 + EXT 1
7520/96 ENFOPOL 94	7791/96 JUR 175 COUR 7
7419/1/96 JAI 32 REV 1	7753/96 JUSTPEN 77 + EXT 1
7334/96 EUROPOL 29	
4520/1/96 EUROPOL 9 REV 1	
7574/96 ASIM 80	
6982/2/96 ASIM 68 REV 2	
7417/96 ASIM 77	
7717/1/96 EUROPOL 31 REV 1	
7718/1/96 EUROPOL 32 REV 1	
7606/96 ENFOPOL 96	
7607/96 ENFOPOL 97 + EXT 1	

In regard to these documents, the Secretariat General has drawn the following conclusions:

1. You may get access to the following documents

7333/96, 7332/96, 7389/96, 7857/96, 7522/96, 7520/96, 7419/1/96, 7419/96, 7334/96, 4520/1/96, 4520/96, 7417/96, 7606/96, 7607/96, 7748/96, 7746/96, 7747/96, 7749/96.

According to the Decision of the Secretary-General of the Council (96/C 74/02) relating to fees in the context of public access to Council documents, the number of pages exceeding 30 (54), you are requested to transfer the amount of

$\text{ECU } 10 + 0,036 \times 24 \text{ sheets} = 10,846 \text{ ECU} \times 0,8525752 = 8,97 \text{ UKL}$

to our account number 426-4482203-05 (Kredietbank, Agence Schuman, rond-point Schuman 4, 1040 Bruxelles), mentioning: Access 17.

2. Documents to which apply Article 4 (2) of the Decision providing:

"Access to a Council document may be refused in order to protect the confidentiality of the Council's proceedings."

Your interest in seeking access to some documents has been very carefully balanced against the interest of the Council in keeping its deliberations confidential. Consequently, the following documents are not be disclosed to you:

7574/96, 6982/2/96, 7717/1/96, 7718/1/96, 7788/96, 7791/96, 7753/96,

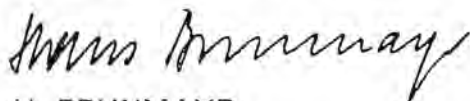
Furthermore, in your letter dated 13 August, you are requesting information about dates and procedures by which reports not agreed on the Council meeting of Justice and Home Affairs were adopted. In respect to this matter, may I suggest you take contact with the

Press Office of the General Secretariat (tel. 32-2-285.6423, fax 32-2-285.8026) which could provide you, on a regular basis, the press releases in which you will find references to the relevant acts adopted by the Council.

Finally, I refer to your confirmatory application dated on 29 July 1996. As indicated in the letter of the President of the Council concerning this confirmatory application, document 9908/94 (Outcome of Proceedings of the Working Party on External Fisheries Policy - Report on the 20th Session of the International Baltic Sea Fishery Commission, 12-16 september 1994 at Gdynia, Poland) is mentioned for the first time in your letter. Logically, we could not consider the request for this document as a confirmatory application. Is it possible that your intention in your letter dated 29 July was to apply for document 9908/2/93, instead of document 9908/94, although document 9908/2/93 is already mentioned twice in your letter. We would appreciate if you clarify that question.

Yours sincerely

For the General Secretariat

A handwritten signature in dark ink, appearing to read 'H. Brunmayr', with a stylized, cursive script.

H. BRUNMAYR
Deputy Director General

Statewatch

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e-mail: statewatch-off@geo2.poptel.org.uk

10 October 1996

Dear Mr Brunmayr,

Thank you for your letter of 26 September received by us on 10 October.

1.

I would like to apologise for requesting two documents twice - in my letters of 31 July and 13 August 1996. The same applies to the reply by Mr Lowry for the Presidency on 30 September regarding documents: 4077/94, 9850/95 and 4316/94. I realise this creates unnecessary work for the Council staff and will endeavour to ensure this does not occur in the future.

In the final paragraph of your letter you ask whether when I made a confirmatory application concerning 9908/94 I really meant 9908/2/93 (CRIMORG 1 REV 2 + ADD 1). This is correct I meant the latter (which was referred to twice by mistake because it had been refused on two separate grounds in the Council's letter of 1 July 1996; ref: 5795).

2.

You suggest that if I wish to find out the method and dates on which items agreed at the Council of Justice and Home Affairs Ministers in June - but held up by the UK reservation - were finally adopted I should obtain Council press releases. I am well aware of these and have been getting them for several years. However, Council press releases do not as a matter of course include items adopted, for example, by written procedure nor do they systematically record the full text of other decisions - they are, not surprisingly, summaries.

3.

I wish to complain about the length of time it has taken to get a response to my request for documents dated 30 and 31 July and the two letters of 13 August - over 8 and nearly 7 weeks respectively - which is unreasonable. I do understand that confirmatory applications cannot be considered during August as there are no meetings of the Council of Ministers. However, for the Council "shut down" during the "vacational season" in August suggests that more staff should be allocated to operating the Council's public access to documents decision. Public institutions should surely provide a 12 month service in replying to requests.

4.

I wish to make a confirmatory application under Article 7.1 of the Council's Decision of 20 December 1993 regarding:

- The 71 documents refused en bloc listed in my letter of 30 July 1996.
- The 6 documents refused en bloc listed in my letter of 31 July 1996, including SN 4824/2/92 WGI 1284 REV 2 and SN 4824/2/92 WGI 1284 REV 2 COR 1.
- The 1 document refused listed in my first letter of 13 August 1996.
- The 7 documents refused in my second letter of 13 August 1996 listed under point 2 on page 3 of your letter.

You state on page 2 of your letter that my "requests in this regard are repeat applications which equally relate to a very large number of documents." You go on to argue that they are "analogous" (which means "similar or parallel") or "very similar".

- a. I fail to understand how the Council can equate requests for "repeat applications" with those alleged to be similar.

Would the Council supply a national government or parliament in the EU with a document "similar" to the one they requested on the grounds that it was the same?

- b. The applications contained in my four separate letters are not "repeat" applications as I have not applied for these documents before. To any reasonable person the term "repeat" does not have the same meaning as "analogous" or "similar".

- c. The Council persists in arguing that my requests concern "a very large number of documents". The Decision of 20 December 1993 make no reference to the "number" of documents and now that charges have been introduced this is an irrelevant argument except perhaps as an indication that too few staff are allocated to this task.

- d. In deciding to apply "a fair solution" the Council has quite arbitrarily chosen to interpret this to mean:

"by considering only the documents produced in 1996"

thus enabling the General Secretariat to reject en bloc the applications in three of my separate requests.

- e. It appears the Council's administration of the code of access in this instance is affected by the opinions expressed in the last two paragraphs on page 2.

In seeking to apply a "fair solution" arguments are introduced which have no basis whatsoever in the Decision.

You state, quite correctly, that my applications "involve almost always the very same subject: the Council

proceedings under Title VI of the Treaty of the European Union."

I do not understand the problem the Council has with this fact. Why should it be implied that to request documents concerning Title VI is in some way suspicious or reprehensible?

As the Council is continuously developing and adopting new measures through the JHA Council and its subordinate groups why should it seem strange that I wish to be informed as to their contents?

I am seeking to obtain the full body of decisions taken by the JHA Council as a responsible journalist specialising in "third pillar" issues". I also believe that as a citizen I have a right to know in a democracy exactly what policies have been decided, when and by whom, and their background especially when they affect the rights of citizens.

You further state that my "approach" is of a "mechanistic and indiscriminate nature" when it is quite the opposite. My approach is, by its "nature", systematic and on, most occasions, thorough (I have already apologised that on a few occasions I have erroneously applied for the same document twice).

I find it strange that you should not understand a scientific approach to research whether by an academic or a journalist.

It seems that in this instance, as in several other applications I have made, every effort of the Council's General Secretariat is directed towards finding all possible reasons to refuse access to documents - on this occasion by lumping together four separate requests.

A policy of openness and transparency demands a quite different approach which works on the principle of granting access except where there is an overriding reason not to. It also requires that those administering such a system are drawn from a culture of administrative openness.

Moreover, the implied opinion throughout is that I am applying for too many documents. This really is a bad argument. Openness and transparency does not mean partial openness to the requests of citizen to be restricted at the "discretion" of Council officials or the Council itself. If there is a difficulty coping with the volume of requests then this points to the need for extra staff to ensure openness is a reality - to try and shift the blame onto the citizen really is reprehensible.

- f. The decision to lump together four separate applications in applying "a fair solution" must, at the least, constitute unfair treatment.

It is my contention that I submitted four separate, and distinct, applications which should have been treated as such.

- g. The grounds offered in your letter for applying a "fair solution" are unacceptable: i) the misapplication of the term "repeat" and "similar" applications; ii) the misapplication of "very large documents" as defined in the Decision; iii) the introduction of opinions related to applying for documents covered by Title VI and unfounded allegations of "mechanistic and indiscriminate" applications which in no way whatsoever relate to the Decision.

5.

Finally, I would be grateful if the Council could give a formal ruling on the matter raised in my letter to Mr Goebel dated 9 August.

In this letter I protested against the decision of the General Secretariat to rule out of order a confirmatory application on the grounds that it had not been made within the one month deadline.

On 4 September I received a letter from Mr Goebel saying that my confirmatory application would "exceptionally" be allowed.

The issue is that the General Secretariat treats the "starting date" (allowing one month) for dealing with an application for documents as the day it receives it. Whereas in this case it tried to argue that the time allowed to lodge a confirmatory application should be treated as one month starting from the date of the Council's reply - as the post in this case took 13 days I was only left with two weeks, not one month, to respond. If the Council can treat the "starting" date as the date of receipt surely the applicant can too.

Yours sincerely,

Tony Bunyan,
Editor
(member International Federation of Journalists)