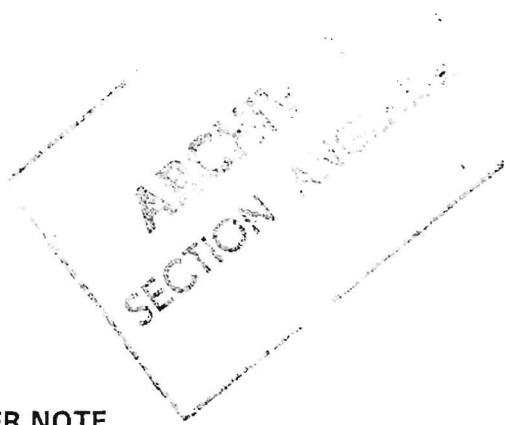


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COVER NOTE

from : General Secretariat of the Council

to : Working Party on Information

Subject: Public access to documents
– Confirmatory application by Mr Bunyan (3/96)

Delegations will find attached a draft reply to the confirmatory application for documents submitted by Mr Bunyan (5571/96).

The Annex is available in English only.

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PROJET DE LETTRE

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

Dear Mr. Bunyan,

I refer to your fax letter of 2 March 1996 containing a confirmatory application pursuant to Article 7(1) of Decision 93/731/EC (hereafter referred to as "the Decision"), in respect of documents 4077/94 (Note from the Presidency on Draft Convention setting up a European Information System) and 5365/94 (Report from the Presidency on work concerning the draft Convention on Europol).

With regard to these documents, your application has been reconsidered.

As a result of careful consideration the Council has decided that document 5365/94, classified as "confidential", can be released taking into account, in this particular case, that after the adoption of the Europol Convention most of the information contained in the document in question has become public.

You will find herewith copy of the document in question.

However, I regret to inform you that the Council, after careful consideration, has decided not to make document 4077/94 available.

Document 4077/94 includes detailed national positions on European Information System Convention still under discussion. The Council considers in this case that the interest in maintaining the confidentiality of its deliberations is greater than your interest in obtaining access to the document, in accordance with provisions of Article 4(2) of the Decision.

I can inform you that the level of classification applied to document is "restreint".

Yours faithfully,
For the Council

Your attention is drawn to the provisions of Article 138 E and 173 of the EC Treaty, relating respectively to the conditions for referral to the Ombudsman by natural persons and for review by the Court of Justice of the legality of Council acts.