



**COUNCIL OF
THE EUROPEAN UNION**

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12285/99

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COVER NOTE

from : General Secretariat of the Council

to : Working party on Information

No. prev. doc.: 12284/99

Subject : Public access to documents

- Confirmatory application made by Mr T. BUNYAN (6/99)

Delegations will find attached a draft reply to the sixth confirmatory application made by Mr Bunyan in 1999 (see doc. 12284/99).

DRAFT**REPLY ADOPTED BY THE COUNCIL ON
TO CONFIRMATORY APPLICATION BY MR T. BUNYAN**

**- made to the Council by letter dated 12 October 1999,
registered by the General Secretariat of the Council on 13 October 1999 -,
pursuant to Article 7(1) of Council Decision 93/731/EC,
for access to documents 7707/99 and 13415/97.**

The Council carefully examined the above mentioned documents and came to the following conclusions:

The applicant may have access to 7707/99¹.

13415/97 contains an evaluation project on illegal immigration of Iraqi nationals into Germany, carried out by the Federal Border-Guard Directorate and submitted by the German delegation to CIREFI. The evaluation, besides giving general information on Iraq, its political background, the political situation of the Kurds, etc., also contains very detailed information (sometimes quoting interviews taken by the German police), on the methods used, the smuggling routes as well as on the facilitators involved in the smuggling of Iraqi immigrants into Germany themselves.

The Council considered that most of the information contained in the document is still valid and could be misused. The Council therefore decided that access could not be granted by virtue of Article 4(1) of the Decision (public security).

The question of whether or not the Council is legally obliged under Article 4 of Decision 93/731/EC to examine whether partial access should be granted to the information contained in a document is currently under examination by the Court of Justice (Case C-353/99 P).

¹ Provided that the Danish delegation agrees.