



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 June 2000

9605/00

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SUMMARY OF CONCLUSIONS

of	:	Meeting of the Working Party on Information
on	:	12 May 2000

Access to documents :

a) Follow-up to the judgment of the Court of First Instance of 6 April 2000 in Case T-188/98 (Kuijer c/Council)

The representative of the Council Legal Service informed the Working Party that the Court of First Instance, by its judgment of 6 April 2000 in Case T-188/98 (Kuijer v/Council) - formally notified to the Council on 10 April 2000 -, had annulled the Council's decision of 28 September 1998, as amended by its decision of 18 May 1999, which, following a confirmatory application from Mr Kuijer dated 25 August 1998, was made by virtue of Council Decision 93/731/EC.

The Presidency added that the Council was now required to re-examine Mr Kuijer's confirmatory application for access to the documents in question in the light of the judgment and send a reply on 10 June 2000 at the latest. The Working Party agreed that, taking into account the contributions and comments to be sent by delegations, the General Secretariat will make a draft reply to Mr Kuijer, which will be studied at a later date.

b) Confirmatory applications

= Confirmatory application made by Mr Steve Peers (04/00):

(doc. 7820/00 INF 39 API 35 JUR 122)

In his fourth confirmatory request in 2000 Mr Peers asked for access to six documents as well as the compilation of the Schengen acquis allocated to the EC or EU Treaties. The majority of the delegations considered that access to all but one of the Schengen-documents that the General Secretariat had identified was to be refused. The Swedish delegation argued that partial access should have been granted to the Common Manual, to the Sirene Manual (document SN 1297/00) and to the Handbook on cross-border police cooperation.

The Working Party agreed to release one of the other six documents requested by Mr Peers. The Finnish delegation argued that partial access should have been granted to document 5659/00; the Swedish delegation agreed with this, and would have been prepared to give partial access for document 5772/00 as well. The Danish delegation was of the opinion that partial access should have been granted to both of these documents and also to document 5338/00; the Finnish delegation would even have been ready to release the latter document wholly.

The Danish and Swedish delegations voted against the draft reply. It was agreed to publish the result of the vote.

= Confirmatory application made by Mr Caspar Bowden (01/00):

(doc. 7892/00 INF 44 API 40 JUR 128)

In his confirmatory request Mr Bowden asked for access to document 6640/00. The Danish and Swedish delegations were of the opinion that partial access should be granted to the document; the Finnish delegation would even have agreed with its total release. However, the Working Party decided to refuse access to this document. For this reason the Danish, Finnish and Swedish delegations voted against the draft reply. It was agreed to publish the result of the vote.