



**RAAD VAN  
DE EUROPESE UNIE**

**Brussel, 14 september 2009 (15.09)  
(OR. en)**

**12790/09**

**INF 234  
API 104  
JUR 349**

**NOTA I/A-PUNT**

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van: de Groep voorlichting  
aan: het Coreper (2e deel) / de Raad

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nr. vorig doc.: 12789/09

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Betreft: Toegang van het publiek tot documenten  
- Confirmatief verzoek nr.19/c/01/09

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In bijlage dezes gaat voor de delegaties een ontwerp-antwoord van de Raad, zoals dat luidt na bespreking door de Groep voorlichting op 10 september 2009, op confirmatief verzoek 19/c/01/09.

Het Comité van permanente vertegenwoordigers wordt derhalve verzocht de Raad in overweging te geven het ontwerp-antwoord in bijlage dezes tijdens zijn volgende zitting als A-punt goed te keuren.

De bijlage bestaat alleen in het Engels.

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**DRAFT**  
**REPLY ADOPTED BY THE COUNCIL ON .....**  
**TO CONFIRMATORY APPLICATION 19/c/01/09**  
**made by e-mail on 18 August 2009,**  
**pursuant to Article 7(2) of Regulation (EC) No 1049/2001,**  
**for public access to document 15819/08 (RESTREINT UE)**

The Council has considered this confirmatory application under Regulation (EC) No 1049/2001 (OJ L 145 of 31.5.2001, p. 43) and Annex II to the Council's Rules of Procedure (Council Decision 2006/683/EC, Euratom - OJ L 285 of 16.10.2006, p. 47) and has come to the following conclusion:

1. The applicant refers to document 15819/08 (RESTREINT UE) which contains the Russian organised crime threat assessment report (ROCTA) drawn up by Europol.
2. In its reply dated 18 August 2009, the General Secretariat refused access to the document pursuant to Article 4(1)(a), first and third indents, of the Regulation (protection of the public interest with regard to public security and international relations).
3. In his confirmatory request, the applicant asks the Council to reconsider its position and to release such parts of the document which concern the number and size of the Russian organised crime groups, their scope and the types of the Russian organised crime activities.
4. Having thoroughly examined the requested document and carried out internal consultations with the relevant department of its General Secretariat, the Council has come to the conclusion set out below.
5. Document 15819/08 contains a detailed description of Russian organised crime (ROC) groups and provides an assessment of the current and expected trends in ROC. However, it focuses only on ROC operating in or having an impact on the EU. The document discusses both the

direct and indirect impact of various ROC-related factors on the EU and analyses certain ROC-related trends and developments that need to be considered by the EU. Contrary to what the applicant implies, document 15819/08 does not contain numbers or sizes of ROC groups but concentrates mainly on the impact of the ROCTA on the EU.

6. Given the content of this document, the Council holds the view that its full disclosure would be detrimental to the effectiveness of the efforts undertaken by the various law enforcement authorities with a view to tackling Russian organised crime. Moreover, the information contained in the document could be misused by members of ROC groups in a way that could put at risk the activities and possibly the life of the sources used in order to gather information for the ROCTA, including undercover agents. Furthermore, full disclosure to the public of the analyses and assessments contained in this document would seriously prejudice the relations between the European Union and Russia. Accordingly, pursuant to Article 4(1)(a), first and third indents, of the Regulation (protection of public interest with regard to public security and international relations), the Council is unable to grant full public access to this document.
  
7. The Council has also examined, pursuant to Article 4(6) of the Regulation, the possibility of granting partial access to the document and decided that partial access may be given to Chapter I, Introduction, and Chapter II, Executive Summary, of the document which are not covered by the above-mentioned exceptions.

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