

EUROPEAN EXTERNAL ACTION SERVICE



Secretary General

Brussels, **26 MAI 2016**
eeas.sg.affgen.2 (2016) 2911440

Mr. Erik Jennische
Erik.Jennische@civilrightsdefenders.org

Subject: Your request for access to documents
Our ref: 2016/024

Dear Mr. Jennische,

Thank you for your email dated 2/5/2016, which reiterates your request of 14/3/2016, which we have examined in the framework of Regulation (EC) No 1049/2001¹. Your confirmatory request relates to access to the document "Political Dialogue and Cooperation Agreement (PDCA) between Cuba and the EU" initialled on 11 March 2016.

As requested, I have reviewed the decision of 27/4/2016 not to grant access to this document. I regret to inform you that your application cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of the Regulation. I hereby seek to clarify and explain some of the reasons for this decision.

The document you request is of a provisional nature and part of an ongoing negotiation. After the initialling by negotiators of the negotiation text, the document must undergo internal scrutiny on both sides by lawyers-linguists and other experts. The document is therefore not yet the final outcome of the negotiations. Since the negotiations are taking place in a restricted format and on the basis of a restricted negotiation mandate, a disclosure cannot be considered at this point in time, as it might undermine the nature of the decision-making process of the Institutions, which is currently ongoing.

The "Political Dialogue and Cooperation Agreement" will be considered a final document once the High Representative and the Commission adopt the recommendation to the Council to sign the PDCA. At that stage, the document will also become public.

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (hereafter the "Regulation").

Disclosure at this point must therefore be refused since it could a) seriously undermine the institutional decision-making processes and as a result b) risk undermining the international relations (as per Art 4.1 and 4.3 of Reg 1049/2001).

If you are not satisfied with this response you may, in accordance with Article 8 of the Regulation, institute court proceedings against the European External Action Service and/or make a complaint to the Ombudsman, under the conditions laid down in Articles 263 and 228 of the Treaty on the Functioning of the EU respectively.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Le Roy' with a stylized flourish at the end.

Alain LE ROY