



Council of the
European Union

Brussels, 17 July 2023
(OR. en)

11898/23

INF 171
API 127

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents
- Confirmatory application No 25/c/01/23

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 2 June 2023 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 14 July 2023 (Annex 2);
- the confirmatory application dated 14 July 2023 and registered on the same day (Annex 3).

From: **DELETED**

Sent: Friday, June 2, 2023 1:25 PM

To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

Subject: access to documents request - Documents concerning access to documents request

Ref 23/1517 mj-adb/el

Dear Council of the European Union,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

On May 17, 2023, a citizen requested documents of the Council of the European Union, the request was registered as 23/1517-mj-adb and concerns documents 8833/23 and/or 8787/23.

I would like to request all information in all form- temporary or otherwise, important or otherwise - concerning the handling of this access to documents request, including internal memoranda, drafts, legal assessment etc.

Yours faithfully,

DELETED



Council of the European Union
General Secretariat
Directorate-General Communication and Information - COMM
Directorate Information and Outreach
Information Services Unit / Transparency
Head of Unit

Brussels, 14 July 2023

DELETED

Email: **DELETED**

Ref. 23/1675-mj/nb

Request made on: 02.06.2023

Deadline extension: 23.06.2023

Dear **DELETED**,

Thank you for your request for access to documents concerning the handling of the request which was registered as 23/1517-mj-adb.¹

The following documents were identified as corresponding to your request:

- initial request dated 17 May 2023
- exchange of emails with the applicant of 31 May 2023
- email from the applicant of 31 May 2023
- reply sent to the applicant on 1 June 2023

You may have access to these documents except to the parts which contain personal data about the applicant.

¹ The General Secretariat of the Council has examined your request on the basis of the applicable rules: Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43) and the specific provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35).

Disclosure of this information would undermine the protection of privacy and the integrity of the individual in question, in particular in accordance with European legislation regarding the protection of personal data.² Accordingly, pursuant to Article 4(1)(b) of the Regulation (EC) No 1049/2001 (protection of privacy and the integrity of the individual), the General Secretariat is unable to grant you access to these parts of the documents³.

However, as abovementioned, pursuant to Article 4(6) of the Regulation, you may have access to the rest of the documents which is not covered by this exception.

Yours sincerely,

Fernando FLORINDO

Enclosures: 4

² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295, 21.11.2018, p. 39).

³ Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may ask the Council to review this decision within 15 working days of receiving this reply. Should you see the need for such a review, you are invited to indicate the reasons thereof.

From: **DELETED**

Sent: Friday, July 14, 2023 10:51 AM

To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

Subject: Internal review of access to documents request - Documents concerning access to documents request Ref 23/1517mj-adb/el

Dear Council of the European Union,

Please pass this on to the person who reviews confirmatory applications.

I am filing the following confirmatory application with regards to my access to documents request 'Documents concerning access to documents request Ref 23/1517mj-adb/el'.

There is reason to assume that not all documents within the scope of my request were released. The Council claims that a "careful assessment" of the documents within the scope of the request 23/1517mj-adb/el" was made, yet no documents stemming from this assessment were released. This runs contrary to any proper administrative work.

Council should stop using an arbitrarily narrow definition of what constitutes a document under Regulation 1049/2001 that seems to include notes, drafts and internal exchanges of documents or parts thereof.

A full history of my request and all correspondence is available on the Internet at this address:
http://www.asktheeu.org/en/request/documents_concerning_access_to_d

Yours faithfully,

DELETED
