



European Council

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NOTE

From:	President of the European Council
To:	European Council
No. prev. doc.:	11539/23; 11543/23
Subject:	Public access to documents - Confirmatory application No 24/c/01/23

Delegations will find enclosed a draft reply to confirmatory application No 24/c/01/23, which was circulated to (and endorsed by) the Working Party on Information as document 11543/23.

It is suggested that the European Council by written procedure :

- a) approve the draft reply, as set out in the annex to this Note and
- b) decide to make public the results of the vote, as well as any statements made.

**REPLY TO CONFIRMATORY APPLICATION 24/c/01/23,
made by email on 5 July 2023 and registered on the same day**

The European Council has considered this confirmatory application under Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145 of 31.5.2001, p. 43) and Article 10(2) of its Rules of Procedure (European Council Decision No 2009/882/EU, OJ L 315, 2.12.2009, p. 51) which makes Annex II to the Council's Rules of Procedure (Council Decision 2009/937/EU, Official Journal L 325, 11.12.2009, p. 35) applicable *mutatis mutandis* and has come to the following conclusion:

1. On 23 May 2023, the Applicant filed an initial application with the European Council for access to documents CM 6/21, CM 5237/21 and CM 4089/22. These documents informed delegations of the outcome of the written procedure launched for the adoption by the European Council of replies to three different confirmatory applications.
2. On 5 July 2023, the General Secretariat of the Council¹ replied to this application on behalf of the European Council, informing the Applicant that, in the absence of a decision under Article 10(1) of the Rules of procedure of the European Council, it was not in a position to grant access to the above mentioned documents.
1. On the same day, the Applicant filed a confirmatory application pursuant to Regulation (EC) No 1049/2001 against the above reply of the General Secretariat of the Council.

¹ The General Secretariat of the Council, under the authority of its Secretary-General, assists the European Council and its President in accordance with Article 13(1) of the European Council Rules of Procedure.

2. The European Council has carefully considered the confirmatory application and it has assessed the request for access in full consideration of the principles underlying Regulation (EC) No 1049/2001, including the aim of ensuring the widest possible public access to documents.
3. As a result, it was possible to determine that the content of documents CM 6/21, CM 5237/21 and CM 4089/22 may be disclosed fully.

CONCLUSION

7. In light of the above, the European Council decides to grant full access to documents CM 6/21, CM 5237/21 and CM 4089/22.
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