



Council of the  
European Union

Brussels, 12 April 2022  
(OR. en)

7580/22

LIMITE

INF 35  
API 24

**NOTE**

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	7578/22
Subject:	Public access to documents - Confirmatory application No 03/c/01/22

Delegations will find attached a draft reply to confirmatory application No 03/c/01/22  
(see 7578/22).

**DRAFT REPLY ADOPTED BY THE COUNCIL ON ...  
TO CONFIRMATORY APPLICATION 03/c/01/22,  
made by email on 24 March 2022  
and registered on the same day  
pursuant to Article 7(2) of Regulation (EC) No 1049/2001,  
for public access to document CM 1944/22**

The 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, 31.5.2001, p. 43) (hereafter referred to as "Regulation (EC) No 1049/2001") and Annex II to the Council's Rules of Procedure (Council Decision 2009/937/EU, OJ L 325, 11.12.2009, p. 35) and has come to the following conclusion:

1. On 2 March 2022, the applicant submitted a request for access to document **CM 1944/22**, which contains the notification from the General Secretariat to the Member States' delegations of the end of a written procedure for the adoption of Council Decisions on an assistance measure under the European Peace Facility (EPF) to support the Ukrainian Armed Forces and the approval of a concept note in this regard.
2. In its reply on 23 March 2022, the General Secretariat refused to grant access to the abovementioned document in its entirety on the ground of Article 4(1)(a), third indent (protection of public interest as regards international relations) and Article 4(3), second subparagraph (protection of decision-making process) of Regulation (EC) No 1049/2001.
3. In his confirmatory application dated 24 March 2022, the applicant asked the Council to review its position, claiming in essence that the information contained in the requested document might not be of a sensitive nature.

4. The Council has carefully considered the confirmatory application and re-assessed whether, in full consideration of the principles underlying Regulation (EC) No 1049/2001, in particular the aim of ensuring the widest possible public access to documents, full public access to the requested note can be provided at this stage.
5. Having thoroughly scrutinized the requested document, and taking into account the status of the related procedure, as well as the information already made public on this matter, the Council has concluded that document **CM 1944/22** can be disclosed in its entirety.
6. The Council's decision is based on an individual analysis of the content of document **CM 1944/22** and the specific circumstances of the present case. It does under no circumstances constitute a precedent for the future, since each application shall be assessed and judged on its own merit, pursuant to the established practice of the Council.

## **CONCLUSION**

7. For the reasons set out above, the Council concludes that full access to document **CM 1944/22** can be granted.
-