



Council of the  
European Union

076069/EU XXVI. GP  
Eingelangt am 26/09/19

**Brussels, 26 September 2019**  
**(OR. en)**

**12518/19**

**INF 260**  
**API 129**

**NOTE**

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From: General Secretariat of the Council  
To: Working Party on Information  
Subject: Public access to documents  
- Confirmatory application No 29/c/01/19

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Delegations will find attached the:

- request for access to documents sent to the General Secretariat of the Council on 4 September 2019 and registered on the same day (Annex 1);
- reply from the General Secretariat of the Council dated 25 September 2019 (Annex 2);
- confirmatory application dated 25 September 2019 and registered on the same day (Annex 3).

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 4 September 2019 - 10:07 using the electronic form available in the Register application]

Title/Gender: **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of:

Address: **DELETED**

Telephone: **DELETED**

Mobile:

Fax:

Requested document(s): ST 10889 2019 INIT

1st preferred linguistic version: ES - Español

2nd preferred linguistic version: EN - Inglés

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**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, 25 September 2019

**DELETED**

Email: **DELETED**

Ref. 19/1890-rh/nb

Request made on: 04.09.2019

Dear **DELETED**,

Thank you for your request for access to documents of the Council of the European Union.<sup>1</sup>

I regret to inform you that access to document **ST 10889/19 INIT** cannot be given for the reasons set out below.

Documents **ST 10889/19 INIT** of 3 September 2019 is a note from the Presidency to delegations on the *Proposal for a Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online - state of play*.

This document concerns an issue which is still at the stage of discussion within the preparatory bodies of the Council.

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<sup>1</sup> 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).

The disclosure of the text at a moment when the appropriate balance of the various interests involved has not yet been achieved within the Council's preparatory bodies may put delegations under additional pressure and reduce their flexibility to formulate and reconsider their positions. This would seriously affect the chances of finding a convergence in delegations' positions and find a compromise also with the European Parliament.

Release to the public of the information contained in this document would affect the negotiating process and diminish the chances of the Council reaching an agreement.

Disclosure of the document at this stage would therefore seriously undermine the decision making-process of the Council. As a consequence, the General secretariat has to refuse access to this document at this stage.<sup>2</sup>

Having examined the context in which the document was drafted and the current state of play on this matter, on balance the General Secretariat of the Council could not identify any evidence suggesting an overriding public interest in its disclosure.

We have also looked into the possibility of releasing parts of the document.<sup>3</sup> However, as the information contained in the documents forms an inseparable whole, the General Secretariat is unable to give partial access at this stage.

Please be sure that the same reply will be sent to you in Spanish language as soon as the Spanish translation is finalised.

You can ask the Council to review this decision within 15 working days of receiving this reply (confirmatory application).<sup>4</sup>

Yours sincerely,

Fernando FLORINDO

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<sup>2</sup> Article 4(3), first subparagraph, of regulation (EC) No 1049/2001.

<sup>3</sup> Article 4(6) of regulation (EC) No 1049/2001.

<sup>4</sup> Article 7(2) of Regulation (EC) No 1049/2001.

Council documents on confirmatory applications are made available to the public. Pursuant to data protection rules at EU level (Regulation (EU) No 2018/1725, if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent.

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on 25 September 2019 - 12:16 using the electronic form available in the Register application]

**From:** **DELETED**

**Sent:** Wednesday, September 25, 2019 12:16 PM

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

**Subject:** Electronic Request for Access

Title/Gender: **DELETED**

Family Name: **DELETED**

First Name: **DELETED**

E-Mail: **DELETED**

Occupation: **DELETED**

On behalf of:

Address: **DELETED**

Telephone: **DELETED**

Mobile:

Fax:

Requested document(s): ST 10889/19 INIT

Confirmatory application

1st preferred linguistic version: EN - Inglés

2nd preferred linguistic version: ES - Español