



Council of the
European Union

107468/EU XXVII. GP
Eingelangt am 05/07/22

Brussels, 5 July 2022
(OR. en)

11025/22

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API 60

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 10/c/01/22

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 6 June 2022 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 28 June 2022 (Annex 2);
- the confirmatory application dated 30 June 2022 and registered on the same day (Annex 3).

[E-mail message sent to access@consilium.europa.eu on Monday 6 June, 2022 08:15 using the electronic form available in the Register application]

From: **DELETED**

Sent: Monday, June 6, 2022 8:15 AM

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

Subject: Consilium - Electronic Request for Access to documents [GERMAN]

DELETED

Family name **DELETED**

First name **DELETED**

E-mail **DELETED**

Occupation **DELETED**

Requested document(s): Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the transparency and targeting of political advertising - Presidency compromise text



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, 28 June 2022

DELETED

Email: **DELETED**

Ref: 22/1240-lk/el

Request made on: 06.06.2022

Registered on: 07.06.2022

Dear **DELETED**,

Thank you for your request for access to documents of the Council of the European Union.¹

We have identified document **ST 8647/1/22 REV 1** as falling within the scope of your request.

I regret to inform you that access to this document cannot be given for the reasons set out below.

Document **ST 8647/1/22 REV 1** contains a Presidency compromise proposal regarding the proposed Regulation of the European Parliament and of the Council on the transparency and targeting of political advertising. This document is meant to serve as the basis for discussions amongst delegations within the Council on the proposed Regulation. Discussions on the proposed Regulation are still ongoing within the Council's preparatory bodies.

Document **ST 8647/1/22 REV 1** gives details of progress made so far and identifies the difficulties that still need to be addressed before the Council can reach a political agreement on the proposed Regulation. 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.

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 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.²

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

We have also looked into the possibility of releasing parts of this document.³ However, as the above mentioned exception to the right of access applies to its entire content, the General Secretariat is unable to give partial access at this stage.

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.

Yours sincerely,

Yours sincerely,

Fernando FLORINDO

² Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.

³ Article 4(6) of Regulation (EC) No 1049/2001.

[E-mail message sent to access@consilium.europa.eu on 30 June 2022 - 08:47]

From: **DELETED**

Sent: Thursday, June 30, 2022 8:47 AM

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

Subject: RE: Ref: 22/1240-lk/el

Dear Sir/Madam,

I would request that you re-examine the substance of this matter. Although I can understand that this is part of the decision-making basis for the Member States' discussions, it would seem to me that access to the document is of overriding public interest since, in this specific case, the public discussion is also largely dependent on knowledge of the arguments which the Member States consider.

(Complimentary close).

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