



Council of the European Union  
General Secretariat

Brussels, 29 July 2022

CM 4068/22

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API  
PROCED

### **COMMUNICATION**

#### **WRITTEN PROCEDURE**

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Contact:	Mr Fernando Florindo council.transparency@consilium.europa.eu
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Subject:	PUBLIC ACCESS TO DOCUMENTS – Confirmatory application No 06/c/01/22 – Outcome of the written procedure initiated by CM 4067/22

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Delegations are hereby informed that the written procedure for the adoption of the reply to the above-mentioned confirmatory application (see CM 4067/22) was completed on 29 July 2022 and that:

1. all delegations agreed to the use of the written procedure to adopt the reply referred to below;
2. all delegations voted in favour of the adoption of the reply to the confirmatory application No 06/c/01/22 (reply annexed to document ST 10813/22);
3. the majority of the delegations agreed to publish the result of the vote.

The statement by The Netherlands is reproduced in the annex to this CM.

**Statement by The Netherlands**

The Netherlands agrees with the General Secretariat of the Council that disclosure of the requested document would undermine the protection of the public interest as regards international relations and access should therefore be refused. However, the Netherlands cannot concur with the reasoning in the draft reply that disclosure of the requested document would seriously undermine the ongoing decision-making process, in light of the restrictive interpretation of this exception ground by the Court of Justice of the EU. In our view, the draft reply currently does not sufficiently motivate that there is a reasonably foreseeable and not purely hypothetical risk that full disclosure of the requested document would specifically and actually undermine the institution's ongoing decision-making process. (C 350/12 P Council/in 't Veld and C 280/11 P Council v Access Info Europe).

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