



Council of the
European Union

126635/EU XXVII. GP
Eingelangt am 11/01/23

Brussels, 11 January 2023
(OR. en)

5162/23

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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 01/c/01/23

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 5 November 2022 and registered on 7 November 2022 (Annex 1);
- the reply from the General Secretariat of the Council dated 16 December 2022 (Annex 2);
- the confirmatory application dated 3 January 2023 and registered on the same day (Annex 3).

[E-mail message sent to access@consilium.europa.eu on Saturday, 5 November, 2022 14:37
using the electronic form available in the Register application]

From: document-request@consilium.europa.eu <document-request@consilium.europa.eu>

Sent: samedi 5 novembre 2022 14:37

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

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

This e-mail has been sent to access@consilium.europa.eu using the electronic form available in the Register application.

This electronic form has been submitted in ENGLISH.

Mr

Family name

DELETED

First name

DELETED

E-mail

DELETED

Occupation

DELETED

On behalf of

DELETED

Full postal address

Telephone

Mobile telephone

DELETED

Fax

Requested document(s)

CM 5191 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 5125 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 5027 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 4885 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 4767 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 4644 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 4554 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 4419 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 4333 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 4220 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 4092 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3968 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3970 2022 REV 1 - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3970 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3939 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3803 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3695 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3517 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3479 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3326 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3250 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 3099 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 2992 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 2732 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 2553 2022 REV 1 - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 2553 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 2472 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 2258 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
ST 6161 2022 REV 1 -

CM 2019 2022 REV 1 - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 2055 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 2019 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 1973 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
CM 1792 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA
ST 6161 2022 INIT -
CM 1283 2022 INIT - NOTICE OF MEETING AND PROVISIONAL AGENDA



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, 16 December 2022

DELETED

Email: **DELETED**

Ref. 22/2352-vl/nb

Request made on: 04.11.2022

Deadline extension: 28.11.2022

Dear **DELETED**,

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

Please find attached the partially accessible version of each of the following documents (agendas of EPF Committee's meetings):

CM 5191/22, CM 5125/22, CM 5027/22, CM 4885/22, CM 4767/22, CM 4644/22, CM 4554/22, CM 4419/22, CM 4333/22, CM 4220/22, CM 4092/22, CM 3968/22, CM 3970/22 + REV 1, CM 3939/22, CM 3803/22, CM 3695/22, CM 3517/22, CM 3479/22, CM 3326/22, CM 3250/22, CM 3099/22, CM 2992/22, CM 2732/22, CM 2553/22 + REV 1, CM 2472/22, CM 2258/22, CM 2055/22, CM 2019/22 + REV 1, CM 1973/22, CM 1792/22 and CM 1283/22.

Moreover, I regret to inform you that access to documents **ST 6161/22 + REV 1** cannot be given for the reasons set out below.

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).

These two documents contain a Recommendation of the High Representative of the Union for Foreign Affairs and Security Policy to the Political and Security Committee of 10/02/2022 on an indicative strategic orientation for the European Peace Facility in 2022.

They are classified documents, bearing the classification "**RESTREINT UE/EU RESTRICTED**", which means that the unauthorised disclosure of their contents could be disadvantageous to the interests of the European Union or of one or more of its Member States.²

Having regard to the outcome of our consultations with the European Peace Facility and the European External Action Service, the General Secretariat is of the opinion that the disclosure of the sensitive information contained in this Note and its revised version cannot be authorised, since it would enable hostile entities to use such information to cause prejudice to public interest as regards defence and military matters and also undermine EU's international relations. Consequently, regretfully public access must be refused.³

We have also looked into the possibility of releasing (on the ground of Article 4(6) of Regulation (EC) No 1049/2001) parts of **ST 6161/22 + its REV 1**. However, since the information therein contained forms an inseparable whole, the General Secretariat is unable to give partial access.

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,

Fernando FLORINDO

Enclosures: 34

² Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU), OJ L 274, 15.10.2013, p. 1.

³ Article 4(1)(a), second and third indent, of Regulation (EC) No 1049/2001.

[E-mail message sent to access@consilium.europa.eu on Tuesday, 3 January 2023 11:50]

From: DELETED

Sent: mardi 3 janvier 2023 11:50

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

Subject: Re: Ref. 22/2352-vl/nb

Many thanks ! would it be possible to do a confirmatory application for the document 6161/22 and its REV 1 ?

Many thanks in advance,

Best,

DELETED
