



**Brussels, 21 February 2023  
(OR. en)**

**6666/23**

**INF 37  
API 37**

**NOTE**

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From: General Secretariat of the Council  
To: Delegations  
Subject: Public access to documents  
- Confirmatory application No 05/c/01/23

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Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 9 December 2021 and registered on 13 December 2021 (Annex 1);
- the latest reply from the General Secretariat of the Council dated 15 February 2023 (Annex 2);
- the confirmatory application dated 15 February 2023 and registered on 16 February 2023 (Annex 3).

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Thursday, 9 December 2021 at 18.22 using the electronic form available in the Register application]

**From:** **DELETED**

**Sent:** jeudi 9 décembre 2021 18:22

**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](mailto: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**

**On behalf of**

**Full postal address**

**Telephone**

**Mobile telephone**

**Fax**

**Requested document(s)**

CM 4025, 4030, 4037, 4057, 4059, 4060, 4064, 4080, 4084, 4089, 4091, 4093, 4128, 4129, 4161, 4162, 4165, 4203, 4209, 4213, 4214, 4223, 4224, 4227, 4248, 4272, 4274, 4285, 4300, 4312, 4313, 4315, 4326, 4327, 4332, 4340, 4347, 4348, 4358, 4379, 4380, 4402, 4408, 4411, 4441, 4450, 4451, 4467, 4472, 4491, 4492, 4497, 4504, 4505, 4506, 4513, 4517, 4526, 4527, 4553, 4564, 4565, 4567, 4568, 4569, 4570, 4572, 4574, 4576, 4580, 4582, 4583, 4586, 4591, 4592, 4593, 4604, 4605, 4609, 4610, 4611, 4613, 4619, 4639, 4642, 4643, 4653, 4654, 4672, 4673, 4691, 4704, 4721, 4722, 4724, 4727, 4735, 4736, 4739, 4767, 4768, 4769, 4784, 4785, 4787, 4788, 4790, 4825, 4826, 4827, 4828, 4829, 4830, 4831, 4832, 4833, 4834, 4839, 4853, 4865, 4866, 4875, 4891, 4898, 4901, 4905, 4911, 4913, 4920, 4937, 4938, 4939, 4941, 4946, 4948, 4957, 4966, 4989, 4996, 4997, 5011, 5028, 5041, 5057, 5079, 5096, 5102, 5114, 5115, 5116, 5117, 5120, 5121, 5129, 5145, 5146, 5155, 5159, 5160, 5161, 5164, 5170, 5173, 5211, 5212, 5221, 5222, 5223, 5237, 5243, 5276, 5277, 5293, 5294, 5296, 5303, 5311, 5312, 5321, 5367, 5368, 5370, 5375, 5381, 5403, 5404, 5409, 5412, 5414, 5416, 5418, 5427, 5439, 5440, 5460, 5462, 5464, 5485, 5486, 5505, 5514, 5518, 5519, 5521, 5522, 5525, 5528, 5529, 5530 of 2020



**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, 15 February 2023

**DELETED**

Email: **DELETED**

Ref. 22-0429 - ex 21/2114-vl/ns ADD 2

Request made on: 09.12.2021

Registered on: 13.12.2021

Dear **DELETED**,

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

With our apologies for the delay in this follow-up (caused by the very large number of requests and documents concerned and by the need to examine at the same time several requests emanating from other citizens) please find attached a final complement to our letter of 19 April 2022:

- You may have full access to the following agendas:

<b>CM 4059/20</b>	<b>CM 4527/20</b>	<b>CM 4735/20 + COR 1</b>	<b>CM 4989/20</b>
<b>CM 4084/20</b>	<b>CM 4564/20</b>	<b>CM 4736/20</b>	<b>CM 5041/10</b>
<b>CM 4161/20</b>	<b>CM 4565/20</b>	<b>CM 4767/20</b>	<b>CM 5057/20 + COR 1</b>
<b>CM 4162/20</b>	<b>CM 4567/20</b>	<b>CM 4768/20</b>	<b>CM 5079/20</b>

<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).

<b>CM 4272/20</b>	<b>CM 4568/20</b>	<b>CM 4769/20 + REV 1</b>	<b>CM 5102/20</b>
<b>CM 4274/20</b>	<b>CM 4569/20</b>	<b>CM 4830/20 COR 1</b>	<b>CM 5155/20</b>
<b>CM 4326/20</b>	<b>CM 4570/20</b>	<b>CM 4839/20</b>	<b>CM 5164/20</b>
<b>CM 4327/20</b>	<b>CM 4572/20</b>	<b>CM 4865/20</b>	<b>CM 5211/20</b>
<b>CM 4358/20 + COR 1</b>	<b>CM 4583/20</b>	<b>CM 4866/20</b>	<b>CM 5212/20</b>
<b>CM 4402/20</b>	<b>CM 4586/20</b>	<b>CM 4901/20</b>	<b>CM 5414/20</b>
<b>CM 4441/20</b>	<b>CM 4591/20 + REV 1</b>	<b>CM 4911/20</b>	<b>CM 5416/20</b>
<b>CM 4467/20</b>	<b>CM 4593/20 COR 1</b>	<b>CM 4913/20</b>	<b>CM 5439/20</b>
<b>CM 4491/20</b>	<b>CM 4721/20 + COR 1</b>	<b>CM 4920/20</b>	<b>CM 5486/20</b>
<b>CM 4492/20</b>	<b>CM 4722/20</b>	<b>CM 4938/20</b>	
<b>CM 4497/20</b>	<b>CM 4724/20</b>	<b>CM 4946/20</b>	
<b>CM 4517/20</b>	<b>CM 4727/20</b>	<b>CM 4948/20</b>	

- You may also have partial access<sup>2</sup> to the following agendas: full text, with the exception of personal data covered by Art. 4(1)(b) of Regulation (EC) No 1049/2001 (protection of privacy and integrity of individuals):

<b>CM 4025/20 + REV 1</b>	<b>CM 4673/20</b>	<b>CM 5115/20</b>	<b>CM 5276/20</b>
<b>CM 4513/20</b>	<b>CM 4691/20</b>	<b>CM 5116/20</b>	<b>CM 5277/20</b>
<b>CM 4592/20</b>	<b>CM 4830/20</b>	<b>CM 5117/20</b>	<b>CM 5367/20</b>
<b>CM 4593/20</b>	<b>CM 5011/20</b>	<b>CM 5221/20</b>	<b>CM 5368/20</b>
<b>CM 4672/20</b>	<b>CM 5114/20</b>	<b>CM 5243/20</b>	<b>CM 5370/20</b>

The personal data contained in these documents is necessary for the organisation of the work of the Council. The data protection rules at EU level<sup>3</sup> provide that when the personal data collected is to be used for a different purpose, including disclosure to the public, a balance needs to be established between the public interest in having access to such data and the legitimate right of individuals to protect their personal data.

After carefully considering all the principles related to this request, on balance the General Secretariat has concluded that disclosure of the personal data contained in these documents would undermine the protection of privacy and the integrity of the identified individuals.<sup>4</sup> However, you may have access to the remaining content (almost full text) as it is not covered by any of the exceptions of Regulation (EC) No 1049/2001.

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.

<sup>2</sup> Article 4(6) of Regulation (EC) No 1049/2001.

<sup>3</sup> Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295 21.11.2018, p. 39).

<sup>4</sup> Article 4(1)(b) of Regulation (EC) No 1049/2001.

Yours Sincerely,

Fernando FLORINDO

Enclosures : 88

[E-mail message sent to [access@consilium.europa.eu](mailto:access@consilium.europa.eu) on Wednesday, 15 February 2023 19:59]

**From:** **DELETED**

**Sent:** mercredi 15 février 2023 19:59

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

**Subject:** Re: Ref. 22-0429 - ex 21/2114-vl/ns ADD 2

Thanks for the reply.

I want to file a confirmatory application as regards access to personal data and other matters.

The handling of this application shows the Council is making mistakes (resulting in systematic maladministration) as regards:

1. The regular inclusion of personal data in meeting notices and other procedural working party documents (specially requests for member votes or positions). Is this the reason so many documents (specially CM ones) are not made public either on formulation or closely after adoption? The Council should either not include this personal information (by fully switching from personalized emails to emails based on working party or institutional identification) or by systematically anonymizing such data (as was the case in the reply).
2. The regular non-publication of many working party agendas, in violation of the spirit of openness set in the Council's Rules of Procedure.

These Council Security rules specifically are not followed:

"At the time of its creation, the originator shall indicate, where possible, and in particular for information classified RESTREINT UE/EU RESTRICTED, whether EUCI can be downgraded or declassified on a given date or following a specific event.

The GSC shall regularly review EUCI held by it to ascertain whether the classification level still applies. The GSC shall establish a system to review the classification level of EUCI which it has originated no less frequently than every five years."

Can I have access to an explanation of this system of review?

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