



Council of the
European Union

141039/EU XXVII. GP
Eingelangt am 16/05/23

Brussels, 16 May 2023
(OR. en)

9463/23

INF 116
API 85

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 16/c/01/23

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 9 March 2023 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 25 April 2023 (Annex 2);
- the confirmatory application dated 11 May 2023 and registered on the same day (Annex 3).

[E-mail message sent to access@consilium.europa.eu on Thursday 9 March 2023, 11:37]

From: **DELETED**

Sent: 09 March 2023 11:37

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

Subject: access to documents request - Dossier Empowering Consumers

Dear Council of the European Union,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting all documents of the Working Party on Consumer Protection and Information related to the Dossier "Empowering Consumers" (2022/0092(COD)). This includes for instance position papers, protocols and the results of votings.

Yours faithfully,

DELETED



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 April 2023

DELETED

Email: **DELETED**

Ref. 23/0705-em/el

Request made on: 09.03.2023

Deadline extension: 30.03.2023

Dear **DELETED**,

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

I would like to inform you that all standard documents submitted to the Working Party on Consumer Protection and Information in relation to the legislative file "**Empowering consumers for the green transition**" (2022/0092 COD) are available on the [public register of Council documents](#).

We have identified the following working documents corresponding to your request:

➤ Commission presentations:

- WK 4993/22
- WK 12798/22
- WK 1760/23;

➤ Council working documents:

- WK 6047/22
- WK 8360/22 + ADD1
- WK 9828/22

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).

- WK 10726/22
- WK 13974/22 + ADD1, ADD2, ADD3, ADD4
- WK 17825/22 + REV1
- WK 53/23
- WK 1227/23 + REV1
- WK 2057/23 + REV1
- WK 2882/23
- WK 3825/23 + REV1, REV2.

You may have full access to these documents, except for document **WK 4993/22**. I regret to inform you that full access to this document cannot be given for the reasons set out below.²

Document **WK 4993/22** is a Power Point presentation originating from the European Commission services on the legislative proposal "Empowering consumers for the green transition". It contains personal data of identified persons. The personal data contained in this document is necessary for the organisation of the work of the Council.

The EU data protection rules³ 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.⁴

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 the documents would undermine the protection of privacy and the integrity of the identified individuals. As a consequence, the General Secretariat has to refuse full access to this document.⁵

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: 24

Link to documents: <https://we.tl/t-z7Wuqy7oDw>

² Article 4(6) of Regulation (EC) No **1049/2001**.

³ Regulation (EU) **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).

⁴ Article 9 of Regulation (EU) No **2018/1725**.

⁵ Article 4(1)(b) of Regulation (EC) No **1049/2001**.

[E-mail message sent to access@consilium.europa.eu on Thursday, 11 May 2023, 11:16]

From: **DELETED**

Sent: 11 May 2023 11:16

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

Subject: Internal review of access to documents request - Dossier Empowering Consumers

Dear Council of the European Union,

Please pass this on to the person who reviews confirmatory applications.

Thank you very much for publishing some of the related documents. Nevertheless I am filing the following confirmatory application with regards to my access to documents request 'Dossier Empowering Consumers'.

According to the Court of Justice, documents within the working group must be made public (judgement T-163/21). In my request I emphasised that it "includes for instance position papers, protocols and the results of votings." These documents are still missing, but have to be made public according to the mentioned judgement. I kindly ask you for full transparency on that process and for publishing any results of votings within the working group, position papers (e.g. from the member states) and protocols.

A full history of my request and all correspondence is available on the Internet at this address:

DELETED

Yours faithfully,

DELETED
