



Council of the
European Union

168552/EU XXVII. GP
Eingelangt am 10/01/24

Brussels, 10 January 2024
(OR. en)

5266/24

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API 6

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 40/c/01/23

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 28 November 2023 and registered on 29 November 2023 (Annex 1);
- the reply from the General Secretariat of the Council dated 19 December 2023 (Annex 2);
- the confirmatory application dated 22 December 2023 and registered on the same day (Annex 3).

[E-mail message sent to access@consilium.europa.eu on Tuesday 28 November 2023, 22:47 using the electronic form available in the Register application.]

Form of address

DELETED

Family name

DELETED

First name

DELETED

E-mail

DELETED

Occupation

Academia

I submit this request on my own behalf.

Name of the organisation

Full postal address

DELETED

Telephone

DELETED

Requested document(s)

“Dear Sir/Madam,

Under the right of access to documents in the EU Treaties, as developed in Regulation 1049/2001, I hereby request access to the following documents relative to eIDAS2, in particular article 45 / linkability in the wallet

- Any documents listing the Experts consulted
- Any document with a Request sent by the Council to the experts
- Any document providing a comment by an expert about eIDAS2

In his press conference (November 9th) following the conclusion eIDAS2, commissioner Breton mentioned "experts" that dismissed the academics warning, without providing more information.

EU ombudsman, already ruled that not giving the name of experts is "maladministration" in the case of the CSAM regulation...

I would prefer for this information to be sent to me in machine-readable electronic format, to the email address provided below.

Thank you.

Yours sincerely,

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, 19 December 2023

DELETED

Email: **DELETED**

Ref. 23/3530-mj/ns

Request made on: 28.11.2023

Registered on: 29.11.2023

Dear **DELETED**,

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

You have requested access to *“the following documents relative to eIDAS2, in particular article 45 / linkability in the wallet*

- *Any documents listing the Experts consulted*
- *Any document with a Request sent by the Council to the experts*
- *Any document providing a comment by an expert about eidas2”.*

After having checked with the relevant department within the General Secretariat of the Council (GSC), it appears that the GSC does not hold documents corresponding to your request.

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).

We recommend that you contact the European Commission at [European Commission → Transparency → Access to documents](#) which could hold documents corresponding to it.

Yours sincerely,

Fernando FLORINDO

[E-mail message sent to access@consilium.europa.eu on Friday, 22 December 2023, 15:48]

From: **DELETED**

Sent: vendredi 22 décembre 2023 15:48

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

Subject: Re: Ref. 23/3530-mj/ns

Dear Madam, Sir,

Thank you for your answer.

Following ombudsman advice in response to my preliminary complaint:

I'd like to make a confirmary application

Do you confirm, that in the duration of the trilogue:

- you have not generated / possessed any list of experts consulted?
- you have asked 0 written request to any expert involved (either written question or written exchanges to organise a meeting) and thus have 0 such document?
- you have got 0 document with a comment by an expert or with minutes/main take away of such meetings (either physical or at distance)?

Sincerely,

DELETED