



Brussels, 6 May 2020
(OR. en)

7716/20

INF 90
API 65

NOTE

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: 7057/20

Subject: Public access to documents
- Confirmatory application No 08/c/01/20

1. On 20 February 2020, the General Secretariat of the Council received a request for access to "All documents (room documents, working papers, ST-Documents, (informal) meeting minutes drafted by Council Secretariat representatives, etc) on the Directive as regards disclosure of income tax information by certain undertakings and branches (public country-by-country reporting) related to the years 2016-2019".
2. By letter dated 4 March 2020, access was granted to some documents, partially refused to others, and refused in full for documents WK 5230/2017, WK 12197/2017, WK 12197/2017 REV1 and WK 10931/17¹. The applicant then introduced a confirmatory application on 19 March 2020².

¹ See doc. 6947/20.

² See doc. 7057/20.

3. The General Secretariat of the Council prepared a draft reply granting access to documents WK 5230/2017, WK 12197/2017, WK 12197/2017 REV1 and WK 10931/17 and submitted it for assessment to the Working Party on Information (WPI) by written consultation on 6-15 April. The outcome of the written consultation showed a majority of members of the WPI supporting the draft reply³. Subsequently, after several members changed their initial position, the item was withdrawn from the Coreper agenda of 20 April 2020.
4. In the meantime, the deadline for replying to the applicant will expire on 6 May 2020. As from that date, the applicant will be entitled to institute court proceedings and/or make a complaint to the Ombudsman⁴.
5. In this context, the Presidency has decided to organize an informal videoconference of the members of the Working Party on Information for each Delegation to take a position on the substance, thus allowing for a swift adoption of a reply by the Council.

³ Based on document 7057/20.

⁴ Art. 8(3) of 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).