



Council of the
European Union

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Eingelangt am 25/01/22

Brussels, 25 January 2022
(OR. en)

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NOTE

From:	General Secretariat of the Council
To:	Working Party on Information
Subject:	Public access to documents - Confirmatory application No 01/c/01/22

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 13 December 2021 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 12 January 2022 (Annex 2);
- the confirmatory application dated 21 January 2022 and registered on the same day (Annex 3).

[E-mail message sent to access@consilium.europa.eu on 13 December 2021 - 15:17 using the electronic form available in the Register application]

From: **DELETED**

Sent: Monday, December 13, 2021 3:17 PM

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

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

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Family name **DELETED**

First name **DELETED**

E-mail **DELETED**

Occupation **DELETED**

On behalf of **DELETED**

Full postal address **DELETED**

Requested document(s):

WK 6581 2021 INIT 18/05/2021 UKRAINE: 6th meeting of the EU-Ukraine Sub-Committee Cluster 4 on “Science and technology, Information society, Audio-Visual policy, Education, training and youth, Culture, Sport and physical activity” (VTC, 28 May 2021) - draft agenda

WK 5765 2021 REV 3 11/05/2021 UKRAINE: EU-Ukraine Human Rights Dialogue (VTC, 18 May 2021) - Draft Annotated Agenda

WK 5827 2021 REV 2 07/05/2021 UKRAINE: 7th EU-Ukraine Subcommittee on Justice, Freedom and Security (VTC, 19 May 2021) - Draft Annotated Agenda

WK 4478 2021 INIT 31/03/2021 UKRAINE: NOTICE OF WRITTEN CONSULTATION: 7th EU-Ukraine Human Rights Dialogue (VTC, Kyiv- Brussels, 18 May 2021) - draft simple agenda

WK 1820 2021 INIT 09/02/2021 UKRAINE: 7th EU-Ukraine Association Council (Brussels, 11 February 2021) - List of participants

WK 13168 2020 REV 9 COR 1 01/02/2021 UKRAINE: 7th EU-Ukraine Association Council (Brussels, 11 February 2021) - revised EU Position

WK 13168 2020 REV 9 01/02/2021 UKRAINE: EU-Ukraine Association Council (VTC, 11 February 2021) - revised EU Position

WK 13168 2020 REV 7 27/01/2021 UKRAINE: EU-Ukraine Association Council - revised EU Position

WK 13172 2020 REV 6 19/01/2021 UKRAINE: 7th EU-Ukraine Association Council - revised Orientation Note

WK 13168 2020 REV 6 19/01/2021 UKRAINE: EU-Ukraine Association Council - revised EU Position

WK 13172 2020 REV 6 19/01/2021 UKRAINE: 7th EU-Ukraine Association Council - revised Orientation Note

WK 13168 2020 REV 6 19/01/2021 UKRAINE: EU-Ukraine Association Council - revised EU Position

WK 13172 2020 REV 5 15/01/2021 UKRAINE: 7th EU-Ukraine Association Council - revised Orientation Note

WK 13168 2020 REV 5 15/01/2021 UKRAINE: EU-Ukraine Association Council - revised EU Position

WK 13172 2020 REV 4 12/01/2021 UKRAINE: 7th EU-Ukraine Association Council - revised Orientation Note

WK 13168 2020 REV 4 12/01/2021 UKRAINE: EU-Ukraine Association Council - revised EU Position

<https://data.consilium.europa.eu/doc/document/ST-5027-2021-INIT/en/pdf>

WK 13172 2020 REV 3 04/12/2020 UKRAINE: 7th EU-Ukraine Association Council - revised Orientation Note

WK 13168 2020 REV 3 04/12/2020 UKRAINE: EU-Ukraine Association Council - revised EU Position

WK 13854 2020 INIT 30/11/2020 UKRAINE: Association Implementation Report on Ukraine
WK 13172 2020 REV 2 27/11/2020 UKRAINE: 7th EU-Ukraine Association Council (Brussels, 8 December 2020) - revised Orientation Note

WK 13168 2020 REV 2 27/11/2020 UKRAINE: EU-Ukraine Association Council (Brussels, 8 December 2020) - revised EU Position

WK 13172 2020 REV 1 24/11/2020 UKRAINE: 7th EU-Ukraine Association Council (Brussels, 8 December 2020) - revised Orientation Note

WK 13168 2020 REV 1 24/11/2020 UKRAINE: EU-Ukraine Association Council (Brussels, 8

December 2020) - revised EU Position

WK 13172 2020 INIT 19/11/2020 UKRAINE: 7th EU-Ukraine Association Council (Brussels, 8 December 2020) - Orientation Note

WK 13168 2020 INIT 19/11/2020 UKRAINE: EU-Ukraine Association Council (Brussels, 8 December 2020) - EU Position

WK 12456 2020 INIT 09/11/2020 UKRAINE: NOTICE OF WRITTEN CONSULTATION: EU-Ukraine Association Council (Brussels, 8 December 2020) - Draft Simple Agenda

WK 11461 2020 REV 3 06/11/2020 UKRAINE: 6th EU-Ukraine Association Committee (VTC, 10 November 2020) - revised draft annotated agenda

WK 12041 2020 INIT 30/10/2020 UKRAINE: 6th Cluster 3 meeting of the EU-Ukraine Sub-Committee on Economic and Other Sector Cooperation "Energy, Transport, Environment, Climate Action and Civil Protection" (Brussels – Kyiv VTC, 3 and 6 November 2020) – agenda

WK 11461 2020 REV 2 27/10/2020 UKRAINE: 6th EU-Ukraine Association Committee (VTC, 10 November 2020) - revised draft annotated agenda

WK 11461 2020 REV 1 23/10/2020 UKRAINE: 6th EU-Ukraine Association Committee (VTC, 10 November 2020) - revised draft annotated agenda

WK 11461 2020 INIT 21/10/2020 UKRAINE: 6th EU-Ukraine Association Committee (VTC, 10 November 2020) - draft annotated agenda

WK 11285 2020 INIT 16/10/2020 UKRAINE: non-paper on "Next steps in updating the Association Agreement between Ukraine and the EU"

1st option EN

2nd option DE



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, 12 January 2022

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Email: **DELETED**

Ref. 21/2121-vl/ns

Request made on: 13.12.2021

Dear **DELETED**,

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

Please find attached document **WK 13854/2020**.

Moreover, you will find attached a partially accessible version of document **WK 1820/2021**, that contains the list of participants in the meeting of the 7th EU-Ukraine Association Council held in Brussels on 11 February 2021..² Regretfully, full access cannot be given.

The personal data contained in this document is necessary for the organisation of the work of the Council. The data protection rules at EU level³ 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

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).

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).

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 document other than the subjects disclosed (three individuals of each of the two lists concerned) would undermine the protection of privacy and the integrity of the identified individuals. As a consequence, the General Secretariat has to refuse access to these personal data.⁵

However, you may have access to the remaining parts of document **WK 1820/2021**, since they are not covered by any of the exceptions of Regulation (EC) No 1049/2001.

Finally, I regret to inform you that access to the remaining documents of your list cannot be granted for the reasons set out below. These twenty-eight working documents, produced during the 4th quarter of 2020 and examined by the Council Working Party on Eastern Europe and Central Asia, concern the EU-Ukraine dialogue:

WK 6581 2021 INIT 18/05/2021 UKRAINE: 6th meeting of the EU-Ukraine Sub-Committee Cluster 4 on “Science and technology, Information society, Audio-Visual policy, Education, training and youth, Culture, Sport and physical activity” (VTC, 28 May 2021) - draft agenda

WK 5827 2021 REV 2 07/05/2021 UKRAINE: 7th EU-Ukraine Subcommittee on Justice, Freedom and Security (VTC, 19 May 2021) - Draft Annotated Agenda

WK 5765 2021 REV 3 11/05/2021 UKRAINE: EU-Ukraine Human Rights Dialogue (VTC, 18 May 2021) - Draft Annotated Agenda

WK 4478 2021 INIT 31/03/2021 UKRAINE: NOTICE OF WRITTEN CONSULTATION: 7th EU-Ukraine Human Rights Dialogue (VTC, Kyiv- Brussels, 18 May 2021) - draft simple agenda

WK 13172 2020 INIT + REV 1 + REV 2 + REV 3 + REV 4 + REV 5 + REV 6 - 7th EU-Ukraine Association Council - Orientation Note + revised versions

WK 13168 2020 INIT + REV 1 + REV 2 + REV 3 + REV 4 + REV 5 + REV 6 + REV 7 + REV 9 + REV 9 COR 1 - 7th EU-Ukraine Association Council (Brussels, 11 February 2021) - EU Position + revised versions

WK 12456 2020 INIT 09/11/2020 UKRAINE: NOTICE OF WRITTEN CONSULTATION: EU-Ukraine Association Council (Brussels, 8 December 2020) - Draft Simple Agenda

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

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

WK 12041 2020 INIT 30/10/2020 UKRAINE: 6th Cluster 3 meeting of the EU-Ukraine Sub-Committee on Economic and Other Sector Cooperation "Energy, Transport, Environment, Climate Action and Civil Protection" (Brussels – Kyiv VTC, 3 and 6 November 2020) – agenda

WK 11461 2020 INIT + REV 1 + REV 2 + REV 3 - 6th EU-Ukraine Association Committee (VTC, 10 November 2020) - draft annotated agenda and revised versions

WK 11285 2020 INIT 16/10/2020 UKRAINE: non-paper on "Next steps in updating the Association Agreement between Ukraine and the EU".

Having due regard to the outcome of our consultations with our directorate responsible for these policy matters and with the European External Action Service, the General Secretariat is of the opinion that, regretfully, their release to the public cannot be authorised, since the sensitive information contained therein (draft agendas, EU position and orientation notes on politically sensitive issues - documents that are undergoing continuous adaptations) could be used by hostile entities to cause prejudice to the EU's international relations.⁶

We have also looked into the possibility of releasing parts of these working documents.⁷ However, as the information contained therein 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.⁸

Yours sincerely,

Fernando FLORINDO

(Enclosures)

⁶ Article 4(1)(a), third indent of Regulation (EC) No 1049/2001.

⁷ Article 4(6) of Regulation (EC) No 1049/2001.

⁸ Council documents on confirmatory applications are made available to the public. Pursuant to data protection rules at EU level (Regulation (EU) No 2018/1725, if you make a confirmatory application your name will only appear in related documents if you have given your explicit consent.

[E-mail message sent to access@consilium.europa.eu on 21 January 2022- 10:38]

Dear **DELETED**,

Many thanks for your kind response to the information request I submitted.

With this email, I would like to kindly ask you to review the decision of yours for the following reasons:

1. I have been requesting the respective document in my capacity as a Post-Doctoral Researcher with the Research Council of Norway-funded project “Lowering the Bar? Compliance Negotiations and the EU-Ukraine Association Agreement” that aims to analyze how the EU and Ukraine put the EU-Ukraine AA into effect and how the contents of the AA are being re-adapted, in this vein. The documents I requested would only be used for the purposes of this project and not stored at any servers that may be subject to hostile attacks.
2. The project is approved by the Norwegian Centre for Research Data, with the approval showing that the University of Agder (UiA) has a developed system of data protection, compliant with the GDPR and relevant Norwegian data protection legislation.
If provided, sensitive data would be only used at the UiA devices and deleted after it was used for scientific purposes.

The reconsideration of the decision would be of immense help for us in successfully implementing the project.

Many thanks for your time and attention.

Sincerely yours,

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