



**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, 5 November 2021

Mr Davide Giovannelli

Email: ask+request-10079-2b86b1e1@asktheeu.org

Ref. 21/1712-jdg/jl

Request made on: 13.10.2021

Dear Mr Giovannelli,

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

Please find attached document **ST 9096 2021**.

Please find attached a partially accessible version of document **ST 11368 2021**.<sup>2</sup> However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **ST 11368 2021** of 8 September 2021 is a note from the Presidency to CATS on *Justice aspects of Artificial intelligence in the context of the proposal for a Regulation laying down harmonised rules on Artificial Intelligence (AI Act) - Discussion*. It contains informal input to ongoing negotiations.

The issues analysed in document **ST 11368 2021** are complex and form an important part of the basis for the discussions. The ongoing discussions are sensitive and different actors involved in this file have expressed various positions.

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<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).

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

For this reason, full disclosure of the requested document would adversely affect the negotiations by impeding internal discussions and would carry hence the real and genuine risk of compromising the capacity of the institutions to reach an agreement. Full disclosure of the requested document would thus undermine the decision-making process pursuant to Article 4(3) first indent of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

However, you may have a large partial access to document **ST 11368 2021**.

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>3</sup>

Yours sincerely,

Fernando FLORINDO

Enclosures: 2

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<sup>3</sup> 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.