



Council of the European Union

General Secretariat

Directorate-General Communication and Information - COMM

Directorate Information and Outreach

Information Services Unit / Transparency

Head of Unit

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Mr Davide Giovannelli

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Ref. 22/1589 and 22/1590-vl/vk

Requests made on: 20.07.2022

Dear Mr Giovannelli,

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

I regret to inform you that access to documents **ST 11395/22 ADD 3** and **ST 11523/22** cannot be given for the reasons set out below.

Document **ST 11395/22 ADD 3** focuses on the cooperation of PESCO participating Member States in cyber defence. It is one of the Addenda to the annual report on the status of PESCO Implementation, drawn up by the High Representative of the European Union for Foreign Affairs and Security Policy for the Council of the EU.

This Addendum is a classified document, bearing the classification "**EU RESTRICTED - RESTREINT UE**", which means that the unauthorised disclosure of its contents could be disadvantageous to the interests of the European Union or of one or more of its Member States.²

Having due regard to the outcome of our consultations with the services of the General Secretariat responsible for this policy matter, and given the sensitive nature of the information in this document, regretfully its disclosure must be refused as it could be used by hostile entities to cause prejudice to public interest as regards defence and military matters.³

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 Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU), OJ L 274, 15.10.2013, p. 1.

³ Article 4(1)(a), second indent of Regulation (EC) No 1049/2001.

Document **ST 11523/22**, drawn up by the European External Action Service (EEAS), contains the final exercise report (FER) on the EU Interoperability eXercise 2022 (EUIX 22). It focuses on a technical computer aided exercise addressing a wide spectrum of planning and interoperability topics to test strategic and operational capabilities, also including the collaboration with international partners.

Given the sensitive nature of its content, and in the light of our consultation with the competent services, the General Secretariat regrets being unable to grant public access to this document, since its disclosure would reveal core elements of the EU's strategic and capacity-building approach in this field, weakening its action and its international relations.⁴

We have also looked into the possibility of releasing parts of these two documents.⁵ 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.

Yours sincerely,

Fernando FLORINDO

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

⁵ Article 4(6) of Regulation (EC) No 1049/2001.