



**Council of the European Union**

General Secretariat

Directorate-General Communication and Information - COMM

*The Director-General*

Brussels, 21 December 2022

**SGS 22 / 3273**

Ms Clothilde Goujard

Email: ask+request-11702-ef745ffd@asktheeu.org

**Subject:** Your Confirmatory Application 17/c/01/22

Dear Ms Goujard,

Please find enclosed the reply from the Council to the confirmatory application you introduced on 3 October 2022 and which was registered by our service on the same day.

You will also find attached documents WK 10235/22 REV 1, WK 10235/22 ADD 1 REV 1, WK 10235/22 ADD 1 REV 2, WK 10235/22 ADD 2 and WK 10235/22 ADD 2 REV 1, to which the Council decided to grant a full access.

Yours sincerely,

Peter JAVORCIK  
acting Director-General

Enclosures: 6.

**REPLY TO CONFIRMATORY APPLICATION 17/c/01/22,  
made by email on 3 October 2022 and registered on the same day**

Following this confirmatory application, the Council has considered the possibility to grant access to the documents requested thereby, in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001<sup>1</sup> and Annex II to the Council's Rules of Procedure<sup>2</sup>, and has come to the following conclusion:

1. On 11 August 2022 the Applicant submitted a request for access to all working papers and other documents containing positions, comments and text proposals of EU Member States related to the Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse between 11 May 2022 and 10 August 2022 (file 2022/0155 COD).
2. On 21 September 2022, the General Secretariat of the Council (GSC) replied to this application. It initially identified documents WK 10235/22 INIT of 12 July 2022, WK 10235/22 ADD 1 of 18 July 2022, WK 10235/22 ADD 1 REV 1 of 19 July 2022, WK 10235/22 REV 1 of 19 July 2022, WK 10235/22 ADD 1 REV 2 of 25 August 2022, WK 10235/22 ADD 2 of 25 August 2022 and WK 10235/22 ADD 2 REV 1 of 8 September 2022 as corresponding to the request. The GSC refused access to those documents, grounding its decision on the exception to the right of access relating to the protection of the institution's decision-making process (Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001).
3. On 3 October 2022, the Applicant introduced a confirmatory application. The Applicant contests the refusal and asks the Council to reconsider the GSC's decision.

---

<sup>1</sup> OJ L 145, 31.5.2001, p. 43.

<sup>2</sup> Council Decision 2009/937/EU (OJ L 325, 11.12.2009, p. 35).

4. It should be noted that documents WK 10235/22 INIT and WK 10235/22 ADD 1, mentioned in the reply to the initial Application, contained text that was not supposed to be inserted in the documents and which was included by mistake. When this mistake was discovered, new documents WK 10235/22 REV 1 and WK 10235/22 ADD 1 REV 1 were issued to replace the previous documents which are therefore to be considered as cancelled. Thus, the documents identified as corresponding to the request are WK 10235/22 REV 1, WK 10235/22 ADD 1 REV 1, WK 10235/22 ADD 1 REV 2, WK 10235/22 ADD 2 and WK 10235/22 ADD 2 REV 1.
5. The Council has carefully considered the confirmatory application. Having thoroughly scrutinized the requested documents, taking due regard to the state of play of the file and after carrying out renewed consultations, it has re-assessed whether, in full consideration of the principles underlying Regulation (EC) No 1049/2001, in particular the aim of ensuring the widest possible public access to documents, full public access can be provided at this stage.
6. In light of this examination, the Council comes to the conclusion that, at this stage, the disclosure of the requested documents does not undermine the legislative decision-making procedure at issue and that there is an overriding public interest to grant full public access to the requested documents.

## **CONCLUSION**

7. For the reasons set out above, the Council concludes that full access to documents WK 10235/22 REV 1, WK 10235/22 ADD 1 REV 1, WK 10235/22 ADD 1 REV 2, WK 10235/22 ADD 2 and WK 10235/22 ADD 2 REV 1 can be granted.