



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, 8 March 2022

Ms Vanja Skoric
Email: ask+request-10645-aacd9051@asktheeu.org

Ref. 22/0158-mj/vk

Request made on: 27.01.2022
Registered on: 28.01.2022
Deadline extension: 18.02.2022

Dear Ms Skoric,

Thank you for your request for access to *“All working papers and other documents containing positions, comments and text proposals of member states on the Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain union legislative acts COM/2021/206 final, until the January 25 2022”*.¹

The following documents have been identified as corresponding to your request:

WK 9717 2020 INIT	WK 13182 2021 INIT	WK 13199 2021 INIT
WK 6373 2021 INIT	WK 13182 2021 REV1	WK 13239 2021 INIT
WK 10567 2021 INIT	WK 13184 2021 INIT	WK 13239 2021 ADD1
WK 10581 2021 INIT	WK 13185 2021 INIT	WK 13269 2021 INIT
WK 11168 2021 INIT	WK 13191 2021 INIT	WK 13298 2021 INIT
WK 13173 2021 INIT	WK 13194 2021 INIT	WK 13348 2021 INIT
WK 13176 2021 INIT	WK 13195 2021 INIT	WK 13455 2021 INIT
WK 13177 2021 INIT	WK 13196 2021 INIT	WK 13457 2021 INIT
WK 13178 2021 INIT	WK 13197 2021 INIT	WK 14060 2021 INIT

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).

WK 14062 2021 INIT WK 14182 2021 INIT WK 14638 2021 INIT WK 15346 2021 INIT WK 124 2022 INIT WK 128 2022 INIT WK 130 2022 INIT WK 132 2022 INIT WK 190 2022 INIT	WK 192 2022 INIT WK 202 2022 INIT WK 213 2022 INIT WK 221 2022 INIT WK 224 2022 INIT WK 242 2022 INIT WK 251 2022 INIT WK 255 2022 INIT WK 257 2022 INIT	WK 350 2022 INIT WK 352 2022 INIT WK 372 2022 INIT WK 419 2022 INIT WK 465 2022 INIT WK 868 2022 INIT WK 1046 2022 INIT
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You may have full access to the abovementioned documents which are in bold.

You may also have access to document **WK 14638/2021 INIT** except to the parts which contain personal data about Presidency officials.

Disclosure of this information would undermine the protection of privacy and the integrity of the individuals in question, in particular in accordance with European legislation regarding the protection of personal data.² Accordingly, pursuant to Article 4(1)(b) of the Regulation (EC) No 1049/2001 (protection of privacy and the integrity of the individual), the General Secretariat is unable to grant you access to these parts of the document.

However, as abovementioned, pursuant to Article 4(6) of the Regulation, you may have access to the rest of the document which is not covered by this exception.

You will find all these documents attached.

Please find also attached partially accessible versions of documents WK 13239/2021 ADD 1, WK 14060/2021 and WK 14062/2021.³ However, I regret to inform you that full access cannot be given for the reasons set out below.

WK 13239/2021 ADD 1 is a Working Document of 11 November 2021 from the General Secretariat of the Council to the Working Party on Telecommunications and Information Society on Artificial Intelligence Act. This document contains additional FR comments on Articles 1-29, Annexes I-IV (doc. 8115/21).

WK 14060/2021 and **WK 14062/2021** are Working Documents of 18 November 2021 from the General Secretariat of the Council to the Working Party on Telecommunications and Information Society on the Artificial Intelligence Act. These documents contain a consolidated table of comments from PT, PL, BG, SK, CZ, IT, MT, LV, AT, EE, DK, NL, BE, ES, FR, SE, FI and from HU, IE and FR (Additional) on Articles 1-29, Annexes I-IV (doc. 8115/21).

² 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).

³ Article 4(6) of Regulation (EC) No 1049/2001.

These documents contain information on techniques and technologies used or which can be used to identify and prevent risks and threats that some Member States face or might face in the near future. Disclosure of this information would specifically and effectively undermine the protection of public security of those Member States and of the European Union.

Full disclosure of the documents would therefore undermine the protection of the public interest as regards public security. As a consequence, the General Secretariat is not able to grant a full access to the requested documents⁴.

However, as abovementioned, pursuant to Article 4(6) of the Regulation, you may have access to the other parts of the documents which are not covered by this exception.

The General Secretariat is still examining documents **WK 13177/2021, WK 13199/2021, WK 13239/2021 INIT, WK 13455/2021, WK 15346/2021, WK 128/2022, WK 130/2022, WK 192/2022, WK 242/2022 and WK 868/2022**. You will receive an additional reply as soon as possible.

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

Enclosures: 42

Link to the documents: <https://we.tl/t-LZmZKqiiFr>

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