



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, 7 July 2022

Ms Madalina Popirtaru

Email: ask+request-11280-b4f37f3a@asktheeu.org

Ref. 22/1156-aa/vk

Request made on: 23.05.2022

Deadline extension: 15.06.2022

Dear Ms Popirtaru,

Following our letter of 15 June 2022, the General Secretariat has concluded the examination of your request.

Please find attached the following documents:

- ST 12784/21 INIT;
- ST 12784/21 ADD 1;
- ST 12784/21 COR 1;
- ST 12138/21 INIT;
- ST 6996/22 REV 1;
- ST 6996/22 INIT;
- ST 6614/22 INIT;
- ST 14672/021 ADD 1;
- ST 14672/21 INIT;
- ST 14671/21 INIT;
- ST 13666/21 INIT;

- ST 12035/21 INIT;
- ST 7257/22 INIT;
- ST 14409/21 INIT;
- ST 14359/21 INIT;
- ST 13470/21 INIT;
- ST 6475 2022 INIT;
- ST 6475/22 REV 1;
- ST 6475/22 ADD 1;
- ST 6475 2022 ADD 2;
- ST 6475/22 ADD 3;
- ST 6947/22 INIT;
- ST 6330/22 INIT;

In addition to the documents you have requested, please find also attached the following working papers (WKs):

- 7717/2021;
- 12338/2021;
- 12338/2021 REV1;
- 12646/2021;
- 14908/2021;
- 12787/2021;
- 4385/2022;
- 5553/2022; and
- 7486/2022.

Please note that in documents WK 14908/2021, ST 13470/21, ST 12035/21, ST 7257/22 and ST 14409/21 we have removed the elements of their content that are not relevant to your request.

As regards the remaining documents you have requested, we regret to inform you that access to them cannot be granted for the reasons set out below. These documents are the following:

- ST 12420/21 INIT;
- ST 12343/21 ADD 1;
- ST 12343/21 ADD 2;

- ST 12343/21 INIT;
- ST 7418/22 ADD 1;
- ST 7418 2022 INIT;
- ST 14002 2021 INIT;
- ST 13883 2021 INIT;
- ST 13511/21 REV 1;
- ST 13511/21 INIT;
- ST 6631/22 REV 1;
- ST 6631/22 INIT;
- ST 7409/22 ADD 1;
- ST 13169/21 ADD 2;
- ST 13169/21 ADD 1;
- ST 13169/21 INIT;
- ST 13264/21 REV 1;
- ST 13264/21 INIT;
- ST 12681/21 INIT;
- ST 5880 2022 INIT;
- ST 5680/22 INIT;
- ST 13952/21 INIT;
- ST 6020/22 INIT;
- ST 6275/22 INIT;
- ST 6470/22 INIT;
- ST 7553/22 REV 1;
- ST 7553/22 INIT;
- ST 7156/22 INIT;
- ST 7011/22 ADD 1;
- ST 7011/22 INIT;
- ST 7046/22 REV 1; and

- ST 7046/22 INIT.

Further to the documents you have requested, we have also identified WK 5554/2022 INIT as relevant to your request. We regret however to inform you this document cannot be given for the reasons set out below.

The above-listed documents contain positions of the parties involved in the consultations leading to the establishment of total allowable catches ("TACs") in fisheries. They contain information on negotiations' strategy and tactics, and agreed records, notably, technical and political elements discussed in the context of the annual consultations between delegations of the EU and the UK before concluding the agreed records. These consultations are conducted by the European Commission, on behalf of the EU, in close cooperation with the representatives of the EU Member States participating in the competent preparatory bodies of the Council, in particular the Working Party on Fisheries.

The release of these documents would weaken the EU position in respect of the upcoming consultations carried out in 2022 in view of agreeing on the fishing opportunities for 2023. Indeed, although the agreed records were signed and the corresponding fishing opportunities adopted by the Council, the establishment of fishing opportunities and their negotiations with third countries is an ongoing process, which goes throughout the year, in particular through various amendments leading to the fixing of fishing opportunities for the next year. Moreover, the issues discussed and agreed are very similar from one year to another. Therefore, a possible disclosure of the information contained in these documents would undermine not only the diplomatic relations between the parties and the course of future negotiations but also the possibilities of a successful outcome for the EU interests. Quality relations and mutual trust are paramount for the diplomatic stability, negotiation and conclusion of future agreements with a third party, in particular the UK.

Disclosure of the information contained in the said documents would also have a negative impact on the relations between the EU and the UK. Should its internal views and negotiation strategy be made public while negotiations are still ongoing, the position of the EU in such international negotiations would be seriously weakened. This is of particular relevance and political sensitiveness taking into account the current difficulties concerning the bilateral relations between the EU and UK.

Disclosure of the documents would therefore undermine the protection of the public interest as regards international relations, pursuant to Art. 4 (1) (a), 3rd indent, of Regulation 1049/2021.

We have also looked into the possibility of releasing parts of these documents. However, as the exception to the right of access applies to the entire content of the documents, the GSC is unable to accede to your request.

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: 32

Link to the documents: <https://we.tl/t-hlfoDf7UOJ>