



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, 21 September 2022

Ms Clothilde Goujard, Ms Christina Gennet
Email: ask+request-11702-ef745ffd@asktheeu.org

Ref. 22/1693-rh/nb

Request made on: 11.08.2022
Deadline extension: 02.09.2022

Dear Ms Goujard,
Dear Ms Gennet,

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

Please attached the following documents that we have identified as related to your request:

ST 9068/22 INIT

ST 9868/22 ADD 1

ST 9068/22 ADD 2

ST 9068/22 ADD 3

ST 9068/22 ADD 4

WK 7201/22

WK 9107/22

However, I regret to inform you that access to documents **WK 10235/22 INIT + REV 1 + ADD 1 + ADD 1 REV 1 + ADD 1 REV 2 + ADD 2 + ADD 2 REV 1** that we have identified as corresponding to your request cannot be given for the reasons set out below.

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).

Documents **WK 10235/22 INIT + REV 1 + ADD 1 + ADD 1 REV 1 + ADD 1 REV 2 + ADD 2 + ADD 2 REV 1** are meeting documents from the General Secretariat of the Council to the Law Enforcement Working Party (Police) on the Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse, and contain compilations of comments from EU Member States on the above-mentioned proposal.

These documents concern a very sensitive issue which is still at the early stage of discussion within the preparatory bodies of the Council. For the Council to reach a common position on these negotiations, its Member States hold consultations and exploratory talks. To reveal the contents of such talks before a common position has been reached would interfere with the negotiations and would jeopardise the conclusion of an agreement within the Council.

The disclosure of the texts at a moment when the appropriate balance of the various interests involved has not yet been achieved within the Council's preparatory bodies would reduce the flexibility for delegations to formulate and reconsider their positions in the light of the arguments exchanged in the debate. This would seriously affect the chances of finding a convergence in delegation's positions.

In addition, should the texts be released, third parties may attempt to influence or exert pressure on the policy choices to be made in the decision making process in question. Disclosure of the requested documents at this stage would thus seriously 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.

The General Secretariat has weighted your interest in being informed of progress in this area against the general interest that progress be made in an area that is still the subject of negotiations. It considers that, at this stage, disclosure of the documents would be premature in that it would impede the proper conduct of the negotiations and compromise the conclusion of an agreement.

We have also looked into the possibility of releasing parts of these documents.² However, as the exception to the right of access applies to their entire content, the General Secretariat is unable to give partial access.

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

Having examined the context in which the documents were drafted and the current state of play on this matter, on balance the General Secretariat could not identify any evidence suggesting an overriding public interest in their disclosure.

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: 7 - WeTransfer link to donload the documents: <https://we.tl/t-zj14tdZfxJ>