



**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, 13 March 2024

Mr Emilio De Capitani  
E-mail: ask+request-14159-b521be0c@asktheeu.org

Ref. 24/0323-rh-ws/nb

Request made on: 30.01.2024  
Registered on: 31.01.2024

Dear Mr De Capitani,

Thank you for your request for access to documents of the Council of the European Union.<sup>1</sup>

Further to our letter of 21 February 2024, please note that all public ST documents covered by your request are available for a direct download in the Council's [Register of documents](#) where you can find them searching with relevant interinstitutional file numbers. We are therefore not attaching those documents.<sup>2</sup>

*Inter-institutional file 2022/0084*

Please find attached a partially accessible version of document **WK 15904/23**.<sup>3</sup> However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **WK 15904/23** is a working document of 1 December 2023 concerning the *proposal for a Regulation of the European Parliament and of the Council on information security in the institutions, bodies, offices and agencies of the Union – comments on non-classified information by the Czech and Swedish delegations and joint comments by the Austrian, Danish and Estonian delegations*.

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<sup>1</sup> 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).

<sup>2</sup> Article 10(2) of Regulation (EC) No 1049/2001.

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

Part of it contains joint comments by the Austrian, Danish and Estonian delegations. These comments reflect a preliminary position which may still evolve during negotiations. Taking into account the specific explanations received after consultation of those delegations, the General Secretariat of the Council (GSC) has come to the conclusion that this part of the document needs to be withheld because its release at the present stage would seriously affect the room for manoeuvre of those delegations to review their position in what have turned out to be very difficult, complex and sensitive negotiations. This would severely impair the possibility of an agreement on the proposal overall. Full disclosure of the document at this stage would therefore seriously undermine the decision making-process of the Council.

Having examined the context in which the document was 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 its full disclosure, either.

As a consequence, the General Secretariat has to refuse access to the relevant part of the document at this stage.<sup>4</sup>

*Inter-institutional file 2016/0224*

Please find attached the following documents:

**ST 12420/18**

**ST 12514/17**

**ST 13669/18**

**ST 13698/18**

**ST 14623/18**

**ST 15179/18**

**ST 5047/19**

**ST 5463/19**

**ST 5463/19 REV 1**

**ST 6456/19**

**ST 6054/24**

**WK 8111/21**

**WK 6617/23**

**WK 9278/23**

**WK 10235/23**

**WK 11093/23**

**WK 13204/22**

**WK 14155/23**

**WK 14469/23**

**WK 15241/22**

**WK 15533/23**

**WK 16360/23**

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<sup>4</sup> Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.

**WK 16361/23**  
**WK 16989/23**  
**WK 16991/23**  
**WK 16993/23**  
**WK 17039/23**

Furthermore, please find attached partially accessible versions of documents **WK 13202/22** and **WK 11990/22**. However, I regret to inform you that full access cannot be given for the reasons set out below.

*Inter-institutional file 2020/0277*

Please find attached the following documents:

**WK 864/24**  
**WK 864/24 COR 1**  
**WK 1028/24**  
**WK 865/24**  
**WK 865/24 COR 1**  
**WK 6955/23**  
**WK 17000/23**  
**WK 14599/23**  
**WK 14217/23**

Please note that the General Secretariat is still conducting consultations necessary to the examination of document **ST 5704/24** relating to both inter-institutional files 2016/0224 and 2020/0277. You will be notified of the outcome as soon as possible. We apologise for the delay concerning this specific document.

*Inter-institutional file 2020/0278*

Please find attached the following documents:

**WK 13716/23**  
**WK 16364/23**  
**WK 16999/23**  
**WK 463/21**  
**WK 1601/21**  
**WK 2227/21**  
**WK 2227/21 REV 1**  
**WK 3008/21**  
**WK 3497/21**  
**WK 3678/21**  
**WK 3678/21 REV 1**  
**WK 4125/21**

**WK 5047/21**  
**WK 5340/21**  
**WK 14634/20**  
**WK 14634/20 REV 1**  
**WK 14634/20 REV 2**  
**WK 14634/20 REV 3**  
**WK 14634/20 REV 4**  
**WK 14634/20 REV 5**

*Inter-institutional file 2020/0279*

Please find attached the following documents:

**WK 11463/21**  
**WK 13019/21**  
**WK 15090/23**  
**WK 16386/23**  
**WK 6617/23**  
**WK 8111/21**  
**WK 825/24**  
**WK 82524 REV 1**  
**WK 827/24**  
**WK 9267/23**

I regret to inform you that access to the following documents cannot be given for the reasons set out below.

*Inter-institutional file 2016/0224*

**ST 7625/23**  
**ST 9439/23**  
**ST 15089/21**  
**ST 15099/21**  
**ST 15099/21 REV 1**  
**ST 15099/21 REV 2**  
**WK 5153/23**  
**WK 13305/22**  
**WK 13305/22 REV 1**  
**WK 14474/22**  
**WK 14474/22 REV 1**  
**WK 14474/22 REV 2**

Inter-institutional file 2020/0277

**ST 9863/23**  
**ST 12032/23**  
**WK 1023/23**

Inter-institutional file 2020/0278

**WK 14827/20**  
**WK 14827/20 REV 1**  
**WK 14827/20 REV 2**

Inter-institutional file 2020/0279

**ST 7674/23**  
**ST 7674/23 REV 1**  
**ST 8245/23**  
**ST 9660/23**  
**ST 11617/21**  
**ST 11617/21 REV 1**  
**ST 12818/21**  
**ST 12818/21 REV 1**  
**ST 12818/21 REV 2**  
**ST 14392/21**  
**ST 14392/21 REV 1**  
**ST 14392/21 REV 2**  
**ST 15030/21**  
**ST 15030/21 REV 1**  
**WK 1196/21**  
**WK 1196/21 REV 1**  
**WK 1196/21 REV 2**  
**WK 1196/21 REV 3**  
**WK 1196/21 REV 4**  
**WK 1505/23**  
**WK 1570/21**  
**WK 1570/21 REV 1**  
**WK 1730/21**  
**WK 1730/21 REV 1**  
**WK 1730/21 REV 2**  
**WK 2473/21**  
**WK 2873/21**  
**WK 2873/21 REV 1**  
**WK 2873/21 REV 2**  
**WK 2873/21 REV 3**  
**WK 3023/23**

**WK 3263/21**  
**WK 4545/21**  
**WK 4545/21 REV 1**  
**WK 4545/21 REV 2**  
**WK 4545/21 REV 3**  
**WK 5586/21**  
**WK 5586/21 REV 1**  
**WK 5586/21 REV 2**  
**WK 5586/21 REV 3**

The requested documents contain the positions of the Member States in relation to difficult and highly political negotiations, as part of a combined package of interlinked files. Although, political agreement has been reached on 20th December 2023 between the European Parliament and the Council, reaching political agreement between co-legislators does not finish the legislative process. The legislative files have not yet been formally adopted. The shortcomings of the existing system of Asylum and Migration Management exposed in the requested documents are not resolved until the necessary legal changes are formally adopted by the co-legislators.

Thus, the General Secretariat of the Council is of the opinion that the (full) disclosure of the above-mentioned documents would seriously undermine the decision-making process, Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.

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, (full) disclosure of the documents would be premature in that it would impede the proper conduct of the negotiations.

We have also looked into the possibility of releasing parts of the documents to which access is fully refused.<sup>5</sup> However, as the exception to the right of access applies to their entire content, the General Secretariat is unable to give partial access.

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 (full) 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: 67 – WeTransfer link to download the documents: <https://we.tl/t-LQvkYHIL70>

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