Brussels, 22 May 2024

Mr Lennart Lünemann
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Ref. 24/1130

Request made on: 04.04.2024
Deadline extension: 25.04.2024

Dear Mr Lünemann,

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

You have requested access to “Comments or annotations that Member States have made to the Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and amending Directive (EU) 2019/1937.”

We have identified documents ST 6433/24 + ADD 1-5 as relevant to your access request.

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

Documents ST 6433/24 + ADD 1-5 contain comments by Member States' delegations on the proposed Directive of the European Parliament and of the Council establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and amending Directive (EU) 2019/1937. Discussions on the proposed Directive are still ongoing in the Council’s preparatory bodies.

For the Council to reach a political agreement on the proposed Directive, Member States hold initial consultations and exploratory talks. To reveal the contents of such talks before the Council reaches a political agreement on this file would jeopardise the conclusion of such an agreement. Disclosure of documents ST 6433/24 + ADD 1-5 would therefore seriously undermine the Council’s decision-making process. As a consequence, the General Secretariat of the Council has to refuse access to these documents.²

Having examined the context in which these 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 disclosure of the documents in question.

We have also looked into the possibility of releasing parts of these documents.³ However, as the exception to the right of access applies to their entire content, the General Secretariat is unable to give partial access at this stage.

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