Dear Ms Skoric,

Further to the letter sent to you on 8 March 2022 concerning 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”, the General Secretariat has finished the examination of the remaining documents and has come to the following conclusion:

You may have full access to documents WK 13177/2021, WK 13455/2021, WK 130/2022 and WK 868/2022.

Please find also attached a partially accessible version of document WK 13239/2021 INIT. However, I regret to inform you that full access cannot be given for the reasons set out below.

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This document contains 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 document 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 document\(^3\).

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

I regret to inform you that access to documents **WK 13199/2021, WK 15346/2021, WK 128/2022, WK 192/2022** and **WK 242/2022** cannot be given for the reasons set out below.


Documents **WK 128/2022, WK 192/2022** and **WK 242/2022** are Working Documents of 7, 8 & 10 January 2022 from the General Secretariat of the Council to the Working Party on Telecommunications and Information Society which contain SK, BG and IT comments on the Artificial Intelligence Act.

These documents concern an issue which is still under discussion within the preparatory bodies of the Council.

The Working Documents contain preliminary positions the disclosure of which could directly and immediately jeopardise the progress of the negotiations and would therefore diminish the chances of the Council reaching an agreement.

\(^3\) Article 4(1)(a), first indent, of Regulation (EC) No 1049/2001.
Disclosure of these documents at this stage would therefore seriously undermine the decision-making process of the Council.

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.

As a consequence, the General Secretariat has to refuse access to the documents at this stage. 4

We have also looked into the possibility of releasing parts of the documents. 5 However, as the information contained in each of the documents forms an inseparable whole, the General Secretariat is unable to give partial access at this stage.

I would also like to inform you that once the legislative act in question is adopted, these documents and any other legislative documents relating to this act will be made available to the public. 6

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: 5

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