



**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, 9 January 2023

Ms Lora Verheecke  
Email: ask+request-12181-36036855@asktheeu.org

Ref. 22/2500-adb/vk

Request made on: 17.11.2022  
Deadline extension: 08.12.2022

Dear Ms Verheecke,

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

At the date of registration of your request, we have identified 67 documents as falling under your request.

Please note that 10 of them are disclosed as partially accessible versions; these are marked in the document title by the term "PA".

I regret to inform you that full access cannot be granted to the documents entitled "BE-ES-LU-NL-PT-SI October – PA", "EE – I PA", "ES Nov – PA", "FI – I PA", "LT – PA", "MT October – PA", "MT Sept II – PA" and "NL – PA", since these documents contain personal data which is necessary for the organisation of the work of the Council. The data protection rules at EU level<sup>2</sup> provide that when the personal data collected is to be used for a different purpose, including disclosure to the

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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> Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295 21.11.2018, p. 39).

public, a balance needs to be established between the public interest in having access to such data and the legitimate right of individuals to protect their personal data.

After carefully considering all the principles related to this request, on balance the General Secretariat has concluded that disclosure of the personal data contained in the document would undermine the protection of privacy and the integrity of the identified individuals<sup>3</sup>.

I also regret to inform you that full access cannot be granted to documents “BG Oct – PA” and “FR Sept - PA”. These documents contain passages that include references to legal advice and legal analysis which were given in the context of oral interventions of the Council Legal Service which relate to an ongoing legislative file. In addition, the legal advice mentioned in the text strictly refers to the interpretation of draft provisions and might be subject to change, depending on the outcome and the evolution of the legal text. The legal advice refers to the interpretation of the personal scope of the legal act, which is to be deemed sensitive. For these reasons, the legal advice exemption under Article 4(2) second indent of Regulation 1049/2001 is applicable. Furthermore, the disclosure of these elements could undermine the ability of the Council to reach a common position on the text, and therefore falls under the scope of Article 4(3) first subparagraph (protection of ongoing decision-making process).

The rest of the documents (57) are provided to you in full access.

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

Enclosure: 67 documents

Link to documents: <https://we.tl/t-SAWPhL86oS>

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<sup>3</sup> Article 4(1)(b) of Regulation (EC) No 1049/2001