



**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, 28 September 2022

Mr Peter Teffer  
Email: ask+request-11814-fd8953ae@asktheeu.org

Ref. 22/1848-mj/el

Request made on: 09.09.2022

Dear Mr Teffer,

Thank you for your request for access to *“all written contributions - including but not limited to non-papers, papers, e-mails, letters, text messages, presentations- by the Dutch delegation to the Ad hoc Working Party on the Social Climate Fund (AHWP SCF) since its establishment”*.<sup>1</sup>

The following documents have been identified as corresponding to your request:

WK 11349 2021 ADD1  
WK 13132 2021 INIT

WK 1664 2022 INIT  
WK 2367 2022 INIT  
WK 3222 2022 INIT  
WK 3725 2022 INIT  
WK 3917 2022 ADD1  
WK 3917 2022 ADD4  
WK 4754 2022 ADD1  
WK 8579 2022 INIT  
WK 10762 2022 ADD2

You will find attached, as requested, the Dutch comments contained in the abovementioned documents except for document WK 10762/2022 ADD 2.

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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).

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

Document **WK 10762/2022 ADD 2** is a Working Document of 10 August 2022 which contains comments from some delegations (including the Dutch one) on the Fit for 55 (Social Climate Fund Regulation). It concerns the follow-up to the Ad Hoc Working Party on the Social Climate Fund meeting of 22 July 2022.

The comments made by the Netherlands and by some other Member States included in this document contains information about the negotiations currently ongoing between the Council and the European Parliament on this file.

No formal agreement has yet been reached between the Council and the European Parliament. Disclosure to the public of such comments at this stage would affect the negotiating process and diminish the chances of reaching an agreement with the European Parliament.

Disclosure of the document would therefore seriously undermine the decision-making process of the institutions.

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 disclosure of the document in question.

As a consequence, the General Secretariat has to refuse access to the document at this stage.<sup>2</sup>

We have also looked into the possibility of releasing parts of the document.<sup>3</sup> However, as the exception to the right of access applies to its entire content, 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, this document and any other legislative documents relating to this act will be made available to the public.<sup>4</sup>

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: 10

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<sup>2</sup> Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.

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

<sup>4</sup> Pursuant to Article 11(6) of Annex II to the Council Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35) and unless their content is covered by Article 4(1), (2) or (3), second subparagraph, of Regulation (EC) No 1049/2001.