



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, 6 November 2024

Mr Maximilian Henning
Email: ask+request-15070-57c2dc8d@asktheeu.org

Ref. 24/2602

Request made on: 09.10.2024
Deadline extension: 30.10.2024

Dear Mr Henning,

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

Please find attached document **ST 13980/24**, as requested.

Moreover, I regret to inform you that access to document **ST 12928/24** cannot be given for the reasons set out below.

Document **ST 12928/24** contains the EU cyber census progress report on the implementation of the EU policy on cyber defence, discussed at Coreper II on 9 October 2024 and adopted by the Council at its "Foreign Affairs" meeting on 14 October 2024.

It is a classified document, bearing the classification "**RESTREINT UE-EU RESTRICTED**", which means that the unauthorised disclosure of its contents could be disadvantageous to the interests of the European Union or of one or more of its Member States.²

It contains a detailed description of progress made by the EU Institutions, Bodies and Agencies as well as by the EU Member States' authorities in the implementation of the EU Policy on Cyber Defence. Additionally, it analyses and provides recommendations on work in progress based on

¹ 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).

² Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU), OJ L 274, 15.10.2013, p. 1.

classified input provided by the national authorities to the document. The combination of such sensitive information provides clear insights into current and future military capabilities both at EU-level and in Member States and identifies key challenges to address in the current military cyber ecosystem.

In the light of the above, and following consultations with the competent services, the General Secretariat is of the opinion that the release of document **ST 12928/24** to the wide public would cause prejudice to the strategic approach of the EU and its Member States to the abovementioned military cyber challenges and to the EU's relations with its international partners in this sensitive field. Therefore, public access to this report must be denied as it would undermine the protection of the public interest as regards defence and military matters and international relations.³

We have also looked into the possibility of releasing parts of this document.⁴ However, as the information contained therein forms an inseparable whole, the General Secretariat is unable to give partial 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)

³ Article 4(1)(a), second and third indent of Regulation (EC) No 1049/2001.

⁴ Article 4(6) of Regulation (EC) No 1049/2001.