



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, 2 August 2022



Ref. 22/0428 - ex 21/2066-vl/vk

Request made on: 03.12.2021
Registered on: 06.12.2021
Deadline extensions: 05.12.2021 and 26.01.2022

Dear 

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

Please accept our apologies for the delay in handling your request, caused by the large number of documents concerned and the large number of requests processed by our service, as well as by the difficulties in carrying out our internal examination during the long period of logistic constraints caused by the pandemic.

As a reminder, your request focused on the working documents referenced to in document **ST 14696/21**, produced by the General Secretariat in 2021 and focused on the draft Council conclusions on enhancing preparedness, response capability and resilience to future crises.²

Please find enclosed the following documents: **WK 12114/2021 INIT** and its revised versions **REV 1 + REV 2**.

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 Conclusions finally adopted by the Council at its 3829th meeting (General Affairs) on 23 November 2021 (see document ST 14276/21, publicly accessible through the public register of Council documents).

Regretfully, following the outcome of our consultations with the services of the General Secretariat responsible for these policy matters, the disclosure of the remaining documents concerned by your request, i.e. all the Addenda (**WK 12114/2021 ADD 1 to ADD 24, WK 12114/2021 ADD 1 REV 1, ADD 2 REV 1, ADD 3 REV 1, ADD 7 REV 1, WK 12114/1/21 REV 1 ADD 1 to ADD 15 + ADD 15 REV 1 and WK 12114/2/21 REV 2 ADD 1**) cannot be granted.

These documents contain comments entered by Member States during the initial consultation and exploratory talks when examining the draft compromise texts circulated by the Presidency.

Having regard to the sensitive nature of the topic (planning and development of capacities and resiliencies in times of crisis with cross-border, cross-sectoral and hybrid connotations), the General Secretariat is of the opinion that the release of these delegations' comments to the public would cause prejudice to public interest as regards public security and international relations.³

Their disclosure would also seriously undermine the protection of decision-making process with regard to the possible follow-up to the Council's adoption of its Conclusions⁴. In this context, having examined the context in which the documents were drafted, on balance the General Secretariat could not identify any evidence suggesting an overriding public interest in their disclosure.

We have also looked into the possibility of releasing parts of these Addenda.⁵ 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

Enclosures: 3

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

⁴ Article 4(3), second subparagraph of Regulation (EC) No 1049/2001.

⁵ Article 4(6) of Regulation (EC) No 1049/2001.