



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, 20 September 2022

[REDACTED]

Ref. 22/1673-vl/el

Request made on: 07.08.2022
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Deadline extension: 30.08.2022

De [REDACTED]

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

We identified the following documents corresponding to your request: **ST 9378/21**, **ST 10617/21** and **ST 12252/22**.

Please find attached a partially accessible version of these document (*insert number of document*).² However, I regret to inform you that full access cannot be given for the reasons set out below.

- Document **ST 10617/21**, drawn up by the European External Action Service (EEAS), contains the High Representative's Annual Report to the Council on the Status of the Permanent Structured Cooperation (PESCO) Implementation.

This document contains sensitive information from the National Implementation Plans (NIP) of the participating Member States (pMS), inter alia objectives, investments, ongoing and new projects, as well as fulfilment of strategic and operational commitments by each pMS. It also contains recommendations for optimizing the implementation mechanisms and the exchanges of information.

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

- Documents **ST 9378/21** and **ST 12252/22** focus on the progress made in the implementation of PESCO projects. These reports, respectively drafted in 2021 and 2022, contains sensitive information on the various PESCO projects provided by the participating Member States (pMS) notably via the respective project coordinators, inter alia indicators of progress and risk indicators, projects lifecycle phases and financial support (EU funding and entities, including industrial involvement, third states participation, roadmaps).

Based on our internal and external consultations and assessment, the General Secretariat is of the opinion that the full disclosure of these three documents would undermine the EU's and its Member States' action in the sensitive area of defence and would also have a negative impact on its international relations.³

However, pursuant to Article 4(6) of Regulation (EC) No 1049/2001 you may have access to following parts of the three documents, that are not covered by any of the exceptions of the Regulation:

- Document **ST 10617/21**:
 - cover pages (Council + EEAS p. 1 of the Annex)
 - "Cover Note" chapter: pages. 2, 3 and 4 of the Annex, except the 4th sentence of the 1st paragraph of page 4 and the 5th sentence of the 2nd paragraph of the same page
 - "Introduction" Chapter: full text except the 2nd sentence of point 7 at page 6
 - "Findings and Assessment" Chapter: paragraphs 9, 10, 14 (only the first two sentences of the first paragraph), 15, 18, 19, 20, 24, 25, 31, 32, 33 and 34
 - "Recommendations" Chapter: paragraphs 36, 38, 39 and 46
- Document **ST 9378/21**:
 - cover pages (Council + EEAS page)
 - pages 1 to 5 of the Annex (including the "Contents" and up to the "Introduction" page 5 included)
 - pages 8 and 9 of the Annex ("Indicators of Progress", "Risk Indicators" and points 1 to 4 of "Projects Phases Definitions")
- Document **ST 12252/22**:
 - cover pages (Council + EEAS page)
 - pages 1 to 8 of the Annex (including the "Contents" and up to the end of the final point 4. Closing of the sub-chapter "Definitions").D.

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

Finally, you may wish to consult the relevant web page containing public information on all 60 projects of the Permanent Structured Cooperation: <https://www.pesco.europa.eu/>.

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

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