



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 October 2023

Ms Gabrielle Jeliaskov

Email: [REDACTED]

Ref. 23/2337-ws/nb

Request made on: 16.08.2023

Deadline extension: 06.09.2023

Dear Ms Jeliaskov,

Thank you for your request for access to documents of the European Council, related to its meeting on 24 February 2022.¹

The General Secretariat of the Council (GSC) has identified the following documents it holds covered by your request:

- purchase orders 2022-335, 2022-334, 2022-349 and 2022-358 related to Heads of State or Government and other participants
- the dinner menu (Heads of State or Government and other participants)
- purchase orders 2022-330 and 2022-342 related to close collaborators
- the dinner menu (close collaborators)

You will find the dinner menus enclosed.

¹ The General Secretariat of the Council - acting as secretariat for the European Council pursuant to Article 235(4) of the Treaty on the Functioning of the European Union - 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 of the European Council's Rules of Procedure (European Council Decision No 2009/882/EU, OJ L 315, 2.12.2009, p. 51) set out in Article 10(2) which makes Annex II to the Council's Rules of Procedure (Council Decision No 2009/937/EU, OJ L 325, 11.12.2009, p. 35) applicable *mutatis mutandis*.

You will equally find redacted² versions of the other documents mentioned above (purchase orders). Indeed, these documents contain personal data about identified persons. EU data protection rules³ provide that when the personal data collected is to be used for a different purpose, including disclosure to the 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.⁴ Moreover, it would be incumbent on the recipient of the data to establish the need for their transfer. The GSC notes that you have not indicated any reason for transfer of personal data in your request and therefore has concluded that on balance disclosure of the personal data concerned would undermine the protection of privacy and the integrity of the identified individuals. Accordingly, the General Secretariat has to refuse access to this data.⁵

It should be noted that wine served was from the Council's cellar. The purchase prices of wines served are available in the following documents, which you will also find enclosed, redacted for personal data for the same reasons as set out above⁶:

- purchase orders 3300017897 and 3300014091

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may ask the European 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

² Article 4(6) of Regulation (EC) No 1049/2001.

³ Regulation (EU) 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).

⁴ Article 9 of Regulation (EU) No 2018/1725.

⁵ Article 4(1)(b) of Regulation (EC) No 1049/2001.

⁶ Parts of these documents not covered by your request have not been assessed and therefore deleted.