

Brussels, 8 June 2026
(OR. en)

10305/26

API 119
INF 162

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory application N° 30/c/02/26 -
Information to delegations

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 16 April 2026 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 3 June 2026 (Annex 2);
- the confirmatory application dated 8 June 2026 and registered on the same day (Annex 3).

From: **DELETED**
Sent: Thursday, April 16, 2026 11:11 AM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: access to documents request - Infosec Regulation WK documents

Dear Council of the European Union,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting access to all working documents (WK and ST) regarding the "INFOSEC" legislative procedure 2022/0084 (COD) since 1 January 2026.

Yours faithfully,

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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, 3 June 2026

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E-mail: **DELETED**

Ref. 26/1513

Request made on: 16.04.2026

Deadline extension: 08.05.2026

Dear **DELETED**,

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

We have identified the following documents as related to your request:

- **ST 5421 2026 INIT**
- **ST 5421 2026 REV1**
- **ST 5829 2026 INIT**
- **ST 7407 2026 INIT**
- **WK 650 2026 INIT**
- **WK 3454 2026 INIT**
- **WK 4253 2026 INIT**
- **WK 5361 2026 INIT**

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).

Please find attached documents **ST 5421 2026 INIT**, **ST 5421 2026 REV1**, **ST 5829 2026 INIT**, **ST 7407 2026 INIT**, **WK 650 2026 INIT** and **WK 5361 2026 INIT**.

Document **WK 3454 2026 INIT** is available on the [Council's public register](#). Only personal data have been redacted.²

I regret to inform you that access to document **WK 4253 2026 INIT** cannot be given for the reasons set out below.

Document **WK 4253 2026 INIT** contains comments by the Romanian delegation on the *proposal for a Regulation of the European Parliament and of the Council on information security in the institutions, bodies, offices and agencies of the Union – Chapter 5 EUCI, Section 2 Personnel Security + Annex II - revised draft proposal*.

After having consulted the Romanian delegation on the possible release of this document, we have decided to refuse access.

This document concerns a proposal for which negotiations within the Council are still on-going. The comments submitted by Romania may or may not be included in the final text. Release to the public of these comments at this stage could affect the negotiating process and diminish the chances of the Council reaching an agreement on the final text.

Disclosure of the document would therefore seriously undermine the decision-making process of the Council. As a consequence, the General Secretariat has to refuse full access to the document at this stage.³

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.

We have also looked into the possibility of releasing parts of the document.⁴ However, as the exception to the right of access applies to its entire content, the General Secretariat is unable to give partial access.

² See 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295 21.11.2018, p. 39).

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

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

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

From: **DELETED**

Sent: Monday, June 8, 2026 10:49 AM

To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>

Subject: Internal review of access to documents request - Infosec Regulation WK documents

Dear Council of the European Union,

thank you for answering the initial request.

I wish to file a confirmatory application with regards to my access to documents request 'Infosec Regulation WK documents'.

I wish to object to the refusal to give access to document WK 4253 2026 INIT originating from the Romanian delegation. I believe the refusal is not in line with the case law, in particular the De Capitani v Council case.

According to Article 4 (5.) of the Regulation, a member state may ask not to disclose its document, but it does not enjoy a veto against disclosure. In the present case, the refusal is based on the protection of ongoing decision-making, but it is not clear how disclosure would specifically and non-hypothetically harm the protected interest. I note that the Council secretariat does not seem to think that this ephemeral reason for non-disclosure applies to any of the other documents, which were duly disclosed. I ask the Council to reconsider my request and duly disclose the document.

A full history of my request and all correspondence is available on the Internet at this address:
https://www.asktheeu.org/request/infosec_regulation_wk_documents

Yours faithfully,

DELETED
