

**Brussels, 20 August 2025
(OR. en)**

12175/25

**INF 137
API 77**

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory application No 19/c/01/25

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 24 July 2025 and registered on 25 July 2025 (Annex 1);
- the reply from the General Secretariat of the Council dated 18 August 2025 (Annex 2);
- the confirmatory application dated 20 August 2025 and registered on the same day (Annex 3).

From: **DELETED**

Sent: Thursday 24 July 2025 23:17

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

Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

Title

DELETED

First name

DELETED

Family name

DELETED

E-mail

DELETED

Occupation

DELETED

Name of the organisation

Full postal address

Telephone

Requested document(s)

WK 8158 2025 INIT - WORKING DOCUMENT
30/06/2025

Proposal on the Presidency's compromise text regarding the Commission's proposal on establishment of a list of safe countries of origin at Union level (SCO proposal) - compilation of comments of delegations
Interinstitutional file: 2025/0101(COD)
Subject matters: JAI, CODEC, ASIM, ASILE
Date of meeting 10/06/2025



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, 18 August 2025

DELETED

Email: **DELETED**

Ref. 25/2174

Request made on: 24.07.2025

Registered on: 25.07.2025

Dear **DELETED**,

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

Please find attached a partially accessible version of document **WK 8158/25**.² However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **WK 8158/25** of 30 June 2025 is a working document from the General Secretariat of the Council to delegations on the *Proposal on the Presidency's compromise text regarding the Commission's proposal on establishment of a list of safe countries of origin at Union level (SCO proposal)* - compilation of comments of delegations.

The text contains, among others, politically sensitive references to the situation in third countries. Full release of such information would have a negative impact on the relations between the European Union and its Member States with the third countries concerned.

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.

Therefore, having duly consulted with the responsible political General-Directorate, we are of the opinion that full disclosure of the document would undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse full access to this document.³ You may, however, have a large partial access to the text.

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), third indent, of Regulation (EC) No 1049/2001.

From: **DELETED**

Sent: Wednesday 20 August 2025 10:27

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

Subject: AW: Ref. 25/2174

Dear Mr Florindo,

Thank you for your letter dated 18 August 2025.

I appreciate it that you have granted me partial access to document WK 8158/2025 INIT. However, I would kindly like to ask the Council to review its decision to refuse **full access to this document**.

Article 42 of the Charter of Fundamental Rights of the European Union [Right of access to documents] states that “[any] citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium.”

My name is **DELETED**, **I am** a citizen of the Federal Republic of Germany and thus **a citizen of the European Union. The right of access to Council documents, including WK 8158, is my fundamental right.**

According to Article 1 of the Treaty on European Union, “[this] Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.” Article 2 of the same treaty states that “[the] Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.”

Council document 8158/2025 concerns a file where **the Council acts in its legislative capacity**, namely the European Commission’s Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level (COM/2025/186 final). Article 12(2) of Regulation 1049/2021 clearly states that “legislative documents, that is to say, documents drawn up or received in the course of procedures for the adoption of acts which are legally binding in or for the Member States, should ... be made directly accessible.” Documents relating to drawing up EU legislation should benefit from a high degree of transparency, in line with Articles 1 and 2 of the Treaty on European Union stated above and the provisions on **democratic principles** (Title II of the Treaty on European Union), including but not limited to the provision that “[every] citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen” (Article 10 of the Treaty on European Union).

Furthermore, this file concerns an issue where there is **an overriding public interest in granting full access to the document** – including the comments made by the German delegation. (In fact, the matter at hand only concerns the comments made by the German delegation; full access has been granted to the comments made by all other delegations and/or the General Secretariat.) As a citizen of the Federal Republic of Germany, I am very well acquainted with the political sensitivity of the subject matter of asylum and migration. Minister Dobrindt, for example, has publicly stated that the so-called “Asylwende” or “Migrationswende” (which might be translated from German into English as an asylum and migration “policy shift” or “reversal”) is the number one priority of the new Federal Government. It has been the most important point in the electoral campaign of the conservative CSU (Mr Dobrindt’s political party, now in government), and continues to dominate the domestic political agenda. Of particular importance is Germany’s possible policy shift, as envisioned in the new Coalition Agreement between the governing CDU/CSU and the SPD, towards the so-called Rwanda-model or Albania-model in relation to the externalization of asylum procedures towards allegedly safe third countries. Minister Dobrindt has recently introduced draft legislation on the domestic level concerning the national designation of safe third countries, which is fiercely contested.

One may reasonably argue that there is an overriding public interest in granting full access to document WK 8158, including the comments made by the German delegation, against the background of the ongoing German debate on designating certain countries as safe third countries, be it on national or supranational level, which has increasingly become a European debate (cf. inter alia the joint statement of Amnesty International and more than 50 other civil society organizations: “EU 'safe country' and return proposals would seriously undermine protection and human dignity” dated 8 July 2025: <https://reliefweb.int/report/world/joint-statement-eu-safe-country-and-return-proposals-would-seriously-undermine-protection-and-human-dignity>).

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