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NOTE

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: 13370/25

Subject: Public access to documents - Confirmatory Application No 25/c/01/25

Delegations will find attached a draft reply to confirmatory application N° 25/c/01/25
(see 13370/25).

REPLY TO CONFIRMATORY APPLICATION 25/c/01/25
made by email on 27 September 2025 and registered on 29 September 2025

A. INTRODUCTION

The Council has considered the confirmatory application under [Regulation \(EC\) No 1049/2001](#) of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents and Annex II to the [Council's Rules of Procedure](#) and has come to the following conclusion:

1. On 28 July 2025, the Applicant submitted requests for public access to the following documents:

- **WK 9563/2025 INIT**: Contribution of 10 July 2025 from the General Secretariat of the Council to the Working Party on the Environment containing comments from Member States on the European Climate Law amendment.
- **WK 9563/2025 ADD 1**: Contribution of 11 July 2025 from the General Secretariat of the Council to the Working Party on the Environment containing comments from a Member State on the European Climate Law amendment.
- **WK 9563/2025 ADD 2**: Contribution of 15 July 2025 from the General Secretariat of the Council to the Working Party on the Environment containing comments from a Member State on the European Climate Law amendment.
- **WK 9563/2025 ADD 3**: Contribution of 16 July 2025 from the General Secretariat of the Council to the Working Party on the Environment containing comments from Member States on the European Climate Law amendment.
- **WK 9563/2025 ADD 4**: Contribution of 17 July 2025 from the General Secretariat of the Council to the Working Party on the Environment containing comments from Member States on the European Climate Law amendment.
- **ST 11325/25 INIT**: note of 11 July 2025 from the General Secretariat of the Council to the Permanent Representatives Committee on the *Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2021/1119 establishing the framework for achieving climate neutrality* on guidance for further work.
- **WK 9978/2025 INIT**: meeting document of 17 July 2025 from the General Secretariat of the Council to the Working Party on the Environment containing a Presidency steering note on the European Climate Law amendment in view of the meeting of the working party on 22 July 2025.
- **ST 11685/25 INIT**: note of 17 July 2025 from the General Secretariat of the Council to the delegations on the same proposal containing a Presidency compromise text.

2. On 9 September 2025, the General Secretariat of the Council refused access to these documents on the basis of the protection of the decision-making of the Council (Article 4(3), first subparagraph of Regulation (EC) No 1049/2001), as well as the protection of the public interest as regards international relations (Article 4(1)(a), third indent of Regulation (EC) N° 1049/2001).
3. On 27 September 2025, the Applicant submitted a confirmatory application asking the Council to reconsider the refusal and to grant full access to the requested documents recalling that the requested documents are part of a legislative procedure and that, pursuant to the case-law, *“there is a strong presumption of disclosure for legislative documents even during negotiations”*.

B. ASSESSMENT OF THE APPLICATION UNDER REGULATION (EC) NO 1049/2001

4. The Council has carefully considered this confirmatory application. It has re-assessed, in full consideration of the principle of transparency underlying Regulation (EC) No 1049/2001 and on account of the applicant's arguments, whether public access can be provided to the requested documents.
5. The Council notes that, since the GSC’s reply to the applicant’s initial requests, the examination of the legislative file in the context of which the requested documents were issued has made important progress. Indeed, the members of the Council have just agreed a general approach on this file¹. The Council also notes that, in the meantime, document **ST 11685/25 INIT**, which contains a Presidency compromise text, was made public following another request for access.
6. In these circumstances, the Council concludes that the requested documents are no longer covered by the abovementioned exceptions. Consequently, the requested documents should be disclosed.

C. CONCLUSION

7. The Council decides to grant access to documents WK 9563/2025 INIT, WK 9563/2025 ADD 1 to ADD 4, ST 11325/25 INIT and WK 9978/2025 INIT.

¹ 14960/25