



Brussels, 19 February 2026
(OR. en)

6503/26

INF 35
API 30

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory application N° 07/c/01/26 -
Information to delegations

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 15 January 2026 and registered on 16 January 2026 (Annex 1);
- the reply from the General Secretariat of the Council dated 6 February 2026 (Annex 2);
- the confirmatory application dated 17 February 2026 and registered on 18 February 2026 (Annex 3).

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Thursday, January 15, 2026 6:18 PM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

This e-mail has been sent to access@consilium.europa.eu using the electronic form available in the Register application.

This electronic form has been submitted in 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)

ST 16362 2025 INIT - NOTE

05/12/2025

Enhanced Border Security Partnership (EBSP)

Subject matters: IXIM, USA, JAI, DATAPROTECT, JAIEX, VISA

Originator: Presidency

Addressee: Permanent Representatives Committee

Date of meeting 10/12/2025

AND

ST 16362 2025 REV 1 - NOTE

10/12/2025

Enhanced Border Security Partnership (EBSP)

Subject matters: IXIM, USA, JAI, DATAPROTECT, JAIEX, VISA

Originator: Presidency

Addressee: Permanent Representatives Committee

Date of meeting 11/12/2025

1st option

EN

2nd option



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, 6 February 2026

DELETED

Email: **DELETED**

Ref. 26/0161

Request made on: 15.01.2026

Registered on: 16.01.2026

Dear **DELETED**,

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

I regret to inform you that access to documents **16362/25** and **16362/25 REV1** cannot be given for the reasons set out below.

Document **16362/25** of 5 December 2025 is a note from the Presidency to the Permanent Representatives Committee on the *Enhanced Border Security Partnership (EBSP)*.

Document **16362/25 REV1** of 10 December 2025 is a note from the Presidency to the Permanent Representatives Committee on the *Enhanced Border Security Partnership (EBSP)*.

These non-legislative documents contain sensitive information that would enable to identify the aspects of the negotiating mandate of the European Union that garnered clear support from Member States, and those for which it was more difficult to find a consensus on the EU side. Releasing such information to the general public would weaken the EU's negotiating position vis-à-vis the United States of America.

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).

Consequently, the General Secretariat of the Council has to refuse access to these documents with the motivation that public access would undermine the protection of international relations. This assessment is based on Article 4(1)(a)(3) of 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.

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: Tuesday, February 17, 2026 7:59 PM
To: TRANSPARENCY Access to documents (COMM) Access@consilium.europa.eu
Cc: DELETED
Subject: Re: Ref. 26/0161 - Ares(2026)1341607
Importance: High

Good afternoon,

This is DELETED, who has submitted a request for accessing the full documentation on the ongoing negotiations between the EU Commission and the United States for an "Enhanced Border Security Partnership" (EBSP).

I am writing to you to ask for a review of your decision Ref: 26/0161.

The EU Commission is negotiating a framework agreement which will provide an unprecedented and systematic access to our data to the United States, in particular to the DHS under which ICE operates.

I think there is no need to explain that there is a prominent public interest in understanding what data ICE, DHS and more in general U.S. authorities will be allowed accessing.

While I understand the rationale for confidentiality in diplomatic negotiations, I find it appalling that the EBSP negotiations are completely shrouded in secrecy and there is no way to know what the EU Commission will do with our personal data. This is of utmost concern not just because there is no democracy without an informed public, but also because U.S. agencies like ICE have become extremely brutal against their own citizens: imagine how they will treat foreign citizens like EU citizens.

For these reasons, I invite the General Secretariat of the Council to review its decision to deny me access to the documentation on EBSP and to strike a balance between the public interest to know and the secrecy of negotiations.

Thank you and kind regards,

DELETED