

Brussels, 18 March 2026
(OR. en)

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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory Application - 10/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 the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 2 February 2026 (Annex 2);
- the new request for access to documents sent to the General Secretariat of the Council on 2 February 2026 and registered on the same day (Annex 3)
- the reply from the General Secretariat of the Council dated 9 March 2026 (Annex 4);
- the confirmatory application dated 16 March 2026 and registered on the same day (Annex 5).

From: **DELETED**

Sent: Thursday, January 15, 2026 4:53 PM

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

Subject: access to documents request - Minutes of some meetings of the Ad Hoc Working Party on the Multiannual Financial Framework (AHWP MFF)

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 documents which contain the following information:

the complete minutes of the meetings and related documents of the Ad Hoc Working Party on the Multiannual Financial Framework (AHWP MFF) in the following dates:

- 8 September 2025
- 3 October 2025
- 8 October 2025
- 13 October 2025
- 17 October 2025
- 27 October 2025
- 10 November 2025
- 19 November 2025
- 26 November 2025
- 7 January 2026
- 15 January 2026

Yours faithfully,

DELETED



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 February 2026

DELETED

Email: **DELETED**

Ref. 26/0155

Request made on: 15.01.2026

Dear **DELETED**,

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

Your request is drafted in a very large way and potentially covers a very large number of documents.

It cannot be reasonably processed as it is. Indeed, pursuant to Article 6(1) of Regulation (EC) No 1049/2001, “[a]pplications for access to a document shall be made [...] in a sufficiently precise manner to enable the institution to identify the document.” This does not exclude to request access to more than one document at a time, but applications should not be drafted in a sweeping way that can apply to large numbers of documents.

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).

Enclosed you will find the agendas of the meetings covered by your request. Based on those agendas, you are welcome to identify those documents of particular interest to you and to submit a more specific request for a reasonable number of documents (up to more or less 30).

Yours sincerely,

Fernando FLORINDO

Enclosures: 11

From: **DELETED**

Sent: Monday, February 2, 2026 3:49 PM

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

Subject: Re: Ref. 26/0155 – Ares(2026)1153689

Dear ve_gsc-comm.2.c access to documents (GSC-COMM),

thank you very much for your reply, and we understand the request for more specific documents.

We would request the minutes of all the meetings mentioned, plus the following documents:

-From the 4 September 2025 meeting: Commission's presentations Correspondence and comparison tables, on Flexibility and on the Performance Monitoring Framework;

-From the 30 September 2025 meeting: Commission's presentations on Governance, including steering mechanism, and on NRP – Policy Reference Framework;

-From 6 October 2025 meeting: Commission's presentations on National Regional Partnership Plans – Policy Reference Framework, and on Simplification in National Regional Partnership Plans;

-From 9 October 2025 meeting: Commission's presentations on Repayment of NGEU, on Climate and social targets, and on National Regional Partnership Plans - Performance Monitoring Regulation;

-From 14 October 2025 meeting: Commission's presentations on Rule of Law and the Charter of Fundamental Rights, and on Commitments and decommitments, and on Deflator;

-From 22 October 2025 meeting: Commission's presentation on EU Facility and Catalyst Europe;

-From 6 November 2025 meeting: Commission's presentation on Rule of Law and the Charter of Fundamental Rights;

-From 18 November 2025 meeting: Commission's presentation on Crisis mechanism;

-From 21 November 2025 meeting: Commission's presentation on Co-financing;

-From 19 December 2025 meeting: Commission's presentations on Combination of funding and on Co-financing: HOME affairs;

-From 12 January 2026 meeting: Commission's presentation on Allocation methodology for Interreg.

I hope it is clearer now.

Thank you for your collaboration.

Yours sincerely,

DELETED



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, 9 March 2026

DELETED

Email: **DELETED**

Ref. 26/0430

Request made on: 02.02.2026

Deadline extension: 23.02.2026

Dear **DELETED**,

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

The following documents have been identified as falling under your request:

Document number	(abbreviated) Title
WK 11172 2025	COM presentation on Performance Monitoring Framework
WK 11173 2025	COM presentation on Flexibility in the next MFF architecture
WK 12999 2025	COM presentation on Governance
WK 13264 2025	COM presentation on NRPP Reference Framework

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).

WK 12757 2025	COM presentation on Policy reference framework for the National and Regional Partnership Plan
WK 13265 2025	COM presentation on Simplification – National and Regional Partnership Plans
WK 13487 2025	COM presentation on Repayment of NextGenerationEU
WK 13486 2025	COM presentation on Climate and environment, and social targets
WK 15210 2025	COM presentation on Rule of Law and Charter of Fundamental Rights in the next Financial Framework
WK 13885 2025	COM presentation on NRP Plans - Commitment and decommitments rules
WK 13886 2025	COM presentation on the Deflator mechanism in the next MFF
WK 14396 2025	COM presentation on EU Facility and Catalyst Europe
WK 15790 2025	COM presentation on Crisis mechanism
WK 16242 2025	COM presentation on Co-financing
WK 136 2026	COM presentation on Synergies across funding programmes under the 2028-2034 Multiannual Financial Framework
WK 137 2026	COM presentation on Co-financing for Home Affairs
WK 648 2026	COM presentation on Member States pre-allocated envelopes – allocation methodology

I regret to inform you that access to these documents cannot be given for the reasons set out below. The Commission, author of these documents, has been consulted in line with Article 4(4) of Regulation 1049/2001 and considers that access to them should be refused, and this for the reasons that follow.

Having examined the documents requested, the Commission considers that access to these documents should be denied, based on Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 regarding public access to documents. This provides that access to a document, for which disclosure would seriously undermine the institution's decision-making process, can be refused unless an overriding public interest in disclosure exists.

The documents in question have been produced by the Commission services and shared with Parliament and Council in the context of the ongoing interinstitutional decision-making process in relation to the Union's future multiannual financial framework. These documents are particularly sensitive as they concern the future financial framework of the Union. Disclosure of these technical documents, which may contain preliminary views or policy options not formally endorsed by the institutions, could lead to external pressure from interest groups or stakeholders, including those from third countries. Their content risks being misinterpreted or taken out of context, a particular risk given the interconnected nature of the MFF legal instruments. This could in turn undermine the trust between institutions in the context of ongoing negotiations and thereby hamper the efficient conduct of those negotiations.

The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply as the public interest in accessing these particular documents does not outweigh the potential harm disclosure could cause to the decision-making process. The institution has mechanisms to ensure transparency and accountability, including release of documents post-decision, allowing for public scrutiny at a stage where such access would not impede effective functioning of the Union's decision-making processes.

Given the potential adverse effects on the ongoing decision-making process, and in the absence of an overriding public interest, access to the requested documents should be denied under Article 4(3) first subparagraph of Regulation (EC) No 1049/2001.

Please note that the General Secretariat of the Council does not hold any minutes of the meetings of the Ad-Hoc Working Party on MFF for the dates that you have requested. The General Secretariat of the Council has no practice or obligation under the [Council's Rules of Procedure](#) to produce reports or minutes for all meetings of its working groups. The production of such documents therefore depends on the matters discussed and operational requirements.

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, March 16, 2026 1:29 PM

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

Subject: Internal review of access to documents request - Minutes of some meetings of the Ad Hoc Working Party on the Multiannual Financial Framework (AHWP MFF)

Dear Council of the European Union,

Please pass this on to the person who reviews confirmatory applications.

I am filing the following confirmatory application with regards to my access to documents request 'Minutes of some meetings of the Ad Hoc Working Party on the Multiannual Financial Framework (AHWP MFF)'.

The motivation given to withhold the publication of the requested documents is that "they concern the future financial framework of the Union. Disclosure of these technical documents, which may contain preliminary views or policy options not formally endorsed by the institutions, could lead to external pressure from interest groups or stakeholders, including those from third countries. Their content risks being misinterpreted or taken out of context, a particular risk given the interconnected nature of the MFF legal instruments. This could in turn undermine the trust between institutions in the context of ongoing negotiations and thereby hamper the efficient conduct of those negotiations. The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply as the public interest in accessing these particular documents does not outweigh the potential harm disclosure could cause to the decision-making process. The institution has mechanisms to ensure transparency and accountability, including release of documents post-decision, allowing for public scrutiny at a stage where such access would not impede effective functioning of the Union's decision-making processes."

Such motivation is not consistent with previous decisions of disclosure of similar documents:

-Documents regarding the MFF negotiations and policy options not formally endorsed by the institutions:

AHWP MFF 9th January 2026 Presidency Compromise proposal on NRP:

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Cultural Affairs Committee 13th January 2026 Presidency compromise text on AgoraEU:

DELETED

-Commission presentations and comments (WK type documents) on a file that was still being discussed in the Council by the time of disclosure:

Commission presentation at the Company Law Working party of 16 May 2025 on the ECBA Directive:

DELETED

Commission Replies to Member States' questions transmitted to the Directorate General for Internal Market, Industry, Entrepreneurship and SMEs on 3.03.2025:

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The provided examples are just few of many: in the first batch of examples I provided evidence of disclosure of Council Presidency compromise proposals that are politically more sensitive than Commission's "technical documents". In the second batch of examples I provided evidence of disclosures of Commission's WK-type documents for a policy file still under discussion by the co-legislators by the time of their disclosure. Based on these precedents, the refusal of disclosure of the requested documents would be inconsistent and create a dangerous precedent in terms of unreliability in the implementation of Regulation (EC) No 1049/2001 regarding public access to documents, which might count as maladministration.

The value of publication of such presentations remounts to a more in depth explanation of technically complex policy proposals, which is in the interest of the public to understand better before their final approval. We therefore ask you to reverse your decision and publish the identified documents.

Furthermore, we are surprised that no minutes of the meetings have been taken by the Council Presidency, considering that they produce progress reports by the end of their Council Presidency on the different files that they work on. Regardless of whether it is a way to avoid the production of documents that could be retrieved via a FOI request, also that seriously risks to be considered maladministration, as minutes are not only a matter of transparency of the discussions, but are also crucial preliminary documents that shape the content of latter Council policy proposals, and it is also in the interest of the Member States to ensure that their views (and the tone of the discussion) are correctly reported by the Council Presidency.

A full history of my request and all correspondence is available on the Internet at this address:

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Yours faithfully,

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