

Brussels, 17 March 2026
(OR. en)

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API 47
INF 71

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory application N° 12/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 1 February and registered on 2 February 2026 (Annex 1);
- the reply from the General Secretariat of the Council dated 16 March 2026 (Annex 2);
- the confirmatory application dated 16 March 2026 and registered on the same day (Annex 3).

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Sunday, February 1, 2026 6:56 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

Other

I submit this request on my own behalf.

Name of the organisation

Full postal address

DELETED

Telephone

Requested document(s)

Request for public access to documents under Regulation (EC) No 1049/2001.

Subject: Decision-making process and Hungarian vetoes regarding aid to Ukraine (2023-2024).

Documents requested:

- 1) Detailed minutes and "outcomes of proceedings" of COREPER II, Foreign Affairs Council (FAC), and General Affairs Council (GAC) meetings concerning the European Peace Facility (EPF) tranches and the Ukraine Facility, specifically where blocks or vetoes were exercised.
- 2) Formal justifications, position papers, or "room documents" submitted by the Hungarian delegation to explain the use of veto or the threat thereof on the aforementioned dossiers.
- 3) Any legal opinion issued by the Council Legal Service regarding the consistency of systematic vetoes on Ukraine aid with the Principle of Sincere Cooperation (Art. 4(3) TEU).

Public interest: Access is requested to allow democratic scrutiny of the legislative and decision-making process, in line with the CJEU ruling in Case T-540/15 (De Capitani).

1st option

IT

2nd option

EN



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, 16 March 2026

DELETED

E-mail: **DELETED**

Ref. 26/0416

Request made on: 01.02.2026

Registered 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

As a reminder you have asked for:

- 1) Detailed minutes and "outcomes of proceedings" of COREPER II, Foreign Affairs Council (FAC), and General Affairs Council (GAC) meetings concerning the **European Peace Facility** (EPF) tranches and **the Ukraine Facility**, specifically where blocks or vetoes were exercised.
- 2) Formal justifications, position papers, or "room documents" submitted by the Hungarian delegation to explain the use of veto or the threat thereof on the aforementioned dossiers.

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).

3) Any legal opinion issued by the Council Legal Service regarding the consistency of systematic vetoes on Ukraine aid with the Principle of Sincere Cooperation (Art. 4(3) TEU).

Following internal consultations, we can inform you that, as far as points 2 and 3 are concerned, there are no documents that fall in the scope of your request.

Please note that there have been no formal votes where a member of the Council has opposed a veto in this matter.

However, there is a package of measures that has been postponed without a decision due to the lack of agreement between members of the Council; please refer to documents [10636/24](#) (item 25) and [11760/24](#) (item 8) in this regard.

You may wish to contact the EEAS for other relevant documents that may fall in the scope of your request.

Yours sincerely,

Fernando FLORINDO

From: **DELETED**

Sent: Monday, March 16, 2026 3:48 PM

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

Subject: Re: Ref. 26/0416

Dear Mr. Florindo,

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, I hereby lodge a confirmatory application regarding the Council's initial reply to my request Ref. 26/0416.

I formally contest the Council's position for the following reasons:

1. Contradiction regarding the existence of documents (Points 2 and 3)

The Council claims that no documents exist for points 2 and 3. However, the Council's own reply points to documents 10636/24 and 11760/24. Upon examination of these "Summary Records", it is explicitly stated that COREPER II held exchanges of views on the Ukraine Facility and the European Peace Facility in a "restricted format" (e.g., Doc 11760/24, item 7 and 8).

It is legally and logically implausible that a "lack of agreement" was formally recorded without any internal minute, note, or record of the positions expressed by Member States during these restricted sessions. I remind the Council that the definition of "document" under Art. 3(a) is broad and includes internal records of such sessions.

2. Omission of Addenda and "LIMITE" documents

My research in the Council's public register reveals the existence of Doc 11760/24 ADD 1, classified as "LIMITE". Usually, such addenda contain specific statements by Member States. The Council's initial reply failed to address this specific document or explain why access to it (even partial) was not granted, despite it falling squarely within the scope of my request regarding the "lack of agreement".

3. Plausibility of Legal Opinions (Point 3)

The claim that no legal opinion exists regarding the compatibility of systematic vetoes with the Principle of Sincere Cooperation (Art. 4(3) TEU) is inconsistent with the gravity of the institutional deadlock. I request a renewed search for any legal advice, including "short notes" or emails from the Council Legal Service provided to the Presidency or the Secretariat in preparation for the COREPER II meetings mentioned.

4. Misleading reference to "Formal Votes"

The Council states that "no formal votes" were held. This is irrelevant to my request, which specifically asked for "detailed minutes" and "outcomes of proceedings". Under the De Capitani jurisprudence (Case T-540/15), the Council has a duty of transparency regarding the entire decision-making process, including the preparatory stages in COREPER, regardless of whether a final formal vote has been reached.

5. Overriding Public Interest and Partial Access

The security of the Union and the transparency of its foreign policy constitute an overriding public interest. If the Council maintains that full disclosure is not possible, I formally demand partial access (Art. 4(6)) to the minutes of the "restricted format" sessions and to Doc 11760/24 ADD 1.

I look forward to the Secretary-General's decision within 15 working days.

Yours sincerely,

DELETED
