

Brussels, 18 March 2026
(OR. en)

7449/26

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INF 74

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory application N° 14/c/02/26
- Information to delegations

Delegations will find attached:

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

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Sunday, February 1, 2026 9:31 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

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 regarding the creation of a Permanent Fiscal Capacity and the follow-up to the Conference on the Future of Europe (fiscal proposals).

Documents requested:

- 1) Detailed minutes, "outcomes of proceedings", and preparatory records of the ECOFIN Council and the Eurogroup meetings from January 2022 to the present, specifically regarding the discussions on a "Permanent Fiscal Capacity", "Treasury for the Eurozone", or "Fiscal Architecture of the UEM".
- 2) Member States' individual positions, "non-papers", and "room documents" submitted during negotiations on the New Own Resources (including taxation on multinationals and carbon adjustment mechanisms) intended to provide the Union with independent revenue.
- 3) Any legal analysis or formal opinion issued by the Council Legal Service concerning the legal feasibility of transforming the temporary NextGenerationEU (NGEU) mechanism into a structural

and permanent capacity for common debt emission.

Public interest: This request is essential to ensure democratic accountability and transparency over fiscal decisions that directly impact the principle of economic and social cohesion (Art. 174 TFEU) and the rights of European taxpayers. Reference is made to the CJEU Case T-540/15 (De Capitani) regarding the transparency of legislative processes.

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, 17 March 2026

DELETED

E-mail: **DELETED**

Ref. 26/0434

Request made on: 02.02.2026

Registered on: 03.02.2026

Deadline extension: 24.02.2026

Dear **DELETED**,

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

You have requested access to:

“1) Detailed minutes, "outcomes of proceedings", and preparatory records of the ECOFIN Council and the Eurogroup meetings from January 2022 to the present, specifically regarding the discussions on a "Permanent Fiscal Capacity", "Treasury for the Eurozone", or "Fiscal Architecture of the UEM".

2) Member States' individual positions, "non-papers", and "room documents" submitted during negotiations on the New Own Resources (including taxation on multinationals and carbon adjustment mechanisms) intended to provide the Union with independent revenue.

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 analysis or formal opinion issued by the Council Legal Service concerning the legal feasibility of transforming the temporary NextGenerationEU (NGEU) mechanism into a structural and permanent capacity for common debt emission.”

The General Secretariat of the Council does not possess any document that falls within the scope of your access request.

Yours sincerely,

Fernando FLORINDO

From: **DELETED**

Sent: Tuesday, March 17, 2026 8:59 PM

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

Subject: Re: Ref. 26/0434

Dear Mr. Florindo,

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, I hereby lodge a confirmatory application regarding the Council's reply to my request Ref. 26/0434.

I formally contest the Council's claim that it "does not possess any document" falling within the scope of my request. In light of the case law established in Case T-42/05 (Rhiannon Williams v Commission), I hereby provide "relevant, precise and consistent evidence" that renders the Council's claim of non-possession manifestly implausible:

1. Evidence of Public Mandates (Indizi seri e concordanti)

Official Euro Summit statements (specifically March 2023 and March 2024) have publicly tasked the Eurogroup and the ECOFIN Council to "take work forward" on the "Fiscal Architecture of the EMU" and "New Own Resources." It is a matter of public record that these bodies have met multiple times to discuss these specific mandates. Under the logic of Case T-42/05, it is implausible that the General Secretariat of the Council, which provides administrative and technical support to these meetings, has not created or received a single record, briefing, or internal note concerning these activities.

2. Broad Definition of "Document" and Diligent Search

I remind the Secretariat that Article 3(a) of the Regulation includes any content, including informal records, internal memos, and electronic communications. The claim of non-existence suggests that the search was improperly restricted to "final formal acts," ignoring the vast amount of preparatory material that necessarily exists to support ministerial deliberations.

3. Possession vs. Creation (Article 2(3))

As established in the Regulation, the right of access covers all documents held by the institution. Any "non-papers" or "room documents" submitted by Member States or the Commission during the ECOFIN/Eurogroup sessions are, by law, in the Council's possession.

4. Obligation to provide a detailed explanation

Following the Williams precedent, since I have provided objective evidence of the intense activity on these dossiers, the Council can no longer rely on a simple denial. The Council is now legally obliged to either identify the documents or provide a detailed and technically sound explanation as to why no written record whatsoever exists for three years of high-level work.

Conclusion

I request the Secretary-General to order a renewed and exhaustive search across all relevant departments, including the Council Legal Service and the offices supporting the Eurogroup. Denying the existence of such documents constitutes a violation of the principle of transparency (Art. 15 TFEU) and the duty of good administration.

Yours sincerely,

DELETED
