

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 - 13/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 22 January 2026 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 5 March 2026 (Annex 2);
- the confirmatory application dated 17 March 2026 and registered on 18 March 2026 (Annex 3).

From: **DELETED**

Sent: Thursday, January 22, 2026 4:17 PM

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

Cc: **DELETED**

Subject: Request for Access to Documents - EPSCO Council (Health) lunch meeting 2 December 2025

Dear Sir or Madam,

Under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, we request access to documents relating to the informal discussion on “novel tobacco and nicotine products: impact on children and young people” held during the lunch of the EPSCO Council (Health) on 2 December 2025, as referenced in the Presidency background note dated 28 November 2025 published on the Council’s website ([here](#)) and attached to this request (WK 15159/2025 REV 1).

In particular, we seek access to the minutes or summary records of that ministers’ lunch, together with any minutes, notes, outcomes of proceedings, readouts, flash reports, room documents, non-papers, Presidency or General Secretariat notes, speaking points, and any other records covering the same topic that were prepared for, circulated during, or drawn up after that discussion, to the extent held by the Council.

To facilitate the search, this request includes documents bearing “ST” references and any limited-circulation material (including “LIMITE”) as well as “WK/CM/DS” series documents related to the agenda item or lunchtime discussion on novel tobacco and nicotine products at the EPSCO meeting of 2 December 2025, together with the associated preparatory and follow-up documents within the Council (including Working Party-level and Coreper briefings or readouts on that lunch discussion, where available). For the avoidance of doubt, the temporal scope of this request runs from 1 July 2025 to the date of this request. We would also be grateful to receive any relevant agendas or annotated agendas, attendance lists for the lunch, lists of documents tabled or distributed, and any internal indexes, registers or disclosure logs listing documents that fall within this scope, indicating document numbers, dates, authors and distribution classifications where available.

If any document is withheld in whole or in part, we request a minimum description identifying the title, date, author/service, document reference/number and, where applicable, classification, together with the legal basis for any redactions or refusals. We do not seek personal data beyond what is strictly necessary to understand substantive content and accept the redaction of personal contact details.

This request serves the public interest in transparency and accountability concerning policy discussions affecting children and young people in relation to novel tobacco and nicotine products. Recital 11 of Regulation 1049/2001 emphasizes that institutional documents should, in principle, be accessible to the public. If, due to volume, you consider it necessary, we are open to discussing a fair solution under Article 6(3) of Regulation 1049/2001 that does not compromise the core of this request. We prefer electronic access to the documents.

We look forward to your acknowledgment of receipt and to processing within the time limits set by Regulation 1049/2001.

Thank you in advance for your assistance.

All the best,

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, 5 March 2026

DELETED

DELETED

E-mail: **DELETED**

Cc: **DELETED**

Ref. 26/0285

Request made on: 22.01.2026

Deadline extension: 12.02.2026

Dear **DELETED**

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

Please find attached the documents you requested.

Yours sincerely,

Fernando FLORINDO

Enclosures: 3

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).

From: DELETED
Sent: Tuesday, March 17, 2026 6:20 PM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Cc: DELETED
Subject: RE: Ref. 26/0285 - Ares(2026)2440444

Dear Sir or Madam,

We write further to our request for access to documents dated 22 January 2026 concerning the informal discussion on "novel tobacco and nicotine products: impact on children and young people" held during the lunch of the EPSCO Council (Health) on 2 December 2025, and to your response of 5 March 2026 bearing reference 26/0285.

We have reviewed the three documents disclosed in your response (re-attached to this email for convenience), namely:

- WK 15159/2025 INIT – The initial version of the Presidency background note (dated 26 November 2025);
- WK 15159/2025 REV 1 – The Presidency background note (dated 28 November 2025); and
- The general press background brief for the EPSCO Council meeting of 1-2 December 2025 (dated 27 November 2025).

We respectfully submit that the materials provided do not fully address the scope of our original request. The documents disclosed consist of preparatory background materials, two of which (the Presidency background note and the general press background brief) were already publicly available on the Council's website, and do not include any records of the substance of the ministerial discussion that took place during the lunch on 2 December 2025. In particular, we note that the following categories of documents explicitly requested appear not to have been identified or released: minutes or summary records, outcomes of proceedings, readouts or flash reports, room documents or non-papers, speaking points or briefing materials, Working Party-level and Coreper briefings or readouts, attendance lists, and internal indexes, registers or disclosure logs.

In respect of any documents falling within the scope of our original request that have not been disclosed, we request that you provide a schedule identifying each such document (including title, date, author, document reference, and classification) together with the legal basis for any refusal. Should no further documents exist within any of the above categories, we would be grateful for express confirmation to that effect.

This letter constitutes a confirmatory application within the meaning of Articles 7(2) and 8 of Regulation (EC) No 1049/2001. We look forward to receiving your reply within the time limit prescribed by Article 8 of that Regulation.

We remain at your disposal should you wish to discuss the scope of this request with a view to reaching a fair solution pursuant to Article 6(3).

Thank you in advance for your assistance.

All the best,

DELETED
