

Brussels, 11 May 2026
(OR. en)

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INF 134

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory application N° 24/c/04/26
- Information to delegations

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 16 April 2026 and registered on the same day (Annex 1); ¹
- the reply from the General Secretariat of the Council dated 5 May 2026 (Annex 2);
- the confirmatory application dated 6 May 2026 and registered on 7 May 2026 (Annex 3).

¹ The requested documents were mentioned for the first time in the confirmatory application 14/c/02/26. They have been registered under a new initial request (reference: 26/1480).

[E-mail message sent to access@consilium.europa.eu on Thursday, April 16, 2026 10:25 AM]

From: **DELETED**

Sent: Thursday, April 16, 2026 10:25 AM

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

Subject: Re: Ref. 26/0434

Dear Transparency Department,

I take note of your message dated 16 April 2026.

1. Regarding the new initial request (Ref. 26/1480):

I accept the registration of the request for "records, briefings or internal notes of ECOFIN Council and Eurogroup meetings on New Own Resources" under the new reference number 26/1480. I expect a substantive reply within the statutory 15-working-day deadline.

2. Regarding the Confirmatory Application (Ref. 26/0434):

I acknowledge that the deadline for the final decision of the Secretary-General has been extended to **5 May 2026**, as per your communication of 13 April.

However, I wish to clarify that the creation of this new file (26/1480) is a direct consequence of the **renewed search** I requested in my confirmatory application, based on the **Case T-42/05 (Williams v Commission)**. The "briefings and internal notes" you have now identified were already implicitly covered by my initial request for "preparatory records."

The identification of these documents proves that my challenge regarding the initial claim of "non-existence" was well-founded. Therefore, I expect the Secretary-General's final decision on 5 May to address:

- The **Minutes of the Eurogroup/ECOFIN sessions** (Ref. 26/0434).
- The **Legal Opinions** on the fiscal architecture (Ref. 26/0434).
- The justification for not having identified these "records and briefings" during the first stage.

3. Sincere Cooperation:

While I cooperate with this procedural split, I remind the General Secretariat that this must not lead to further delays in disclosing the core documents concerning the Union's fiscal architecture.

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, 5 May 2026

DELETED

E-mail: **DELETED**

Ref. 26/1480

Request made on: 13.04.2026

Registered on: 16.04.2026

Dear **DELETED**,

Thank you for your request for access to documents of the Council of the European Union. ²

On 16 April 2026, you requested access to “*records, briefings or internal notes of ECOFIN Council and Eurogroup from January to the present, on New Own Resources*”.

At the time of the registration of your access request, we identified 9 documents that fall within its scope.

These documents are the following : **WK 8899/2022 INIT, WK 17133/2022 INIT, WK 9938/2023 INIT, WK 16707/2023 INIT, WK 16879/2022 INIT, 10431/22, 15693/22, 11914/23 and 16763/23.**

They are freely available in the [Council's Public Register](#).

Yours sincerely,

Fernando FLORINDO

² 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).

[E-mail message sent to access@consilium.europa.eu on Wednesday, May 6, 2026 8:34 PM]

From: **DELETED**

Sent: Wednesday, May 6, 2026 8:34 PM

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

Subject: Re: Ref. 26/1480

Dear Mr. Florindo,

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, I hereby lodge a confirmatory application regarding your reply to request Ref. 26/1480.

While I acknowledge the identification of 9 documents (WK series and ST series), I formally contest the response as manifestly incomplete and misleading for the following reasons:

1. Misleading information on availability (Omission of ADD 1 and LIMITE versions)

In your reply, you stated that these 9 documents are "*freely available in the Council's Public Register*". However, a diligent search of the register reveals that for many of these files (notably ST 10431/22, ST 15693/22, and ST 11914/23), there exist Addenda (ADD 1) containing "Draft Minutes" or specific Member State statements which are classified as "LIMITE" or marked as "content not accessible." By directing me only to the public "INIT" versions while omitting the existence of the related Addenda, the Council has failed in its duty of transparency and thorough search.

2. Failure to identify "Briefings and Internal Notes" (The core of the request)

My request was explicitly for "*records, briefings or internal notes*". The documents you identified (e.g., WK 8899/2022, WK 16879/2022) are "Presidency Flash" or "Follow-up" notes. While these are relevant, they are technical summaries. Under the Case T-42/05 (Williams v Commission) logic, it is implausible that these technical papers were not accompanied by internal briefing notes prepared by the General Secretariat for the President of the Eurogroup/ECOFIN to navigate the "lack of agreement" mentioned in your concurrent reply (Ref. 26/0416).

3. Inconsistency between concurrent replies

There is a striking contradiction between your reply to Ref. 26/0434 (claiming "non-existence" of documents on fiscal capacity) and your reply to Ref. 26/1480 (identifying 9 documents on "New Own Resources"). Since "Own Resources" is the legal basis for the Union's fiscal capacity, the Council is using semantic evasion to hide the existence of a broader set of records.

Conclusion

I formally request the Secretary-General to:

1. Grant access (full or partial under Art. 4(6)) to all Addenda (ADD 1) and COR versions of the 9 documents identified.
2. Conduct a renewed search for the internal briefings and emails associated with these files, which are essential to understand the reasons for the legislative deadlock on fiscal resources.

Yours sincerely,

DELETED
