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Eingelangt am 03/11/26

Council of the European Union

Brussels, 30 October 2026
(OR. de)

14049/26

API 206
INF 280

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents – Confirmatory application 54/c/01/26 – Information to delegations

Delegations will find attached:

- the application for access to documents sent to the General Secretariat of the Council on 20 July 2026 and registered on 22 July 2026 (Annex 1);
- the reply from the General Secretariat of the Council dated 18 September 2026 (Annex 2);
- the reply from the General Secretariat of the Council dated 30 September 2026 (Annex 3);
- the confirmatory application of 2 October 2026, registered on the same day (Annex 4).

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ANNEX 1

Council of the European Union
General Secretariat
Transparency - Access to Documents, rue de la
Loi/Wetstraat 175
B-1048 Brussels
Belgium
Email: access@consilium.europa.eu

Düsseldorf, 20 July 2026

Application for access to documents in accordance with Regulation (EC) No 1049/2001

Subject: Legal assessments and deliberative documents on the negotiating framework for accession negotiations with the Republic of North Macedonia (July 2022) and on the so-called Second Bilateral Protocol between the Republic of Bulgaria and the Republic of North Macedonia (July 2022) in conjunction with the Friendship Treaty

Dear Sir/Madam,

As a citizen of the Union in accordance with Article 2(1) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents in conjunction with Annex II to Decision 2009/937/EU (Council's Rules of Procedure), I hereby request access to the following documents:

1. all opinions, legal assessments, notes and other contributions of the Legal Service of the Council from the period from 1 November 2021 to 31 December 2022 concerning the legal assessment of (a) the so-called Second Bilateral Protocol between the Republic of Bulgaria and the Republic of North Macedonia, signed on 17 July 2022, and/or (b) its incorporation into, or the references made to it in, the negotiating framework for the accession negotiations with the Republic of North Macedonia (July 2022);

2. all documents of the preparatory bodies of the Council – in particular the Working Party on Enlargement and Countries Negotiating Accession to the EU (COELA) and the Permanent Representatives Committee (Coreper) – from the period from 1 January 2022 to 31 July 2022 concerning the drafting, discussion or amendment of the draft negotiating framework for the Republic of North Macedonia, including outcomes of proceedings, Presidency notes and drafting suggestions by delegations relating to the inclusion of bilateral conditions and to their compatibility with Articles 2, 21 and 49 TEU and with the Copenhagen criteria of 1993;

3. the correspondence between the General Secretariat of the Council and the French Presidency of the Council, on the one hand, and the services of the European Commission (Secretariat-General, DG NEAR, Legal Service), on the other hand, from the period from 1 January 2022 to 31 July 2022, insofar as it concerns the drafting of the negotiating framework for the Republic of North Macedonia;

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4. all documents from the period from 1 June 2022 to the date of this application concerning Bulgaria's unilateral statement on the Macedonian language (Council document ST 11373/22 ADD 1), including any draft versions, observations and comments by delegations, as well as legal assessments of the legal nature and effects of that statement.

For individual documents as described above which are already available in the public register of Council documents, I merely request communication of those document numbers; for the rest, I maintain the application in its entirety.

Should the Council consider that individual documents either fully or partially fall within the scope of one of the exceptions laid down in Article 4 of the Regulation, I hereby request, in the alternative, partial access pursuant to Article 4(6) of the Regulation. By way of a precaution I would point out that, according to the case-law of the Court of Justice (joined Cases C-39/05 P and C-52/05 P, *Sweden and Turco* v *Council*), an individual and concrete examination of each of the documents requested is required, refusals given in general terms per category are inadmissible, and the disclosure of opinions of the Legal Service on legal questions of significance for the legislative and decision-making process in particular can be of heightened public interest.

There is such overriding public interest within the meaning of Article 4(2) of the Regulation here: The requested documents concern the fundamental values of the EU (Article 2 TEU), the credibility and legitimacy of enlargement policy and the legal status of EU citizens of Macedonian origin.

I would be grateful if you could send the documents in electronic form to the above email address and immediately confirm receipt of this application in accordance with Article 7(1) of the Regulation. I trust that the reply will be provided within the deadline of 15 days, as provided for therein. Should you require further clarification to delineate the requested documents more precisely, in accordance with Article 6(2) of the Regulation, I would be happy to oblige.

Yours sincerely,

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ANNEX 2

Council of the European Union
General Secretariat
Directorate-General for Communication and Information – COMM
Information and Outreach Directorate
Information Services/Transparency
Head of Unit

Brussels, 18 September 2026

DELETED
Email: **DELETED**

Ref.: 26/2733

Application made on: 20.07.2026
Registered on: 22.07.2026
Time limit extended: 12.08.2026

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Thank you for your application for access to documents of the Council of the European Union.[1]

You have requested access to the following documents:

"1. all opinions, legal assessments, notes and other contributions of the Legal Service of the Council from the period from 1 November 2021 to 31 December 2022 concerning the legal assessment of (a) the so-called Second Bilateral Protocol between the Republic of Bulgaria and the Republic of North Macedonia, signed on 17 July 2022, and/or (b) its incorporation into, or the references made to it in, the negotiating framework for the accession negotiations with the Republic of North Macedonia (July 2022);

2. all documents of the preparatory bodies of the Council – in particular the Working Party on Enlargement and Countries Negotiating Accession to the EU (COELA) and the Permanent Representatives Committee (Coreper) – from the period from 1 January 2022 to 31 July 2022 concerning the drafting,

[1] The General Secretariat of the Council has examined your application on the basis of 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).

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discussion or amendment of the draft negotiating framework for the Republic of North Macedonia, including outcomes of proceedings, Presidency notes and drafting suggestions by delegations relating to the inclusion of bilateral conditions and to their compatibility with Articles 2, 21 and 49 TEU and with the Copenhagen criteria of 1993;

3. the correspondence between the General Secretariat of the Council and the French Presidency of the Council, on the one hand, and the services of the European Commission (Secretariat-General, DG NEAR, Legal Service), on the other hand, from the period from 1 January 2022 to 31 July 2022, insofar as it concerns the drafting of the negotiating framework for the Republic of North Macedonia;

4. all documents from the period from 1 June 2022 to the date of this application concerning Bulgaria's unilateral statement on the Macedonian language (Council document ST 11373/22 ADD 1), including any draft versions, observations and comments by delegations, as well as legal assessments of the legal nature and effects of that declaration."

Having been in contact with the relevant services of the General Secretariat of the Council, we would like to inform you that:

No existing document corresponds to your request insofar as it concerns access to: *"all opinions, legal assessments, notes and other contributions of the Legal Service of the Council from the period from 1 November 2021 to 31 December 2022 concerning the legal assessment of (a) the so-called Second Bilateral Protocol between the Republic of Bulgaria and the Republic of North Macedonia, signed on 17 July 2022, and/or (b) its incorporation into, or the references made to it in, the negotiating framework for the accession negotiations with the Republic of North Macedonia (July 2022);"* and to: *all documents from the period from 1 June 2022 to the date of [your] application concerning Bulgaria's unilateral statement on the Macedonian language (Council document 11373/22 ADD 1), including any draft versions, observations and comments by delegations, as well as legal assessments of the legal nature and effects of that declaration.".*

Documents 11440/22, 11373/22 ADD 1, 11373/22 ADD 2, 11364/22, 11364/22 COR 1, and 11353/22 are public and available in the public register of Council documents.

Please find attached document **11373/22** and documents **CM 3994/22** and **CM 3996/22**, in which personal data only has been redacted[2].

I regret to inform you that access to documents **10373/22, 10374/22 (+ REV 1), 10381/22** and **10393/22** cannot be given for the reasons set out below.

[2] See Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 2018/296, 21.11.2018, p. 39).

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Document **10373/22**, dated 17 June 2022, is a note from the Presidency to Coreper having as subject *Enlargement – Accession negotiations with the Republic of North Macedonia – General EU Position.*

Document **10374/22**, dated 17 June 2022, is a note from the Presidency to Coreper having as subject *Enlargement – Procedure for accession negotiations with North Macedonia (internal arrangements)*.

Document **10374/1/22 REV 1**, of the same date, is a revised version of the previous document, having as additional subject *Decision to use the written procedure*.

Document **10381/22**, dated 17 June 2022, is a note from the Presidency to Coreper having as subject *Enlargement – North Macedonia – Draft Council conclusions = Approval*. More specifically, it concerns approval by Coreper with a view to subsequent approval by the Council.

Document **10393/22**, dated 17 June 2022, is a note from the Presidency to Coreper having as subject *Enlargement – North Macedonia – Note from the Presidency*. It contains a presentation of the procedural steps that had been taken at the time, as well as of the main ideas for an updated version of the draft negotiating framework for North Macedonia.

Release of the information contained in these documents would prejudice relations between the European Union and North Macedonia. These documents contain sensitive information for the partner country which cannot be disclosed at this stage.

Disclosure of the documents would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse access to these documents[3].

We have also looked into the possibility of releasing parts of the documents.[4] However, as the information contained in each of the documents forms an inseparable whole, the General Secretariat is also unable to give partial access.

Please note that consultations are still ongoing regarding documents **CM 3997/22** and **CM 3999/22**, and that you will be sent a supplementary decision concerning them as soon as possible.

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3 Third indent of Article 4(1), point (a) of Regulation (EC) No 1049/2001.
4 Article 4(6) of Regulation (EC) No 1409/2001.

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Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you can 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.

Yours sincerely,

Fernando Florindo

Attachments: 3

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ANNEX 3

Council of the European Union
General Secretariat
Directorate-General for Communication and Information – COMM
Information and Outreach Directorate
Information Services/Transparency
Head of Unit

Brussels, 30 September 2026

DELETED
Email: **DELETED**

Ref.: 26/2733-ADD

Application made on: 20.07.2026
Registered on: 22.07.2026
Time limit extended: 12.08.2026

DELETED

I refer to my letter of 18 September.

Please find enclosed the requested documents, only redacted for personal data[1] (**CM 3997/22** and **CM 3999/22)**.

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.

Yours sincerely,

Fernando Florindo

Enclosures:

[1] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

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ANNEX 4

Council of the European Union
General Secretariat
DG Communication and Information – COMM
Information Services/Transparency, rue de la
Loi/Wetstraat 175
1048 Brussels,
Belgium
By email: access@consilium.europa.eu

Düsseldorf, 2 October 2026

Confirmatory application pursuant to Article 7(2) of Regulation (EC) No 1049/2001
Your reference: 26/2733 – Your letter of 18 September 2026

Dear Mr Florindo,
dear Sir/Madam,

Thank you for your letter of 18 September 2026 and for sending documents 11373/22, CM 3994/22 and CM 3996/22.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001 and within the stipulated time limit, I hereby request the Council to review its decision. The confirmatory application extends to all parts of the decision which did not, or did not fully, satisfy the requests set out in my application of 20 July 2026. Where access has been granted or reference has been made to publicly available documents, the decision is not the subject of this application.

I. Requests

I request:

1. to be granted full access to documents 10373/22, 10374/22, 10374/1/22 REV 1, 10381/22 and 10393/22, or, in the alternative, partial access in accordance with Article 4(6) of Regulation (EC) No 1049/2001;
2. that a decision be made on point 3 of my application (correspondence between the General Secretariat of the Council and the French Presidency of the Council, on the one hand, and the services of the European Commission, on the other hand) to identify and grant access to the documents covered by it or, in the absence thereof, to make an express finding;
3. that the documents covered by point 2 of my application be fully identified, in particular the documents of the Working Party on Enlargement and Countries Negotiating Accession to the EU (COELA) – outcomes of proceedings, Presidency notes, and drafting suggestions by and contributions from delegations, including working documents (WK) not recorded in the public register – and access be granted to them;
4. that the indication that there are no existing documents in relation to points 1 and 4 of my application be reviewed on the basis of a new search and the scope thereof be explained;

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5. that a list of all identified documents – including the date, author, assigned request point, access decision and, where applicable, the exception used – be attached to the decision.

II. Statement of reasons

1. On the refusal of access to the Presidency notes of 17 June 2022

I am aware that the Council enjoys a wide discretion with regard to the exception relating to the protection of international relations (third indent of Article 4(1)(a) of Regulation (EC) No 1049/2001) and that that exception does not provide for a balancing against overriding public interest[1]. In that area too, however, the institution must explain how access could specifically and actually undermine the protected interest; the risk must be reasonably foreseeable and not purely hypothetical[2]. The decision does not satisfy those requirements for the following reasons.

a) Blanket reasoning. The same reasoning has been used for four documents with different content. There is no indication of what information is sensitive nor the nature of the feared undermining. Reasoning of that kind could be applied to any document in an accession process; it does not make it possible for me or a court to carry out a review (second paragraph of Article 296 TFEU).

b) The content of the documents according to your own description. The descriptions in the decision themselves are indicative of the absence of any undermining.

- 10374/22 and 10374/1/22 REV 1 relate to the Union's internal procedural arrangements and the use of the written procedure. It is not clear why knowledge of internal organisational arrangements would affect relations with a third country.
- 10393/22 contains a list of procedural steps that have already been taken. Completed procedural steps are facts the disclosure of which cannot prejudice international relations. At most, the considerations contained therein regarding an updated draft could require closer examination – which is an argument in favour of partial access.
- 10381/22 concerns draft Council conclusions. The Council conclusions of 18 July 2022 have been published. It is not specified what sensitive information is supposedly contained in the draft beyond the information in the adopted version.
- 10373/22 concerns the General EU Position. According to your own communication, the final version of the negotiating framework (11364/22, 11364/22 COR 1) is public and the Union's Position was communicated to the Republic of North Macedonia at the first Intergovernmental Conference on 19 July 2022.

c) Information 'for the partner country'. The decision bases the sensitivity on the fact that the documents contained certain information for the partner country. Information intended for the Republic of North Macedonia has been or should have been transmitted to that State. It is not clear how disclosure of information that is known to the State would supposedly prejudice relations with that State. If information about the partner country is meant, that information should be specified. Moreover, it is not clear from the decision whether the Republic of North Macedonia was consulted in accordance with Article 4(4) of Regulation (EC) No 1049/2001; I expressly urge that this be done.

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1 Court of Justice, Judgment of 1 February 2007, Sison v Council, C-266/05 P.

2 Court of Justice, Judgment of 1 July 2008, Sweden and Turco v Council, C-39/05 P and C-52/05 P; Judgment of 3 July 2014, Council v in 't Veld, C-350/12 P.

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d) Timeframe. The documents date back to 17 June 2022. It has been more than four years since the negotiating framework was adopted, the first Intergovernmental Conference has taken place and the screening process has been completed. In accordance with Article 4(7) of Regulation (EC) No 1049/2001, the exceptions only apply for the period during which protection is justified on the basis of the content. The decision itself is based on the fact that the information could not be disclosed 'at this stage', but does not explain which stage of the procedure still requires confidentiality after more than four years, nor when that justification will no longer apply.

2. Partial access (Article 4(6) of Regulation (EC) No 1049/2001)

Article 4(6) of Regulation (EC) No 1049/2001 requires an examination of whether parts of a document can be disclosed; according to the principle of proportionality, access may be restricted only to the extent necessary to protect the interest in question[3]. The finding that the information formed an 'inseparable whole' is not justified for any of the documents. Already according to the documents' own description, they do contain separable parts: cover note, subject and procedural details; recommendations to Coreper for a decision; list of procedural steps in 10393/22; procedural arrangements in 10374/22; and passages of text which correspond to the public versions of the negotiating framework and conclusions. In the alternative, I request access to these parts.

3. Point 3 of my application

Point 3 of my application is mentioned in the decision only where the decision quotes the application. The decision neither names a document nor finds that documents do not exist; moreover, the documents transmitted or described as public are not assigned to any point of my application. In this much, a decision on my application is lacking. It stands to reason that correspondence must have been exchanged between the General Secretariat/Presidency and the Commission services during the preparation of a negotiating framework the draft of which is submitted by the Commission and agreed on by the Presidency. I request an investigation and decision.

4. Point 2 of my application

For the period from 1 January to 31 July 2022, the Decision only mentions four Presidency notes to Coreper of 17 June 2022, some CM documents and the public versions created in July 2022. Not a single document of the COELA Working Party is mentioned. The draft negotiating framework was discussed for months over this period and amended following the French Presidency's compromise proposal of June 2022, which became known to the public. It seems implausible that no outcomes of proceedings, Presidency notes or contributions from delegations on the subject were produced in the relevant Council Working Party.

I would point out that a document as defined in Article 3, point (a) of Regulation (EC) No 1049/2001 exists regardless of whether or not it is in the public register[4]. Consequently, WK documents, documents distributed through the Delegates' Portal, outcomes of proceedings and meeting invitations with agendas also fall within the scope. Please identify these documents or explain why they allegedly do not fall within the scope of my application.

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3 Court of Justice, Judgment of 6 December 2001, *Council* v *Hautala*, C-353/99 P.

4 Article 3, point (a) of Regulation (EC) No 1049/2001: 'any content whatever its medium'; see also Article 11(2) of Regulation (EC) No 1049/2001.

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5. Error in the information indicated re points 1 and 4

The statement by an institution that no documents exist justifies a presumption of veracity which can be rebutted by coherent evidence. Such evidence does exist:

- Re point 1: The negotiating framework (11364/22) refers to bilateral commitments of the Republic of North Macedonia. The incorporation of a bilateral protocol between a Member State and a candidate State into an act in the procedure under Article 49 TEU raises legal questions that typically involve the Legal Service. My application also explicitly covers 'other contributions' of the Legal Service; these include oral statements recorded in the outcomes of Coreper or COELA proceedings.
- Re point 4: The unilateral statement by Bulgaria was circulated as a Council document (11373/22 ADD 1). The submission of that statement is likely to have been accompanied by a cover note, draft versions, or comments by other delegations or the Presidency. The period covered by the application runs until July 2026 and also covers later versions, such as those related to parliamentary questions to the Council.

I would therefore ask you to conduct a new search and explain its scope: which services were included (including the Legal Service and the Council's Directorate-General responsible for enlargement), which registers, databases and records were searched (including WK documents and the Delegates' Portal) and which key words were used.

III. Final comments

Please confirm receipt of this confirmatory application, indicating the date of registration. I kindly request that you correspond in German.

In the event of a total or partial rejection of the confirmatory application, I reserve the right to a remedy as set out in Article 8(1) of Regulation (EC) No 1409/2001, namely by instituting proceedings under Article 263 TFEU and making a complaint to the European Ombudsman under Article 228 TFEU.

Yours sincerely,

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