



**Brussels, 21 May 2025
(OR. en)**

9157/25

**INF 84
API 50**

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 12/c/02/25

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 10 April 2025 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 19 May 2025 (Annex 2);
- the confirmatory application dated 19 May 2025 and registered on the same day (Annex 3).

From: **DELETED**

Sent: jeudi 10 avril 2025 10:15

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

Subject: access to documents request - WhatsApp group message of Minister Plakolm

Dear Council of the European Union,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting at text messages sent by Austrian minister Claudia Plakolm to a WhatsApp group of ministers of EU affairs. The message deals with Austria's family reunion policy, according to an interview Plakolm gave in Austrian newspaper Der Standard:

<https://www.derstandard.at/story/3000000261383/familienministerin-plakolm-mein-leitbild-ist-das-von-vater-mutter-und-kindern>

I have reason to believe that members of the Council secretariat are part of this group, and the messages are therefore in the possession of the Council.

Yours faithfully,

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, 19 May 2025

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Email: **DELETED**

Ref. 25/1106

Request made on: 10.04.2025

Deadline extension: 07.05.2025

Dear **DELETED**,

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

Having duly consulted the relevant services in the GSC, we would like to inform you that the General Secretariat of the Council is not in possession of the WhatsApp message you requested.

Yours sincerely,

Fernando FLORINDO

From: **DELETED**

Sent: lundi 19 mai 2025 16:29

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

Subject: Internal review of access to documents request - WhatsApp group message of Minister Plakolm

Dear Council of the European Union,

Please pass this on to the person who reviews confirmatory applications.

I am filing the following confirmatory application with regards to my access to documents request 'WhatsApp group message of Minister Plakolm'.

I note that I was able to confirm that the exchange in question exists through access requests in EU member states. For instance, the Swedish government confirmed the messages existence, see official reply here:

https://drive.google.com/file/d/1isyBHdVOEnMJtQh80fc_QDRhh4QXT1hW/view?usp=sharing

Similarly, the Danish government acknowledged the message's existence:

https://drive.google.com/file/d/1Fry3iCb_U8EBC06yY27Dc7AuOR_AhnYk/view?usp=sharing

I therefore regard the existence of the message in question proved beyond reasonable doubt.

Furthermore, I wish to point to the recent General Court ruling in *Stevi v Commission*, T-36/23, in which the court held that "in the absence of a precise explanation of how the requested documents were sought, the institution concerned fails in its duty to provide plausible explanations for the non-possession of documents which existed in the past".

I therefore ask the Council to explain how specifically how it searched for the message, and whether any Council Secretariat have access to messages of said WhatsApp group.

Yours faithfully,

DELETED