



**Brussels, 18 August 2025  
(OR. en)**

**12156/25**

**INF 131  
API 71**

**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 17/c/03/25

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Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 27 June 2025 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 11 August 2025 (Annex 2);
- the confirmatory application dated 18 August 2025 and registered on the same day (Annex 3).

**From:** DELETED

**Sent:** Friday 27 June 2025 09:36

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

**Subject:** access to documents request - Politico subscriptions

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 any documents held by the Council related to subscriptions for Politico. This is meant to include contracts, internal exchanges of the Council, e-mails with sales representatives, etc. The motivation for my request is to understand how much money the Council spends on Politico subscriptions, and how this spending is coordinated internally.

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, 11 August 2025

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Email: **DELETED**

Ref. 25/1891

Request made on: 27.06.2025

Deadline extension: 18.07.2025

Dear **DELETED**,

Thank you for your request for access to documents of the Council of the European Union.<sup>1</sup>

Please be informed that a great part of the information which relates to your request and may therefore be of interest to you can be found under the following links:

- The notice concerning the related procurement procedure may be found here: [EU Funding & Tenders Portal](#) . Line 1910 of the Excel spreadsheet relation to Annex 8 List of Resources (further down this webpage) refers to your request: "R1906 Pro Intelligence".
- The award result can be found here: <https://ted.europa.eu/en/notice/-/detail/731103-2022> .

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<sup>1</sup> 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).

The following documents have been identified within the scope of your request:

- 11 invoices from the award winner, referring to the years 2016 to 2024
- 11 purchase orders from the General Secretariat of the Council (GSC), referring to those same years

Please find attached partially accessible versions of these documents<sup>2</sup>. I regret to inform you that full access to these documents cannot be given for the reasons set out below.

Certain information contained in these documents relates to elements that have a commercial nature, in particular the prices for the subscriptions. A disclosure of this information is commercially sensitive for the GSC as well as for the service providers. This disclosure would infringe commercial interests and could be used to distort competition in current and future procedures, vis-à-vis the GSC as well as other firms or institutions. It would therefore prejudice the legitimate interests of the GSC and of the economic operators that participated in this procedure. The full disclosure of this document would therefore undermine the protection of commercial interests of legal persons.

Having examined the context in which these documents were drafted and the current state of play on this matter, on balance the General Secretariat could not identify any evidence suggesting an overriding public interest in the full disclosure of such elements here above referred to and contained in these documents.

Furthermore, these documents contain personal data relating to the names, contact details and signatures of staff members not holding senior management positions, as well employees of the firm that obtained the award, necessary to conduct the procedure in question. The data protection rules at EU level<sup>3</sup> provide that when the personal data collected is to be used for a different purpose, including disclosure to the public, a balance needs to be established between the public interest in having access to such data and the legitimate right of individuals to protect their personal data. After carefully considering all the principles related to this request, on balance the General Secretariat has concluded that disclosure of the personal data contained in these documents would undermine the protection of privacy and the integrity of the identified individuals.

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<sup>2</sup> Article 4(6) of Regulation (EC) No 1049/2001.

<sup>3</sup> 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 (OJ L 295 21.11.2018, p. 39).

In addition, these documents contain bank account numbers, functional mailboxes and IP addresses. These have been redacted on grounds of public security and to protect IT systems.

As a consequence, the General Secretariat has to refuse full access to these documents<sup>4</sup>.

In addition, and in reply to your motivation for this request, please be informed that the spending on subscriptions within the GSC is internally centralised in the Communications department. This department then provides the necessary access for users across the institution.

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 thereof.

Yours sincerely,

Fernando FLORINDO

Enclosures: 22

Link to documents: <https://we.tl/t-YXF8drqftx>

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<sup>4</sup> Article 4(2), first indent; Article 4(1)(b); and Article 4(1)(a), 4<sup>th</sup> indent, of Regulation 1049/2001.

**From:** **DELETED****Sent:** Monday 18 August 2025 10:42**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>**Subject:** Internal review of access to documents request - Politico subscriptions

Dear Mr Florindo,

I hereby submit a confirmatory application pursuant to Article 7(2) of Regulation (EC) No 1049/2001 regarding my request for access to documents registered under reference 25/1891.

In your initial reply, access to key information was refused on the basis of Article 4(2), first indent of the Regulation (protection of commercial interests). I respectfully submit that this exception has been applied too broadly and that in any event there is an overriding public interest in disclosure.

First, not all information contained in contracts is commercially sensitive or capable of undermining the commercial interests of the contracting parties. The Court of Justice has confirmed that Article 4(2) must be interpreted and applied in a strict manner and that the institution is required to carry out a “concrete and individual assessment” of each part of the requested documents. The reply appears to rely on a general presumption of confidentiality for contractual information, which is not foreseen by the Regulation and contradicts existing practice in other EU institutions.

Indeed, the European Commission, the European Parliament and several EU agencies have disclosed unit prices and contractual details in similar procurement files, in response to access to documents requests. Moreover, several EU institutions - including the European Economic and Social Committee and the Committee of Regions - have disclosed upon requests by the applicant sums paid for Politico Pro subscriptions. These precedents show that disclosure of prices and similar contractual data does not, per se, undermine commercial interests and is therefore not covered by Article 4(2) unless specifically demonstrated in the individual case.

At minimum, the Council should disclose information that makes it possible to arrive at a total sum of money spent by the Council per year on Politico subscriptions.

Second, there is a manifest overriding public interest in the disclosure of the information at stake. Transparency of public spending is a fundamental principle of EU governance and a precondition for democratic control. The amounts spent by EU institutions from the public budget must be open to scrutiny in order to ensure efficient use of resources and to prevent any suspicion of undue favouritism or preferential treatment.

In this particular case, access to the prices and other figures in the contracts is essential for the public to assess whether the institution has obtained fair value for money and to compare these prices with other publicly-available contracts awarded to similar service providers. Without access to this information, it is impossible to verify whether the institution paid market-appropriate prices and whether the award criteria were applied in an objective and transparent manner.

I note this request is made in the context of a journalistic investigation which looks at subscriptions as a form of subsidy that could possibly compromise the independence of media that rely on the EU institutions for revenue. I therefore believe it is important to disclose prices to see what level of vulnerability a media like Politico, or competitors such as Euroactive, Agence Europe, MLEX, etc might have to changes in subscriptions by EU institutions.

Similarly, I note that the European Media Freedom Act, which recently entered into force, recognises the importance of public funds allocated for state advertising and supply or service contracts, and states that such funds can make media “vulnerable to undue state influence or partial interests to the detriment of the freedom to provide services and fundamental rights.” As recital 72 of the EMFA states: “An opaque and biased allocation of such funds is therefore a powerful tool to exert influence on the editorial freedom of media service providers, ‘capture’ media service providers or covertly subsidise such providers to gain unfair political or commercial advantage or favourable coverage.” To avoid the appearance of bias, the Council should be completely transparent about the sums it spends on Politico subscriptions, and what it receives in return.

For the foregoing reasons, I respectfully request a reconsideration of the initial decision and full or at least partial disclosure of the requested documents (e.g. with redaction of genuinely sensitive information that can be individually justified).

Yours faithfully,

**DELETED**