



Brussels, 5 September 2025  
(OR. en)

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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application N° 20/c/02/25

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Delegations will find attached:

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

**From:** **DELETED**

**Sent:** Friday 18 July 2025 11:34:01

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

**Subject:** Consilium - Electronic Request for Access to documents [SPANISH]

**Form of address**

**DELETED**

**Family name**

**DELETED**

**First name**

**DELETED**

**E-mail**

**DELETED**

**Position/profession**

**DELETED**

**Full postal address**

**DELETED**

**Telephone**

**DELETED**

**Requested document(s)**

REQUESTS access to all documents at its disposal, irrespective of their origin (internal or external), by the General Affairs Council of 18 July 2025 on the subject ‘Catalan, Basque and Galician languages. The Council will also discuss Spain’s request to include Catalan, Basque and Galician in Regulation No 1/1958, which determines the EU’s language regime.’ As well as any reports received by the Council, both from the Commission and from other bodies (including internal bodies), on the consequences of any type of the abovementioned reform of Regulation No 1/1958, in particular the legal consequences or implications. Documents already provided by the Council on 11 July 2025 (Reference 25/1581) are excluded from this request for access.

NOTE: The petitioner is surprised that in a case of this magnitude (nothing less than a radical reform of the EU legal regime, in force since 1958) there are no reports from the Council of the EU Legal Service, since, as stated in the Annual Activity Report of the Legal Service (2024) of 31 March 2025: “On important legal issues, the CLS provides written contributions and opinions in the form of a document distributed to delegations”. Furthermore, in a letter of 28 February 2024 from the Chair of the Committee on Petitions of the European Parliament on petition 0937/2023, it is stated, on this matter, that “The Council Legal Service is currently preparing a report on this subject”.

**1st option**

**2nd option**



**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, 2 September 2025

**DELETED**

Email: **DELETED**

Ref. 25/2114

Request made on: 18.07.2025

Extended deadline: 11.08.2025

Dear **DELETED**,

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

The following documents have been identified related to your inquiry:

- 11302/25 INIT + ADD1 + ADD2
- WK 16548/2023
- 11762/25
- 11431/25 and its annexed factsheet

Documents **11302/25 INIT + ADD1 + ADD2** are attached.

Document [WK 16458/2023](#) has already been sent to you in other applications and is available in the Council Register of Documents.

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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 special provisions concerning public access to Council documents set out in Annex II to the Council's Rules of Procedure (Council Decision 2009/937/EU, OJ L 325, 11.12.2009, p. 35).

We regret to inform you that it is not possible to grant access to documents **11762/25, 11431/25 and their annexed factsheet** for the following reasons.

*Document 11762/25* contains a legal report at the request of the Secretariat of State for the European Union on whether or not to amend Council Regulation 1/1958 laying down the rules governing the languages used by the institutions of the Union to include Catalan, Basque and Galician in these rules, without amending the Treaties.

That report contained a legal analysis addressed to the State administration, which the Spanish delegation had shared with the other delegations. Their disclosure would jeopardise the inherent requirements of confidentiality of the advisory function performed by the provider of that legal analysis. Disclosure would undermine the protection of legal advice.

In addition, the document refers to an ongoing decision-making procedure. Disclosure at this stage would seriously undermine the institution's ongoing decision-making process, hampering deliberations in the Council and its preparatory bodies.

Therefore, the General Secretariat should refuse access to the document<sup>2</sup>.

Having examined the context in which the document was drawn up and the current state of play of this matter, the General Secretariat has not been able to find any evidence of an overriding public interest justifying its disclosure.

Document *11431/25 and its annexed factsheet* contain a memorandum from the Spanish Government concerning the recognition of Spanish official languages in the EU. It is a working document covering the background and motivation of the proposals submitted by the Spanish Government in the context of an ongoing decision-making process. Disclosure at this stage would seriously undermine the institution's decision-making process, hampering the deliberations of the Council and its preparatory bodies.

Therefore, the General Secretariat should refuse access to these documents<sup>3</sup>.

Having examined the context in which the documents were drawn up and the current state of play of this matter, the Secretariat-General has not been able to find any evidence of an overriding public interest justifying their disclosure.

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<sup>2</sup> Article 4(2), second indent, and Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.

<sup>3</sup> Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.

We have also considered the possibility of disseminating parts of these documents<sup>4</sup>, but since the exceptions to the right of access apply to the entirety of their content, partial access cannot be granted by the Secretariat-General.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you may, within 15 working days of receipt of this letter, request the Council to review your decision. If you consider that such a review is necessary, please state the reasons.

Yours sincerely,

Fernando FLORINDO

Annexes: 3

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

**From:** **DELETED**

**Sent:** Tuesday 2 September 2025 15:58

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

**Subject:** CONFIRMATORY APPLICATION NO 25/2114

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**DELETED** 2 September 2025

**COUNCIL OF THE EUROPEAN UNION**

**General Secretariat**

**Information Services Unit – Transparency Team**

**CONFIRMATORY APPLICATION NO 25/2114**

Dear Sir or Madam,

I.- The reply to the above request for access, stating that it is not possible to grant access to documents 11762/25 and 11431/25 and the factsheet in annex for the reasons given, arrived today.

The two documents are a legal report and a memorandum sent by the Spanish Government to the Council in support of its **legislative proposal** to amend Council Regulation 1/1958 determining the languages to be used by the EU institutions to include Catalan, Basque and Galician.

**It should be pointed out that this proposal has been repeated on a number of occasions by the Spanish Government to the Council.**

These documents also form part of the so-called **regulatory footprint**, which consists of the files through which legislative proposals are processed.

## II.- The request for access was worded as follows:

*Access is REQUESTED to all documents that were available to the General Affairs Council of 18 July 2025, irrespective of their origin (internal or external), on the subject of ‘Catalan, Basque and Galician languages. The Council will also discuss Spain’s request to include Catalan, Basque and Galician in Regulation No 1/1958, which governs the EU’s language regime’, as well as all reports received by the Council from the Commission and other bodies (including internal bodies) on the consequences of any kind of reform of Regulation No 1/1958, in particular the legal consequences or implications of such reform.*

*Documents already provided by the Council on 11 July 2025 (Reference 25/1581) are not included in this request for access.*

*NB: The petitioner is surprised that in a case of this scale (no less than a radical reform of the EU’s legal regime, in force since 1958), there are no reports from the Legal Service of the Council of the EU, since, as stated in the Legal Service’s Annual Activity Report (2024) of 31 March 2025: ‘On important legal questions, the CLS provides written contributions and opinions in the form of a document distributed to delegations’. Furthermore, the letter of 28 February 2024 from the Chair of the European Parliament’s Committee on Petitions about Petition No 0937/2023, stated that ‘The Council’s legal service is currently preparing a report on this subject’.*

III.- The refusal of access is based on the fact that the documents relate to an ongoing decision-making procedure. Disclosure at this stage would seriously undermine the institution’s ongoing decision-making process, impeding deliberations in the Council and its preparatory bodies (Article 4(2), second indent, and Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001).

Since access has been granted to document WK 16458/2023 (Report from the European Commission at the request of the Presidency of the Council on the assessment of the cost of the legislative proposal in question), that reasoning is not supported, since the document to which access has been granted is of the same nature as the documents to which access has been refused.

It is a working document (of the Commission) in the context of the same ongoing decision-making process. According to the Council, disclosure at this stage would seriously undermine the institution’s decision-making process, impeding the deliberations of the Council and its preparatory bodies.

Furthermore, it makes no sense to give access to the text of the Spanish Government’s legislative proposal (and its revisions, annexes and government statements) and to refuse access to the documents in question.

IV.- Since the documents requested are **legislative documents**, which are covered by the strictest rules on transparency, the European Ombudsman’s Decision of 3 December 2024 (Case [OI/4/2023/MIK](#)) and the cited case-law of the courts of the European Union apply to the request for access and this confirmatory application.

**This Decision requires the Council** to promptly disclose the requested legislative documents, despite the political sensitivity of the proposed legislation, even if doing so would, for example, give rise to external pressure, as these are generic elements of any democratic legislative process, and to ensure that it only refuses public access to legislative documents in truly exceptional circumstances, i.e. when a concrete (non-generic) risk to explicitly protected interests is identified and can be demonstrated by tangible evidence; otherwise, the requested documents must be disclosed.

**V.-** Given the particular importance of the proposed legislative reform for the EU’s language regime and the intensity of the public debate generated in this regard, there is no doubt that citizens need to have early knowledge of the entire existing ‘regulatory footprint’ at an early stage, which is a clear **overriding public interest** that justifies its disclosure and serves the purposes of public transparency by allowing citizens to better scrutinise the decisions affecting them **and their fundamental right to participate in the decision-making process at an early stage.**

**VI.-** Since we do not agree with the initial refusal, we hereby submit this **CONFIRMATORY APPLICATION** requesting access to documents 11762/25 and 11431/25 and the factsheet in annex.

Signed: **DELETED**

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