



**Brussels, 1 October 2025
(OR. en)**

13370/25

**API 104
INF 169**

NOTE

| | |
|----------|---|
| From: | General Secretariat of the Council |
| To: | Delegations |
| Subject: | Public access to documents - Confirmatory Application N° 25/c/01/25 |

Delegations will find attached:

- the requests for access to documents sent to the General Secretariat of the Council on 28 July 2025 and registered on the same day (Annexes 1, 2, 3, 4, 5, 6, 7 and 8);
- the reply from the General Secretariat of the Council dated 9 September 2025 (Annex 9);
- the confirmatory application dated 27 September 2025 and registered on 29 September 2025 (Annex 10).

From: document-request@cis.consilium.europa.eu <document request@cis.consilium.europa.eu>
Sent: Monday 28 July 2025 15:15
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

This e-mail has been sent to access@consilium.europa.eu using the electronic form available in the Register application.
This electronic form has been submitted in ENGLISH.

Title

No indication

First name

DELETED

Family name

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E-mail

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Occupation

Academia

I submit this request on my own behalf.

Name of the organisation

Full postal address

DELETED

Telephone

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Requested document(s)

I would like to request access to document WK 9563 2025 INIT - CONTRIBUTION

1st option

EN

2nd option

FR

From: document-request@cis.consilium.europa.eu <document request@cis.consilium.europa.eu>
Sent: Monday 28 July 2025 15:17
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

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Requested document(s)

I would like to request access to document WK 9563 2025 ADD 1 - CONTRIBUTION

1st option

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2nd option

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From: document-request@cis.consilium.europa.eu <document request@cis.consilium.europa.eu>
Sent: Monday 28 July 2025 15:18
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

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Requested document(s)

I would like to request access to document ST 11325 2025 INIT - NOTE

1st option

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2nd option

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From: document-request@cis.consilium.europa.eu <document request@cis.consilium.europa.eu>
Sent: Monday 28 July 2025 15:21
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

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Requested document(s)

I would like to request access to document WK 9563 2025 ADD 2 - CONTRIBUTION

1st option

EN

2nd option

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From: document-request@cis.consilium.europa.eu <document request@cis.consilium.europa.eu>
Sent: Monday 28 July 2025 15:23
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

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This electronic form has been submitted in ENGLISH.

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Occupation

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Requested document(s)

I would like to request access to document WK 9563 2025 ADD 3 - CONTRIBUTION

1st option

EN

2nd option

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From: document-request@cis.consilium.europa.eu <document request@cis.consilium.europa.eu>
Sent: Monday 28 July 2025 15:26
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

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This electronic form has been submitted in ENGLISH.

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Occupation

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Requested document(s)

I would like to request access to document WK 9978 2025 INIT - MEETING DOCUMENT

1st option

EN

2nd option

FR

From: document-request@cis.consilium.europa.eu <document.request@cis.consilium.europa.eu>
Sent: Monday 28 July 2025 16:01
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

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Requested document(s)

I would like to request access to document WK 9563 2025 ADD 4 - CONTRIBUTION

1st option

EN

2nd option

FR

From: document-request@cis.consilium.europa.eu <document request@cis.consilium.europa.eu>
Sent: Monday 28 July 2025 16:02
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

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Requested document(s)

I would like to request access to document ST 11685 2025 INIT - NOTE "Presidency compromise text"

1st option

EN

2nd option

FR



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, 9 September 2025

DELETED

Email: **DELETED**

Ref. 25-2220, 2221, 2223 & 2224

Requests made on: 28.07.2025

Deadline extension: 19.08.2025

Dear **DELETED**,

Thank you for your requests for access to documents of the Council of the European Union.¹

I regret to inform you that access to the requested documents cannot be given for the reasons set out below.

Documents **WK 9563/2025 INIT** and **WK 9563/2025 ADD 1 to ADD 4** are contributions of 10, 11, 15, 16 and 17 July 2025 from the General Secretariat of the Council to the Working Party on the Environment which contain comments from Member States on the European Climate Law amendment.

Document **11325/25** is a note of 11 July 2025 from the General Secretariat of the Council to the Permanent Representatives Committee on the *Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2021/1119 establishing the framework for achieving climate neutrality* on the guidance for further work.

¹ 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).

Document **WK 9978/2025 INIT** is a meeting document of 17 July 2025 from the General Secretariat of the Council to the **Working Party on the Environment** which contains a Presidency steering note on the European Climate Law amendment in view of the meeting of the working party on 22 July 2025.

Document **11685/25** is a note of 17 July 2025 from the General Secretariat of the Council to the delegations on the same proposal which contains a Presidency compromise text.

The proposal referred to in these documents was submitted by the Commission to the European Parliament and to the Council on 2 July 2025. The **Working Party on the Environment** started its examination on 3 July 2025. This issue is still under discussion within the preparatory bodies of the Council.

Release to the public of the information contained in the documents at this stage would affect the negotiating process and diminish the chances of the Council reaching an agreement.

Disclosure of the documents at this point would therefore seriously undermine the decision-making process of the Council.

Having examined the context in which the 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 their disclosure.

As a consequence, the General Secretariat has to refuse access to the documents at this stage.²

In addition, the Commission's proposal is politically highly sensitive and closely linked to international climate negotiations and the preparation of the EU's next Nationally Determined Contributions in view of the 30th United Nations Climate Change Conference which will take place in Belém (Brazil) from 10 to 21 November 2025.

Release of the requested documents at this stage could weaken the EU position in these forthcoming negotiations. 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 for this reason as well.³

We have also looked into the possibility of releasing parts of the requested documents.⁴ However, as the exceptions to the right of access apply to their entire content, the General Secretariat is unable to give partial access at this stage.

² Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001.

³ Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001.

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

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

From: **DELETED****Sent:** Saturday 27 September 2025 23:02**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>**Subject:** Re: Ref. 25-2220, 2221, 2223 & 2224

Dear Sir or Madam,

I am respectfully submitting this confirmatory application under Article 7(2) of Regulation (EC) No 1049/2001 concerning the decision of the General Secretariat of 9 September 2025 (Ref. 25-2220, 2221, 2223 & 2224), which refused access to the following documents:

- WK 9563/2025 INIT and WK 9563/2025 ADD 1-4
- 11325/25
- WK 9978/2025 INIT
- 11685/25

These materials relate to the ongoing legislative process for the amendment of Regulation (EU) 2021/1119 (European Climate Law).

The requested documents are part of a legislative procedure. Under Article 12(2) of Regulation 1049/2001 and consistent CJEU case-law – notably *Access Info Europe* (C-280/11 P) and *De Capitani* (T-540/15) – there is a strong presumption of disclosure for legislative documents, even during negotiations. Transparency in law-making is a cornerstone of the Union’s democratic life (Articles 1 and 10(3) TEU).

The subject matter revision of the EU’s core climate framework involves information relating to greenhouse-gas emissions and mitigation targets. Under the Aarhus Convention (Articles 4–6) and Regulation (EC) 1367/2006, exceptions to access must be interpreted restrictively and in light of the public interest in disclosure. For information relating to emissions, there is a presumed overriding public interest in transparency. The CJEU has confirmed that this duty is “*all the more compelling where the documents contain environmental information*” (*Saint-Gobain Glass v Commission*, C-60/15 P, para. 78).

While Article 4(1)(a) (international relations) and Article 4(3) (decision-making) provide possible grounds for restriction, the Court requires that any harm claimed be “specific, genuine and reasonably foreseeable” (*In ’t Veld*, C-350/12 P, paras 95–100). With all due respect, a general reference to ongoing international negotiations or political sensitivity is not sufficient to outweigh the public interest in disclosure, particularly in the legislative and environmental context.

The mere assertion that the requested legislative documents are ‘closely linked to international climate negotiations’ cannot, in itself, justify the application of Article 4(1)(a). The amendment of Regulation (EU) 2021/1119 sets an internal EU mitigation target for 2040. Such a target will inform the Union’s next NDC, but NDCs under the Paris Agreement are unilaterally determined by each Party and are not themselves the subject of bargaining or confidential negotiations.

Accepting that any legislative act relating to climate mitigation is automatically shielded from disclosure on grounds of international relations would amount to an over-expansive interpretation of the exception, contrary to the strict test set by the Court in *In ’t Veld* and to the pro-disclosure rule of the Aarhus Convention.

In accordance with Article 4(6) of Regulation 1049/2001 and *Council v Hautala* (C-353/99 P), the institution must grant partial access to non-sensitive parts of a document. Agendas, participant lists, factual data, technical background papers, and other material that does not reveal negotiating tactics or third-country positions should be disclosed.

In light of the above, I respectfully ask the Council to:

1. Reconsider its refusal and grant full access to the requested documents; or
2. At a minimum, release all non-sensitive sections in line with the duty of partial disclosure, without prejudice to full disclosure once the legislation is adopted.

Should the refusal be upheld, I reserve the right to seek judicial review before the Court of Justice of the EU and/or lodge a complaint with the European Ombudsman, as provided in Article 8 of Regulation 1049/2001.

Thank you for your consideration.

Yours sincerely,

DELETED