



**Brussels, 7 November 2025
(OR. en)**

15054/25

**API 118
INF 205**

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application N° 26/c/01/25

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 18 September 2025 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 30 October 2025 (Annex 2);
- the confirmatory application dated 6 November 2025 and registered on the same day (Annex 3).

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Thursday 18 September 2025 09:55
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

DELETED

First name

DELETED

Family name

DELETED

E-mail

DELETED

Occupation

DELETED

Name of the organisation

Full postal address

DELETED

Telephone

DELETED

Requested document(s)

I would like to access the commission presentations on e-waste and CORE that were made during the September 19 WP on own resources please

1st option

EN

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, 30 October 2025

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Email: **DELETED**

Ref. 25/2613

Request made on: 18.09.2025

Deadline extension: 09.10.2025

Dear **DELETED**,

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

I regret to inform you that access to documents **WK 11588/2025** and **WK 11738/2025** cannot be given for the reasons set out below.

Document **WK 11588/2025**, dated 15 September 2025, contains the estimated revenue projections for the Corporate Resource for Europe own resource.

Document **WK 11738/2025**, dated 17 September 2025, contains the slides used by the Commission for presenting the new e-waste, tobacco and CORE own resources at the **Working Party on Own Resources** on 17 September 2025.

As the author of both documents, the Commission services have been consulted. According to the Commission services, the documents in question have been shared with the European Parliament and the Council in the context of the ongoing interinstitutional decision-making process in relation to the Union's future multiannual financial framework 2028-2034. These documents are particularly

sensitive as they concern the future financial framework of the European Union. Disclosure of these technical documents, which may contain preliminary views or policy options not formally endorsed by the Institutions, could lead to external pressure from interest groups or stakeholders, including those from third countries. The content of these documents risks being misinterpreted or taken out of context, a particular risk given the interconnected nature of the MFF legal instruments. This could in turn undermine the trust between Institutions in the context of ongoing negotiations and thereby hamper the efficient conduct of those negotiations.

The exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies as the public interest in accessing these documents does not outweigh the potential harm that their disclosure could cause to the decision-making process. The Institutions have mechanisms to ensure transparency and accountability, including release of documents post-decision, allowing for public scrutiny at a stage where such access would not impede the effective functioning of the Union's decision-making processes.

Given the potential adverse effects on the ongoing decision-making process, and in the absence of an overriding public interest, access to the requested documents should be denied under Article 4(3) first subparagraph of Regulation (EC) No 1049/2001.

The General Secretariat of the Council finds the above-mentioned reasoning of the Commission services *prima facie* well founded.

We have also examined the possibility of releasing parts of these documents. However, as the information contained therein forms an inseparable whole, the General Secretariat is unable to give partial access to any of them.

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: Thursday 6 November 2025 14:26

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

Subject: RE: confirmatory application - Ref. 25/2613 - Ares(2025)9318167

Dear Sir or Madam,

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, I hereby submit a confirmatory application regarding the Council's decision of 30 October 2025, which denied access to documents WK 11588/2025 and WK 11738/2025.

1. Public Interest Justification

Both documents concern revenue estimates and presentation materials relating to new proposed EU own resources—namely, the Corporate Resource for Europe (CORE), the e-waste levy, and the tobacco levy. These measures are directly tied to the EU's future multiannual financial framework (MFF) 2028–2034.

Access to these documents is essential to allow public understanding and media scrutiny of:

- the structure and rationale of tax-like instruments that will likely impact citizens and companies, and
- the distributional and fiscal implications of proposals being debated at EU level, funded by public money.

The case law of the Court of Justice of the European Union recognizes that economic and budgetary decision-making does not automatically justify non-disclosure (see *De Capitani v Parliament*, T-540/15). As such, the public interest in transparency, especially in the use of public funds, outweighs the general risk of pressure from stakeholders.

Moreover, Regulation 1049/2001 requires that any refusal must be exceptionally justified, and the burden of proof lies with the institution invoking the exemption (see *Access Info Europe v Council*, T-233/09).

2. Challenge to Article 4(3) Application

The Council invoked Article 4(3), first subparagraph of Regulation 1049/2001, stating that disclosure would undermine the decision-making process. However:

- The documents in question were already shared with the European Parliament in the course of interinstitutional negotiations.
- The Commission is expected to release elements of these proposals publicly, as they concern new revenue streams under consideration by co-legislators.
- If the documents contain policy options, then democratic transparency requires that citizens be able to evaluate the range of options considered—not just the final outcome.

The regulation provides that access shall be granted even before a decision is taken, unless there is serious and specific harm. The Council's response cites potential stakeholder pressure and risk of misinterpretation, but offers no concrete evidence of such harm, nor why redaction under Article 4(6) was not sufficient.

3. Failure to Consider Partial Access

Under Article 4(6) of Regulation 1049/2001, institutions must examine whether partial access can be granted. The Council states that the information forms an "inseparable whole" but provides no further justification for this claim.

Given the factual, technical, and non-personal nature of the revenue projections and slide presentations, it is difficult to see how all content would qualify for total exemption. For instance, assumptions and methodology could be released even if final figures were deemed sensitive.

4. Precedent and Practice

In previous legislative and budgetary processes, documents of a similar nature (e.g. *impact assessments, budget projections, internal slides*) have been disclosed:

- Working documents related to the Recovery and Resilience Facility (RRF) were made public,
- Impact assessments for own resources reform in 2021 were released in full.

Not releasing this information now departs from established interinstitutional transparency practices.

5. Conclusion and Request

I respectfully request that the Council:

1. Reassess the applicability of Article 4(3), especially in light of overriding public interest,
2. Consider partial access under Article 4(6),
3. Provide a more specific and individualized assessment of potential harm,
4. Grant full or partial access to documents WK 11588/2025 and WK 11738/2025.

I remain at your disposal for further clarification and would appreciate an acknowledgment of receipt of this confirmatory application.

Kind regards,

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