



Brussels, 12 November 2025
(OR. en)

15296/25

API 126
INF 213

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application N° 28/c/01/25

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 29 September and registered on 30 September 2025 (Annex 1);
- the reply from the General Secretariat of the Council dated 11 November 2025 (Annex 2);
- the confirmatory application dated 12 November 2025 and registered on the same day (Annex 3).

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Monday, September 29, 2025 5:52 PM
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

Academia

I submit this request on my own behalf.

Name of the organisation

Full postal address

DELETED

Telephone

DELETED

Requested document(s)

Trilogue negotiation documents on Proposal for a directive - COM(2023)166 final, 2023/0085 (COD): Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substantiation and communication of explicit environmental claims (Green Claims Directive)

1st option

EN

2nd option

FI



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 November 2025

Ms **DELETED**

E-mail: **DELETED**

Ref. 25/2746

Request made on: 29.09.2025

Registered on: 30.09.2025

Deadline extension: 21.10.2025

Dear **DELETED**,

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

You have requested access to the “*Trilogue negotiation documents on Proposal for a directive – COM (2023)166 final, 2023/0085 (COD): Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substantiation and communication of explicit environmental claims (Green Claims Directive)*”.

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).

The following documents were identified as corresponding to your request:

- **ST 11554/24:** Note of 25 June 2024 from the General Secretariat of the Council to the delegations on the proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims (Green Claims Directive) – Four-column document
- **WK 2191/2025 INIT:** Meeting Document of 18 February 2025 from the General Secretariat of the Council to the Working Party on the Environment on the Green Claims Directive: WPE on 20 February 2025: updated four-column table
- **WK 2191/2025 REV 1:** Idem
- **WK 3863/2025 INIT:** Meeting Document of 24 March 2025 from the General Secretariat of the Council to the Working Party on the Environment on the Green Claims Directive: WPE on 28 March 2025: updated four-column table
- **ST 7680/25:** Note of 4 April 2025 from the General Secretariat of the Council to the Permanent Representatives Committee on the proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims (Green Claims Directive) - Preparation for the trilogue
- **ST 10118/25:** Note of 13 June 2025 from the General Secretariat of the Council to the Permanent Representatives Committee on the proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims (Green Claims Directive) - Preparation for the trilogue

Documents **ST 11554/24**, **WK 2191/2025 INIT** and **WK 2191/2025 REV 1** are public and directly available in the [register of Council's documents](#) but they are also attached for your convenience.

Documents **WK 3863/2025 INIT** and **ST 7680/25** can be fully disclosed. You will find them in attachment.

Please also find attached a partially accessible version of document **ST 10118/25**.² However, I regret to inform you that full access cannot be given for the reasons set out below.

The proposal referred to in this document was submitted by the Commission to the European Parliament and to the Council on 23 March 2023. The **Working Party on the Environment** started its examination on 3 April 2023. This issue is still under discussion within the preparatory bodies of the Council and with the European Parliament.

The note was drafted to prepare for informal trilogues between the Council and the European Parliament. The document contains compromise proposals from the Presidency with a view to reaching a first reading agreement between the two institutions. The trilogue which was scheduled for 23 June 2025 was cancelled and no new date has yet been set.

Negotiations are ongoing and no agreement has yet been reached between the Council and the European Parliament. Disclosure to the public of the Council's compromise proposals at this stage would affect the negotiating process and diminish the chances of reaching an agreement with the European Parliament.

Full disclosure of the document would therefore seriously undermine the decision-making process of the institutions.

Having examined the context in which the document was 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 full disclosure of the document in question.

As a consequence, the General Secretariat is not able to grant a full access to the document at this stage.³

However, as abovementioned, pursuant to Article 4(6) of the Regulation, you may have access to those parts of the document which are not covered by this exception.

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

³ Article 4(3), first subparagraph, 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

Enclosures: 6

Link to download the documents: <https://we.tl/t-GwDxfxcCFE>

From: DELETED

Sent: Wednesday, November 12, 2025 8:33 AM

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

Subject: VS: Ref. 25/2746 - Ares(2025)9725408

Dear Mr. Florindo,

thank you for your reply. However, I would ask you to reconsider my application in light of the recent ruling Case T-590/23, Emilio De Capitani:

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=305619&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2612786>. In that case, the Council lost and had no valid reason to refuse access to the information.

In addition to the mentioned Council documents, I would like to see the recent correspondence with the Commission. Has the Commission justified the suspension of negotiations to the Council (the directive has now been added to the Commission's work program for 2026, but are there any other correspondence)? Are negotiations on this matter currently underway between Commission and the Council? What information has been exchanged between the Council and the Commission about the future negotiations and Council's view on e.g. microenterprises?

Thank you in advance for your reply.

Kind regards,

DELETED
