



Brussels, 13 November 2025
(OR. en)

15336/25

API 133
INF 221

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application N° 30/c/05/25

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 20 October 2025 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 10 November 2025 (Annex 2);
- the confirmatory application dated 12 November 2025 and registered on the same day (Annex 3).

From: **DELETED**
Sent: Monday, October 20, 2025 10:49 AM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Re: Ref. 25/2691 - Ares(2025)8756271

Dear Mr Florindo,

thank you for your reply. I tried calling just now, but did not reach you.

Following your suggestion, I would like to narrow my request to make it more manageable. I was hoping to obtain in particular the three working documents concerning Article 6 (WK 10284 2025 ADD 1; WK 10284 2025 INIT; WK 10247 2025 INIT), as well as any document containing positions or views taken by the Austrian government.

Yours sincerely,

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, 10 November 2025

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E-mail: **DELETED**

Ref. 25/3057

Request made on: 20.10.2025

Dear **DELETED**,

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

Please find attached, as requested, document **WK 10284/2025 ADD 1** as well as partially accessible versions of documents **WK 10247/2025 INIT** and **WK 10284/2025 INIT**.² However, I regret to inform you that full access cannot be given to these documents for the reasons set out below.

Document **WK 10247/2025 INIT** is a request for contribution of 24 July 2025 from the General Secretariat of the Council to the Working Party on International Environment Issues (Global) WPIEI (Global) which contains a call for comments on the revised draft EU+MS scenario C for Article 6 (Sustainable production) for the INC-5.2 preparation.

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).

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

Document **WK 10284/2025 INIT** is a consultation of 25 July 2025 from the General Secretariat of the Council to the Working Party on International Environment Issues (Global) on the INC-5.2 preparation. It concerns an informal silence procedure on the revised draft EU+MS scenario C for Article 6 (Sustainable production).

These documents contain different scenarios on the EU negotiating position for Article 6 (Sustainable production) in view of the second part of the fifth session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC-5.2) which took place in Geneva from 5 to 15 August 2025. No agreement could be reached at this session and the negotiations should resume in the future even if no date has yet been set.

Article 6 is one of the most sensitive issues at the core of the treaty. Any disclosure of the EU scenario concerning this article would undermine the EU position in these forthcoming negotiations. Full release of the information contained in these documents at this point would have a negative impact on the relations of the European Union with the other negotiating parties. Should its internal views and negotiation strategy be made public while negotiations are ongoing, the position of the Union in such international negotiations would be seriously weakened.

Full disclosure of the documents would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat is not able to grant a full access to the documents.³

However, as abovementioned, pursuant to Article 4(6) of the Regulation, you may have access to those parts of the documents which are not covered by this exception. Please note that documents **WK 10247/2025 INIT** and **WK 10284/2025 INIT** are redacted for personal data.⁴

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

⁴ See Regulation (EU) 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295 21.11.2018, p. 39).

Please also note that the General Secretariat of the Council does not hold documents containing positions or views taken by the Austrian government on the INC-5.2.

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: 3

From: **DELETED**

Sent: Wednesday, November 12, 2025 11:26 AM

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

Subject: Internal review of access to documents request - Working documents on plastics treaty

Dear Council of the European Union,

Please pass this on to the person who reviews confirmatory applications.

I am filing the following confirmatory application with regards to my access to documents request 'Working documents on plastics treaty'.

In its reply, the Council argued that disclosure of several documents on negotiations over Article 6 of the Plastics Treaty would reveal its internal views and negotiation strategy, and therefore weaken the EU's negotiating position.

I wish to contest that decision, and ask for the disclosure of all documents mentioned in the Council's reply.

In its judgement in the joined cases T-682/21 and T-683/21, the General Court found that "the existence of a mere link between the elements contained in a document which is the subject of an application for access and the objectives pursued by the European Union in the negotiation and implementation of an international agreement is not sufficient to establish that disclosure of those elements would undermine the public interest protected as regards international relations" (paragraph 112). The court held in regard to legal opinions that "the risk of divergences of legal assessment or interpretation is an integral part of any legislative procedure and such divergences are therefore liable to be explained to non-member countries or international organisations in an international body such as the meeting of the parties to the Aarhus Convention, without necessarily weakening the European Union's position resulting from the final version of the act ultimately adopted." (paragraph 114)

I believe that in the present case, the Council did not deliver a convincing explanation why the documents in questions would undermine the EU's negotiating position. The fact that member state's positions diverge is well-known, and indeed that is a healthy part of the democratic debate.

Yours faithfully,

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