

Brussels, 25 February 2026
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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory application N° 04/c/01/26

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 12 January 2026 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 23 February 2026 (Annex 2);
- the confirmatory application dated 23 February 2026 and registered on 24 February 2026 (Annex 3).

[E-mail message sent to access@consilium.europa.eu on Monday 12 January 2026, 14:47]

From: DELETED

Sent: Monday, 12 January 2026 2:47 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

DELETED

I submit this request on my own behalf.

Name of the organisation

Full postal address

Telephone

Requested document(s)

Subject: Access to documents – Member State evolving positions on 2022/0155(COD) / File 15318/25 (CSA Regulation) between 12/11/25 and 28/11/25

To the Council Transparency Office,

I am requesting access to all preparatory documents produced between 12 November 2025 and 26 November 2025 concerning the proposal for a Regulation laying down rules to prevent and combat child sexual abuse (2022/0155(COD)), specifically relating to Council document 15318/25.

In particular, I request:

The Outcome of Proceedings or internal summary from the Law Enforcement Working Party (LEWP) meeting held on 12 November 2025.

All versions of the "Table of Positions" or "State of Play" tables (typically documented as Wks or Annexes to ST 15318/25) created or circulated during this period.

The Steering Note or briefing prepared for the Antici Group meeting held on or around 25 November 2025 regarding the decision to move this file to Part I of the COREPER agenda.

I am specifically looking to understand the technical and political shifts that occurred during and after the 12/11 meeting that allowed the Presidency to conclude that a Qualified Majority (QMV) was reached.

Kind regards,

DELETED

1st option

EN

2nd option

NL



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, 23 February 2026

DELETED

Email: **DELETED**

Ref. 26/0092

Request made on: 12.01.2026

Deadline extension: 02.02.2026

Dear **DELETED**,

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

Please find attached documents **WK 16236/25 REV1** and **15993/25** (issued on 13 January 2026).

Please also find attached a partially accessible version of document **15993/25 ADD1** (issued on 13 January 2026) containing statements made by Hungary, Italy and the Netherlands during the time span that you requested; only the parts related to items other than 63 have been redacted.² However, I regret to inform you that full access cannot be granted to the statement made by Italy.

Having consulted the Italian authorities, I have to inform you that Italian authorities do not agree to provide full access to their statement. The basis for the decision of the Italian authorities is Article 4(3)(1) of Regulation (EC) No 1049/2001. The Italian authorities are of the opinion that full disclosure of the statement would seriously undermine the ongoing decision-making process, as its full release outside the specific institutional context in which the statement was issued may adversely affect relations between Member

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.

States and thereby impair the climate of mutual trust necessary for the proper conduct of negotiations within the Council framework.

As a consequence, the General Secretariat has to refuse full access to this document.³

Having examined the context in which the document was drafted, on balance the General Secretariat could not identify any evidence suggesting an overriding public interest in its full disclosure.

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.

Concerning your request for a steering note or briefing prepared for the Antici Group meeting held on or around 25 November 2025 regarding the decision to move this file to Part I of the COREPER agenda, please be informed that we are not in possession of any such document.

Furthermore, please note that the General Secretariat of the Council does not hold minutes of the working party that you have requested.

The General Secretariat of the Council has no practice nor an obligation under the Council's [Rules of Procedure](#) to produce outcomes of proceedings or summaries for all meetings of its working parties. It therefore depends on the subjects discussed and the operational need if and when such documents are produced.

Yours sincerely,

Fernando FLORINDO

Enclosures: 3

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

[E-mail message sent to access@consilium.europa.eu on Monday, 23 February 2026, 23:47]

From: **DELETED**

Sent: Monday, 23 February 2026 11:47 PM

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

Subject: Re: Ref. 26/0092 - Ares(2026)2022341

Dear General Secretariat,

Many thanks for your response. I would like to formally ask you to review this decision. See attached for my confirmatory application, explaining the reasons for my request for review.

On a more informal note, I would like to add that I find it hard to believe that there is no auditable paper trail whatsoever that allowed the Council to assess whether QMV was reached in preparation of the COREPER meetings during this period. For example, the [provisional agenda of the COREPER meeting d.d. 19 November](#) states that the item was withdrawn, whereas [a day earlier it was listed as a non-discussion item](#), no doubt as QMV was not established. Surely, there must be documents that reflect which countries opposed, abstained, or were in favor at that stage, or the presidency's or the Council's assumptions in that regard? Conversely, it is hard to imagine that there would be no auditable paper trail documenting the positions of the member states that led the Council to list this proposal as a non-discussion item in 15993/25 CRS CRP 42.

Many thanks,

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Confirmatory Application (Article 7(2) Reg. 1049/2001)

Subject: Confirmatory application under Article 7(2) – Ref. 26/0092 – Access to documents concerning 2022/0155(COD) / ST 15318/25

Dear Transparency Office,

I hereby submit a confirmatory application pursuant to Article 7(2) of Regulation (EC) No 1049/2001 regarding your reply of 23 February 2026 in case Ref. 26/0092.

My initial request sought access to **all preparatory documents produced between 12 November 2025 and 26 November 2025** concerning the proposal for a Regulation laying down rules to prevent and combat child sexual abuse (2022/0155(COD)), specifically relating to **Council document ST 15318/25**.

Your reply identified the following documents:

- WK 16236/25 REV 1
- 15993/25
- 15993/25 ADD 1 (partial access)

and stated that:

- the Council does not hold minutes of the relevant working party meeting,
- it is not in possession of a steering note for the Antici Group meeting,
- and full access to Italy's statement in 15993/25 ADD 1 was refused under Article 4(3), first subparagraph.

I respectfully submit that the response does not demonstrate that all documents falling within the scope of my initial request were identified and assessed.

1. Documents within the 12–26 November 2025 time window relating to ST 15318/25

My request was explicitly limited to documents **produced between 12 and 26 November 2025** relating to ST 15318/25. I am not seeking documents predating 12 November 2025 unless they were re-issued, revised, or newly circulated within that period.

In this regard, the following categories of documents appear to fall squarely within the original scope and should be expressly identified and assessed:

(a) Antici Group meeting documentation – 25 November 2025

Council document **CM 5155/1/25 REV 1**, dated 24 November 2025, concerns the Antici Group meeting of 25 November 2025. This meeting took place within the requested time window and directly concerned preparation of COREPER business during the same cycle.

I request confirmation whether:

- **CM 5155/1/25 REV 1** and any attachments, annexes, or accompanying briefing documents relating to **ST 15318/25** were identified and assessed under my request;
- any annotated agendas, cover notes, internal briefings, or documents circulated in connection with that Antici meeting between 12 and 26 November 2025 relating to **ST 15318/25** are held by the Council.

If such documents were identified, I request access (full or partial). If not, I request confirmation that they do not exist.

(b) COREPER preparatory documentation within the same cycle

Council meeting notices during the relevant period include:

- **CM 5054/1/25 REV 1** (17 November 2025),
- **CM 5156/25** (21 November 2025),

which list the CSA Regulation item referencing **ST 15318/25** for COREPER handling within the 12–26 November timeframe.

I request confirmation whether

- these documents, insofar as they relate to **ST 15318/25**,
- and any attachments, annexes, or related preparatory documents circulated between 12 and 26 November 2025 concerning the CSA item,

were identified and assessed as falling within the scope of my request.

Again, if such documents were identified, I request access (full or partial). If not, I request confirmation that no additional preparatory documents were produced or circulated in that period in connection with those notices.

(c) Drafts, iterations, or internal circulation versions of ST 15318/25

ST 15318/25 is dated 13 November 2025 and falls within the requested time window.

Given standard Council practice in legislative files, I request confirmation whether any of the following were produced or circulated between 12 and 26 November 2025:

- draft or revised versions of ST 15318/25,
- marked-up/clean iterations,
- annex updates,
- accompanying “state of play” or “table of positions” documents created or circulated in that period in relation to ST 15318/25.

If such documents exist, they fall squarely within my initial request and should be assessed for access.

(d) Confirmation regarding “Outcome” or summary documentation of the 12 November 2025 LEWP meeting

Your reply states that the Council “does not hold minutes” and has no general practice of producing outcomes of proceedings for all working party meetings.

However, this statement does not clarify whether, for the specific meeting of 12 November 2025, any:

- outcome of proceedings,
- Presidency summary,
- internal report,
- meeting “flash”, or
- equivalent document

was produced or circulated between 12 and 26 November 2025 relating to ST 15318/25.

I therefore request explicit confirmation whether any such document exists and, if so, that it be assessed for disclosure.

2. Article 4(3) refusal – Italy’s statement in 15993/25 ADD 1

The CSA Regulation is being handled under the ordinary legislative procedure. The Court of Justice has consistently emphasised that legislative transparency enables citizens to scrutinise the basis for legislative action and that exceptions must be interpreted strictly, particularly where Member State positions in legislative negotiations are concerned (see e.g. C-280/11 P, Council v Access Info Europe).

The refusal of full access to Italy's statement relies on Article 4(3), first subparagraph, and general reasoning concerning mutual trust and space for deliberation.

I respectfully request that the Council:

- reassess whether disclosure would **specifically and foreseeably** undermine the decision-making process in a sufficiently serious manner,
- consider whether more limited redactions could adequately address any legitimate concern,
- and reassess whether an overriding public interest in legislative transparency justifies disclosure.

3. Clarification of the search performed

To enable meaningful review, I request confirmation of:

- which repositories and document types were searched,
- whether CM, WK, ST, and internal circulation documents were included in the search,
- and whether the search was limited by document number or conducted on a subject-matter basis concerning ST 15318/25 during 12–26 November 2025.

Conclusion

For the reasons above, I request that the Council:

1. Reassess its search and identification of documents falling within the scope of my initial request (12–26 November 2025, relating to ST 15318/25);
2. Grant access (full or partial) to any additional documents identified;
3. Reconsider the refusal of full access to Italy's statement in 15993/25 ADD 1.

Yours sincerely,

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23 February 2026

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