

Brussels, 24 March 2026
(OR. en)

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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory application N° 15/c/03/26-
Information to delegations

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 2 February 2026 and registered on 6 February 2026 (Annex 1);
- the reply from the General Secretariat of the Council dated 20 March 2026 (Annex 2);
- the confirmatory application dated 20 March 2026 and registered on 23 March 2026 (Annex 3).

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Monday, February 2, 2026, 10:54 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

DELETED

Telephone

Requested document(s)

quest for public access to documents under Regulation (EC) No 1049/2001.

Subject: Implementation of the "Strategic Compass" and the creation of the EU Rapid Deployment Capacity (RDC).

Documents requested:

-Detailed minutes, preparatory records, and "outcomes of proceedings" of the Military Committee of the European Union (EUMC) and COREPER II meetings from 2022 to the present, specifically regarding the operationalization of the EU Rapid Deployment Capacity.

-Member States' individual positions and "non-papers" explaining the delays or technical/political reservations concerning the integration of national contingents into a common EU military structure.

-Any legal assessment by the Council Legal Service regarding the compatibility of national vetoes on PESCO (Permanent Structured Cooperation) projects with the Principle of Sincere Cooperation (Art. 4(3) TEU).

Public interest: Access is vital to verify how the Union is fulfilling its mandate to provide security to its citizens (Art. 6 Charter of Fundamental Rights) and to ensure accountability over the "Cost of Non-Europe" in the defense sector.

1st option

IT

2nd option

EN



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, 20 March 2026

DELETED

E-mail: **DELETED**

Ref. 26/0440

Request made on: 02.02.2026

Registered on: 06.02.2026

Deadline extension: 27.02.2026

Dear **DELETED**,

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

As a reminder, you have asked for the following:

- The Detailed Minutes and Outcomes of Proceedings of the last three meetings of COREPER II and the Foreign Affairs Council (FAC) where the operationalization of the EU Rapid Deployment Capacity (RDC) was specifically discussed.
- The Legal Opinion of the Council Legal Service concerning the legal basis for the integration of national contingents into an EU common military structure and the compatibility of national vetoes with the principle of Sincere Cooperation (Art. 4(3) TEU).
- Any "non-papers" or formal position papers submitted by Hungary, France, and Germany between January 2024 and December 2025 regarding the "Strategic Compass" implementation.

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).

Having been in contact with the relevant services within the GSC, as well as the EEAS, we have identified documents that fall in the scope of your request.

Please note that a part of relevant documents that fall in the scope of your request are publicly available in the [Public register of the Council](#) and relate to the following meetings:

15 November 2022 – Foreign Affairs Council - Defence

23 May 2023 – Foreign Affairs Council - Defence

14 November 2023 – Foreign Affairs Council – Defence

28 May 2024 – Foreign Affairs Council – Defence

20 May 2025 – Foreign Affairs Council – Defence

(You may wish to check the following documents in the Public register of the Council: 13777/22; 9732/23; 15452/23; 10538/24; 9370/25)

Please note that COREPER does not do Outcome of proceedings.

Document **7374/24** contains the Annual Progress Report on the Implementation of the Strategic Compass for Security and Defence. The EEAS version was published in March 2024, and you can download it from the EEAS website (https://www.eeas.europa.eu/eeas/strategic-compass-security-and-defence-1_en). You can also find document **7374/24** attached.

I regret to inform you that access to document **10144/24** cannot be given for the reasons set out below.

Document **10144/24** is a document originating from the EEAS, containing a third update on the EU Rapid Deployment Capacity (EU RDC): state of play and way ahead.

Having duly consulted the originator of the document, the EEAS², and based on the information received from this body, the GSC has come to the conclusion that access cannot be given to this document.

Document **10144/24** contains sensitive and detailed information on the status of preparations for the full readiness of the EU Rapid Deployment Capacity, including in relation to advance planning and operational scenarios, forces and capabilities, exercises, command and control arrangements, and communication systems.

Should this information be released, hostile actors could explore it to interfere with the preparation or functioning of the EU RDC or otherwise undermine the security and defence of the EU and its Member States.

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

Disclosure of the information contained in this document would weaken the protection of public interests in the realm of **defence and military matters**.

Disclosure of the document would therefore undermine the protection of the public interest as regards the European Union's defence and military matters. As a consequence, the General Secretariat has to refuse access to this document.³

However, please note that related, non-sensitive information, is already available on the [EEAS website](#).

Please note that, within the timeframe concerned (January 2024 – December 2025), the GSC has not identified any non-papers or documents issued by Hungary, France, and Germany regarding the Strategic Compass implementation.

Having done the required internal consultations, please note that the GSC does not hold any Legal Opinion of the Council Legal Service concerning the legal basis for the integration of national contingents into an EU common military structure and the compatibility of national vetoes with the principle of Sincere Cooperation (Art. 4(3) TEU).

The General Secretariat of the Council is still conducting consultations and waiting for input. We will contact you as soon as we receive all the answers.

Yours sincerely,

Fernando FLORINDO

Enclosure

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

From: **DELETED**

Sent: Friday, March 20, 2026 9:15 PM

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

Subject: Re: Ref. 26/0440

Dear Mr. Florindo,

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, I hereby lodge a confirmatory application regarding the Council's replies to my requests.

Upon a review of the Council's public register and the documents provided, I formally contest the Council's position based on the following legal and factual grounds:

1. Disproportionate Refusal of Document 10144/24 and Violation of Article 4(6)

I contest the blanket refusal to grant access to Document 10144/24 ("Third update on the EU RDC"). While military operations may have sensitive aspects, the Council has failed to demonstrate how the *entirety* of a 2024 update on policy status would undermine security. I formally demand partial access under Article 4(6) to the non-sensitive portions, including administrative timelines, legal frameworks, and policy assessments.

2. Proof of Legal Service Activity (Contradicting the Initial Reply - Case T-42/05)

The Council claimed it holds no legal opinions on the compatibility of vetoes or military integration. However, Doc 13777/22 ADD 1 (Annex 2, page 7), which is a Council record, explicitly mentions that the "representative of the Council Legal Service clarified the legal consequence" of constructive abstention under Art. 31(1) TEU. This provides "relevant, precise and consistent evidence" (as per Case T-42/05, *Williams v Commission*) that the Council's claim of non-existence is manifestly implausible. I request a renewed and exhaustive search within the Legal Service archives.

3. Omission of "ADD 1" (LIMITE) Documents Identified in the Register

My research in the Council's public register confirms the existence of Addenda for several documents cited in your reply (e.g., ST 9732/2023 ADD 1, ST 10538/2024 ADD 1, ST 11760/2024 ADD 1), all marked as "content not accessible." By failing to even address these Addenda in the initial reply, the Council has failed in its duty of transparency and thorough search. I formally request access to these documents.

4. Misleading terminology and Records of COREPER Sessions

I note your remark that COREPER does not produce "Outcomes of proceedings." I hereby clarify that my request specifically covers the "Summary Records" (CRS CRP) and the "Internal Flash Notes" produced by the Secretariat to document the "restricted format" sessions mentioned in your own provided records (e.g., Doc 11760/24). The Council cannot rely on a terminological technicality to deny the existence of minutes for these substantive deliberations.

5. Public Interest and De Capitani Jurisprudence

The blockade of the European Peace Facility and the RDC operationalization directly impacts the security of EU citizens (Art. 6 Charter). Under the De Capitani jurisprudence (Case T-540/15), the Council must grant access to preparatory documents to allow democratic scrutiny, particularly when the lack of agreement results in the paralysis of Union policies.

Conclusion

I request the Secretary-General to order a renewed search and to grant full or partial access to the requested documents, including the restricted minutes and the omitted addenda.

Yours sincerely,

DELETED
