



Brussels, 18 June 2026
(OR. en)

10792/26

API 137
INF 186

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application N° 35/c/01/26 - Information to delegations

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 31 March 2026 the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 29 May 2026 (Annex 2);
- the confirmatory application dated 17 June and registered on 18 June 2026 (Annex 3).

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Tuesday, March 31, 2026 4:15 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

Ms

First name

1. **DELETED** 2. **DELETED**

Family name

1. **DELETED** 2. **DELETED**

E-mail

DELETED

Occupation

Member of the European Parliament
I submit this request on my own behalf.

Name of the organisation

Full postal address

DELETED

Telephone

+3222844577

Requested document(s)

I, **DELETED**, working for the Left in the European Parliament, acting on my own behalf and on behalf of **DELETED**, a Member of the European Parliament, ask for access to the following documents:

1. WK 13481 2025 REV 1 - WORKING DOCUMENT 03/11/2025

Presidency compromise proposal concerning draft Council Decisions on the signing and the conclusion of the EU – Mercosur iTA,

2. WK 13481 2025 REV 2 - WORKING DOCUMENT 06/11/2025

Presidency compromise proposal concerning draft Council Decisions on the signing and the conclusion of the EU – Mercosur iTA

3. CM 1113 2026 INIT - WRITTEN PROCEDURE09/01/2026 END OF WRITTEN PROCEDURE EU-Mercosur Agreements

4. CM 1113 2026 ADD 1 - WRITTEN PROCEDURE 09/01/2026 EU-Mercosur Agreements
- END of Written Procedure = Statements by France and Hungary

5. Any documents, including but not limited to the minutes of the meetings, exchange of emails and/or any other communicator used by the Commission and/or by the Council between the Commission and the Council or within the Council and/or results of votes that refer to modification of the Commission proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, of the Interim Agreement on Trade between the European Union, of the one part, and the Common Market of the South, the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay, of the other part, COM(2025) 338 final, 2025/0183(NLE), of 3 September 2025.

1st option

EN

2nd option

FR



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, 29 May 2026

DELETED

DELETED

E-mail: **DELETED**

Ref. 26/1330-ADD

Request made on: 31.03.2026

Deadline extension: 24.04.2026

First reply sent on: 20.05.2026

Dear **DELETED**,

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

I refer to my letter of 20 May 2026.

The necessary procedures have now been completed and we can provide an answer regarding documents **CM 1113/26** and **CM 1113/26 ADD1**.

Please find attached document **CM 1113/26**.

Please find attached a partially accessible version of document **CM 1113/26 ADD1**.² However, I regret to inform you that full access cannot be given for the reasons set out below.

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.

The statement by France contained in document CM 1113/26 ADD 1 contains the reasons why this Member State has not supported the signature of the agreements concerned. These explanations are liable in particular to affect the international relationships of France with third countries but also the international relationships of the Union with third countries.

The statement of France contains sensitive information liable to affect the international relations of that Member State and of the Union with the four Mercosur countries (Argentina, Brazil, Paraguay and Uruguay).

In the statement, France mentions the main reasons for its opposition to the signature of two EU-Mercosur agreements (the EU-Mercosur Partnership Agreement and the interim Trade Agreement) and draws attention to the challenges that the signing of these agreements represents for the Union. In this context, sensitive topics are mentioned. Consequently, full disclosure of this document would reveal the specificities of the position supported by France and would risk undermining, in a reasonably foreseeable manner, the protection of the international relations of France and of the Union with the Mercosur countries. Therefore, access cannot be given to that statement.

Document CM 1113/26 ADD 1 therefore comes within the remit of Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001 (protection of the public interest as regards international relations)³.

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: 2

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

From: **DELETED**

Sent: Wednesday, June 17, 2026 6:01 PM

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

Subject: Confirmatory application: Ref. 26/1330-ADD - Ares(2026)5471683

TO:

Council of the European Union

General Secretariat

Directorate-General Communication and Information - COMM

Directorate Information and Outreach

Information Services Unit / Transparency

FROM:

DELETED

Member to the European Parliament

DELETED

DELETED

Confirmatory Application

Based on Article 7(2) of the Regulation 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (hereinafter "**Regulation 1049/2001**")

we hereby submit the confirmatory application for the full access to the document CM1113/26 ADD1 ("**Requested Document**") and I request to annul the decision of 29 May 2026 ref. 26/1330-ADD with which the full access to above mentioned Requested Document was refused.

JUSTIFICATION

1. On 31 March 2026 we made a request to number of Council's documents including the Requested Document via electronic form available in the Register application.
2. On 24 April 2026, we received information about the deadline extension to reply to the request by 15 working days.
3. On 20 May 2026, we received the access to some documents that we requested on 31 March 2026 but not to the Requested Document.
4. On 29 May 2026, we were partially refused accessed to the Requested Document. Namely, we were not given access to statement made by France contained in document CM1113/26 ADD1 that contains reasons why France has not supported the signature of the EU Mercosur agreement in a form of two separate documents that it an EU-Mercosur Partnership Agreement (hereafter "**EMPA**") and an interim Trade Agreement (hereafter "**ITA**") with the four founding members of Mercosur – Argentina, Brazil, Paraguay and Uruguay. The refusal invoked as justification an exception described in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001 (protection of

the public interest as regards the international relations). Provided justification was as follows: *“These explanations are liable in particular to affect the international relationships of France with third countries but also the international relationships of the Union with third countries. (...) The statement of France contains sensitive information liable to affect the international relations of that Member State and of the Union with the four Mercosur countries. (...) France mentions the main reasons for its opposition to the signature of two EU-Mercosur agreements (the EU-Mercosur Partnership Agreement and the interim Trade Agreement) and draws attention to the challenges that the signing of these agreements represents for the Union. In this context, sensitive topics are mentioned. Consequently, full disclosure of this document would reveal the specificities of the position supported by France and would risk undermining, in a reasonably foreseeable manner, the protection of the international relations of France and of the Union with the Mercosur countries.”*

5. As a preliminary observation, it should be noted that, in accordance with recital 1 of Regulation No 1049/2001, that regulation reflects the intention expressed in the second paragraph of Article 1 TEU ‘of marking a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen’. As it is stated in recital 2 of Regulation No 1049/2001, the right of public access to documents of the institutions is related to the democratic nature of those institutions.^[1] Thus, the purpose of Regulation No 1049/2001, as indicated in recital 4 and Article 1 thereof, is to give the public a right of access to documents of the institutions and agencies that is as wide as possible.^[2] That right is nonetheless subject to certain limitations based on grounds of public interest like international relations expressed in Article 4 (1)a third indent.^[3]
6. But, as such **exceptions** derogate from the principle of the widest possible public access to documents, they **must be interpreted and applied strictly** with the result that the mere fact that a document concerns an interest protected by an exception is not in itself sufficient to justify application of the exception.^[4] Further, as stated in case *T-529/09 Sophie in 't Veld v. Council of the EU*^[5] not only the exceptions laid down in Article 4 of Regulation No 1049/2001 must be interpreted and applied strictly but also if the institution concerned decides to refuse access to a document which it has been asked to disclose, it must, in principle, explain how disclosure of that document could **specifically and actually undermine the interest protected by the exception**.^[6]
7. The case at hand deals with the request to access the documents that were prepared in the process of the Council preparation for signing and concluding the EU-Mercosur Agreement in a form of two separate documents that it an EU-Mercosur Partnership Agreement (hereafter “**EMPA**”) and an interim Trade Agreement (hereafter “**iTA**”) with the four founding members of Mercosur – Argentina, Brazil, Paraguay and Uruguay.
8. The topic of signing and concluding these international agreements cause a profound public debate in the whole European Union. The issue raised many concerns and there was clear not unanimity among the Member States due to signing and conclusion of the EU-Mercosur Agreement. Some national parliaments in various Member States have already signalled their opposition to the ratification of the EU-Mercosur Agreement by adopting resolutions to that effect. On 15 September 2025, the French National Parliament issued a resolution in which it opposed the EU-Mercosur Agreement. Among others the French Parliament stated that *“The EU-Mercosur agreement would exacerbate the economic difficulties already faced by French and European farmers, particularly regarding income and working conditions. It would expose them to unfair competition from imported products produced using methods that do not comply with the health and environmental standards applicable in the European Union. The agreement provides for a 91% reduction in customs duties on South American agricultural products and would lead to the importation into the European market of approximately 100,000 tons of beef, 180,000 tons of poultry, and 35,000 tons*

of cheese. The agreement would also threaten the survival of small farmers in Mercosur countries, who will face even greater competition from very large export-oriented farms.”^[7]

9. France was consequently opposing signing of the EU-Mercosur Agreement and that was publicly known. Many times, various French public officials stated why they think the EU-Mercosur Agreement is not a good agreement and why they oppose to it. The EU-Mercosur Agreement "as concluded" was repeatedly declared unacceptable absent three things — binding mirror clauses on production standards, reinforced bilateral safeguards, and stricter sanitary/phytosanitary controls on imports — framed around protecting French and European food sovereignty.^[8]
10. On 8 January 2026, French President Emmanuel Macron, stated that despite "undeniable" improvements won at France's urging, the agreement faced "unanimous" political opposition in France as reflected in National Assembly and Senate debates, so "France will vote against the signing of the agreement"; he added that France supported trade generally but called this "an agreement from another age," negotiated too long on outdated foundations, with only limited economic benefit that didn't justify exposing sensitive farm sectors. Ms Annie Genevard, French Minister of Agriculture and Food Sovereignty, reinforced this statement on the same day, saying that even if EU members backed the deal, France would keep fighting it in the European Parliament.^[9]
11. The Council in its decision of 29 May 2026, refer to the alleged sensitive information that are in France statement that could undermine the international relation between France and EU and the Mercosur states. But, it should be noted that according to the case *T-590/23 De Capitani v. Council*^[10] the mere reference to the sensitive nature of the issue or its political importance cannot justify the refusal of access to the documents.^[11] As the Council stated that France mentioned the main reasons for its opposition to the signature of the two EU-Mercosur agreements. But, as it is described above, France opposition and its reasons were already public and subject to wide discussion in France and in the EU. It is not clear what exactly new or more France could have said that make this statement so sensitive. The statement of Hungary has been revealed although it also provides for some sensitive information like the health issues connected with the opening EU market to the Mercosur agriculture products that are heavy on GMO or competitiveness for the EU farmers. The Council, contrary to what was said in case *T-529/09 Sophie in 't Veld*, §§ 18-19, did not provide specifically and actually how disclosure of French statement will undermine the public interest as regards the international relations. In the view of already public statement of French authorities and public officials, the justification is not specific and is not clear. The Council stated that *"France draws attention to the challenges that the signing of these agreements represents for the Union"*. But, we do not know what type of challenges the Council means. Economic challenges, legal challenges?
12. It is not without importance that the negotiations with the Mercosur countries is over and in the present situation, the process already has been completed. There is no risk that revealing the statement of France will jeopardise the ongoing negotiations. The public has a right to know based on the transparency principle that underpin the democracy and the rule of law what are the concerns about these agreements and what were respective statements of Member States.

13. It is apparent from recital 2 of Regulation No 1049/2001 that openness enables the EU institutions to have greater legitimacy and to be more effective and more accountable to EU citizens in a democratic system.^[12] Transparency enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system.^[13] Openness contributes to strengthening democracy by enabling citizens to scrutinise all the information which has formed the basis for a decision. The possibility for citizens to find out the considerations underpinning decision that influence their daily life and is highly sensitive, like the EU-Mercosur Agreement, is a precondition for the effective exercise of their democratic rights.^[14]

Taking above into account, I request to annul the decision of 29 May 2026, ref 26/1330-ADD and grant a full access to the Requested Document.

On behalf of **DELETED** and myself,
DELETED

[1] Case T-851/16 *Access Info Europe c. European Commission*, §33, ECLI:EU:T:2018:69.

[2] Case T-851/16 *Access Info Europe*, §34.

[3] Case T-851/16 *Access Info Europe*, §35.

[4] Case T-851/16 *Access Info Europe*, §36.

[5] Case T-529/09 *Sophie in 't Veld v. Council of the EU*, ECLI:EU:T:2012:215

[6] Case T-529/09 *Sophie in 't Veld*, §§ 18-19.

[7] https://www.assemblee-nationale.fr/dyn/17/textes/117b1785_proposition-resolution-europeenne.pdf

[8] <https://www.aol.com/articles/eu-mercotur-trade-deal-still-131025514.html> ;

<https://www.euronews.com/business/2025/11/18/macron-in-balancing-act-over-mercotur-deal> ,
<https://www.publicsenat.fr/actualites/politique/mercotur-le-senat-appelle-lexecutif-a-saisir-la-cour-de-justice-de-lunion-europeenne> , https://www.contexte.com/fr/article/agro/mercotur-un-nouveau-report-qui-ne-resout-rien-paris-rencherit_249810

[9] <https://www.yahoo.com/news/articles/france-vote-against-eu-mercotur-205534810.html>

[10] Case T-590/23 *De Capitani v. Council*, 29 October 2025, ECLI:EU:T:2025:1001

[11] Case T-590/23 *De Capitani*, §106 and Case C-408/21P *Council of the EU v. Laurent Pech*, ECLI:EU:C:2023:461.

[12] Case C-408/21P *Council of the EU v. Laurent Pech*, ECLI:EU:C:2023:461, § 31.

[13] Case C-408/21P *Council of the EU v. Laurent Pech*, § 40.

[14] Case C-408/21P *Council of the EU v. Laurent Pech*, § 41.