



Brussels, 7 September 2026
(OR. en)

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INF 242

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application N° 45/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 7 August 2026 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 2 September 2026 (Annex 2);
- the confirmatory application dated 2 September 2026 and registered on the same day (Annex 3).

From: [REDACTED]
To: [TRANSPARENCY Access to documents \(COMM\)](#)
Subject: access to documents request - Documents of the Ad hoc Working Party on the MFF - Presentation on new own resources, on financial regulation and on Horizon Europe
Date: vendredi 7 août 2026 14:55:46

Dear Council of the European Union,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

the presentations by the Commission given during specific meetings of the Ad hoc Working Party on the MFF, namely:

- Commission's presentation on Derogations from the Financial Regulation of 22 May 2026 meeting;
- Commission's presentation on Widening and transition provisions in the Horizon Europe Regulation of 22 May 2026 meeting;
- Commission's presentation on New Own Resources of 2 June 2026 meeting.

We expect the Commission to oppose your request of publication of those documents, as it happened in the past. We therefore remind you that:

-Documents of similar nature have already been released following an access to documents requests (see here: https://www.asktheeu.org/request/documents_of_the_ad_hoc_working/incoming-65956 or here: https://www.asktheeu.org/request/minutes_of_some_meetings_of_the/incoming-64558)
-That the Council acknowledged the importance of publishing those files as they "are linked to legislative files, for which Regulation (EC) No 1049/2001 and established case-law require enhanced transparency. The Council considers that even though the documents contain preliminary views or policy options not formally endorsed by the institutions, their disclosure would not affect negatively the ongoing decision-making process. In any case, there appears to be higher public interest justifying the disclosure of the requested documents". (source: https://www.asktheeu.org/request/documents_of_the_ad_hoc_working/response/65956/attach/html/5/ANNEX.pdf.html)

We therefore kindly ask to take all those elements in consideration when assessing the request after the initial reply by the Commission.

Yours faithfully,

[REDACTED]

This is a request for access to information under Article 15 of the TFEU and, where applicable, Regulation 1049/2001 which has been sent via the AsktheEU.org website.

Please kindly use this email address for all replies to this request: [REDACTED]

If Access@consilium.europa.eu is the wrong address for information requests to Council of the European Union, please tell the AsktheEU.org team on email.team@asktheEU.org

This message and all replies from Council of the European Union will be published on the AsktheEU.org website. For more information see our dedicated page for EU public officials at <https://www.asktheeu.org/help/officers>

Please note that in some cases publication of requests and responses will be delayed.



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, 2 September 2026

Email: [REDACTED]

Ref. 26/2872

Request made on: 07.08.2026

Deadline extension: 28.08.2026

Dear [REDACTED],

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

The following documents have been identified as pertaining to your request:

- WK 7285 2026
- WK 7282 2026
- WK 7629 2026.

I regret to inform you that access to documents **WK 7285 2026, WK 7282 2026 and WK 7629 2026** cannot be given for the reasons set out below. The Commission, author of these documents, has been consulted in line with Article 4(4) of Regulation 1049/2001 and considers that access to them should be refused for the reasons that follow.

Document WK 7285 2026 contains a presentation prepared by the Commission for the meeting of the Ad Hoc Working Party on the MFF on 22 May 2026 and concerning specific budgetary rules-Proposed derogations from the Financial Regulation. *Document WK 7282 2026* contains a presentation prepared by the Commission for the meeting of the Ad Hoc Working Party on the MFF on 22 May 2026 and related to widening participation and spreading excellence. *Document WK 7629 2026* contains a fiche prepared by the Commission for the Ad Hoc Working Party on the MFF and relating to estimated revenue projections for own resources based on digital services, online gambling and crypto-assets (Fiche no. 48).

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 examined the documents requested, the Commission considers that access to these documents should be denied, based on Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 regarding public access to documents. This provides that access to a document, for which disclosure would seriously undermine the institution's decision-making process, can be refused unless an overriding public interest in disclosure exists.

The documents in question have been produced by the Commission services and shared with Parliament and Council in the context of the ongoing interinstitutional decision-making process in relation to the Union's future multiannual financial framework. These documents are particularly sensitive as they concern the future financial framework of the Union. Disclosure of these technical documents, which may contain preliminary views or policy options not formally endorsed by the institutions, could lead to external pressure from interest groups or stakeholders, including those from third countries. Their content risks being misinterpreted or taken out of context, a particular risk given the interconnected nature of the MFF legal instruments. This could in turn undermine the trust between institutions in the context of ongoing negotiations and thereby hamper the efficient conduct of those negotiations.

The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply as the public interest in accessing these particular documents does not outweigh the potential harm disclosure could cause to the decision-making process. The institution has mechanisms to ensure transparency and accountability, including release of documents post-decision, allowing for public scrutiny at a stage where such access would not impede effective functioning of the Union's decision-making processes.

Given the potential adverse effects on the ongoing decision-making process, and in the absence of an overriding public interest, access to the requested documents should be denied under 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.

Moreover, the General Secretariat of the Council would like to draw your attention to the fact that the requested documents originate from the European Commission and you may contact directly this institution with your request, at: [European Commission → Transparency → Access to documents](#).

Yours sincerely,

Fernando FLORINDO

From: [REDACTED]
To: [TRANSPARENCY Access to documents \(COMM\)](#)
Subject: Internal review of access to documents request - Documents of the Ad hoc Working Party on the MFF - Presentation on new own resources, on financial regulation and on Horizon Europe
Date: mercredi 2 septembre 2026 16:44:15

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 'Documents of the Ad hoc Working Party on the MFF - Presentation on new own resources, on financial regulation and on Horizon Europe'.

The motivation given to withhold the publication of the requested documents is that "the documents in question have been produced by the Commission services and shared with Parliament and Council in the context of the ongoing interinstitutional decision-making process in relation to the Union's future multiannual financial framework. These documents are particularly sensitive as they concern the future financial framework of the Union. Disclosure of these technical documents, which may contain preliminary views or policy options not formally endorsed by the institutions, could lead to external pressure from interest groups or stakeholders, including those from third countries. Their content risks being misinterpreted or taken out of context, a particular risk given the interconnected nature of the MFF legal instruments. This could in turn undermine the trust between institutions in the context of ongoing negotiations and thereby hamper the efficient conduct of those negotiations."

Such motivation is not consistent with previous decisions of disclosure of similar documents:

-Minutes of some meetings of the Ad Hoc Working Party on the Multiannual Financial Framework (AHWP MFF), which released similar presentations to the one asked with this request, such as Commission's presentations on, inter alia, Synergies across funding programmes, Member States pre-allocated envelopes – allocation methodology, Performance Monitoring Framework, Flexibility in the next MFF architecture, Governance of the MFF, Repayment of NextGenerationEU, Rule of Law and Charter of Fundamental Rights in the next Financial Framework. In total, 17 of such presentations have already been disclosed with my previous request. You can find them here:

[REDACTED]

Those documents had originally been withheld with a similar reasoning, but after my appeal, they had been released. In that sense, in order to have a different outcome than the previous one, it would be needed to be explained more specifically why those specific documents would constitute a 'higher risk' than those that were released with my previous request, considering that they are similar in nature. Failing to do so would lead to unjustified, discretionary treatment of documents.

As indicated also in my previous request, the value of publication of such presentations remounts to a more in depth explanation of technically complex policy proposals, which is in the interest of the public to understand better before their final approval. We therefore ask you to reverse your decision and publish the identified documents.

A full history of my request and all correspondence is available on the Internet at this address:

Yours faithfully,

[REDACTED]

Please use this email address for all replies to this request:

[REDACTED]