



**Brussels, 15 September 2026
(OR. en)**

13180/26

**API 190
INF 259**

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application N° 51/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 5 August 2026 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 26 August 2026 (Annex 2);
- the confirmatory application dated 15 September 2026 and registered on the same day (Annex 3).

From: document-request@cs.consilium.europa.eu
To: [TRANSPARENCY Access to documents \(CTMM\)](#)
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]
Date: mercredi 5 août 2026 04:46:52

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

[REDACTED]

First name

[REDACTED]

Family name

[REDACTED]

E-mail

[REDACTED]

Occupation

Academia

I submit this request on my own behalf.

Name of the organisation

Full postal address

[REDACTED]

Telephone

[REDACTED]

Requested document(s)

Under Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, I request access in electronic form, preferably in English, to the following Council documents:

1. ST 9818/26 INIT
2. ST 9818/1/26 REV 1
3. ST 9818/2/26 REV 2
4. ST 9818/3/26 REV 3
5. ST 9818/4/26 REV 4

These are successive versions of the document entitled "Common Understanding – The Threats and Challenges We Face: Assessment of the EU's Strategic Environment," whose final version was transmitted as ST 11631/26.

I also request, should they exist:

- * any version-comparison or "track changes" documents showing amendments between these versions; and
- * any accompanying cover notes that explain the principal changes made between successive revisions.

1st option

EN

2nd option

This is an automatic reply from the General Secretariat of the Council of the European Union concerning your request for access to Council documents.



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, 26 August 2026

Email: [REDACTED]

Ref. 26/2856

Request made on: 05.08.2026

Dear [REDACTED],

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

As a reminder, you have requested the following documents:

9818/26: Draft Common Understanding - The Threats and Challenges We Face: Assessment of the EU's Strategic Environment, dated 2 June 2026.

9818/1/26: Draft Common Understanding - The Threats and Challenges We Face: Assessment of the EU's Strategic Environment, dated 22 June 2026.

9818/2/26: Draft Common Understanding - The Threats and Challenges We Face: Assessment of the EU's Strategic Environment, dated 26 June 2026.

9818/3/26: Draft Common Understanding - The Threats and Challenges We Face: Assessment of the EU's Strategic Environment, dated 6 July 2026.

9818/4/26: Draft Common Understanding - The Threats and Challenges We Face: Assessment of the EU's Strategic Environment, dated 7 July 2026.

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 duly consulted the originator of the documents, the EEAS², and based on the information received from this body, the General Secretariat has come to the conclusions below.

Full access can be granted to document **9818/4/26** - please find it attached.

You can have access to a partially accessible version of documents **9818/26 INIT+ REV 1+ REV2 + REV3**.³ However, I regret to inform you that full access cannot be given for the reasons set out below.

Documents 9818/26 INIT+ REV 1+ REV2 + REV3 are the initial and subsequent versions of the document you have requested, "Draft Common Understanding - The Threats and Challenges We Face: Assessment of the EU's Strategic Environment". The final version of the document is 11631/26 – "Common Understanding - The Threats and Challenges We Face: Assessment of the EU's Strategic Environment", dated 9 July 2026. This is a [public document](#), available in the Public register of the Council.

Documents 9818/26 INIT+ REV 1+ REV2 + REV3 are the earlier drafts of this final public document, and they have gone through an internal stakeholder consultation process and negotiations, resulting in continuous revisions on previous drafts, until a final version was reached. This final version was acceptable to all stakeholders involved.

Full access cannot be granted to the earlier drafts of the document as they could give an erroneous impression of an agreed EU position on many sensitive policy files, where - in fact - there was not an agreed text and position. That would seem to have clear implications for the EU's international relations.

For this reason, full release of the information contained in documents 9818/26 INIT+ REV 1+ REV2 + REV3 would prejudice relations between the European Union and the third countries and actors mentioned therein.

Full disclosure of the documents would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse full access to documents 9818/26 INIT+ REV 1+ REV2 + REV3.⁴

Moreover, you have requested, "should they exist:

- * any version-comparison or "track changes" documents showing amendments between these versions; and
- * any accompanying cover notes that explain the principal changes made between successive revisions."

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

³ Article 4(6) of Regulation (EC) No 1049/2001.

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

Having duly checked with the originator of the documents, we can confirm that there are no such documents.

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: 5

From: [REDACTED]
To: [TRANSPARENCY Access to documents \(COMM\)](#)
Subject: Confirmatory Application under Art. 7(2) of Reg. 1049/2001. Ref. 26/2856
Date: mardi 15 septembre 2026 10:41:14
Attachments: [image.png](#)
[Confirmatory application for review of the Council.pdf](#)

Dear Mr. Florindo,

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, I hereby submit a confirmatory application concerning the Council's decision of 26 August 2026 in Ref. 26/2856.

Please find attached my confirmatory application setting out the grounds on which I request reconsideration of the partial refusal of access to documents 9818/26 INIT, 9818/1/26 REV 1, 9818/2/26 REV 2 and 9818/3/26 REV 3.

I would be grateful if you could confirm receipt.

Yours sincerely,

[REDACTED]

On Wed, 26 Aug 2026 at 17:41, ve_gsc-comm.2.c access to documents (GSC-COMM) <access@consilium.europa.eu> wrote:

Please find attached a letter from the General Secretariat of the Council concerning your request for access to documents.

Yours sincerely,

Transparency

General Secretariat of the Council

Directorate-General Communication and Information - COMM
Directorate Information and Outreach
Information Services Unit / Transparency

Rue de la Loi/Wetstraat, 175 - B-1048 Bruxelles/Brussel - Belgique/België

Confirmatory application for review of the Council's initial decision on access to documents, under Article 7(2) of Regulation No 1049/2001

Ref.: 26/2856

Applicant: [REDACTED]

Request 26/2856. Documents 9818/26, 9818/1/26 REV 1, 9818/2/26 REV 2 and 9818/3/26 REV 3

I request reconsideration of the decision of 26 August 2026 refusing full access to the earlier versions of the Draft Common Understanding - The Threats and Challenges We Face: Assessment of the EU's Strategic Environment.

The Council states that the requested documents were successive negotiating drafts subjected to an "internal stakeholder consultation process and negotiations", with "continuous revisions" until a final version was reached; that the final document, 11631/26 of 9 July 2026, was public; and that the final version was "acceptable to all stakeholders involved". It nevertheless denied full access to INIT through REV 3.

The stated reason is that disclosure of the earlier drafts could give an "erroneous impression of an agreed EU position" on sensitive policy files and would therefore prejudice relations with the third countries and actors concerned. That reasoning does not, in my submission, satisfy the standard required by Article 4(1)(a), third indent.

1. The decision does not demonstrate the specific and actual harm required by Article 4(1)(a)

The Council enjoys a wide discretion when assessing international-relations risks. That discretion, however, does not dispense with the obligation to establish the protected harm.

In *Council v in 't Veld*, C-350/12 P, paras 51-52 and 63-64, the Court held that the "mere fact that a document concerns an interest protected" by an exception is insufficient. The institution must explain how disclosure would specifically and actually undermine the protected interest, and the risk must be reasonably foreseeable and not purely hypothetical. The Court expressly confirmed that this obligation remains despite the wide discretion enjoyed by the institution under Article 4(1)(a).

The Court reiterated the point in *ClientEarth v Commission*, C-612/18 P, paras 31-33: a mere link between information contained in the documents and the objectives pursued by the Union in negotiations for an international agreement is insufficient to establish that disclosure would undermine the protected public interest.

The Grand Chamber subsequently reaffirmed the same Article 4 standard in *Nord Stream 2 v Parliament and Council*, C-348/20 P, paras 144-145.

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The refusal here does not explain the causal link with specificity. It states that disclosure could cause readers to mistake non-agreed text for an agreed EU position and moves from that possibility to the conclusion that relations with third countries would be prejudiced. It does not explain with sufficient specificity how the withheld material would affect the relations concerned, the nature of the likely injury, or how disclosure of a dated and superseded draft would produce that injury.

That omission is significant because every document is described as a “Draft Common Understanding”, dated and revision-numbered. The Council could also accompany disclosure with an explicit statement that the text did not constitute an agreed EU position. The point is not that such a statement would necessarily eliminate every conceivable diplomatic risk. It is that, where the Council identifies misunderstanding as the mechanism through which harm would arise, it must explain why those contextual safeguards would not address that risk.

2. The assessment had to concern the risk existing on 26 August, not the sensitivity of the material while negotiations were under way

Article 4(7) provides that the exceptions apply only “for the period during which protection is justified on the basis of the content of the document.”

By 26 August, the circumstances had changed materially. REV 4 had been completed on 7 July; the final Common Understanding had been agreed on 9 July; that final version was public; and the Council itself states that it was acceptable to all stakeholders involved.

The closest authority is the General Court’s judgment in *ClientEarth and Leino-Sandberg v Council*, Joined Cases T-682/21 and T-683/21, ECLI:EU:T:2024:165. In assessing the international-relations exception, the General Court reiterated that the Council had to establish a specific, actual, reasonably foreseeable and non-hypothetical risk and examined whether the claimed harm had been demonstrated in light of the stage the underlying process had reached. It concluded that the Council had failed to provide sufficient explanations and annulled the refusal for manifest error of assessment. Paras 108-119.

That judgment concerned a different subject and a legislative procedure. I rely on it for the narrower proposition that the stage reached in the underlying process is relevant when assessing whether the claimed international-relations risk has actually been established. The Council must still demonstrate a specific, actual, reasonably foreseeable and non-hypothetical risk in the circumstances existing when it takes its access decision. In the present case, the final text had already been agreed and made public.

Completion of negotiations does not, by itself, determine whether Article 4(1)(a) continues to apply. The relevant question is whether the Council has demonstrated that disclosure would still prejudice international relations after the negotiation had ended and the agreed text had become public. The decision does not make that demonstration.

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3. REV 3 → REV 4 reveals an unexplained difference in the application of the exception

Two redactions are difficult to reconcile with the Council's reasoning.

In REV 3, immediately after the statement that geopolitical developments pose new dilemmas for the EU, a passage is withheld. REV 4, dated one day later and disclosed in full, contains at the corresponding point the statement that rising Chinese ambitions and assertiveness, combined with US-China competition, will affect EU security, competitiveness and economic resilience.

The same issue arises with Türkiye. REV 3 discloses the discussion of EU-Türkiye cooperation and the Cyprus settlement talks but withholds the sentence immediately following it. REV 4 openly states at the corresponding point that the EU expects Türkiye to commit unequivocally to good-neighbourly relations, including renouncing any threat of force.

These comparisons do not establish that the withheld REV 3 passages are identical to REV 4, nor do they permit their full content to be reconstructed. They do, however, show that closely corresponding propositions were publicly disclosed in the immediately succeeding revision.

The existence of closely corresponding language in REV 4 makes a specific explanation necessary. The decision does not explain why disclosure of the earlier passage would prejudice international relations when closely corresponding substantive language was disclosed in the immediately succeeding revision.

For these passages, the general proposition that disclosure of non-agreed language could create an erroneous impression of an agreed EU position does not sufficiently explain the continued withholding. The existence of the later public formulation does not establish what REV 3 contained, but it does require the Council to explain why the earlier text remains protected.

4. The Council itself disclosed other non-final changes in foreign-policy language

The Council's disclosure practice is difficult to reconcile with any general proposition that the appearance of non-final foreign-policy language in an earlier draft is, by itself, sufficient to establish prejudice to international relations.

REV 1 referred to longstanding US "commitments" to Europe's defence. REV 2 replaced that formulation with the longstanding US "contribution" to Europe's defence. Both formulations were disclosed.

Likewise, REV 1 stated that, for actors such as "Russia and China", foreign information manipulation and interference formed part of a broader political-warfare toolbox. REV 3 retained that attribution, while REV 4 replaced "Russia and China" with "Russia and others".

These changes concern the language used in successive drafts to characterise the U.S. and China. Yet the Council disclosed both the earlier and later formulations.

That does not establish that every remaining deletion must be released. It does show, however, that neither the non-final character of a formulation nor the fact that it concerns relations with a third country is sufficient, without more, to justify withholding. The Council's own disclosure practice therefore reinforces the need for a more specific explanation of why the remaining passages, unlike the disclosed changes above, would prejudice international relations.

5. Article 4(6) requires a more exact partial-access assessment

Article 4(6) provides that where only parts of a requested document are covered by an exception, "the remaining parts of the document shall be released."

In *Access Info Europe v Commission*, T-851/16, paras 116-118, the General Court confirmed the requirement to consider partial access and to confine withholding to information actually covered by the relevant exception.

That requirement is relevant here. INIT displays 13 instances of the marker "DELETED", while REV 4 was disclosed in full. The comparison between REV 3 and REV 4 also shows that closely corresponding propositions concerning US-China competition and Türkiye appear in the immediately succeeding revision.

This does not establish that the withheld wording in REV 3 was identical to REV 4. It does, however, require the Council to assess whether each withheld passage contains severable material that is no longer protected, including any material whose substance may correspond to propositions subsequently made public.

Article 4(6) does not permit an entire passage to remain withheld merely because part of it may fall within Article 4(1)(a). If the protected interest can be preserved by withholding only particular words, sentences or propositions, the remainder must be disclosed.

The Council should therefore reconsider each deletion individually and release every severable part for which it cannot demonstrate a continuing international-relations risk. At minimum, every deletion whose surrounding context and subsequent revisions indicate possible overlap with material later made public requires a fresh assessment of whether any part remains protected and whether further partial access can be granted.

6. The status of the drafts

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I do not contend that the presence of wording in a draft made it an agreed EU position. The documents are EEAS notes addressed "To: Delegations", and the Council itself describes them as successive products of consultation and negotiation involving "continuous revisions". A formulation appearing in one of those versions therefore formed part of the negotiating text at that stage.

The disclosed documents do not establish who authored a particular formulation or which delegation proposed a particular amendment. Appearance in a draft establishes the presence of wording in the negotiating text; it does not establish its provenance.

Request

For those reasons, I request full access to documents 9818/26 INIT, 9818/1/26 REV 1, 9818/2/26 REV 2 and 9818/3/26 REV 3.

If the Council considers that some information remains protected under Article 4(1)(a), I request, in the alternative, a fresh assessment under Articles 4(6) and 4(7), conducted by reference to the circumstances existing at the date of the confirmatory decision.

In particular, the Council should disclose every severable portion for which a specific and actual international-relations risk can no longer be established, including any material corresponding in substance to wording subsequently disclosed in REV 4 or document 11631/26.

For any withholding maintained, the Council should provide reasons sufficiently precise to permit effective review, whether by individual passage or by coherent category of passages, explaining the nature of the international-relations injury said to arise from disclosure and why that risk remains reasonably foreseeable and non-hypothetical after completion of the negotiations and publication of the final text, to the extent that such reasons can be given without themselves disclosing protected information.

September 15, 2026

[REDACTED]