



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INTERNATIONAL PARTNERSHIPS

The Director-General

Brussels,

By e-mail:

Mr Romain Lanneau

Subject: Your application for access to documents – EASE 2026/3487 and 2026/3505

Dear Mr Lanneau,

I refer to your request for access to European Commission documents registered on 9 July 2026 under the above-mentioned reference numbers.

1. SCOPE OF YOUR REQUEST

By means of your request, you seek access to “meeting minutes, briefing notes, internal documents, impact or legal analyses, correspondence and records of inter-service consultations (particularly between DG INTPA and DG HOME) related to:

- migration-related conditionality of Official Development Assistance, including the use of "leverage" and the potential suspension of payments or implementation of a programme in the Proposal for a Regulation of the European Parliament and of the Council establishing Global Europe.
- specifically, any discussion of Recitals 57–58, Article 12, and relevant annexes.”

2. IDENTIFICATION OF DOCUMENTS

The documents falling into the scope of the request on this basis are the following:

- (1) Reply from DG HOME to the inter-service consultation (ISC/2025/05850) on the Commission proposal for the Regulation establishing Global Europe - MFF, dated 4 July 2025, with Ares reference Ares(2026)7535033;
- (2) Report on the Special meeting of Cabinet members on Global Europe on 10 July 2025, with reference RCC(2025) 70;

- (3) Report on the weekly meeting of Heads of Cabinet on 14, 15 and 16 July 2025, with reference RCC(2025) 2533;
- (4) Note for the Interinstitutional Relations Group (GRI) members, with reference SI(2026) 141;
- (5) Minutes of the meeting of the GRI of 13 May 2026, with reference RCC(2026) 172;
- (6) Commission flash report on the Coreper meeting on 20 May 2026, with reference SI(2026) 166;
- (7) Commission flash report on the Coreper meeting on 3 June 2026, with reference SI(2026) 197;
- (8) Commission flash report on the Coreper meeting on 10 June 2026, with reference SI(2026) 217;
- (9) Briefing for the Coreper meeting on 20 May 2026, with Ares reference Ares(2026)7332744;
- (10) Briefing for the Coreper meeting on 3 June 2026, with Ares reference Ares(2026)7325793;
- (11) Commission flash report on the General Affairs Council meeting on 16 June 2026, with reference SI(2026) 237.

It should be noted that only parts of the identified documents are related to migration in the context of the Global Europe regulation. Parts that are related to other topics are considered outside the scope of the request.

3. ASSESSMENT OF THE IDENTIFIED DOCUMENTS

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, I have come to the conclusion that the above listed documents cannot be disclosed, as their disclosure is prevented by exceptions to the right of access laid down in Article 4(1)(a), third indent and Article 4(3) of this Regulation. The detailed reasons are explained below.

Article 4(1)(a), third indent of Regulation (EC) No 1049/2001 provides that access to a document shall be refused where disclosure would undermine the protection of the public interest as regards international relations.

The first subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 provides that '[a]ccess to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure'.

In the present case, the identified documents concern internal exchanges, reports, notes and minutes produced in the context of the Commission's decision-making process leading to the

adoption by the Commission of the proposal for a Regulation establishing Global Europe for the 2028-2034 Multiannual Financial Framework (MFF), as well as reports of internal discussions of the Council of the European Union and the related briefings prepared for Commission representatives in the setting of the legislative procedure on Global Europe within the Council.

Document 1 constitutes the reply that DG HOME provided to the inter-service consultation, launched by DG INTPA, on the proposal for a Regulation establishing Global Europe. It was signed by the Director-General of DG HOME. Document 2 is a report of the Special meeting of the Cabinet members ahead of the adoption by the College of the Commission proposal for a Regulation establishing Global Europe. The report was prepared by the Secretariat-General of the Commission. Document 3 is a report of the weekly meeting of the Heads of Cabinet members ahead of the adoption by the College of the Commission proposal for a Regulation establishing Global Europe. It was prepared by the Secretariat-General of the Commission. Document 4 is a note prepared by DG INTPA, in consultation with relevant Commission services, for the Interinstitutional Relations Group (GRI) members, ahead of the discussions in Coreper on the Global Europe proposal. It takes stock of the negotiations within the Council on the Commission proposal for a Regulation establishing Global Europe. Document 5 are the minutes of the meeting of the GRI of 13 May 2026, which was attended by Cabinet members to endorse the GRI note. It was prepared by the Secretariat-General of the Commission. Documents 6, 7 and 8 are the Commission flash reports on the Coreper meetings on 20 May 2026, 3 June 2026 and 10 June 2026, where Coreper discussed the Commission proposal for a Regulation establishing Global Europe. They were prepared by the Secretariat-General of the Commission. Documents 9 and 10 are the briefings prepared by DG INTPA, in consultation with relevant Commission services, for the Director-General of DG INTPA to represent the Commission during the Coreper meetings on 20 May 2026 and 3 June 2026. Document 11 is the Commission flash report on the General Affairs Council meeting on 16 June 2026, where the Council adopted its partial position on the Commission proposal for a Regulation establishing Global Europe. It was prepared by the Secretariat-General of the Commission.

These documents record and reflect preliminary service positions, comments, and internal reflections and reactions exchanged between Commission services as part of an ongoing decisional context, as well as Member States' positions and reactions in the negotiations on the Global Europe regulation. By their nature and content, such documents are liable to contain analyses, policy options, positions and discussion of how the Union should use external action financing in relation to third countries in the area of migration. Furthermore, they directly pertain both to a matter still requiring institutional deliberation and internal assessment and to an ongoing legislative procedure, within a framework in which the Commission must preserve its capacity to define, defend and adjust its position through free and candid internal exchanges.

By nature, as documents discussing the tools and programmes framing the Union's dealings with third countries, including conditions, incentives, leverage, or consequences, the documents constitute material capable of affecting the Union's international relations. In this regard, access to the identified documents is refused on the basis of Article 4(1)(a), third indent of Regulation (EC) No 1049/2001, as the disclosure of the documents would undermine the protection of the public interest as regards the Union's international relations. This is even more the case as the documents form part of the Commission's internal protected decision making.

With regard to all documents, their disclosure would foreseeably undermine the protection of the public interest as regards the Union's international relations, since the identified documents concern the Union's approach to cooperation with partner countries in a geopolitically highly sensitive area. In particular, release of internal assessments and negotiating or strategic positions relating to migration-related provisions of the Commission proposal for Global Europe would reveal the Union's internal views on sensitive external relationships that could be perceived by third countries as indicating pressure points, priorities, or political options. In the present case, there is a real and non-hypothetical risk of harm to the Union's international relations. Public release of internal information and reflections in that regard could affect the climate of trust necessary for the Union's relations with those partners and weaken the Union's position in its external action, reducing the Union's room for manoeuvre in ongoing and future external engagement. That would weaken the Union's external stance and impair the effectiveness and credibility of the Union's conduct towards third countries in the implementation of Global Europe. The interest protected here is not merely the confidentiality of internal discussion as such, but the Union's ability to conduct international relations effectively. In the external relations field, the interests of protecting the Union's international relations and the institutions' internal deliberative space (where necessary to safeguard their tasks) may overlap: in the present case, disclosure of internal positions is harmful because it diminishes the Union's external credibility and coherence in cooperation with third countries.

As regards the application of the exception laid down in the first subparagraph of Article 4(3), according to the Court of Justice of the European Union judgement Case T-590/23 *De Capitani*, its application "requires it to be established that access to the documents requested was likely to undermine specifically and actually the protection of the decision-making process of the institution concerned, and that the likelihood of that interest being undermined was reasonably foreseeable and not purely hypothetical (...).

The decision-making process is 'seriously' undermined, where, inter alia, the disclosure of the documents in question has a substantial impact on the decision-making process. The assessment of that serious nature depends on all of the circumstances of the case including, inter alia, the negative effects on the decision-making process relied on by the institution as regards disclosure of the documents in question (...).

This cannot be interpreted as requiring the institutions to submit evidence to establish the existence of such a risk. It is sufficient in that regard if the contested decision contains tangible elements from which it can be inferred that the risk that the decision-making process would be undermined was, on the date on which that decision was adopted, reasonably foreseeable and not purely hypothetical, showing, in particular, the existence, on that date, of objective reasons on the basis of which it could be reasonably foreseen that the decision-making process would be undermined if the documents requested were disclosed (...)."(¹)

Assessed against this standard, access to the identified documents is therefore refused on the basis of Article 4(3), first subparagraph, of Regulation (EC) No 1049/2001. Disclosure of those documents would seriously undermine the Commission's decision-making process in a concrete and foreseeable manner.

With regard to all documents, the Commission's internal decision-making process relating to the preparation and adoption of the Global Europe proposal cannot be viewed in isolation

¹ See Judgment of 25 October 2025, T-590/23, *De Capitani*, paragraph 96-98.

from the subsequent legislative procedure before the European Parliament and the Council. Rather, there is a functional continuity between the Commission's internal deliberations leading to the adoption of the proposal and the ongoing interinstitutional decision-making process concerning the regulation. In the present context, the internal assessments, exchanges of views and preliminary positions contained in the identified documents form part of the deliberative framework that underpins the Commission's action throughout the legislative procedure. The exception in Article 4(3), first subparagraph, may continue to apply even after the Commission has formally adopted its proposal, where the related legislative process is still pending and where disclosure would seriously undermine the interinstitutional decision-making process. This reflects the fact that, after adopting a proposal, the Commission does not cease to exercise decision-making functions but continues to participate actively in the legislative process. In particular, throughout the negotiations between the European Parliament and the Council, the Commission fulfils an institutional role that requires it to preserve a protected internal deliberative space so that it can act effectively as an honest broker, facilitate compromise and, where appropriate, reconsider or adjust its position in light of developments in the negotiations. Disclosure of internal documents revealing internal options, sensitive assessments, negotiating considerations or divergences expressed during the preparatory phase could concretely and seriously weaken the Commission's capacity to perform that role. Such disclosure could also impair the climate of trust necessary for its mediating function in trilogues and other interinstitutional contacts. In those circumstances, the risk for the decision-making process is not hypothetical but sufficiently specific and actual within the meaning of Article 4(3).

With regard to documents 1, 2, 3, 4 and 5:

- First, those documents would reveal, in a detailed and attributable way, the internal views of the services involved, including positions expressed exclusively for the purpose of internal discussion, possible alternatives considered, and assessments that were not intended to represent the Commission's definitive position. Disclosure of such material would undermine the integrity of that deliberative space. The Commission must be able, on a permanent basis, to organise frank internal consultations and to receive free and comprehensive input from its services and Cabinets in order to fulfil its institutional responsibilities effectively.
- Second, given that these documents concern politically and institutionally sensitive aspects of the Global Europe legislative procedure, their disclosure would be liable to trigger external reactions targeting specific internal positions or specific services, thereby constraining the Commission's room for manoeuvre and impairing its ability to deliberate independently and in a sufficiently frank manner.
- Third, disclosure would risk crystallising preliminary internal assessments outside their decisional context, reducing the willingness of services to engage in open and complete exchanges in comparable ongoing files and thereby seriously affecting the quality of the Commission's internal deliberations.

With regard to documents 4, 5, 6, 7, 8, 9, 10 and 11, by their nature and content, these documents form part of the Commission's preparation, participation and reporting in relation to Council-level negotiations on the proposed Regulation establishing Global Europe. They reflect the state of play of negotiations and positions expressed by delegations, and the Commission's internal assessments concerning issues that remain under discussion in the ongoing interinstitutional legislative procedure. They are therefore directly and specifically linked to the still pending decision-making process concerning the Global Europe regulation for the 2028–2034 MFF. Disclosure of these documents at the present stage would seriously undermine the Commission's ongoing decision-making

process in a concrete and foreseeable, and not purely hypothetical, manner. In the context of the legislative procedure on the Regulation establishing Global Europe, the Commission continues to exercise its institutional role throughout the legislative process by facilitating compromises, assessing amendments, engaging with the co-legislators and adapting its interventions in light of evolving negotiating positions. The identified reports and briefings reveal internal assessments drawn up precisely to support that function. Their disclosure would expose the Commission's internal evaluation and operational choices underpinning its interventions in the Council preparatory bodies. This would reduce the Commission's room for manoeuvre in the ongoing negotiations, weaken the climate of trust necessary for frank exchanges with the co-legislators, and impair its capacity to act effectively as an honest broker between the European Parliament and the Council. In such circumstances, the risk of harm is sufficiently specific and reasonably foreseeable, since release would enable external actors to anticipate and exploit the Commission's internal negotiating assessments and thereby affect the conduct of the still ongoing legislative process.

4. OVERRIDING PUBLIC INTEREST IN DISCLOSURE

The exception laid down in Article 4(1)(a), third indent of Regulation (EC) No 1049/2001 is mandatory in nature and does not provide for any balancing against a potential overriding public interest in disclosure.

The exception laid down in Article 4(3) must be waived if there is an overriding public interest in disclosure. Such an interest must, firstly, be public and, secondly, outweigh the harm caused by disclosure. It is for the applicant to put forward specific circumstances that show that there is an overriding public interest which justifies the disclosure of the documents concerned ⁽²⁾.

According to case-law, the applicant must, on the one hand, demonstrate the existence of a public interest likely to prevail over the reasons justifying the refusal of access to the documents concerned and, on the other hand, demonstrate precisely in what way disclosure of the documents would contribute to assuring protection of that public interest to the extent that the principle of transparency takes precedence over the protection of the interests which motivated the refusal ⁽³⁾.

Although your request did not put forward the specific circumstances showing the overriding public interest, DG INTPA has further considered whether there is an overriding public interest in disclosure capable of outweighing the need to protect the decision-making process. The request concerns a matter of public relevance, namely the proposed legislative framework for external action financing in the 2028-2034 MFF. However, the existence of a general interest in transparency, or in public debate on an important legislative or policy issue, is not sufficient in itself to establish an overriding public interest justifying the disclosure of internal preparatory documents where such disclosure would seriously undermine the institution's

⁽²⁾ See, for example, the judgment of the General Court of 5 October 2022, *Múka v European Commission*, T 214/21, EU:T:2022:607, paragraph 66; judgment of the General Court of 5 December 2018, *Campbell*, T 312/17, EU:T:2018:876, paragraph 58.

⁽³⁾ Judgment of the General Court of 9 October 2018, *Anikó Pint v European Commission*, T-634/17, EU:T:2018:662, paragraph 48; judgment of the General Court of 23 January 2017, *Association Justice & Environment z.s v European Commission*, T-727/15, EU:T:2017:18, paragraph 53 (hereinafter '*Association Justice & Environment z.s v European Commission*, T-727/15'); judgment of the General Court of 5 December 2018, *Falcon Technologies International LLC v European Commission*, T-875/16, EU:T:2018:877, paragraph 84.

ongoing decision-making process. In the present case, DG INTPA has not been able to identify any specific and concrete public interests that would outweigh the particularly strong interest in preserving the Commission's ability to conduct its internal deliberations independently, thoroughly and candidly on this sensitive matter.

Accordingly, no overriding public interest in disclosure has been established.

5. PARTIAL ACCESS

DG INTPA has also examined whether partial access could be granted in accordance with Regulation (EC) No 1049/2001. In the present case, no meaningful partial access is possible. It is not possible to divide the relevant content of the documents into a part that is sensitive and a part that is not sensitive and could therefore be disclosed. Any redaction limited to specific passages would either leave only fragmentary and misleading remnants devoid of informative value, or would still reveal, directly or indirectly, the protected internal positions and deliberative dynamics.

Partial disclosure is therefore not feasible in this case without undermining the interests described above.

6. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it via your EASE portal account.

Yours faithfully,

Koen DOENS