



SG.LD.ATD  
Access to Documents Correspondent

Brussels, 25 March 2026  
eeas.sg.ld (2026) 2298020

To  
Mr Alberto Alemanno  
by electronic mail

*Subject: Your request for access to documents of 20 February 2026*  
*EEAS reference: 2026/38*

Dear Mr Alemanno,

I would like to thank you for your request for access to documents, which the EEAS has examined in the framework of Regulation (EC) No 1049/2001.<sup>1</sup>

Following your request, we have searched in the EEAS filing systems and document management databases for the requested documents, namely: *“documents which contain the following information:*

- *the non-paper discussing the Board of Peace's charter, including the way the "autonomy of the EU legal order militates against a concentration of powers in the hands of the Chairman", whose existence has been reported by Euronews ("as seen by Euronews"*
- *any other document related to the Board of Peace, minutes, emails and exchanges in other forms in your possession or generated by your services”.*

After this search, the EEAS has identified the following document matching your application, as referenced hereafter:

- NON PAPER - Legal Issues related to the Charter for the Board of Peace for Gaza, 19 January 2026.

---

<sup>1</sup> 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, of 31.5.2001, p. 43, hereafter the "Regulation "), as applied by the EEAS pursuant to Article 11(1) of the Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, of 3.8.2010, p. 30).

The above-mentioned document was drafted by the EEAS Legal Department to provide a legal analysis of the compatibility of the draft Charter of the Board of Peace with UN Security Council Resolution 2803(2025) endorsing the Comprehensive Plan to End the Gaza Conflict of 29 September 2025. As such, this document contains an assessment of a legal text drafted by the United States, reflecting an internal legal advice of the EEAS Legal Department. The public disclosure of such assessment would be negatively perceived by the international actors which are participating in the Board of Peace. Therefore, any disclosure of this document would undermine the protection of the EU international relations and the protection of the legal advice, as per Article 4(1)(a), third indent, and Article 4(2), second indent of the Regulation.

Concerning the applicability of the exception of Article 4(2), second indent of the Regulation, I consider that the public interest in the disclosure of this document does not override the interest to preserve the confidentiality and independence of legal advice.

I take this opportunity to clarify that the fact that the content of this document has been mentioned by several media sources is not decisive to determine whether public access shall be granted. As confirmed by the Court of Justice of the European Union in its case law, the fact that a document originating or held by the institution might be or might have been in the public domain in its leaked form does not constitute a ground on the basis of which the institution would grant public access to it or recognise that the leaked document is indeed a genuine document held or drawn up by that institution.<sup>2</sup> Indeed, as confirmed by the case-law, a document is not put into the public domain by its unauthorised disclosure.

Should you wish this position to be reviewed, you may submit a confirmatory application within 15 working days in accordance with Article 7(2) of the Regulation.

Yours sincerely,

*[e-signed]*

Seppo Nurmi

---

<sup>2</sup> See Judgments of 26 May 2016, *IMG v Commission*, T-110/15, EU:T:2016:322, paragraph 59, of 25 October 2013, *Beninca v Commission*, T-561/12, EU:T:2013:558, paragraph 55, and of 6 October 2021, *Aeris Invest v BCE*, T-827/17, EU:T:2021:660, paragraphs 218 and 219.