

**Brussels, 3 June 2026
(OR. it)**

10052/26

**API 113
INF 156**

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Public access to documents – Confirmatory application No 28/c/03/26
– Information for delegations

Delegations will find enclosed:

- the request for access to documents sent to the General Secretariat of the Council on 19 March 2026 and registered on 20 March 2026 (Annex 1);
- the reply of the General Secretariat of the Council dated 12 May 2026 (Annex 2);
- the confirmatory application dated 2^o June 2026 and registered on 3 June 2026 (Annex 3).

From: **DELETED**

Sent: Thursday, March 19, 2026 10:31 PM

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

Subject: Consilium - Request for access to documents under Regulation (EC) No 1049/2001 - US Sanctions against ICC and others

Importance: High

Dear Sir/Madam,

Please find attached a digitally signed request for access under Regulation (EC) No 1049/2001.

A response is expected within the deadlines set out in Article 7(1) of Regulation (EC) No 1049/2001.

Yours sincerely,

DELETED

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To the Council of the European Union

Subject: Access to documents under Regulation (EC) No 1049/2001 - US sanctions against ICC and others

The undersigned **DELETED** as an Italian citizen and citizen of the European Union,

Having regard to

- Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, and
- the Charter of Fundamental Rights of the European Union, in particular Articles 41 (good administration) and 42 (access to documents);

Requests access

to a digital certified copy of the following documentation:

- all documents, communications and text messages (SMS, iMessage, WhatsApp, Signal or similar) exchanged by the Council, or its officials, with other EU institutions or agencies, with the governments and/or institutions of EU Member States and non-EU countries, citizens, and natural or legal persons, concerning sanctions applied by the United States of America to judges and prosecutors of the International Criminal Court established by the Rome Statute, as well as UN special rapporteurs;
- any intervention measures taken by the Council to protect individuals, whether citizens of the Union or not, who, in their capacity as public officials and in the performance of their duties, have been subject to sanctions or retaliatory measures by the United States of America.

It should be noted that this request concerns both documents drawn up by the Council and documents it holds of the abovementioned nature received from third parties.

In order to facilitate the identification of the requested documents, the following is a non-exhaustive list of officials sanctioned by the United States of America:

ALAPINI GANSOU, Reine Adélaïde Sophie

ALBANESE, Francesca Paola

BOSSA, Solomy Balungi

DAMDIN, Erdenebalsuren

GUILLOU, Nicolas Yann

HOHLER, Beti

IBÁÑEZ CARRANZA, Luz del Carmen

KHAN, Karim Asad Ahmad

KHAN, Nazhat Shameem

LORDKIPANIDZE, Gocha

NIANG, Mame Mandiaye

PROST, Kimberly

A response is expected within the deadlines set out in Article 7(1) of Regulation (EC) No 1049/2001.

Italy, 19 March 2026

Requesting party

DELETED



Council of the European Union
General Secretariat
Directorate-General for Communication and Information (COMM)
Directorate for Information and Outreach
Information Services Unit / Transparency
Head of Unit

Brussels, 12 May 2026

DELETED

E-mail: **DELETED**

Ref. 26/1165

Request sent on: 19 March 2026
Registered on: 20 March 2026
Deadline extended on: 15 April 2026

Dear Mr **DELETED**,

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

Please find attached the requested documents **WK 15098/2024 INIT, WK 14210/2025 REV 6, WK 14774/2024 INIT, WK 8153/2025 INIT.**

I regret to inform you that access to the other documents cannot be granted for the reasons set out below.

Documents WK 5207/2026 INIT, WK 570/2026 INIT, WK 1474/2026 INIT, WK 14112/2025 INIT, WK 8959/2025 INIT, WK 2769/2025 INIT, WK 977/2025 REV 2, WK 2199/2025 INIT, WK 16330/2024 INIT, WK 15085/2024 INIT, WK 14446/2024 REV 1, WK 14446/2024 INIT, WK 14474/2024 INIT, WK 13800/2024 INIT, WK 9767/2024 INIT, WK 10658/2024 REV 2:

¹ The General Secretariat of the Council has reviewed your request in accordance with 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).

These documents contain meeting reports and agendas of the Council Working Party on Public International Law (International Criminal Court) (COJUR-ICC). The documents include interventions by high-level representatives of the International Criminal Court (ICC) and discussions between representatives of the ICC and the Council's COJUR-ICC Working Party.

The General Secretariat of the Council (GSC) considers that the documents fall within the scope of Article 4(1)(a) of Regulation No 1049/2001 (protection of international relations). There is a reasonably foreseeable and not purely hypothetical risk that disclosure of the documents could have a negative impact on the Union's international relations with both the ICC and the United States.

In addition, documents WK 2199/2025 INIT, WK 977/2025 REV 2, WK 16330/2024 INIT, WK 13800/2024 INIT, WK 9767/2024 INIT, WK 10658/2024 REV 2 contain personal data that fall within the exception set out in Article 4(1)(b) (protection of personal data) of Regulation (EC) No 1049/2001.

In view of the above, the GSC must refuse access to documents WK 5207/2026 INIT, WK 570/2026 INIT, WK 1474/2026 INIT, WK 14112/2025 INIT, WK 8959/2025 INIT, WK 2769/2025 INIT, WK 977/2025 REV 2, WK 2199/2025 INIT, WK 16330/2024 INIT, WK 15085/2024 INIT, WK 14446/2024 REV 1, WK 14446/2024 INIT, WK 14474/2024 INIT, WK 13800/2024 INIT, WK 9767/2024 INIT and WK 10658/2024 REV 2.

Documents WK 14967/2025 REV 1, WK 9119/2024 INIT, WK 9282/2024 REV 1, WK 8800/2025 REV 2:

These documents contain unpublished draft EU statements and positions that the EU may publicly adopt regarding US sanctions against members of the ICC, and include the deliberations of the Council's COJUR-ICC Working Party.

The GSC considers that the documents fall within the scope of Article 4(1)(a) of Regulation No 1049/2001 (protection of international relations). There is a reasonably foreseeable and not purely hypothetical risk that disclosure of the documents could have a negative impact on the Unions' international relations with both the ICC and the United States.

In addition, document WK 14967/2025 REV 1 contains personal data that fall within the exception set out in Article 4(1)(b) (protection of personal data) of Regulation (EC) No 1049/2001.

In view of the above, the GSC must refuse access to documents WK 14967/2025 REV 1, WK 9119/2024 INIT, WK 9282/2024 REV 1 and WK 8800/2025 REV 2.

Documents WK 17056/2025 INIT, WK 16012/2025, WK 13896/2025 REV 2, WK 7934/2025 INIT, WK 1620/2026 INIT, WK 3152/2026 INIT:

These documents contain discussions and assessments carried out by the Council Working Party on Public International Law (COJUR) regarding US sanctions against members of the ICC.

The GSC considers that the documents fall within the scope of Article 4(1)(a) of Regulation No 1049/2001 (protection of international relations). There is a reasonably foreseeable and not purely hypothetical risk that disclosure of the documents could have a negative impact on the Unions' international relations with both the ICC and the United States.

In view of the above, the GSC must refuse access to documents WK 17056/2025 INIT, WK 16012/2025, WK 13896/2025 REV 2, WK 7934/2025 INIT, WK 1620/2026 INIT and WK 3152/2026 INIT.

Documents ST 6761/26, ST 15131/25, ST 13459/25, ST 9987/25:

These documents contain exchanges and discussions between Member States' delegations regarding US sanctions against members of the ICC.

The GSC considers that the documents fall within the scope of Article 4(1)(a) of Regulation No 1049/2001 (protection of international relations). There is a reasonably foreseeable and not purely hypothetical risk that disclosure of the documents could have a negative impact on the Unions' international relations with both the ICC and the United States.

In addition, document ST 9987/25 contains personal data that fall within the exception set out in Article 4(1)(b) (protection of personal data) of Regulation (EC) No 1049/2001.

In view of the above, the GSC must refuse access to documents ST 6761/26, ST 15131/25, ST 13459/25 and ST 9987/25.

Partial access

We have also examined the possibility of disclosing parts of the documents (Article 4(6) of Regulation (EC) No 1049/2001). However, since the exceptions to the right of access apply to the entirety of the content of the documents, the General Secretariat is unable to grant partial access.

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 consider such a review necessary, please state the reasons for your request.

Yours sincerely,

Fernando Florindo

Attachments: 4

From: **DELETED**

Sent: Tuesday, June 2, 2026 11:07 PM

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

Subject: Ref. 26/1165

Dear Sir/Madam,

Please find attached a confirmatory application under Article 7(2) of Regulation (EC) No 1049/2001, digitally signed, concerning access request ref. 2026/1165.

A response is expected within the deadlines set out in Article 9(1) and (2) of Regulation (EC) No 1049/2001.

Yours sincerely,

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To the Council of the European Union

Subject: Confirmatory application under Article 7(2) - Access to documents under Regulation (EC) No 1049/2001 - Ref. 26/1165

The undersigned **DELETED**, as an Italian citizen and citizen of the European Union,

Having regard to

- Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, and
- the Charter of Fundamental Rights of the European Union, in particular Articles 41 (good administration) and 42 (access to documents);

With reference to

the request for access to documents under Regulation (EC) No 1049/2001 sent to the Council on 19 March 2026 and registered on 20 March 2026 under reference number 26/1165;

Whereas

the Council replied to the request for access on 12 May 2026, granting the requesting party access to the following documents identified as falling within the scope of the request for access: **WK 15098/2024 INIT, WK 14210/2025 REV 6, WK 14774/2024 INIT, WK 8153/2025 INIT**, and refusing access to documents **WK 5207/2026 INIT, WK 570/2026 INIT, WK 1474/2026 INIT, WK 14112/2025 INIT, WK 8959/2025 INIT, WK 2769/2025 INIT, WK 977/2025 REV 2, WK 2199/2025 INIT, WK 16330/2024 INIT, WK 15085/2024 INIT, WK 14446/2024 REV 1, WK 14446/2024 INIT, WK 14474/2024 INIT, WK 13800/2024 INIT, WK 9767/2024 INIT, WK 10658/2024 REV 2.**

The following conclusion is reached:

- This is a confirmatory application pursuant to Article 7(2) of Regulation (EC) No 1049/2001 concerning the Council's response dated 12 May 2026 regarding the request for access to documents pursuant to Regulation (EC) No 1049/2001 sent to the Council on 19 March 2026 and registered on 20 March 2026, under reference number 26/1165, requesting that the Council reconsider the request for access, assess the existence of additional documents, and grant full access to the documents to which the Council has refused access, on the grounds that the public interest outweighs the exceptions set out in Regulation (EC) No 1049/2001.

A response is expected within the deadlines set out in Article 8(1) and (2) of Regulation (EC) No 1049/2001.

Italy, 02 June 2026

Requesting party

DELETED

(signed digitally)