

Brussels, 4 June 2026
(OR. en)

10095/26

API 116
INF 159

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory application N° 29/c/02/26
- Information to delegations

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 15 March 2026 and registered on 16 March 2026 (Annex 1);
- the reply from the General Secretariat of the Council dated 31 March 2026 (Annex 2);
- the confirmatory application dated 16 April 2026 and registered on 17 April 2026 (Annex 3).

From: document-request@cis.consilium.europa.eu
Sent: Friday, April 24, 2026 9:05 AM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

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

DELETED

First name

DELETED

Family name

DELETED

E-mail

DELETED

Occupation

Law firm

I submit this request as a representative of an organisation.

Name of the organisation

Daldewolf law firm

Full postal address

DELETED

Telephone

Requested document(s)

CM 1806 2026 REV 1

CM 1807 2026 INIT

CM 1806 2026 INIT

ST 5329 2026 REV 2

1st option

FR

2nd option

EN

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

This notification was sent from an unattended mailbox. Please do not reply.



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, 31 March 2026

Daldewolf law firm

E-mail: **DELETED**

Ref. 26/1622

Request made on: 24.04.2026

Deadline extension: 20.05.2026

Dear **DELETED**,

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

Please find attached documents **CM 1806/26**, **CM 1806/1/26 REV 1** and **5329/2/26 REV 2**.

You will also find attached a partially accessible version of document CM 1807/26.² However, I regret to inform you that full access cannot be given for the reasons set out below.

Document **CM 1807/26** is a communication closing the *written procedure for the adoption of:*
I. Council Decision and Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine – II. Council Decision, Regulation and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine – III. Council Decision and Regulation concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus

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).

² Article 4(6) of Regulation (EC) No 1049/2001.

in the Russian aggression against Ukraine – IV. Council Implementing Decision and Implementing Regulation concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine.

It contains a unilateral statement the content of which allows to draw conclusions on the internal discussions related the legal acts concerned. Public release of this information would weaken the international position of the European Union and thus the effectiveness of the adopted restrictive measures. Disclosure of this information would therefore undermine the protection of the public interest as regards public security and international relations.³

In addition, the information contained in the statement remains relevant for possible future restrictive measures whose adoption would be jeopardised by its release. Disclosure of the statement would therefore seriously undermine future decision-making processes of the Council. In this regard, the General Secretariat has examined the context in which the document was drafted and on balance could not identify any evidence suggesting an overriding public interest in its full disclosure.⁴

As a consequence, the General Secretariat has to refuse access to relevant parts of the document.

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: 4

³ Article 4(1)(a), first and third indent, of Regulation (EC) No 1049/2001.

⁴ Article 4(3), second subparagraph, of Regulation (EC) No 1049/2001.

From: **DELETED**

Sent: Wednesday, June 3, 2026 8:00 AM

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

Subject: RE: Ref. 26/1622

Dear Sir or Madam,

Please find attached confirmative request in relation to request to access documents of 24 April 2026, ref. 26/1622.

Kind regards,

DELETED

Avocat au Barreau de Bruxelles

Associate

DALDEWOLF

Avenue Louise 81 Louizalaan - 1050 Brussels – Belgium

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www.daldewolf.com

██████████
Avocat
██████████

Council of the European Union
General Secretariat
Directorate-General Communication and Information - COMM
Rue de la Loi/Wetstraat 175, B-1048 Brussels
Access@consilium.europa.eu

Brussels, 3 June 2026

Subject: Confirmatory application for access to documents under Regulation 1049/2001 - Decision ref 26/1622

Dear Sir, Madame,

We hereby submit confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to documents of the European Council¹ ('**Regulation 1049/2001**') and Council Decision of 1 December 2009 adopting the Council's Rules of Procedure² ('**Council's rules of procedure**'), requesting a review of the General Secretariat's decision of 21 May 2026 (ref. 26/1622) partially refusing access to document CM 1807/26.

This confirmatory application concerns specifically the refusal to disclose the final part of document CM 1807/26 (a part of page 2 and the whole page 3), which has been entirely redacted.

This request is made after the partial refusal of the initial request dated 15 March 2026 ('**Request**'). With the response dated 21 May 2026, ref. 26/1622 ('**Decision**'), the Council granted only partial access to document CM 1807/26.

¹ 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, OJ L 145, 31.5.2001, pp. 43-48.

² Council Decision of 1 December 2009 adopting the Council's Rules of Procedure, OJ L 325, 11.12.2009, pp. 35-35.

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Document CM 1807/26 is a communication closing a written procedure for the adoption of:

- a Council Decision amending Decision 2014/145/CFSP, and
- a Council Implementing Regulation under Regulation (EU) No 269/2014

concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, based on Decision 2014/145/PESC and Regulation 269/2014.

With the present confirmatory demand we request:

- Full disclosure of document CM 1807/26, and
- In the alternative, should the Council consider that certain parts remain covered by an exception,
 - a precise identification of the nature and type of information withheld, specifying in particular if the redacted part refers to a declaration submitted by certain Member states, and
 - a substantiated justification explaining why partial access is allegedly impossible, in accordance with Article 4(6) of Regulation 1049/2001.

REASONS FOR REVIEW

I. The decision-making process is completed

The written procedure to which document CM 1807/26 relates has been closed and the relevant Council Decisions, Regulations and Implementing Regulations were definitively adopted approximately one month ago on 23 April 2026, as published in the Official Journal. As a consequence, the decision-making process is no longer ongoing: the document forms part of a completed procedure resulting in the adoption of legally binding acts which are now in force. Accordingly, the exception under Article 4(3) of Regulation 1049/2001 concerning the protection of the decision-making process, which must be interpreted strictly, cannot be invoked once the decision has been taken, unless specific and substantiated reasons are provided.

The Decision also relies on Article 4(1)(a), first and third indents, of Regulation 1049/2001 (public security and international relations). The General Secretariat states, in general terms, that disclosure of the redacted information would make it possible to draw conclusions on internal discussions and would weaken the international position of the European Union and the effectiveness of the adopted restrictive measures. However, no concrete, specific or individualised assessment is provided as to how the disclosure of a unilateral statement annexed to a communication merely closing a written procedure could, at this stage,

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specifically and actually undermine those protected interests, given that the measures have already been adopted, published and entered into force.

The passage of time is material in this respect. The acts being now approximately one month old and fully in force, whatever sensitivity the statement may have carried at the moment of adoption has materially diminished. The risk asserted by the General Secretariat to international relations, public security and to future decision-making is, at this stage, hypothetical rather than real, present and reasonably foreseeable, as the case-law requires.

II. Overriding public interest in transparency and right to access documents

In the present case, the General Secretariat itself describes the withheld content as a "unilateral statement the content of which allows to draw conclusions on the internal discussions related [to] the legal acts concerned" – a description that closely matches the Member States' declarations contained in those two previous communications closing written procedures for the renewal of restrictive measures. Given these consistent analogies, we request the Council to provide details on the content of the redacted part, should it decide that it cannot disclose it in full.

Such declarations form an integral part of the context in which the acts were adopted and are essential for understanding the scope, interpretation and procedural safeguards attached to those acts. Their disclosure is further supported by an overriding public interest in transparency.

The adoption of restrictive measures constitutes a matter of considerable public interest, particularly given the severe restrictions such measures impose on the fundamental rights of the individuals and entities targeted, within the broader context of the European Union's response to international crises. There is, accordingly, a legitimate public interest in knowing whether one or more Member States raised concerns or reservations regarding the adoption of these measures. Ensuring transparency in the reasoning and deliberative processes leading to the adoption of such measures is essential to uphold democratic accountability and foster public trust.

Ensuring transparency in the reasoning and internal deliberative processes that lead to the adoption of such measures is essential to uphold democratic accountability and foster public trust. This right is fundamental to the proper functioning of transparency within the Union.

The principle of transparency ensures that the administration gains greater legitimacy, operates more effectively, and remains accountable to citizens within a democratic system. This principle is inherently connected to the principle of openness, as enshrined in the second paragraph of Article 1 and Article 10(3) of the TEU, Article

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15(1) and Article 298(1) of the TFEU, and Article 42 of the Charter of Fundamental Rights of the European Union ('Charter').³

In this regard, the Court of Justice has consistently held⁴ that transparency, as stated in recital 2 of Regulation No 1049/2001, enhances the legitimacy, efficiency and accountability of the Union institutions towards EU citizens within a democratic system. By allowing divergent views to be openly debated, transparency also helps to build citizens' trust⁵.

To this end, Article 1 of that regulation provides that it aims to grant the public the widest possible access to documents of the Union institutions, subject to a system of exceptions based on public or private interests⁶. These exceptions, which derogate from the principle laid down in that article, must be interpreted and applied strictly⁷.

Moreover, the right of access to documents of the institutions, bodies, offices, and agencies of the Union, whatever their medium, is guaranteed by Article 15(3) TFEU and by Article 42 of the Charter, as implemented by Regulation 1049/2001.⁸

Finally, public access to documents such as those concerned by the Request are explicitly provided for by Council's rules of procedure.

Under Article 11(4)(b) of Annex II to the Council's rules of procedure, '*the General Secretariat may also make the following documents available to the public as soon as they have been circulated, provided that they are clearly not covered by any of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001:*

[...]

(b) other documents, such as information notes, reports, progress reports and reports on the state of discussions in the Council or one of its preparatory bodies which do not reflect individual positions of delegations, excluding Legal Service opinions and contributions.

Communication CM 1807/26 clearly falls within the categories of documents listed in Article 11(4) and (5) of Annex II to the Council's Rules of Procedure, as it constitutes part of the document closing the written procedure of vote by the Council.

³ Judgment of 5 March 2024 (Grand Chamber), C-588/21 P, *Public.Resource.Org et Right to Know / Commission e.a.*, C-588/21 P, § 83.

⁴ Judgment of 7 September 2023, C-135/22 P, *Breyer/REA*, C:2023:640, §§ 69-70.

⁵ Judgment of 4 September 2018, *ClientEarth v Commission*, C-57/16 P, EU:C:2018:660, § 75.

⁶ Judgment of 16 July 2015, C-612/13 P, *ClientEarth v European Commission*, C:2015:486, § 81; judgment of 21 July 2011, C-506/08 P, *Sweden v MyTravel and Commission*, C:2011:496, § 48; Judgment of 3 July 2014, *Council v in 't Veld*, C-350/12 P, C:2014:2039, § 48.

⁷ Judgment of 4 September 2018, *ClientEarth v Commission*, C-57/16 P, EU:C:2018:660, §§ 76 to 78.

⁸ Judgment of 5 March 2024 (Grand Chamber), C-588/21 P, *Public.Resource.Org et Right to Know / Commission e.a.*, C-588/21 P, § 66.

III. Duty to reassess and provide specific justification

The Council is under a legal obligation to reassess its initial refusal in light of new circumstances, which deprived of plausibility the justification provided with the Decision. This includes providing a concrete and individualised assessment of each document⁹, demonstrating how its disclosure would specifically and actually undermine the protected interests. A blanket refusal based on general concerns is insufficient under Regulation 1049/2001 and relevant jurisprudence mentioned above.

We therefore request that the Council conduct a fresh review of the documents and provide access to those which no longer meet the criteria for non-disclosure.

In conclusion, we contend that the public interest raised cannot currently justify the partial reject of the Request without explaining the content of the redacted part. refusal of almost all documents referred to in the Request. We trust that the Council will give due consideration to this confirmatory application and uphold the principles of transparency, good administration and public access to documents, including draft legal acts, enshrined in Articles 41 and 42 of the Charter.

We remain at disposal should further clarification be required.

Yours sincerely,

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Avocat

⁹ Judgment of 16 July 2015, C-612/13 P, *ClientEarth v European Commission*, C:2015:486, §81; judgment of 21 July 2011, C-506/08 P, *Sweden v MyTravel and Commission*, C:2011:496, § 48, Judgment of 3 July 2014, *Council v in 't Veld*, C-350/12 P, C:2014:2039, § 48.

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