

**Brussels, 1 August 2025  
(OR. en)**

**12044/25**

**INF 125  
API 65**

**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory Application 15/c/01/25

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Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 25 June 2025 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 14 July 2025 (Annex 2);
- the confirmatory application dated 30 July 2025 and registered on the same day (Annex 3).

**From:** document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>  
**Sent:** Wednesday 25 June 2025 15:47  
**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](mailto: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**

**DELETED**

**Full postal address**

**DELETED**

**Telephone**

**DELETED**

**Requested document(s)**

ST 6886 2025 INIT

ST 6887 2025 INIT

ST 6889 2025 INIT - Note

ST 6889 2025 REV 1 - NOTE

ST 6631/25 R-UE JUR

ST 8633 2025 INIT - 'I/A' ITEM NOTE

ST 9134/25

ST 9131/25

ST 9133/25

ST 9480/25

**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, 14 July 2025

**DELETED**  
**DELETED**  
Email: **DELETED**

Ref. 25/1869

Request made on: 25.06.2025

Dear **DELETED**,

Thank you for your request for access to documents of the Council of the European Union, made on behalf of your client **DELETED**.<sup>1</sup>

Please find attached document **9480/25**, only redacted for personal data.<sup>2</sup>

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

Documents **9131/25, 9134/25, 9133/25, 6886/25, 6887/25, 8633/25, 6889/25** and **6889/1/25 REV 1** are preparatory documents for the 18th sanctions package following the situation in Ukraine. Discussions on this package are still ongoing. The disclosure of documents containing information on internal discussions on this subject would weaken the international position of the European Union and undermine the effectiveness of the restrictive measures to be adopted.

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<sup>1</sup> 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).

<sup>2</sup> See Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295 21.11.2018, p. 39).

Disclosure of these documents would therefore undermine the protection of the public interest as regards international relations. As a consequence, the General Secretariat has to refuse access to them.<sup>3</sup>

Document **6631/25** is an information note about the judgment of the General Court in case T-269/24.

It is a classified document, bearing the classification “RESTREINT UE/EU RESTRICTED”, meaning that the unauthorised disclosure of its contents could be disadvantageous to the interests of the European Union or of one or more of its Member States.<sup>4</sup>

Public disclosure of this document would undermine the protection of ongoing court proceedings in the related ongoing case T-295/25. The document is strictly linked to those proceedings and it cannot be publicly disclosed, in order to guarantee the serenity of the proceedings and the equality of arms of the parties. The disclosure of internal documents of only one party to such proceedings, while the other party is not subject to similar transparency obligations, would undermine the equality of the parties. Furthermore, the Council has not identified any overriding public interest in favour of disclosure of this document. Therefore, the General Secretariat has to refuse access to it.<sup>5</sup>

We have also looked into the possibility of releasing parts of the documents withheld.<sup>6</sup> However, as the information contained in each of the documents forms an inseparable whole, the General Secretariat is also unable to give partial access to them.

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

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<sup>3</sup> Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001.

<sup>4</sup> Council Decision of 23 September 2013 on the security rules for protecting EU classified information (2013/488/EU), OJ L 274, 15.10.2013, p. 1.

<sup>5</sup> Article 4(2), second indent, of Regulation (EC) No 1049/2001.

<sup>6</sup> Article 4(6) of Regulation (EC) No 1049/2001.

**From:** **DELETED**

**Sent:** Wednesday 30 July 2025 10:59

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

**Cc:** **DELETED**; **DELETED**

**Subject:** RE: Ref. 25/1869

Dear Sir, Madame,

Please find attached a confirmatory application, based on Article 7(2) of Regulation 2001/1049, in relation to our initial request (ref. 25/1869) of 25 June 2025.

Your sincerely,

**DELETED**

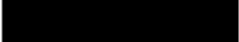


Council of the European Union  
General Secretariat  
Directorate-General Communication and Information - COMM  
Rue de la Loi/Wetstraat 175, B-1048 Brussels  
[Access@consilium.europa.eu](mailto:Access@consilium.europa.eu)

 30 July 2025

**Subject:** Confirmatory application for access to documents under Regulation 1049/2001

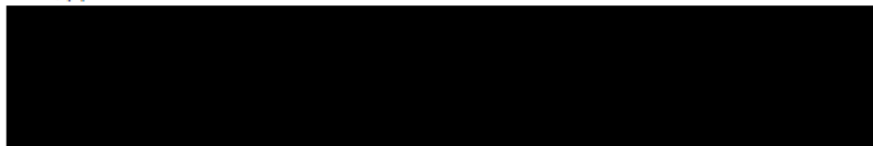
Dear Sir, Madame,


We are writing to submit, on behalf of our client,  a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to documents of the European Council<sup>1</sup> ('**Regulation 1049/2001**') and Council Decision of 1 December 2009 adopting the Council's Rules of Procedure<sup>2</sup> ('**Council's rules of procedure**').

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<sup>1</sup> 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.

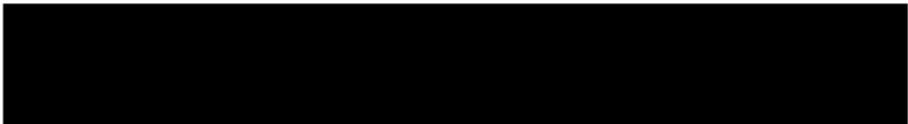
<sup>2</sup> Council Decision of 1 December 2009 adopting the Council's Rules of Procedure, OJ L 325, 11.12.2009, pp. 35-35.





This request is made subsequent to the partial refusal of the initial request dated 25 June 2025 ('**Request**'). With the response dated 14 July 2025 ('**Decision**'), the Council denied access to the majority of documents requested based on risks of weakening the international position of the European Union and of undermining the effectiveness of the restrictive measures.

The Request was aimed at the disclosure of several documents relating to the 18<sup>th</sup> sanction package following the situation in Ukraine ('**18<sup>th</sup> package**'). In particular, the Applicants requested access to the following documents:

- i. ST 6886 2025 INIT: Council decision amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
  - ii. ST 6887 2025 INIT: Council implementing regulation implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
  - iii. ST 6889 2025 INIT - Note : Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
  - iv. ST 6889 2025 REV 1 - NOTE: Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
  - v. ST 6631/25 R-UE JUR: Judgment of the General Court Case T-269/24, action for annulment, restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
  - vi. ST 8633 2025 INIT - 'I/A' ITEM NOTE : Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
  - vii. ST 9134/25 : Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or
- 



- threatening the territorial integrity, sovereignty and independence of Ukraine
- viii. ST 9131/25: Council decision amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
  - ix. ST 9133/25: Council implementing regulation implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
  - x. ST 9480/25: Affaire portée devant le Tribunal de l'Union européenne: T-295/25 - recours en annulation - mesures restrictives (Ukraine intégrité territoriale) T-295/25 R - demande de sursis à l'exécution

The Council, with its Decision, considered that only redacted version of document no. ST 9480/25 could be disclosed. Disclosure of document no. ST 6631/25 R-UE JUR was rejected because of its classified nature. The refusal to disclose the remaining documents was based on the assertion that, because discussions on the package were ongoing, that disclosure could undermine the effectiveness of the measures and the international position of the European Union.

However, we respectfully submit that the circumstances have materially changed and that the Council should now reconsider its Decision regarding documents no. ST 6886 2025 INIT; ST 6887 2025 INIT; ST 6889 2025 INIT – Note; ST 6889 2025 REV 1 – NOTE; ST 8633 2025 INIT - 'I/A' ITEM NOTE ; ST 9134/25<sup>3</sup> based on the elements listed below.

#### **I. Completion of the decision-making process**

The 18<sup>th</sup> package of sanctions has now been formally adopted and published on the EU Official Journal on 19 July 2025<sup>4</sup>. As such, the decision-making process to which the documents relate is no longer ongoing.

<sup>3</sup> Documents no. ST 9131/25 and ST 9133/25 have been made public on the Council's website in the meanwhile.

<sup>4</sup> See e.g., Council Implementing Regulation (EU) 2025/1476 of 18 July 2025 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, ST/9133/2025/INIT, OJ L, 2025/1476, 19.7.2025; Council Decision (CFSP) 2025/1478 of 18 July 2025 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine; ST/9131/2025/INIT; OJ L, 2025/1478, 19.7.2025.







Therefore, based on Article 4(3) of Regulation 1049/2001, the exception 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.

Given that the Council's initial justification was solely based on the ongoing nature of the decision-making process, the adoption of the 18<sup>th</sup> package of sanctions has deprived of plausibility the sole justification put forward by the Council in support of its decision.

Consequently, the requested documents should be reassessed for disclosure under the current legal and factual context.

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

The adoption of sanctions constitutes a matter of considerable public interest, particularly given the severe restrictions such measures impose on the fundamental rights of the individuals targeted, within the broader context of the European Union's response to international crises. Moreover, the requested documents relate to the legislative process leading to the adoption of legal binding acts.

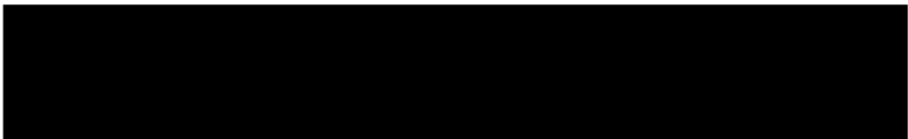
Ensuring transparency in the reasoning and internal deliberative processes that lead to the adoption of such measures is essential to uphold democratic accountability and foster public trust. This right is fundamental to the proper functioning of transparency within the Union.

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 15(1) and Article 298(1) of the TFEU, and Article 42 of the Charter of Fundamental Rights of the European Union ('**Charter**').<sup>5</sup>

In this regard, the Court of Justice has consistently held<sup>6</sup> 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

<sup>5</sup> 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.

<sup>6</sup> Judgment of 7 September 2023, C-135/22 P, *Breyer/REA*, C:2023:640, §§ 69-70.





a democratic system. By allowing divergent views to be openly debated, transparency also helps to build citizens' trust<sup>7</sup>.

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 interests<sup>8</sup>. These exceptions, which derogate from the principle laid down in that article, must be interpreted and applied strictly<sup>9</sup>.

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.<sup>10</sup>

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.*

Under Article 11(5) of Annex II to the Council's rules of procedure<sup>11</sup>, *"[t]he General Secretariat **shall** make legislative documents and the following documents available to the public, in addition to the documents referred to in paragraphs 3 and 4, as soon as they have been circulated:*

*(a) cover notes and copies of letters concerning legislative acts and acts referred to in Article 8(1) of the Rules of Procedure addressed to the Council by other*

<sup>7</sup> Judgment of 4 September 2018, *ClientEarth v Commission*, C-57/16 P, EU:C:2018:660, § 75.

<sup>8</sup> 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.

<sup>9</sup> Judgment of 4 September 2018, *ClientEarth v Commission*, C-57/16 P, EU:C:2018:660, §§ 76 to 78.

<sup>10</sup> 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.

<sup>11</sup> Emphasis added.





*institutions or bodies of the European Union or, subject to Article 4(5) of Regulation (EC) No 1049/2001, by a Member State;*

*(b) documents submitted to the Council which are listed under an item on its agenda included in the 'legislative deliberations' part or marked with the words 'public deliberation' or 'public debate' in accordance with Article 8 of the Rules of Procedure;*

*(c) notes submitted to Coreper and/or to the Council for approval ('I/A' and 'A' item notes) concerning draft legislative acts and acts referred to in Article 8(1) of the Rules of Procedure, as well as the draft legislative acts and acts referred to in Article 8(1) of the said Rules to which they refer;*

*(d) acts adopted by the Council during an ordinary or a special legislative procedure and joint texts approved by the Conciliation Committee under the ordinary legislative procedure'.*

The documents concerned by the present confirmatory demand clearly falls within the categories of documents listed in article 11(4) and (5) of Annex II to the Council's rules of procedure:

- i. Document no. ST 8633 2025 INIT - 'I/A' ITEM NOTE falls within the scope of Article 11(5)(c) of Annex II to the Council's rules of procedure, as I/A item note related to draft legislative acts;
- ii. Documents ST 9134/25, ST 6886 2025 INIT, ST 6887 2025 INIT, ST 6889 2025 INIT are all draft legislative acts (under Article 11(5)(c) of Annex II to Council's rules of procedure), documents discussed within one of the Council's preparatory body, the COREPER (under Article 11(4)(b) of Annex II to Council's rules of procedure), or documents submitted by Coreper to the Council as part of legislative process relating to the adoption of legal binding acts under Article 11(5)(b) of Annex II to Council's rules of procedure.

Therefore, disclosure would contribute to informed public debate without compromising the effectiveness of the sanctions. In this regard, there is a public legitimate interest in understanding the considerations that shaped the final decision, especially now that the measures are in force.

### **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



[REDACTED]

assessment of each document<sup>12</sup>, 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 blanket 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 legislative acts, enshrined in Articles 41 and 42 of the Charter.

We remain at disposal should further clarification be required.

Yours sincerely,

[REDACTED] [REDACTED] [REDACTED]

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<sup>12</sup> 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 't Veld*, C-350/12 P, C:2014:2039, § 48.

[REDACTED]