

Brussels, 24 July 2026
(OR. en)

12182/26

API 156
INF 225

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application N° 41/c/01/26 - Information to delegations

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 1 June 2026 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 13 July 2026 (Annex 2);
- the confirmatory application dated 23 July 2026 and registered on the same day (Annex 3).

1 June 2026

To: Council of the European Union
General Secretariat of the Council
Transparency Unit
Rue de la Loi 175, 1048 Brussels, Belgium
Email: access@consilium.europa.eu;
sanctions@consilium.europa.eu;

Subject: Application for access to documents pursuant to Regulation (EC) No 1049/2001 — [REDACTED]

Dear Sir/Madam,

1. Introduction and legal basis

This letter constitutes an application for access to documents (the "Application") made on behalf of [REDACTED] (the "Applicant"), by [REDACTED], pursuant to:

- (a) Article 15(3) of the Treaty on the Functioning of the European Union ("TFEU");
- (b) Article 42 of the Charter of Fundamental Rights of the European Union (the "Charter"); and
- (c) 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 ("Regulation 1049/2001")¹, in particular Articles 2, 6, 7, 8 and 10 thereof.

The Applicant is [REDACTED]. Pursuant to [REDACTED] Regulation 1049/2001, the Applicant enjoys a right of access to documents of the Council, subject only to the exceptions and conditions defined in that Regulation.

Pursuant to Article 6(1) of Regulation 1049/2001, the Application identifies the documents requested in sufficient detail to enable the Council to identify them. The Applicant remains at the disposal of the Council, in accordance with Article 6(2), should clarification be required in respect of any specific request.

2. Documents requested

The Applicant requests access to the following documents:

- (a) the complete evidence file referenced WK 17070/2025 [REDACTED], as it currently stands, including all updates, additions, amendments or supplements made since the version transmitted under the Council's letter SGS 26/774 of 2 March 2026, and including any successor working document;
- (b) all proposals, notes, working documents, opinions, internal memoranda, and other documents relating to [REDACTED] under Council Decision (CFSP) 2026/427 and Council Implementing Regulation (EU) 2026/426 of 26 February 2026, and to any subsequent or proposed review, renewal, maintenance, amendment, or re-listing of those measures;

¹OJ L 145, 31.5.2001, p. 43.

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(c) all correspondence, communications, exchanges of information and notes verbales between the General Secretariat of the Council (or any other Council body, including the Working Party on Eastern Europe and Central Asia (COEST), the Working Party of Foreign Relations Counsellors (RELEX), the Political and Security Committee (PSC), and COREPER) and (i) the European External Action Service, (ii) any Member State, and (iii) any third State or international organisation, concerning [REDACTED]
[REDACTED]

(d) all correspondence, communications, exchanges of information and submissions between the Council (or any of its bodies) and the Belarusian Investigative Centre ("BIC") or any other non-governmental organisation, journalistic outlet, private investigator or other third party, concerning [REDACTED]

(e) any Council documents, including minutes, summaries, records of decision, notes for the file, or analytical memoranda, concerning the Council's decision (as communicated in its letter SGS 26/774 of 2 March 2026) not to include in evidence file WK 17070/2025 the BIC publication of September 2025 entitled "Dubai 'Wallet': How Lukashenko's Arab Partner Built a Business Network in Lithuania and Stayed Beyond Sanctions";

(f) any Council documents assessing, analysing, or evaluating the reliability, credibility, or evidential value of (i) the BIC publication of 16 December 2025 entitled "Spray money. How Lukashenko's 'wallet' organised a cash grab at the border", and (ii) the BIC publication of 23 April 2026 entitled "'Operates during wartime.' A British company's Belarusian subsidiary supplies parts to Russian military plants";

(g) all correspondence, transmission notes, and accompanying documents relating to the note verbale referenced in evidence file WK 17070/2025 concerning the alleged visit of a Belarusian delegation to Venezuela in February 2024;

(h) any draft statement of reasons, draft amended statement of reasons, or proposal in respect of the maintenance, amendment, or re-imposition of restrictive measures applicable to [REDACTED]
[REDACTED]
[REDACTED]

(i) any documents relating to the Council's consideration of [REDACTED]
[REDACTED], including legal advice, opinions of the Council Legal Service, and any internal notes concerning [REDACTED]

(j) the list of all documents held by the General Secretariat of the Council relating to [REDACTED] including any documents falling within the scope of paragraphs (a) to (i) above which are not communicated in response to this Application, together with, in respect of each such document, the specific reasons for non-disclosure (so as to enable the Applicant to exercise the rights conferred on [REDACTED] by Articles 7 and 8 of Regulation 1049/2001).

3. Specifications as to format

The Applicant requests that the documents be supplied in electronic form (PDF or equivalent), in their original language, together with any translations into English of which the Council is in possession. Where documents are voluminous, the Applicant agrees to bear the reasonable reproduction costs in accordance with Article 10(1) of Regulation 1049/2001, provided an estimate is communicated to the Applicant in advance and an opportunity given to limit the scope of the request accordingly.

4. Address for correspondence

All correspondence relating to this Application should be addressed to:

[REDACTED]
For the attention of: [REDACTED]

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██████████
Email: ██████████

5. Pre-emptive observations regarding the exceptions under Article 4 of Regulation 1049/2001

Without prejudice to the Council's obligation to conduct a concrete and individual assessment of each document by reference to the exceptions in Article 4 of Regulation 1049/2001, the Applicant respectfully draws attention to the following points of settled case law of the Courts of the European Union:

(a) Concrete and individual examination required. The Council may not refuse access on the basis of generic or hypothetical assertions of harm. Each document must be the subject of a concrete and individual assessment, and the Council must demonstrate that the harm to the protected interest is reasonably foreseeable and not purely hypothetical³;

(b) No general presumption of confidentiality for restrictive-measures files. The fact that documents relate to the EU's Common Foreign and Security Policy or to restrictive measures does not, in itself, establish a general presumption of confidentiality. Any reliance on the third indent of Article 4(1)(a) (international relations), or on other limbs of Article 4(1)(a), must be supported by specific reasoning identifying the concrete harm reasonably foreseeable from disclosure of the particular document at issue⁴;

(c) Documents concerning the Applicant ██████████. A significant proportion of the documents requested concern the Applicant ██████████

██████████ The Applicant has a recognised legitimate interest in accessing such documents in the exercise of ██████████ rights of defence and ██████████ right to effective judicial protection, guaranteed by Articles 41(2), 42 and 47 of the Charter and recognised in *Kadi II* and *Rosneft*⁵;

(d) Member State and third-party documents. Where documents originate from a Member State, the Council shall consult that Member State in accordance with Article 4(5) of Regulation 1049/2001. Where they originate from any other third party, the Council shall consult that third party in accordance with Article 4(4). The Applicant requests express confirmation of any such consultation and disclosure of its outcome;

(e) Overriding public interest. Should the Council consider that Article 4(2) or Article 4(3) of Regulation 1049/2001 applies to any document, the Applicant invokes an overriding public interest in disclosure, comprising: (i) the protection of the Applicant's fundamental rights of defence and effective judicial protection (Articles 41, 42 and 47 of the Charter); (ii) the general public interest in scrutinising the evidentiary basis on which EU restrictive measures are imposed on a natural person, particularly where the General Court has just annulled the prior listing acts of the same applicant for evidentiary insufficiency; and (iii) the public interest in the transparency of the Council's decision-making, recognised by Recital 6 of Regulation 1049/2001 and applied by the Court of Justice in *Sweden and Turco v Council*⁶;

³See, in particular, *Joined Cases C-39/05 P and C-52/05 P, Sweden and Turco v Council*, EU:C:2008:374, paragraphs 49–50; *Case C-280/11 P, Council v Access Info Europe*, EU:C:2013:671; *Case T-264/04, WWF European Policy Programme v Council*, EU:T:2007:114.

⁴*Case T-301/10, In 't Veld v Commission*, EU:T:2013:135; *Case C-350/12 P, Council v In 't Veld*, EU:C:2014:2039; *Case C-266/05 P, Sison v Council*, EU:C:2007:75.

⁵*Case C-584/10 P, Commission and Others v Kadi*, EU:C:2013:518, paragraphs 99–134; *Case C-72/15, Rosneft*, EU:C:2017:236.

⁶*Joined Cases C-39/05 P and C-52/05 P, Sweden and Turco v Council*, EU:C:2008:374, paragraphs 45–46 and 59–69.

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(f) Partial access. If the Council considers that any of the requested documents are in part covered by an exception, the Applicant expressly requests, pursuant to Article 4(6) of Regulation 1049/2001, that the parts not so covered be disclosed by way of partial access;

(g) Sensitive documents. Should the Council consider any document to be a "sensitive document" within the meaning of Article 9 of Regulation 1049/2001, the Applicant requests that the Council confirm the existence of any such document by reference to its identifying features (date, author, subject), and provide the reasoning supporting that classification, in accordance with the principles articulated in the case law⁷.

6. Procedural requests

The Applicant respectfully requests that the Council:

- (a) acknowledge receipt of this Application without delay, in accordance with Article 7(1) of Regulation 1049/2001;
- (b) communicate the registration number assigned to this Application;
- (c) confirm the date by which a reply will be issued, which shall be no later than 15 working days from the date of registration, in accordance with Article 7(1) of Regulation 1049/2001;
- (d) where any extension under Article 7(3) is invoked, communicate that extension in writing, with detailed reasons, before the expiry of the initial 15-working-day period.

7. Reservation of rights and remedies

The Applicant expressly reserves all rights and remedies available [REDACTED], including in particular:

- (a) the right to make a confirmatory application under Article 7(2) of Regulation 1049/2001 in the event of a total or partial refusal of access, or in the event of a failure by the Council to reply within the time-limit prescribed in Article 7(1);
- (b) the right to institute proceedings against the Council under Article 263 TFEU and/or Article 265 TFEU, in accordance with Article 8(3) of Regulation 1049/2001, in the event of a refusal (express or implied) following a confirmatory application;
- (c) the right to lodge a complaint with the European Ombudsman under Article 228 TFEU; and
- (d) all other rights and remedies available [REDACTED] under EU law, including under the Charter and in connection with pending or future proceedings concerning the underlying restrictive measures.

The submission of this Application does not constitute a waiver of any right or remedy. Silence on the part of the Council, or a failure to reply within the time-limit prescribed in Article 7(1) (subject only to a duly notified extension under Article 7(3)), will be treated, in accordance with the second subparagraph of Article 7(4) of Regulation 1049/2001, as entitling the Applicant to submit a confirmatory application and, following such confirmatory application, to seek judicial review and/or to lodge a complaint with the European Ombudsman.

Yours faithfully,

[REDACTED]
[REDACTED]

⁷On the duty to give specific reasons even for sensitive documents, see Case T-110/03, *Sison v Council*, EU:T:2005:143.

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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, 13 July 2026

DELETED

E-mail: **DELETED**

Ref. 26/2060

Request made on: 01.06.2026

Deadline extension: 22.06.2026

Dear **DELETED**,

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

We have identified the following documents as covered by your request:

5855/26

5856/26

5857/26

5859/26

5859/26 COR 1

WK 17070/2025 INIT

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).

Please find enclosed documents **5856/26** and **5859/26 COR 1**, as well as a partially accessible version of document 5859/26.²

Document **5855/26** of 4 February 2026 contains a *proposal from the High Representative of the Union for Foreign Affairs and Security Policy to the Council for a Council Decision amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine*.

Document **5857/26** of 4 February 2026 contains a *proposal from the High Representative of the Union for Foreign Affairs and Security Policy to the Council for a Council Implementing Regulation implementing Article 8a of Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine*.

Release of these documents would affect the ability of the European Union to adopt, review and effectively apply relevant restrictive measures, thereby harming public security within the Union and the conduct of its international relations.³

The documents also contain sensitive information on natural persons and legal entities against whom restrictive measures were considered. Public disclosure of this information would affect both the effectiveness of the restrictive measures concerned and the integrity and rights of defence of the persons and entities concerned. It would therefore undermine the protection of the public interest as regards international relations as well as the protection of the privacy and the integrity of the identified individuals and commercial interests of the entities concerned. As a consequence, the General Secretariat has to refuse access to the documents for this reason as well.⁴

We have also looked into the possibility of releasing parts of the documents.⁵ However, as the entire content of the documents is covered by at least one of the abovementioned exceptions to the right of access, the General Secretariat is also unable to give partial access to them.

Document **5859/26** of 12 February 2026 is a I/A item note concerning a Council 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.

² Article 4(6) of Regulation (EC) No 1049/2001. Please note that this partially accessible version contains personal data of your client; the version that will appear on the Council's Public Register of documents will not contain such personal data.

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

⁴ Article 4(1)(a), third indent, Article 4(1)(b) and – in the absence of any indication of an overriding public interest in release – also Article 4(2), first indent, of Regulation (EC) No 1049/2001.

⁵ Article 4(6) of Regulation (EC) No 1049/2001.

Annex I of this document contains individual letters to (lawyers of) listed persons or entities. The letters contain specific information regarding the persons and entities concerned, release of which may encroach on the persons' and entities' rights of defence and where applicable also affect the integrity of the natural persons, in particular in accordance with Union legislation regarding the protection of personal data.⁶ Such release would therefore affect the regularity of the procedure, thereby also diminishing the effectiveness of the measures taken, and thus weaken the position of the Union at the international level.

Disclosure of the document would therefore undermine the protection of the public interest as regards international relations, of commercial interests of the legal entities concerned, of the privacy and integrity of the natural persons concerned and of legal advice. As a consequence, the General Secretariat has to refuse access to this annex.⁷ The partially accessible version attached contains however the letter concerning your client.

Document **WK 17070/2025 INIT** of 10 December 2025 relates to the *Belarus restrictive measures regime: 20251209* and contains *additional supporting evidence* concerning your client.

Public release of its content would allow to draw conclusions on the process of selection of the evidence and the way the Council has assessed and weighed it; this could then weaken the international position of the European Union and thus the effectiveness of the adopted restrictive measures.⁸ As a consequence, the General Secretariat has to refuse access to this document.

We have also looked into the possibility of releasing parts of this document.⁹ However, as the information contained in it forms an inseparable whole, the General Secretariat is also unable to give partial access to it.

Please note that there are no updates, additions, amendments or supplements to document WK 17070/2025 INIT made since the letter of 2 March 2026.

⁶ 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).

⁷ Article 4(1)(a), third indent, and 4(1)(b), as well as – in the absence of any evidence of an overriding public interest in release – Article 4(2), first and second indent, of Regulation (EC) No 1049/2001.

⁸ Article 4(1)(a), first and third indents, of Regulation (EC) No 1049/2001.

⁹ Article 4(6) of Regulation (EC) No 1049/2001.

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: 3




 Council of the European Union
 General Secretariat
 Directorate-General Communication and Information – COMM
 Directorate Information and Outreach
 Information Services Unit / Transparency
 For the attention of Mr Fernando Florindo, Head of Unit
 Rue de la Loi/Wetstraat 175
 B-1048 Brussels, Belgium

By email: access@consilium.europa.eu

Copy to: sanctions@consilium.europa.eu (RELEX.1); data.protection@consilium.europa.eu (Data Protection Officer)

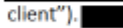
Brussels, 23 July 2026

Your ref.: 26/2060

Re: Confirmatory application pursuant to Article 7(2) of Regulation (EC) No 1049/2001 — access to documents concerning  — parallel request for access to personal data pursuant to Article 17 of Regulation (EU) 2018/1725

Dear Mr Florindo,

I. Introduction and procedural background

1. We act on behalf  ("our client").  
2. We refer to our initial application for access to documents of 1 June 2026, to your communication of 22 June 2026 extending the time limit, and to your reply of 13 July 2026 (Ref. 26/2060) (the "Reply"). By the Reply, the General Secretariat: (i) granted access to documents 5856/26 and 5859/26 COR 1; (ii) granted partial access to document 5859/26; and (iii) refused access, in their entirety, to documents 5855/26 and 5857/26 and to document WK 17070/2025 INIT, as well as to the greater part of Annex I to document 5859/26 (pages 4 to 19 and 23 to 31).
3. Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, and within the prescribed period of fifteen working days, our client hereby submits a **confirmatory application** and respectfully asks the Council to reconsider its position in respect of each document, and each part of a document, to which access was refused. As invited in the Reply, the reasons for this request are set out below.
4. This application is made under Regulation (EC) No 1049/2001 and is without prejudice to  







II. General ground: absence of the concrete, individual examination required by settled case-law

5. Regulation (EC) No 1049/2001 is designed to give the fullest possible effect to the right of public access to documents (Article 1 and recitals 1 to 4 thereof; Article 15(3) TFEU; Article 42 of the Charter of Fundamental Rights). The exceptions in Article 4 derogate from that principle and must therefore be interpreted and applied strictly (Case C-266/05 P *Sison v Council*, EU:C:2007:75; Joined Cases C-39/05 P and C-52/05 P *Sweden and Turco v Council*, EU:C:2008:374).
6. It is settled that the institution must explain, for each document requested, how disclosure could specifically and actually undermine the interest protected by the exception relied upon, and that the risk of such harm must be reasonably foreseeable and not purely hypothetical (*Sweden and Turco*, paragraph 43; Case C-506/08 P *Sweden v MyTravel and Commission*, EU:C:2011:496, paragraph 76). That standard applies equally where the institution invokes the exceptions in Article 4(1)(a): notwithstanding the discretion the Council enjoys in matters of public security and international relations, the mere fact that a document relates to restrictive measures does not suffice; the Council must still show how disclosure of the specific document could specifically and actually harm the interest invoked, and must state reasons enabling that assessment to be reviewed (Case C-350/12 P *Council v In 't Veld*, EU:C:2014:2039; *Sison*, cited above, as regards the duty to state reasons).
7. The Reply does not meet that standard. Its reasoning is generic and interchangeable: the same formulations ("would affect the ability of the European Union to adopt, review and effectively apply relevant restrictive measures"; "would allow to draw conclusions on the process of selection of the evidence") could be — and routinely are — attached to any document in any restrictive-measures file. Nowhere does the Reply engage with the actual content of the individual documents at issue, with their age, with the fact that the measures they prepared have since been adopted and published, or with the extent to which their content is already in the public domain. That falls short of the requirements of Article 296 TFEU and Article 41(2)(c) of the Charter.

III. Documents 5855/26 and 5857/26 (proposals of the High Representative)

8. Access to these documents was refused under Article 4(1)(a), first and third indents (public security; international relations), and additionally under Article 4(1)(a), third indent, Article 4(1)(b) and Article 4(2), first indent, of Regulation (EC) No 1049/2001.
9. The Council Decision and Implementing Regulation which those proposals prepared were adopted and published in the Official Journal in February 2026 [OJ references to be inserted], together with the complete and final statements of reasons and identifying information for every person and entity concerned. Moreover, the Council has itself released document 5856/26 — the full draft Council Decision, including its Annex of amended entries — the substance of which necessarily corresponds to the proposal contained in document 5855/26. The Reply does not explain how disclosure of preparatory documents whose operative content has been (i) adopted, (ii) published in the Official Journal and (iii) in draft form already released by the Council itself could still specifically and actually undermine public security or the Union's international relations. Once a decision has been adopted, generalised appeals to the protection of the institution's decision-making space carry limited weight (see, by analogy, *Sweden v MyTravel*, cited above).
10. The Reply further asserts that the documents "contain sensitive information on natural persons and legal entities against whom restrictive measures were considered". To the extent that this refers to persons or entities whose listing was considered but ultimately not adopted, the proportionate response required by Article 4(6) is the targeted redaction of those elements, not wholesale refusal (Case C-353/99 P *Council v Hautala*, EU:C:2001:661). To the extent that it refers to persons and entities actually listed, the relevant statements of reasons are already public. And to the extent that it refers to our client, we refer to Section V below: [REDACTED] own personal data cannot be withheld from [REDACTED] on the ground of protecting [REDACTED] privacy.

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11. The Reply's conclusion that "the entire content of the documents is covered by at least one of the abovementioned exceptions" is a formula, not an examination. Footnote 2 of the Reply itself demonstrates that the General Secretariat is well able to produce differentiated versions of one and the same document (a version containing personal data for our client, and a redacted version for the public register). The same technique was available — and legally required — here.

IV. Document 5859/26, Annex I (letters of reply)

12. Access to Annex I (save for the letter concerning our client) was refused under Article 4(1)(a), third indent, Article 4(1)(b) and — "in the absence of any evidence of an overriding public interest" — Article 4(2), first and second indents.
13. Our client does not seek the personal data of third parties as such. Two points nonetheless arise. First, the invocation of the legal-advice exception (Article 4(2), second indent) is misplaced: letters of reply sent to listed persons or their counsel are outgoing administrative correspondence conveying the Council's final position; they are not "legal advice" within the meaning of that provision. Under *Sweden and Turco*, the institution must first satisfy itself that the document in fact constitutes legal advice and must then carry out a specific examination of it; the Reply reflects neither step.
14. Secondly, the letters follow a standard structure, as evidenced by the template released in Annex III to document 5859/26. The standardised, non-personal portions of the letters — and any statistical or procedural information — are severable and must be assessed for release under Article 4(6). The wholesale deletion of pages 4 to 19 and 23 to 31 is incompatible with the obligation, affirmed in *Hautala*, to examine partial access concretely.

V. Document WK 17070/2025 INIT and our client's own personal data

15. The Reply confirms that document WK 17070/2025 INIT "contains additional supporting evidence concerning your client", refuses access to it in its entirety under Article 4(1)(a), first and third indents, and asserts that the information contained in it "forms an inseparable whole", such that no partial access is possible.
16. As a preliminary observation, we note the incoherence of relying — across the Reply as a whole — on the protection of privacy, personal data and commercial interests in order to withhold from our client documents that concern our client. Article 4(1)(b) of Regulation (EC) No 1049/2001 must be applied in full conformity with the Union data-protection regime, now Regulation (EU) 2018/1725 (Case C-28/08 P *Commission v Bavarian Lager*, EU:C:2010:378). That regime confers rights on the data subject; it does not exist to keep the data subject in ignorance of the processing of ■■■ own data. We are, of course, mindful that disclosure under Regulation (EC) No 1049/2001 operates erga omnes and that an applicant's particular interest cannot, as such, be taken into account within that framework (*Sison*, cited above). Precisely for that reason, however, the Council was required to structure partial access so as to protect third-party data while releasing what can be released — not to refuse access altogether while simultaneously withholding our client's own data from ■■■ through the separate channel of Regulation (EU) 2018/1725 (as to which, see Section VI below).
17. The assertion that the evidence file forms an "inseparable whole" is untenable on the Council's own account of that file. An evidence file is by its nature a compilation of discrete, numbered exhibits. The Council's own letter of reply to our client's counsel — released in the partially accessible version of document 5859/26 and destined, in redacted form, for the public register — expressly quotes from "evidence exhibit no. 4 of evidence file WK 17070 2025". The Council has further indicated that it considered adding a specific media publication to the file and that this "does not prejudice the Council's possibility to include it at a later stage", confirming that the file is modular and that individual items can be identified, added and, by the same token, severed. At a minimum, the list of exhibits, their dates and sources, and any exhibits consisting of publicly available open-source material (such as media publications) are severable and must be assessed for release under Article 4(6). The Reply's contrary assertion is, once again, a formula rather than an examination; nor is it explained how disclosure of material that is already public, and that the Council has already deployed against our client in documents destined for its public register, could specifically and actually harm the Union's international relations.

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18. Finally, and in any event, we recall that, [REDACTED], our client is entitled under Article 41(2) and Article 47 of the Charter and settled case-law to be informed of the evidence adduced against [REDACTED], subject only to overriding considerations of confidentiality that are duly established, strictly necessary and appropriately counterbalanced (Joined Cases C-584/10 P, C-593/10 P and C-595/10 P *Commission and Others v Kadi*, EU:C:2013:518; Case C-27/09 P *France v People's Mojahedin Organization of Iran*, EU:C:2011:853; Case C-300/11 ZZ, EU:C:2013:363). We therefore ask the Council to confirm in its reply that the evidence file relied upon against our client — including exhibit no. 4 and any material on which the Council intends to rely in the current review period — has been, and remains, disclosed to [REDACTED] in full in the context of the listing procedure, and that no material relied upon against [REDACTED] is being withheld from [REDACTED].

VI. Parallel request for access under Regulation (EU) 2018/1725

19. Separately from, and without prejudice to, the confirmatory application above, our client hereby exercises [REDACTED] right of access under Article 17 of Regulation (EU) 2018/1725 vis-à-vis the Council as controller (represented, according to Annex IV to document 5859/26, by the Director-General of the Directorate-General for External Relations (RELEX), with RELEX.1 as the entrusted department). We request that this Section be transmitted without delay to RELEX.1 and to the Council's Data Protection Officer, to whom this letter is in any event copied.
20. Our client requests: (a) confirmation as to whether personal data concerning [REDACTED] are being processed; (b) access to, and a copy of, all personal data relating to [REDACTED] undergoing processing [REDACTED] — including, without limitation, personal data contained in documents 5855/26, 5857/26, 5858/26, 5859/26 (including Annex I thereto) and WK 17070/2025 INIT, and in any related, preparatory or successor documents or evidence files; and (c) the information listed in Article 17(1)(a) to (h) of Regulation (EU) 2018/1725, including the purposes of the processing, the categories of data concerned, the recipients or categories of recipients (including in third countries or international organisations, together with the information referred to in Article 17(2)), the envisaged retention periods, and all available information as to the source of any data not collected from our client.
21. Should the Council contemplate restricting these rights in reliance on Decision No 2/2026 of the Secretary-General, we recall that any such restriction must satisfy Article 25 of Regulation (EU) 2018/1725: it must respect the essence of the fundamental rights at stake, be necessary and proportionate, be the result of a case-by-case examination, and be notified to the data subject together with the principal reasons on which it is based and information on [REDACTED] right to lodge a complaint with the European Data Protection Supervisor. A blanket, unreasoned restriction that merely replicates the refusal issued under Regulation (EC) No 1049/2001 — or that is co-extensive with the entirety of the file — would not meet that standard. We request that any restriction be specifically reasoned, item by item, and kept under review.

VII. Overriding public interest (Article 4(2))

22. In so far as the exceptions in Article 4(2) are relied upon, there is in any event an overriding public interest in disclosure. Restrictive measures entail serious interferences with fundamental rights and must, on the Court's settled case-law, rest on a sufficiently solid factual basis. Transparency as to the nature and provenance of the evidence used — in particular the Council's reliance on open-source and media material — is a condition of public confidence in, and democratic accountability of, the Union's sanctions policy, and thereby serves the very effectiveness that the Council invokes. The Council cannot discharge its obligation to weigh that interest by noting the "absence of any indication" of it; the present application supplies such indications, which must now be substantively addressed (*Sweden and Turco*, cited above).

VIII. Completeness of the identification of documents

23. Finally, we invite the Council to verify the completeness of the identification of documents covered by the initial application. We note in particular that document 5858/26 (the draft Council Implementing Regulation referred to in point 6 of document 5859/26) does not appear among the documents identified in the Reply, although it belongs to the same file. We ask that it be included in the review,

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together with any other documents falling within the scope of the initial application (including, for the avoidance of doubt, any COREPER or Council proceedings relating to points 5 and 6 of document 5859/26).

IX. Requests

24. For the reasons set out above, our client respectfully requests the Council to:

- (a) review the decision communicated by the Reply and grant full access to documents 5855/26 and 5857/26, subject at most to the targeted redaction of personal data and genuinely sensitive information of third parties;
- (b) grant further partial access to document 5859/26, including the standardised, non-personal portions of Annex I;
- (c) grant access, at least in part, to document WK 17070/2025 INIT, including its list of exhibits and any open-source exhibits;
- (d) include document 5858/26, and any further documents falling within the scope of the initial application, in its review;
- (e) in any event, respond to the request made under Article 17 of Regulation (EU) 2018/1725 within the period prescribed by Article 14(3) of that Regulation, providing a copy of our client's personal data and the associated information, and specifically reasoning any restriction in accordance with Article 25 thereof; and
- (f) reply to this confirmatory application within the period of fifteen working days laid down in Article 8(1) of Regulation (EC) No 1049/2001.

1. In the absence of a satisfactory reply within the applicable time limits, our client reserves the right to institute proceedings before the General Court pursuant to Article 263 TFEU and/or to lodge a complaint with the European Ombudsman, in accordance with Article 8(3) of Regulation (EC) No 1049/2001, as well as to lodge a complaint with the European Data Protection Supervisor in respect of the request made under Regulation (EU) 2018/1725, and to raise the matter, as appropriate, [REDACTED]. All of our client's rights are expressly reserved.

We remain at the Council's disposal for any question concerning this application.

Yours sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

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