Council of the European Union

Brussels, 6 November 2026
(OR. en)

15532/26

API 245
INF 338

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application N° 64/c/03/26 - Information to delegations

Delegations will find attached:

- the requests for access to documents sent to the General Secretariat of the Council on 21 September 2026 and registered on the same day, and on 24 September 2026 and registered on 25 September 2026, as well as the joint reply sent by the General Secretariat of the Council on 3 November 2026 (Annex 1);

- the request for access to documents sent to the General Secretariat of the Council on 1 October 2026 and registered on the same day, as well as the reply sent by the General Secretariat of the Council on 21 October 2026 (Annex 2);

- the confirmatory application dated 6 November 2026 and registered on the same day (Annex 3).

ANNEX 1

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Monday, September 21, 2026 12:32 PM
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
Avenue Louise
Telephone

Requested document(s)

ST 11508 2026 REV 3 - NOTE
ST 13240/26
ST 11506/1/26 REV1

1st option

FR

2nd option

EN

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From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Thursday, September 24, 2026 5:07 PM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

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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

Telephone

Requested document(s)
11508/5/26 REV 5 13340/1/26 REV 1 11506/2/26 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.
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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, 3 November 2026

Daldewolf
DELETED
Email: **DELETED**

Ref. 26/3319-3382

Requests made on: 21.09.2026 and 24.09.2026
Registered on: 21.09.2026 and 25.09.2026
Deadline extensions: 12.10.2026 and 16.10.2026

Dear **DELETED** ,

Thank you for your requests for access to documents of the Council of the European Union.[1]

Please find attached documents **13340/1/26 REV 1** and **11506/2/26 REV 2**, as well as a partially accessible version of document 11508/5/26 REV 5.[2]

However, I regret to inform you that full access to the latter document and access to documents 11506/1/26 REV 1, 11508/3/26 REV 3 and 13240/26 cannot be given for the reasons set out below.

Document **13240/26** 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 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine* (EEAS document HR(2026) 245). Release of this draft version would allow to draw conclusions on internal discussions that would weaken the international position of the Union in this matter and therefore the effectiveness of these and other restrictive measures (to be) adopted.

[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.

Document **11506/1/26 REV 1** contains an intermediate draft text of a *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*. Release of this intermediate version would allow to draw conclusions on internal discussions that would weaken the international position of the Union in this matter and therefore the effectiveness of these and other restrictive measures (to be) adopted.

Furthermore, the documents contain specific information regarding the people and entities concerned, release of which may encroach on their rights of defence and also affect the integrity of the natural persons concerned, where applicable. 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, as well as undermine the protection of commercial interests of the persons and entities concerned and of the privacy and integrity of the natural persons. As a consequence, the General Secretariat has to refuse (full) access to these two documents.[3]

We have also looked into the possibility of releasing parts of the documents.[4] However, as the information contained in in each of the documents forms an inseparable whole, the General Secretariat is also unable to give partial access to them.

Documents **11508/3/26 REV 3** and **11508/5/26 REV 5** are two versions of a note, intended for Coreper, concerning the adoption of a *Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine*. Release of the intermediate version in REV 3 would allow to draw conclusions on internal discussions that would weaken the international position of the Union in this matter and therefore the effectiveness of these and other restrictive measures (to be) adopted. Furthermore, both versions contain (at annex I) draft letters to (the counsels of) persons and entities concerned by the restrictive measures. The draft letters contain specific information regarding the people and entities concerned, release of which may encroach on their rights of defence and also affect the integrity of the natural persons concerned, where applicable. 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.

(Full) disclosure of the document would therefore undermine the protection of the public interest as regards public security and international relations, of commercial interests of the persons and entities concerned and of the privacy and integrity of the natural persons. As a consequence, the General Secretariat has to refuse (full) access to the documents.[5]

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

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

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

While these reasons only apply to annex I of the REV 5, they apply to the cover note and the other annexes of the REV 3, each of which is an inseparable whole, so that no further partial access is possible.[6]

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

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

ANNEX 2

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Thursday, October 1, 2026 3:29 PM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]

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This electronic form has been submitted in ENGLISH.

Title
DELETED
First name
DELETED
Family name
DELETED
E-mail
DELETED
Occupation
I submit this request as a representative of an organisation.

Name of the organisation
Daldewolf law firm
Full postal address

Telephone

Requested document(s)
Communication du Secretariat general du Conseil du 22 septembre 2026, complete de ses annexes: FIN DE LA PROCÉDURE ÉCRITE pour l'adoption de la décision et du règlement d'exécution du Conseil concernant des mesures restrictives eu égard aux actions compromettant ou menaçant l'intégrité territoriale, la souveraineté et l'indépendance de l'Ukraine

1st option
FR

2nd option
EN

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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, 21 October 2026

Daldewolf
DELETED
Email: **DELETED**

Ref. 26/3552

Request made on: 01.10.2026

Dear **DELETED** ,

Thank you for your request for access to documents of the Council of the European Union.[7]

I regret to inform you that full access to document CM 4277/26 cannot be given for the reasons set out below.

Document **CM 4277/26** is a communication closing the written procedure for the adoption of Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

It contains information related to the voting on those legal acts. Public release of that information would allow conclusions to be drawn about internal discussions, the public disclosure of which would weaken the Union's position at the international level, as well as its ability to implement existing measures and adopt new ones as needed. As a consequence, the General Secretariat of the Council (GSC) has to refuse access to this information.[8]

[7] 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).

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

You may however have access to the parts of the document not covered by these exceptions.[9]

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

Enclosure

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

ANNEX 3

From: DELETED
Sent: Friday, November 6, 2026 10:45 AM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: RE: Ref. 26/3319-3382 and Ref. 26/2552 - Confirmatory application

Dear Sir, Madame,

Please find attached a confirmatory application in relation to decision on case ref. 26/3319-3382 and Ref. 26/2552.

I remain available for any clarifications.

Kind regards,

DELETED
Avocat au Barreau de Bruxelles
Associate

DALDEWOLF
Avenue Louise 81 Louizalaan - 1050 Brussels – Belgium
T + 32 2 627 10 29 fpa@daldewolf.com
www.daldewolf.com

DALDEWOLF

DELETED
Avocat
DELETED

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

Brussels, 6 November 2026

Subject: Confirmatory application for access to documents under Regulation (EC) No 1049/2001 - decisions ref. 26/3552 and 26/3319-3382

Dear Sir or Madam,

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001 (Regulation 1049/2001), we seek review of:

- the General Secretariat of the Council decision of 21 October 2026, ref. 26/3552, granting only partial access to document CM 4277/26; and
- the General Secretariat of the Council decision of 3 November 2026, ref. 26/3319-3382, refusing full or partial access to documents 13240/26, 11506/1/26 REV 1 and 11508/3/26 REV 3, and granting only partial access to document 11508/5/26 REV 5.

This application concerns only the withheld or redacted material and seeks full access or, alternatively, the widest possible partial access under Article 4(6) of Regulation 1049/2001.

I. DOCUMENTS AND DECISIONS UNDER REVIEW

A. Decision ref. 26/3552 and document CM 4277/26

CM 4277/26 closes the written procedure for adopting a Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening Ukraine's territorial integrity, sovereignty and independence. The disclosed text records approval of the acts, letters and notices; the remainder is deleted.

WWW.DALDEWOLF.COM
Avenue Louise 81 Louizalaan · 1050 Brussels · Belgium ·
t + 32 2 627 10 10 · f + 32 2 627 10 50 · info@daldewolf.com · VAT BE 0439.842.936

Relying on Article 4(1)(a), first and third indents, the decision states that disclosure of voting information would reveal internal discussions, weakening the Union's international position and its ability to implement or adopt restrictive measures.

B. DECISION REF. 26/3319-3382

The decision grants access to 13340/1/26 REV 1 and 11506/2/26 REV 2, partial access to 11508/5/26 REV 5, and refuses access to 13240/26, 11506/1/26 REV 1 and 11508/3/26 REV 3.

For 13240/26 and 11506/1/26 REV 1, the Council invokes their draft or intermediate nature, internal discussions, international relations, the effectiveness of restrictive measures and information concerning targeted persons and entities. For 11508/3/26 REV 3 and 11508/5/26 REV 5, it also invokes draft letters in Annex I, rights of defence, commercial interests and privacy. It relies on Article 4(1)(a), first and third indents, Article 4(1)(b) and Article 4(2), first indent.

The decision describes certain material as an inseparable whole. However, it confines the grounds concerning draft letters to Annex I of REV 5 while extending them to the cover note and other annexes of REV 3.

II. REQUESTS

The Applicants request, principally, full access to CM 4277/26 and to documents 13240/26, 11506/1/26 REV 1, 11508/3/26 REV 3 and 11508/5/26 REV 5.

In particular, the Applicants seek any statements, declarations, observations, reservations or positions made or submitted by Member States or their delegations and mentioned or included in those documents.

Alternatively, the Applicants seek the widest possible partial access and sufficient identification of any material still withheld. The Council should indicate:

- whether the withheld parts include statements, declarations, observations, reservations or positions of Member States or their delegations;
- the document, annex or part in which such material appears;
- the nature and subject matter of that material; and
- the Member State or delegation concerned, unless the Council demonstrates specifically that disclosure of authorship would itself undermine an interest protected by Article 4 of Regulation 1049/2001.

This request concerns identification of existing withheld material, not the creation of a new document or provision of unrelated information, so that the Applicants can understand and challenge the refusal.

IV. REASONS FOR REVIEW

A. The statement of reasons is insufficient to permit an understanding or review of the exceptions applied

Regulation 1049/2001 seeks the widest possible public access to documents, and its exceptions must be interpreted strictly. A refusal must explain how disclosurecould specifically and actually undermine a protected interest through a reasonably foreseeable, non-hypothetical risk.

The contested decisions rely on broad assertions about internal discussions, international relations and the effectiveness of restrictive measures, without adequately identifying the categories of withheld material or linking each to the exception and harm invoked.

The Applicants cannot determine whether the withheld passages concern voting results, Member State positions, declarations or reservations, targeted persons and entities, draft text or procedural information, nor how their disclosure would affect the interests relied upon.

While reasons need not reveal protected substance, they must enable the Applicants to understand the refusal and permit review of its legality. The decisions do not strike that balance.

B. DECISION REF. 26/3552 DOES NOT JUSTIFY THE REDACTION OF CM 4277/26

The decision does not distinguish voting results from Member State positions, statements, declarations, reservations or other information, or explain whether the redactions concern material of the same nature.

The deletion begins immediately after confirmation that the acts, letters and notices were adopted or approved. Comparable communications closing written procedures may contain Member State statements or declarations in their final passages. The nature of the material withheld therefore requires clarification.

As the written procedure was complete and the acts adopted, the Council must explain what feature of the withheld information still creates a reasonably foreseeable risk to international relations or the implementation or adoption of restrictive measures. A general reference to internal discussions does not suffice.

C. DECISION REF. 26/3319-3382 DOES NOT IDENTIFY THE WITHHELD MATERIAL OR MAP EACH EXCEPTION TO IT

The decision combines distinct exceptions and document categories without adequately linking each exception to the information withheld.

In particular, it confines the grounds concerning draft letters to Annex I of 11508/5/26 REV 5, but extends them to the cover note and other annexes of 11508/3/26 REV 3 as an inseparable whole. It neither identifies the material outside the letters nor explains why the same interests protect it.

The Council should explain the difference between REV 3 and REV 5, at least by identifying the nature and location of the material justifying the broader refusal for REV 3.

The decision also leaves unclear whether the documents contain Member State or delegation statements, declarations, observations, reservations or positions. Such material is distinct from personal data, commercially sensitive information and draft letters and requires a separate assessment under the relevant exception.

D. THE ALLEGED HARM TO PUBLIC SECURITY AND INTERNATIONAL RELATIONS IS NOT ESTABLISHED WITH SUFFICIENT SPECIFICITY

The Council's margin of appreciation under Article 4(1)(a) does not remove its duty to state reasons linking disclosure to the alleged harm. It must distinguish sensitive substantive details from limited information, such as the existence, general nature or authorship of a Member State declaration, and assess whether each element requires protection.

E. THE COUNCIL HAS NOT ADEQUATELY JUSTIFIED THE EXTENT OF THE REDACTIONS UNDER ARTICLE 4(6)

Article 4(6) requires disclosure of parts not covered by an exception. The Council must assess partial access separately, in accordance with the principle of proportionality, and explain why further disclosure is not possible.

An assertion that material forms an inseparable whole is insufficient without explaining why protected details cannot be removed while releasing procedural information, Member State statements or their existence, nature and authorship.

The Council must assess individual passages in the deleted final part of CM 4277/26 and separately examine the cover note and each annex of REV 3 and REV 5, rather than extending protection for draft letters to materially different content.

F. A FRESH, CONCRETE AND INDIVIDUAL ASSESSMENT IS REQUIRED

The Council should reassess each withheld document and redacted part in the current factual context, including completion of the written procedure and adoption of the acts. A broad category-based assessment is insufficient where parts differ in nature and engage different interests. Any maintained refusal should identify the information concerned, the applicable exception, the concrete and reasonably foreseeable harm, and why wider partial access is impossible.

VI. CONCLUSION

For these reasons, the Applicants respectfully request that the Council grant the full or alternative partial access specified in Section II, including access to Member State or delegation material.

If any material remains withheld, the Council should identify its location, nature and authorship to the extent those elements are not themselves protected, and provide the specific reasons for each maintained redaction set out above.

We ask the Council to uphold the principles of transparency, good administration and public access reflected in Regulation 1049/2001, Article 15(3) TFEU and Article 42 of the Charter of Fundamental Rights of the European Union.

Yours sincerely,

DELETED

Avocat