

Brussels, 27 November 2025  
(OR. fr)

15983/25

API 137  
INF 236

**NOTE**

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From: General Secretariat of the Council  
To: Delegations  
Subject: Public access to documents - Confirmatory application No 31/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 September 2025 and registered on 26 September 2025 (Annex 1);
- the reply from the General Secretariat of the Council of 17 October 2025 (Annex 2);
- the confirmatory application dated 25 November 2025 and registered on 26 November 2025 (Annex 3).

**From:** **DELETED**

**Sent:** Thursday, 25 September 2025, 17:25

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

**Subject:** Request for access to information - Number and status of members of the RELEX and COEST preparatory bodies

Dear Sir/Madam,

On the basis of the right of access to documents established in the EU treaties and developed in Regulation (EC) No 1049/2001, I am writing to request the documents containing the following information:

The number and status of people working within the COEST and RELEX preparatory bodies.

I would also like to know how many of them are assigned to individual sanctions against Russia, and whether this constitutes full-time work for them or is combined with other tasks.

(Complimentary close)

**DELETED**



**Council of the European Union**  
General Secretariat

Directorate-General for Communication and Information - COMM  
Information and Outreach Directorate  
Information Services Unit / Transparency  
*Head of Unit*

Brussels, 17 October 2025

**DELETED**

Email: **DELETED**

Ref. 25/2716

Request made on: 25 September 2025  
Registered on: 26 September 2025  
Deadline extended on: 17 October 2025

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Thank you for your request for access to documents of the Council of the European Union<sup>1</sup>.

I regret to inform you that access to the document WK 166/2022 REV 12 '**RELEX contact list – 27 June 2025**' (not translated into French) and to the non-paper '**Working Party on Eastern Europe and Central Asia (COEST) - List of Delegates**' (not translated into French) cannot be granted for the reasons set out below.

The two lists contain personal data about the delegates of two Council working parties. These documents have been compiled for internal administrative purposes. The General Secretariat may put together lists of members of Council preparatory bodies for the purpose of organising meetings and contacting delegates as the need arises. Such lists are necessary for the organisation of the work of the Council.

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<sup>1</sup> The General Secretariat of the Council has examined your request on the basis of the applicable rules, specifically 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).

The data protection rules at EU level<sup>2</sup> provide that when the personal data collected is to be used for a different purpose, including disclosure to the public, a balance needs to be established between the public interest in having access to such data and the legitimate right of individuals to protect their personal data.

After carefully considering all the principles related to this request, on balance the General Secretariat has concluded that you cannot have access to information about the people mentioned in the two internal documents. Disclosure of such personal data would undermine the protection of privacy and the integrity of those individuals.<sup>3</sup>

In addition, disclosure of these documents would also allow conclusions to be drawn about how proposals for restrictive measures are handled, which could undermine the effectiveness of the measures adopted and the European Union's position on the international stage.

Such disclosure would therefore also undermine the protection of the public interest as regards public security and international relations. As a consequence, the General Secretariat must refuse access to these documents for this reason as well<sup>4</sup>.

Finally, we have looked into the possibility of releasing parts of these documents<sup>5</sup>. However, as the information contained in each document forms an inseparable whole, the General Secretariat is also unable to give partial access.

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, you may ask the Council to review this decision within 15 working days of receiving this reply. Should you see the need for such a review, you are invited to specify your reasons.

(Complimentary close).

Fernando Florindo

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<sup>2</sup> 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).

<sup>3</sup> Article 4(1), point (b), of Regulation (EC) No 1049/2001.

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

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

**From:** **DELETED**

**Sent:** Tuesday, 25 November 2025, 22:43

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

**Subject:** Re: Ref. 25/2716 - Ares(2025)9609542

Dear Mr Florindo,

Thank you for your reply.

Your refusal is based on two grounds under Article 4(1) of Regulation 1049/2001: the first and third indents of point (a): (public interest as regards international relations and public security) on the one hand, and point (b) relating to the privacy of individuals whose names appear in the documents in question on the other.

With regard to the privacy of the persons in question, I have no objection to this information being redacted (leaving only ‘Madam’/‘Sir’).

With regard to the refusal based on the exception of ‘public interest / international relations and public security’, your reasoning does not hold water.

In law, public access to documents held by institutions is the principle, and the possibility of refusal is the exception. A decision refusing access is valid only if it is founded on one of the exceptions provided for by Article 4 of Regulation No 1049/2001. According to settled case-law, those exceptions must be construed and applied strictly so as not to defeat the application of the general principle enshrined in that regulation (judgment of the General Court of 26 April 2005, *Sison v Council*, T-110/03, T-150/03 and T-405/03, ECR II-1429, paragraph 45; see, by analogy, judgment of the General Court of 7 February 2002, *Kuijjer v Council*, T-211/00, ECR II-485, paragraph 55). Furthermore, the principle of proportionality requires that derogations remain within the limits of what is appropriate and necessary for achieving the aim in view (judgment of the Court of 6 December 2001, *Council v Hautala*, C-353/99 P, ECR I-9565, paragraph 28).

The examination required for the processing of a request for access to documents must be specific in nature. The mere fact that a document pertains to an interest protected by an exception to the right of access laid down in Article 4 of Regulation No 1049/2001 is not sufficient to justify the application of that exception (see, to that effect, judgment in *Commission v Éditions Odile Jacob*, C-404/10 P, EU:C:2012:393, paragraph 116).

If the institution concerned decides to refuse access to a document which it has been asked to disclose, it must, in principle, explain how disclosure of that document could specifically and effectively undermine the interest protected by the exception – among those provided for in Article 4 of Regulation No 1049/2001 – upon which it is relying. In addition, the risk of the interest being undermined must be reasonably foreseeable and must not be purely hypothetical (Council v Access Info Europe, EU:C:2013:671, paragraph 31 and the case-law cited).

The Court of Justice of the EU (CJEU) thus holds that ‘the mere fact that certain documents contain information or negative statements about the political situation, or the protection of human rights, in a third country does not necessarily mean that access to them may be denied on the basis that there is a risk that the public interest may be undermined. That fact, in itself and in the abstract, is not a sufficient basis for refusing a request for access’ (paragraph 60, *Kuijer*, T-211/00).

The CJEU also holds that the reasoning that ‘the disclosure of the comments of the Member States would reveal the trade-offs and compromises requested or accepted by delegations and the alternatives proposed or considered, as well as strategic approaches for negotiations of the Council, thus weakening and making more difficult its negotiating position and having a negative impact on its future discussions with the Parliament’ was merely ‘of a general and abstract nature’ (*De Capitani*, T- 590/23, paragraphs 116, 117 and 119).

Your reasoning in this case consists of two sentences: ‘The disclosure of these documents would also allow conclusions to be drawn about how proposals for restrictive measures are handled, which could undermine the effectiveness of the measures adopted and the European Union’s position on the international stage. Such disclosure would therefore also undermine the protection of the public interest as regards public security and international relations.’

Firstly, nothing in this reasoning relates to public safety.

Therefore, this reason for refusal is simply not substantiated.

Moreover, it is difficult to believe that knowing how many people work in two of the Council’s many preparatory bodies could pose any risk.

Secondly, with regard to international relations, it must be noted that this reasoning is general and abstract.

Furthermore, the consistent use of the subjunctive tense demonstrates that this alleged infringement is, at best, hypothetical.

In other words, your letter indicates (at best) that the documents pertain to a protected interest, but in no way explains how access to these documents could concretely and effectively undermine the protected interest for specific as opposed to hypothetical reasons.

I would therefore kindly ask you to reconsider your response and provide me with the documents, anonymising them if necessary.

(Complimentary close)

**DELETED**

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