

**Brussels, 17 March 2026
(OR. en)**

7401/26

**API 44
INF 68**

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Public access to documents - Confirmatory application N° 11/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 24 February 2026 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 13 March 2026 (Annex 2);
- the confirmatory application dated 16 March 2026 and registered on the same day (Annex 3).

From: **DELETED**

Sent: Tuesday, February 24, 2026 12:23 PM

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

Subject: Freedom of Information Request for access to documents of public importance [#364097]

Dear Madam/Sir,

Pursuant to Regulation (EC) No 1049/2001 regarding public access to documents, I hereby request access to documents concerning the introduction of the wording “including replicas of historical ships” in Article 3ea(3)(a) of Council Regulation (EU) No 833/2014.

As reflected in the consolidated version of the Regulation, this wording was introduced by the amendment identified as “M31”.

In particular, I request access to:

- Draft texts, compromise texts, or revised versions of amendment M31 in which this wording appears or is modified;
- Documents of the relevant Council preparatory bodies (including the Working Party on RELEX), such as meeting documents, agendas, outcome documents, summaries, or room documents discussing this wording;
- Written comments, proposals, or drafting suggestions submitted by Member State delegations concerning the introduction, wording, or scope of this provision;
- Correspondence, including emails held by the General Secretariat of the Council, that specifically concerns the introduction, drafting, justification, or scope of this wording.

The request covers documents created or received in the context of the preparation and adoption of amendment M31, including preparatory work carried out prior to its formal adoption by the Council.

Should any parts of the requested documents fall under one of the exceptions set out in Article 4 of Regulation 1049/2001, I kindly request partial access in accordance with Article 4(6).

If necessary, I remain available to agree on a practical arrangement in order to facilitate the efficient handling of this request.

Yours faithfully,

DELETED



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 March 2026

DELETED

E-mail: **DELETED**

Ref. 26/0771

Request made on: 24.02.2026

Dear **DELETED**,

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

We have identified (parts of) documents 8281/24, 8282/24, 8282/1/24 REV 1, 10879/24, 11357/24 as corresponding to your request.

Please find attached document **8282/1/24 REV 1**.

However, I regret to inform you that access to the (relevant parts of the) other documents cannot be given for the reasons set out below.

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).

Document **8281/24** contains a *joint proposal for a Council Regulation amending Council Regulation(EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine* (Commission and EEAS document JOIN(2024) 16 final).

Documents **8282/24**, **10879/24** and **11357/24** contain further draft texts of a *Council Regulation amending Council Regulation(EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine*.

We have duly consulted the Commission and the European External Action Service (EEAS) on the possible release of document 8281/24.²

Based on the analysis of the provided information and the contents of the documents, the General Secretariat of the Council (GSC) has come to the conclusion that access cannot be granted to these documents.

Indeed, the documents contain draft texts of the Regulation concerned. Public release of these preliminary versions would allow to draw conclusions on internal discussions the disclosure of which would weaken the international position of the European Union and thus the effectiveness of the adopted restrictive measures. Disclosure of this information would therefore undermine the protection of the public interest as regards public security and international relations.³ As a consequence, the General Secretariat has to refuse access to this information.

It should be noted that for these reasons, the documents are also subject to the presumptions of confidentiality in Article 6(4) of [Council Regulation \(EU\) No 833/2014](#).

We have also looked into the possibility of releasing parts of the documents.⁴ However, as the exceptions to the right of access apply to all parts covered by your request, the General Secretariat is also unable to give partial access to them.

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

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

⁴ 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

Enclosure

From: **DELETED**
Sent: Monday, March 16, 2026 3:43 PM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: AW: Ref. 26/0771 - Ares(2026)2749871 - Confirmatory application [#364097]

Dear Sir or Madam,

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, I hereby submit a confirmatory application requesting the Council to review its decision to refuse access to documents 8281/24, 8282/24, 10879/24 and 11357/24.

While I understand the sensitivity of discussions concerning restrictive measures, I respectfully submit that disclosure of at least parts of these documents, possibly with appropriate redactions, would not undermine the public interest in international relations.

In particular, access to those sections of the documents that relate to the drafting and rationale of the amendment to Article 3ea of Regulation (EU) No 833/2014 — including the wording referring to “replicas of historical ships” — would contribute to transparency regarding the legislative process and the interpretation of the provision.

I would therefore kindly ask the Council to reconsider the possibility of granting partial access to the requested documents, including any explanatory notes or legal reasoning concerning this amendment.

Yours sincerely

DELETED
