



Council of the
European Union

195037/EU XXVII. GP
Eingelangt am 02/09/24

Brussels, 2 September 2024
(OR. en)

12896/24

INF 211
API 104

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 23/c/01/24

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 26 July 2024 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 5 August 2024 (Annex 2);
- the confirmatory application dated 26 August 2024 and registered on the same day (Annex 3).

[E-mail message sent to access@consilium.europa.eu on Friday 26 July 2024, 11:56]

From: **DELETED**

Sent: vendredi 26 juillet 2024 11:56

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

Subject: access to documents request - Delayed publication of restrictive measures/sanctions as structured data

Dear Council of the European Union,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

Any documents, memoranda or legal opinions regarding

(a) the process by which Council decisions regarding EU restrictive measures (sanctions) that have been published in the OJEU are included in the EU Financial Sanctions Files (FSF) structured data released by EEAS,

(b) recent delays in updating the FSF based on new designations (e.g. in the context of the 12th and 14th EU sanctions package regarding Russia's invasion of Ukraine), and

(c) any internal discussion or discussion with third parties of the legality/possibility/practice of pursuing sanctions violations by financial institutions (and other regulated entities) which have occurred after the publication of restrictive measures in the OJEU but before their inclusion in the FSF.

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, 5 August 2024

DELETED

Email: **DELETED**

Ref. 24/2142

Request made on: 26.07.2024

Dear **DELETED**,

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

Your questions relate to the process of implementation of the restrictive measures, which belongs to the European Commission. Hence, since the Council is not concerned by the hosting and maintenance of the EU Financial Sanctions Files (FSF) and does not hold any document in this regard, you may wish to submit your request to the [European Commission's transparency services](#).

You may also wish to consult the following dedicated web pages and data bases:

- https://www.eeas.europa.eu/eeas/european-union-sanctions_en#10710 (which refers, among others, to the Commission's role in hosting and updating the FSF' related database);
- <https://webgate.ec.europa.eu/fsd/fsf#!files> (European Commission's sanctions list);

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).

- <https://www.sanctionsmap.eu/#/main> (EU global sanctions map);
- <https://data.europa.eu/data/datasets/consolidated-list-of-persons-groups-and-entities-subject-to-eu-financial-sanctions?locale=en> (Consolidated list of persons, groups and entities subject to EU financial sanctions).

Yours sincerely,

Fernando FLORINDO

[E-mail message sent to access@consilium.europa.eu on Monday, 26 August 2024, 9:54.]

From: **DELETED**

Subject: Internal review of access to documents request - Delayed publication of restrictive measures/sanctions as structured data

Dear Council of the European Union,

Please pass this on to the person who reviews confirmatory applications.

I am filing the following confirmatory application with regards to my access to documents request 'Delayed publication of restrictive measures/sanctions as structured data'.

I filed the following request on July 26 (updated):

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

Any documents, e-mails, memoranda or legal opinions regarding:

- (a) the process by which Council decisions regarding EU restrictive measures (sanctions) that have been published in the OJEU are included in the EU Financial Sanctions Files (FSF) structured data released by DG FISMA,
- (b) recent delays in updating the FSF based on new designations (e.g. in the context of the 12th and 14th EU sanctions package regarding Russia's invasion of Ukraine), and
- (c) any internal discussion or discussion with third parties of the legality/possibility/practice of pursuing sanctions violations by financial institutions (and other regulated entities) which have occurred after the publication of restrictive measures in the OJEU but before their inclusion in the FSF.

The request was rejected for the reason that the publication of the FSF does not fall within the responsibility of the Council. However, since the Council is clearly involved in the process, I still consider it likely that documents (e.g. e-mails, memoranda, legal assessments) relevant to this question exist within the Council. Therefore, the Council should be required to respond to the request pursuant to directive 1049.

A full history of my request and all correspondence is available on the Internet at this address:
https://www.asktheeu.org/en/request/delayed_publication_of_restricti

Yours faithfully,

DELETED