



Brussels, 1 August 2025
(OR. en)

12045/25

INF 126
API 66

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory Application N° 16/c/02/25

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 10 July 2025 (Annex 1);
- the reply from the General Secretariat of the Council dated 17 July 2025 (Annex 2);
- the confirmatory application received on 30 July 2025 and registered on the same day (Annex 3).

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>

Sent: jeudi 10 juillet 2025 12:04

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

DELETED

Name of the organisation

DELETED

Full postal address

DELETED

Telephone

Requested document(s)

- ST 6344 2025 ADD 1 - SUMMARY RECORD - PERMANENT REPRESENTATIVES COMMITTEE
- ST 6886/25 containing « 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 »

- ST 6887/25 containing « 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”
- ST 6889/25 REV 1 containing Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine”
- ST 6889/25 INIT in relation with “Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine”
- ST 9131 2025 INIT - 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
- ST 9133 2025 INIT - 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
- ST 9134 2025 INIT - Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
- ST 8633/25 - Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine



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, 17 July 2025

DELETED

Email: **DELETED**

Ref. 25/2026

Request made on: 10.07.2025

Dear **DELETED**,

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

We refer to our reply sent to you on 14 July 2025, with reference 25/1869, concerning documents 9131/25, 9133/25, 9134/25, 6886/25, 6887/25, 8633/25, 6889/25 and 6889/1/25 REV 1.

I regret to inform you that access to document **6344/25 ADD 1** cannot be given for the reasons set out below.

This document is an addendum to the summary record of the meeting of the Permanent Representatives Committee (Coreper) on 18, 19 and 21 February 2025. It contains statements made in that meeting regarding item 37 on Coreper's agenda (Council Decision and Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine).

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).

These statements include comments on possible further measures. Disclosing such information would give foreign economic operators subjected to such measures and other actors sensitive information about potential future measures, thus undermining their effectiveness and negatively impacting the achievement of EU foreign policy objectives. Such disclosure would therefore undermine the protection of the public interest as regards international relations².

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

² Article 4(1)(a), third indent, of Regulation (EC) No 1049/2001.

From: DELETED

Sent: mercredi 30 juillet 2025 16:36

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

Cc: DELETED

Subject: RE: Ref. 25/2026

Dear Sir, Madame,

Please find attached a confirmatory application, based on Article 7(2) of Regulation 2001/1049, in relation to our initial request (ref. 25/2026) of 10 July 2025.

Your sincerely,

DELETED




Council of the European Union

General Secretariat

Directorate-General Communication and Information - COMM

Rue de la Loi/Wetstraat 175, B-1048 Brussels

Access@consilium.europa.eu

 30 July 2025

Subject: Confirmatory application for access to documents under Regulation 1049/2001


Dear Sir, Madame,

We are writing to submit a confirmatory application in accordance with Article 7(2) of Regulation (EC) No 1049/2001 regarding public access to documents of the European Council¹ (**'Regulation 1049/2001'**) and Council Decision of 1 December 2009 adopting the Council's Rules of Procedure² (**'Council's rules of procedure'**).

¹ 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, OJ L 145, 31.5.2001, pp. 43-48.


² Council Decision of 1 December 2009 adopting the Council's Rules of Procedure, OJ L 325, 11.12.2009, pp. 35-35.






This request is made subsequent to the reject by the Council of the initial request dated 10 July 2025 ('**Request**'). With the response dated 17 July 2025 ('**Decision**'), the Council denied access to all the documents requested.

The Request was aimed at the disclosure of several documents relating to the adoption of new binding legislative acts in the context of the Situation in Ukraine, including in relation to the 18th sanction package following the situation in Ukraine ('**18th package**'). In particular, the Applicants requested access to the following documents:

- i. ST 6344/25 ADD 1, an addendum to the summary record of the meeting of the Permanent Representatives Committee (Coreper) on 18,19 and 21 February 2025
 - ii. ST 6886 2025 INIT: 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
 - iii. ST 6887 2025 INIT: 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
 - iv. ST 6889 2025 INIT - Note : Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
 - v. ST 6889 2025 REV 1 - NOTE: Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
 - vi. ST 8633 2025 INIT - 'I/A' ITEM NOTE : Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
 - vii. ST 9134/25 : Council Decision and Implementing Regulation concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
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- viii. ST 9131/25: 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
 - ix. ST 9133/25: 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


In the Decision, the Council referred to its decision of 14 July 2025, with reference 25/1869, which rejected access to documents no. 9131/25, 9133/25, 9134/25, 6886/25, 6887/25, 8633/25, 6889/25 and 6889/1/25 REV 1 based on the assertion that, because discussions on the relevant acts related to sanctions regimes were ongoing, that disclosure could undermine the effectiveness of the measures and the international position of the European Union.


In addition, the Council rejected disclosure of document no. ST 6344/25 ADD 1, an addendum to the summary record of the meeting of the Permanent Representatives Committee (Coreper) on 18,19 and 21 February 2025. The Council considered that this document *'contains statements made in that meeting regarding item 37 on Coreper's agenda (Council Decision and Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine). These statements include comments on possible further measures. Disclosing such information would give foreign economic operators subjected to such measures and other actors sensitive information about potential future measures, thus undermining their effectiveness and negatively impacting the achievement of EU foreign policy objectives. Such disclosure would therefore undermine the protection of the public interest as regards international relations'*.

However, we respectfully submit that the circumstances have materially changed after the adoption of the 18th sanction package on 19 July 2025, and that the Council should now reconsider its Decision regarding documents no. ST 6886 2025 INIT; ST 6887 2025 INIT; ST 6889 2025 INIT - Note; ST 6889 2025 REV 1 - NOTE; ST 8633 2025 INIT - 'I/A' ITEM NOTE ; ST 9134/25, ST 6344/25³ based on the elements listed below.

I. Completion of the decision-making process

³ Documents no. ST 9131/25 and ST 9133/25 have been made public on the Council's website in the meanwhile.





The 18th package of sanctions has now been formally adopted and published on the EU Official Journal on 19 July 2025⁴. As such, the decision-making process to which the documents relate is no longer ongoing.

Therefore, based on Article 4(3) of Regulation 1049/2001, the exception concerning the protection of the decision-making process, which must be interpreted strictly, cannot be invoked once the decision has been taken, unless specific and substantiated reasons are provided.

Given that the Council's initial justification regarding documents no. ST 6886 2025 INIT; ST 6887 2025 INIT; ST 6889 2025 INIT – Note; ST 6889 2025 REV 1 – NOTE; ST 8633 2025 INIT - 'I/A' ITEM NOTE ; ST 9134/25 was solely based on the ongoing nature of the decision-making process, the adoption of the 18th package of sanctions has deprived of plausibility the sole justification put forward by the Council in support of its decision.


Document ST 6344/25 ADD 1, dated February 2025, cannot be considered current or reliable for present decision-making. The document was prepared over five months ago in relation to a COREPER meeting and reflects the positions and concerns of that time, notably those of Greece and the European Commission⁵.


Given the dynamic nature of EU legislative and policy developments – particularly in area such as restrictive measures where legal and political context has evolved – such a time lapse renders the document's content likely obsolete.

Moreover, the document refers to "possible future measures" which, by now, have either been formally adopted – such as the 18th sanctions package – or rejected. Consequently, disclosure of this document cannot be deemed as seriously undermining the protection of the public interest in the field of international relations under Article 4(1)(a), third indent, of Regulation 1049/2001. The passage of time and the resolution of the measures in question

⁴ See e.g., Council Implementing Regulation (EU) 2025/1476 of 18 July 2025 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, ST/9133/2025/INIT, OJ L, 2025/1476, 19.7.2025; Council Decision (CFSP) 2025/1478 of 18 July 2025 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine; ST/9131/2025/INIT; OJ L, 2025/1478, 19.7.2025.

⁵ Summary record of the Coreper meeting of 18, 19 and 21 February 2025, document no. ST 6344/25 INIT, indicates that "Statements by Greece and the Commission are set out in ADD 1 to this document".





diminish any risk that its release would prejudice ongoing or future diplomatic or policy initiatives.

Consequently, the requested documents should be reassessed for disclosure under the current legal and factual context.

II. Overriding public interest in transparency and right to access documents

The adoption of sanctions constitutes a matter of considerable public interest, particularly given the severe restrictions such measures impose on the fundamental rights of the individuals targeted, within the broader context of the European Union's response to international crises. Moreover, the requested documents relate to the legislative process leading to the adoption of legal binding acts.

Ensuring transparency in the reasoning and internal deliberative processes that lead to the adoption of such measures is essential to uphold democratic accountability and foster public trust. This right is fundamental to the proper functioning of transparency within the Union.

The principle of transparency ensures that the administration gains greater legitimacy, operates more effectively, and remains accountable to citizens within a democratic system. This principle is inherently connected to the principle of openness, as enshrined in the second paragraph of Article 1 and Article 10(3) of the TEU, Article 15(1) and Article 298(1) of the TFEU, and Article 42 of the Charter of Fundamental Rights of the European Union ('**Charter**').⁶

In this regard, the Court of Justice has consistently held⁷ that transparency, as stated in recital 2 of Regulation 1049/2001, enhances the legitimacy, efficiency and accountability of the Union institutions towards EU citizens within a democratic system. By allowing divergent views to be openly debated, transparency also helps to build citizens' trust⁸.


To this end, Article 1 of that regulation provides that it aims to grant the public the widest possible access to documents of the Union institutions, subject to a system of exceptions based on public or private interests⁹. These exceptions,

⁶ Judgment of 5 March 2024 (Grand Chamber), C-588/21 P, *Public.Resource.Org et Right to Know / Commission e.a.*, C-588/21 P, § 83.

⁷ Judgment of 7 September 2023, C-135/22 P, *Breyer/REA*, C:2023:640, §§ 69-70.

⁸ Judgment of 4 September 2018, *ClientEarth v Commission*, C-57/16 P, EU:C:2018:660, § 75.

⁹ Judgment of 16 July 2015, C-612/13 P, *ClientEarth v European Commission*, C:2015:486, § 81; judgment of 21 July 2011, C-506/08 P, *Sweden v MyTravel and Commission*, C:2011:496, § 48; Judgment of 3 July 2014, *Council v in 't Veld*, C-350/12 P, C:2014:2039, § 48.



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which derogate from the principle laid down in that article, must be interpreted and applied strictly¹⁰.

Moreover, the right of access to documents of the institutions, bodies, offices, and agencies of the Union, whatever their medium, is guaranteed by Article 15(3) TFEU and by Article 42 of the Charter, as implemented by Regulation 1049/2001.¹¹

Finally, public access to documents such as those concerned by the Request are explicitly provided for by Council's rules of procedure.

Under Article 11(4)(b) of Annex II to the Council's rules of procedure, 'the General Secretariat may also make the following documents available to the public as soon as they have been circulated', 'provided that they are clearly not covered by any of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001':

[...]

(b) other documents, such as information notes, reports, progress reports and reports on the state of discussions in the Council or one of its preparatory bodies which do not reflect individual positions of delegations, excluding Legal Service opinions and contributions.

Under Article 11(5) of Annex II to the Council's rules of procedure¹², '[t]he General Secretariat **shall** make legislative documents and the following documents available to the public, in addition to the documents referred to in paragraphs 3 and 4, as soon as they have been circulated:

(a) **cover notes and copies of letters concerning legislative acts** and acts referred to in Article 8(1) of the Rules of Procedure **addressed to the Council by other institutions or bodies of the European Union or, subject to Article 4(5) of Regulation (EC) No 1049/2001, by a Member State;**

(b) documents submitted to the Council which are listed under an item on its agenda included in the 'legislative deliberations' part or marked with the words 'public deliberation' or 'public debate' in accordance with Article 8 of the Rules of Procedure;

(c) notes submitted to Coreper and/or to the Council for approval ('I/A' and 'A' item notes) concerning draft legislative acts and acts referred to in Article 8(1)

¹⁰ Judgment of 4 September 2018, *ClientEarth v Commission*, C-57/16 P, EU:C:2018:660, §§ 76 to 78.

¹¹ Judgment of 5 March 2024 (Grand Chamber), C-588/21 P, *Public.Resource.Org et Right to Know / Commission e.a.*, C-588/21 P, § 66.

¹² Emphasis added.

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of the Rules of Procedure, as well as the draft legislative acts and acts referred to in Article 8(1) of the said Rules to which they refer;

(d) acts adopted by the Council during an ordinary or a special legislative procedure and joint texts approved by the Conciliation Committee under the ordinary legislative procedure'.

The documents concerned by the present confirmatory demand clearly falls within the categories of documents listed in article 11(4) and (5) of Annex II to the Council's rules of procedure:

- i. Document no. ST 8633 2025 INIT - 'I/A' ITEM NOTE falls within the scope of Article 11(5)(c) of Annex II to the Council's rules of procedure, as I/A item note related to draft legislative acts;
- ii. Documents ST 9134/25, ST 6886 2025 INIT, ST 6887 2025 INIT, ST 6889 2025 INIT are all draft legislative acts (under Article 11(5)(c) of Annex II to Council's rules of procedure), documents discussed within one of the Council's preparatory body, the COREPER (under Article 11(4)(b) of Annex II to Council's rules of procedure), or documents submitted by Coreper to the Council as part of legislative process relating to the adoption of legal binding acts under Article 11(5)(b) of Annex II to Council's rules of procedure;
- iii. Document no. 6344/25 ADD 1 falls within the scope of Article 11(5)(a) of Annex II to the Council's Rules of Procedure, as it contains statements issued by both an EU institution—namely the European Commission—and a Member State, specifically Greece. Pursuant to this provision, the Council is under a duty to make such documents public. Accordingly, the Commission's contribution must be disclosed without delay.

Insofar as the document includes statements made by Greece, the Council may seek the Member State's agreement in accordance with Article 4(5) of Regulation (EC) No 1049/2001.

However, should Greece fail to grant its consent, the Council remains bound to ensure partial disclosure of the document, redacting only those sections attributable to Greece. This approach is consistent with the principle of proportionality and the obligation to reconcile transparency with the protection of legitimate interests.

Therefore, disclosure would contribute to informed public debate without compromising the effectiveness of the sanctions. In this

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regard, there is public legitimate interest in understanding the considerations that shaped the final decision.

III. Duty to reassess and provide specific justification

The Council is under a legal obligation to reassess its initial refusal in light of new circumstances, which deprived of plausibility the justification provided with the Decision. This includes providing a concrete and individualised assessment of each document¹³, demonstrating how its disclosure would specifically and actually undermine the protected interests. A blanket refusal based on general concerns is insufficient under Regulation 1049/2001 and relevant jurisprudence mentioned above.

We therefore request that the Council conduct a fresh review of the documents and provide access to those which does not meet the criteria for non-disclosure.

In conclusion, we contend that the public interest raised cannot currently justify the blanket refusal of all documents referred to in the Request. We trust that the Council will give due consideration to this confirmatory application and uphold the principles of transparency, good administration and public access to documents, including draft legislative acts, enshrined in Articles 41 and 42 of the Charter.

We remain at your disposal should further clarification be required.

Yours sincerely,

[REDACTED]

¹³ Judgment of 16 July 2015, C-612/13 P, *ClientEarth v European Commission*, C:2015:486, §81; judgment of 21 July 2011, C-506/08 P, *Sweden v MyTravel and Commission*, C:2011:496, § 48, Judgment of 3 July 2014, *Council v in 't Veld*, C-350/12 P, C:2014:2039, § 48.

[REDACTED]