



Brussels, 5 December 2025
(OR. en, de)

16494/25

API 149
INF 249

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application No 34/c/01/25

Delegations will find attached:

- the request for access to documents sent to the General Secretariat of the Council on 11 November 2025 and registered on the same day (Annex 1);
- the reply from the General Secretariat of the Council dated 4 December 2025 (Annex 2);
- the confirmatory application dated 5 December 2025 and registered on the same day (Annex 3).

(The English translation of the annexes will follow.)

From: document-request@cis.consilium.europa.eu <document-request@cis.consilium.europa.eu>
Sent: Tuesday, November 11, 2025 11:48 AM
To: TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>
Subject: Consilium - Electronic Request for Access to documents [GERMAN]

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 GERMAN.

Title

DELETED

First name

DELETED

Surname

DELETED

Email

DELETED

Occupation

Media

I am submitting this request on my own behalf.

Name of the organisation

Full postal address

DELETED

Phone number

DELETED

Requested document(s)

Council documents related to the death of EU citizen József Sebestyén as a result of action taken by the Ukrainian authorities (see <https://ungarnheute.hu/news/zwangsrekrutierung-todesfolge-budapest-fordert-eu-sanktionen-59844/>) and the subsequent action taken by the EU institutions to clarify the circumstances, determine responsibilities and prevent further such incidents that may inflict similar suffering upon other EU citizens.

First choice

DE

Second choice

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.

This notification was sent from an unattended mailbox. Please do not reply.



Council of the European Union

General Secretariat

Directorate-General for Communication and Information – COMM

Information and Outreach Directorate

Information Services/Transparency

Head of Unit

Brussels, 4 December 2025

Mr **DELETED**
Email: **DELETED**

Ref.: 25/3402

Request made on: 11 November 2025
Time limit extended to: 2 December 2025

Dear Mr **DELETED**,

Thank you for your request for access to documents of the Council of the European Union¹.

Your request covers documents WK 10489/2025 INIT, WK 10489/2025 ADD 1, WK 10489/2025 ADD 2, WK 10490/2025 INIT, WK 10490/2025 ADD 1, WK 10490/2025 ADD 2, WK 10491/2025, WK 10491/2025 INIT, WK 10491/2025 ADD 1 and WK 10491/2025 ADD 2, as well as COREU messages CFSP/BUD/0018/25, CFSP/BUD/0019/25, CFSP/BUD/0020/25 and CFSP/SEC/0221/25.

The aforementioned WK documents all contain packages of evidence relating to prospective restrictive measures. COREU message CFSP/SEC/0221/25 contains a report on the meeting of the Working Party on Human Rights (COHOM) on 27 August 2025, while the other COREU messages mentioned contain proposals concerning individual natural persons with regard to restrictive measures against them.

¹ The General Secretariat of the Council has examined your request on the basis of 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).

As regards COREU message CFSP/SEC/0221/25, your request only covers agenda item three and the other agenda items have therefore not been examined.

I regret to inform you that access to the documents mentioned cannot be given for the reasons set out below.

Those documents contain sensitive information about natural persons against whom restrictive measures have been considered. Full disclosure of that information would undermine both the effectiveness of the relevant restrictive measures and the integrity and right of defence of the persons concerned, all the more so given that the restrictive measures in question have not yet been adopted. Disclosure of that information would therefore undermine the protection of the public interest as regards international relations and public security, as well as the protection of privacy and the integrity of the persons concerned. As a result, the General Secretariat is obliged to refuse access².

We have also looked into the possibility of releasing parts of the documents³. A short extract from agenda item three in COREU message CFSP/SEC/0221/25 is not covered by any exception and you may have access to it. However, as the exceptions to the right of access apply to the rest of the content of that agenda item, as well as to the entirety of the content of the other documents, the General Secretariat is not in a position to grant (further) 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 indicate the reasons.

Yours sincerely,

Fernando Florindo

(Enclosure)

² Article 4(1), point (a), first and third indents, and point (b) of Regulation (EC) No 1049/2001, as well as 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).

³ Article 4(6) of Regulation (EC) No 1049/2001.

From: **DELETED****Sent:** Friday, December 5, 2025 7:50 AM**To:** TRANSPARENCY Access to documents (COMM) <Access@consilium.europa.eu>**Cc:** **DELETED****Subject:** Re: our ref.: 25/3402 - Ares(2025)10714543

Dear Sir or Madam,

Thank you for processing my request and sending me part of the documents. In so far as the Council has refused access, I hereby request a review of the decision (confirmatory application). The refusal of access is largely unfounded. In particular, the Directorate-General does not state the reasons why protection of the persons concerned could not be achieved by simply removing their identity from the information to which access is granted, and by removing any other information that would permit third parties not in possession of any specific knowledge (unlike public authorities) to identify those concerned. In particular, it is not clear to what extent, for example, the sanctioning measures proposed by the Member State could enable the identification of the persons concerned. They are mostly formulated in rather general terms and, moreover, published, as is the case of, for example, the measures against third-country nationals and EU citizens under Council Decision (CFSP) 2024/2643 of 8 October 2024 (see <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02024D2643-20251007>).

As a general rule, EU sanctions are directed against persons who hold public office and who, as a result, enjoy little protection of their privacy due to their status as public figures, in particular where information relates to the exercise of the public functions and offices of the person concerned. In its statement of reasons, the Directorate-General does not explain whether the persons concerned are purely private individuals or persons who may have acted in the exercise of public offices or functions in a way that could justify the European Union's sanctions against them. In so far as the Directorate-General relies upon a restriction on the possible means of defence available to the persons concerned, it is not clear to what extent such means even exist or should exist for persons subject to sanctions as in the abovementioned Council Decision. As far as is known, those affected by such measures are not heard before such a decision is taken, nor are they otherwise given the opportunity to participate in any way in the proceedings leading to the decision imposing sanctions on them, nor are they subsequently granted any legal remedy against that decision. They are merely informed of the decisions, usually via publication in the Official Journal.

Against this background, the argument that the possibilities for defence would be restricted does not appear to be tenable. Furthermore, the letter containing the decision of the Directorate-General does not list any documents that might be addressed to the persons concerned or their legal representatives. Their participation or even opportunities to defend themselves against the allegations made do not appear to have been considered at all. The letter merely states that the requesting Member State has submitted evidence, but does not mention that the persons concerned were given the opportunity to comment on this evidence.

In so far as the Directorate-General mentions the protection of international relations, this is done in an entirely general and unsubstantiated manner. There is no indication whatsoever as to which specific relations with which third country could be significantly undermined by the disclosure of which information from the document. However, substantiated evidence of this ought to be offered.

If I understand correctly, the file contains documents originating from a Member State. However, there is no mention of whether the necessary consultation with the competent authorities of that Member State was carried out and with what result. Has the Member State agreed to grant access to its documents or not?

As regards any correspondence with the Member State concerned regarding access to the documents, I hereby request access to that correspondence. This is an initial application for these documents.

I would like to express my sincere thanks to all members of the Council's staff involved in examining and processing my applications and requests for access to Council documents and I remain at your disposal should you have any further questions.

(Complimentary close)

DELETED