



Brussels, 2 September 2026
(OR. en)

12638/26

API 167
INF 237

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Public access to documents - Confirmatory application N° 44/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 13 July 2026 and registered on 14 July 2026 (Annex 1);
- the reply from the General Secretariat of the Council dated 31 August 2026 (Annex 2);
- the confirmatory application dated 31 August 2026 and registered on 1 September 2026 (Annex 3).

From: document-request@cis.consilium.europa.eu
To: [TRANSPARENCY Access to documents \(COMM\)](#)
Subject: Consilium - Electronic Request for Access to documents [ENGLISH]
Date: lundi 13 juillet 2026 18:11:09

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

■

First name

■

Family name

■

E-mail

■

Occupation

I submit this request on my own behalf.

Name of the organisation

Full postal address

Telephone

■

Requested document(s)

I request public access, under Regulation (EC) No 1049/2001, to the following documents concerning the continued inclusion of the Popular Front for the Liberation of Palestine (PFLP) on the EU terrorist list:

1. The most recent statement of reasons for maintaining the PFLP on the EU terrorist list.
2. Documents containing the factual and legal assessment made during the most recent review of whether the grounds for maintaining the PFLP on the list remained valid, including the review leading to Council Decision (CFSP) 2026/455 and Council Regulation (EU) 2026/456.
3. Documents identifying the decision or decisions of a competent national authority currently relied upon as the basis for maintaining the PFLP's listing.
4. Any proposals, assessments, working-party documents, notes or records of decision specifically concerning the PFLP that were prepared, circulated or considered as part of the most recent review of the list.
5. Any publicly releasable documents containing information about recent acts, activities or circumstances relied upon to justify the continued listing of the PFLP, rather than only its historical activities.

If full access to any document cannot be granted, I request partial access and a redacted version under Article 4(6) of Regulation (EC) No 1049/2001.

For any document withheld in full or in part, please identify the document as

precisely as possible and state the applicable legal exception. If this request is considered too broad, please assist me in identifying or narrowing it to the relevant documents.

1st option

EN

2nd option

DA

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

Brussels, 31 August 2026

E-mail: [REDACTED]

Ref. 26/2618

Request made on: 13.07.2026

Registered on: 14.07.2026

Deadline extension: 05.08.2026

Dear [REDACTED],

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

We have identified relevant documents as follows:

"The most recent statement of reasons for maintaining the PFLP on the EU terrorist list": document 11040/26

"Documents containing the factual and legal assessment made during the most recent review of whether the grounds for maintaining the PFLP on the list remained valid, including the review leading to Council Decision (CFSP) 2026/455 and Council Regulation (EU) 2026/456": The assessments are contained in the adopted legal acts, the most recent one being [Council Decision \(CFSP\) 2026/1882](#).

"Documents identifying the decision or decisions of a competent national authority currently relied upon as the basis for maintaining the PFLP's listing": document 11040/26

"Any proposals, assessments, working-party documents, notes or records of decision specifically concerning the PFLP that were prepared, circulated or considered as part of the most recent review of the list": document 11040/26

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).

"Any [...] documents containing information about recent acts, activities or circumstances relied upon to justify the continued listing of the PFLP, rather than only its historical activities": document 11040/26

Document **11040/26** is a note of 16 July 2026 from the General Secretariat of the Council (GSC) to delegations, with the subject *Council Decision (CFSP) 2026/455 on restrictive measures to combat terrorism – statements of reasons*.

It contains statements of reasons for numerous persons and entities subject to review. For each person or entity, the statement contains subsections identifying the person or entity, any competent authority decision (such decision being reproduced), a conclusion (based on the competent authority decision), elements militating towards a delisting and a final conclusion. It thus regroups the different elements you have requested access to.

While listed persons and entities can obtain the specific statement of reasons concerning them in order to safeguard their rights of defence, public release of those statements would affect the serenity and effectiveness of the process and therefore of future restrictive measures to be taken, as well as the robustness of the application of measures adopted. It would furthermore affect the EU's relations with third parties whose authorities' decisions are referred to or reproduced in the document. Disclosure of this information would therefore undermine the protection of the public interest as regards public security and international relations.²

Furthermore, this document also contains sensitive personal data relating to the individual concerned.

Data protection rules at EU level³ 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 that data and the legitimate right of data subjects to the protection of their personal data. After carefully considering all the principles related to this request, on balance the General Secretariat has concluded that disclosure of the personal data contained in the document would undermine the protection of privacy and the integrity of the identified individuals.

Disclosure of this document would therefore also undermine the protection of personal data. As a consequence, the General Secretariat has to refuse access to the document for this reason as well.⁴

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

³ 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.

⁴ Article 4(1)(b) of Regulation (EC) No 1049/2001.

We have also looked into the possibility of releasing parts of the document⁵. However, at least the exceptions concerning international relations and public security cover its entire content, and the General Secretariat is therefore also unable to give partial access to it.

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

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

From: [REDACTED]
To: [TRANSPARENCY Access to documents \(COMM\)](#)
Subject: Re: Ref. 26/2618
Date: lundi 31 août 2026 19:18:45
Attachments: [image001.jpg](#)

Dear Sir or Madam,

I refer to the decision of 31 August 2026 concerning my request for access to documents, reference 26/2618.

Pursuant to Article 7(2) of Regulation (EC) No 1049/2001, I hereby submit a confirmatory application and ask the Council to review the refusal of access, including the refusal of partial access, to document 11040/26.

I appreciate that document 11040/26 contains statements of reasons concerning numerous listed persons and entities and that some information contained in the document may legitimately require protection.

However, my request concerns specifically the Popular Front for the Liberation of Palestine (PFLP), rather than the statements of reasons relating to all persons and entities contained in document 11040/26.

The Council's reply confirms that the relevant section contains, inter alia:

- the competent authority decision relied upon;
- a conclusion based on that decision;
- elements militating towards a delisting;
- a final conclusion; and
- information concerning recent acts, activities or circumstances relied upon in connection with the continued listing.

I therefore respectfully request that the Council reconsider whether at least partial access can be provided to the PFLP-specific portion of document 11040/26.

In particular, I ask the Council to consider whether access could be granted after redacting any information whose disclosure would specifically and actually undermine public security, international relations, privacy or the protection of personal data.

I would also ask the Council to reconsider whether the exceptions relied upon necessarily cover every element of the PFLP-specific statement of reasons. For example, it is not apparent from the decision why disclosure of all of the following would necessarily undermine the interests protected by Article 4(1):

1. The identity, date or general nature of the competent authority decision currently relied upon, insofar as that information is not itself confidential.
2. Non-sensitive factual elements concerning the reasons for maintaining the PFLP on the list.
3. The general nature and dates of recent acts, activities or circumstances relied upon,

with operationally sensitive information removed where necessary.

4. Non-sensitive portions of the section concerning elements militating towards a delisting.
5. Any other portions of the PFLP-specific statement of reasons capable of being disclosed following appropriate redaction.

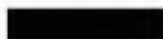
I further note that the privacy concerns identified in the initial decision appear partly to arise from the fact that document 11040/26 contains statements concerning numerous individuals and entities. My request does not seek access to personal data concerning unrelated listed persons. I therefore ask that the possibility of extracting or severing the PFLP-specific section be considered independently.

If the Council maintains that no part whatsoever of the PFLP-specific material can be disclosed, I respectfully request a more detailed explanation as to why the risks to public security and/or international relations apply to the entirety of that material and why further redaction or severance under Article 4(6) would not be possible.

My purpose remains to understand the contemporary factual and legal basis for the continued listing of the PFLP, rather than merely its historical activities.

I therefore respectfully request the widest possible partial access to the requested material.

Kind regards,



(Signature of the requester)
