

Letter from the European Ombudsman to the Council of the European Union on how it ensures transparency of the process leading to the adoption of sanctions

Correspondence - 05/07/2022

Case SI/3/2022/LDS - **Opened on** 03/06/2022 - **Decision on** 15/02/2023 - **Institution concerned** Council of the European Union |

General Secretariat

Council of the European Union

1048 BRUSSELS

BELGIQUE

Dear Madam, dear Sir,

I take note of the Council's request for an extension of the timeline to reply to my letter in the above strategic initiative, and I am now expecting the Council's reply by 30 September 2022.

In the meantime, we have had the opportunity to look further into the nature of the documents subject to this initiative and, in particular, of those mentioned in my letter of 3 June. While I had stated that the Council decisions and regulations in question are not EU legislative acts as such, I acknowledge that documents drawn up or received in the process of adopting restrictive measures are not 'legislative documents' within the meaning of Regulation 1049/2001. This position takes into account the particular rules and procedures the *Common Foreign and Security Policy* is subject to, and the fact that the Treaties explicitly exclude the adoption of legislative acts in that area.

This, of course, has no bearing on the importance of the documents in question and that the public should - to the fullest extent possible - be able to trace the decision-making process and to understand how the final decision came about.

I am looking forward to the Council's reply on the possibility of a wider proactive disclosure on



this matter of major public interest.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 05/07/2022