



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL
MARKETS UNION

The Director-General

Mr Peter TEFFER
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Brussels,
Fisma.a.2(2022)7195017

Subject: Your application for access to documents – GESTDEM 2022/4831

Dear Mr Teffer,

We refer to your e-mail sent on 26 August 2022 in which you make a request for access to documents, registered on the same date under the above mentioned reference number, in which you ask for:

“All documents - including but not limited to minutes, (hand-written) notes, audio recordings, verbatim reports, operational conclusions, lines to take, briefings, e-mails, letters, and presentations - related to the following meetings:

- *25-03-2020 John Berrigan (Director-General) Ernst & Young Core Business Services BV;*
- *18-12-2020 Florian Denis (Cabinet member), Katherine Power (Cabinet member) Ernst & Young Core Business Services BV;*
- *11-01-2021 John Berrigan (Director-General) Deloitte Services & Investments;*
- *11-11-2021 John Berrigan (Director-General) Ernst & Young Core Business Services BV.”*

The Commission services have identified the documents listed in the attached annex.

We would like to inform you that according to Article 4(1)(b) of Regulation (EC) No 1049/2001, personal data have been redacted in all the identified documents to protect the privacy and the integrity of the individuals involved in accordance with Community legislation regarding the protection of personal data.

Please note that Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward arguments to establish the necessity to have the data

transmitted for a specific purpose in the public interest.

Consequently, we conclude that pursuant to the combined provision of the Articles and Regulations quoted above, access cannot be granted to the personal data contained in the requested documents.

Furthermore, some of these documents either directly originate or have content which originates from a third party. This third party has been consulted in accordance with Article 4(4) of Regulation 1049/2001 with a view to assessing whether an exception provided for in Article 4 of that Regulation is applicable. The originator has objected to the disclosure of the full text of documents 1, 2 and 8 based on Article 4(2) first indent of Regulation 1049/2001 as they contain commercially-sensitive information which could seriously damage their position on the market if it were disclosed. This information has been redacted. Full access is granted to document number 4.

The exception mentioned above and related to article 4(2) first indent applies unless there is an overriding public interest in disclosure of these documents. You make no mention of such an interest in your request and we have not been able to identify it and for this reason full access to documents 1, 2 and 8 is prevented.

Finally, please note that documents 3, 5, 7 and 8 were drawn up for internal use under the responsibility of the relevant member of staff. They solely reflect the authors' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which were not consulted on their content. They do not reflect the position of the Commission and cannot be quoted as such.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Electronically signed
John BERRIGAN

Enclosure: List of documents and 8 documents