



EUROPEAN COMMISSION
DIRECTORATE GENERAL
ECONOMIC AND FINANCIAL AFFAIRS
Director General

Brussels

Thomas Rowley
ask+request-7632-2395b0e1@asktheeu.org

Subject: Your application for access to documents
Ref GestDem No 2020/2879

Dear Mr Rowley,

We refer to your request for access to documents, registered under the above-mentioned reference number. You requested documents containing information related to Lydian International's Amulsar gold mine in Armenia held, created or received by Directorate General Economic and Financial Affairs (DG ECFIN) in 2016 and 2017.

After a search in DG ECFIN filing systems, document management databases and archives, DG ECFIN has identified the following documents:

1. EBRD project document ("Memorandum - Armenia: Lydian (Amulsar Gold Mine) – Extension").
2. Summary Record of the EBRD Board Meeting of 19-20 July 2016.
3. Email from DG ECFIN to the Office of the EBRD Board Director for the European Union, dated 14 July 2016 ("DG ECFIN Comments_EBRD Armenia - Lydian (Amulsar Gold Mine) _ Extension").

Concerning the documents described at point 1 and 2 above, having examined the documents under the provisions of Regulation (EC) No 1049/2001¹ regarding public access to documents, I regret to inform you that your request cannot be granted as disclosure is prevented by exceptions to the right of access laid down in article 4 of the Regulation.

We consider that the refusal to disclose documents 1 and 2 is justified under the following clauses of Article 4 of Regulation (EC) No 1049/2001 related to exceptions for access to documents:

- Article 4(1)(a), 3rd indent, protection of the public interest as regards international relations.

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (hereafter the "Regulation").

- Article 4(2), first indent, protection of commercial interests of a natural or legal person.
- Article 4(1)(b), protection of privacy and the integrity of the individual.

The document 1. EBRD project document “Memorandum - Armenia: Lydian (Amulsar Gold Mine) – Extension” is originated from a third party (the European Bank for Reconstruction and Development, “EBRD”) and contains commercially confidential information. According to the EBRD Access to Information Policy², documents approved by the Board of Directors are subject to exceptions to disclosure.

The document 2. “Summary Record of the EBRD Board Meeting of 19-20 July 2016” represents a summary record of the proceedings of the EBRD Board of Directors. According to the EBRD Rules of Procedure of the Board of Directors³, the summary records of the proceedings of the Board are confidential.

Disclosure of these documents would breach rules in place and undermine our relations with a third party, which is in the case at hand an international institution.

I am pleased to inform you that partial access has been granted to the document described at point 3 above (in attachment to this letter). As regards the redacted parts of the document requested, they have to be protected under the exception of Article 4(1)(a), 3rd indent, protection of the public interest as regards international relations and Article 4(1)(b) (protection of privacy and the integrity of the individual) of Regulation (EC) No 1049/2001.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make 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 Secretary-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

(e-signed)

Maarten Verwey

² <https://www.ebrd.com/documents/strategy-and-policy-coordination/access-to-information-policy.pdf?blobnocache=true>

³ <https://www.ebrd.com/news/publications/institutional-documents/basic-documents-of-the-ebrd.html>