



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

The Director-General

Brussels,
FISMA.E.5/AS/8058987

Dear Mr Soesanto,

**Subject: Your application for access to documents
– Ref GestDem No 2020/6931**

We refer to your e-mail dated 11 November 2020 in which you make a request for access to documents, registered on 13 November 2020 under the above mentioned reference number.

Your request for public access to documents was worded as follows:

“In the context of Council Decision (CFSP) 2019/797, concerning restrictive measures against cyber-attacks threatening the Union or its Member States, I am seeking all information in regard to:

- (1) The number of attempted asset freezes by the member states pertaining to the legal persons, entities and bodies as set out in Annex I of Council Regulation (EU) 2019/796.
- (2) The number of successful assets frozen by the member states pertaining to the legal persons, entities and bodies as set out in Annex I of Council Regulation (EU) 2019/796.
- (3) The combined value of assets frozen by the member states pertaining to the legal persons, entities and bodies set as out in Annex I of Council Regulation (EU) 2019/796.”

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As specified in Article 2(3) of Regulation 1049/2001¹, the right of access as defined in that regulation applies only to existing documents, *i.e.* documents drawn up by the institution or in its possession.

We regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application.

Council Regulation (EU) 2019/796 concerning restrictive measures against cyber-attacks threatening the Union or its Member States was published on 17 May 2019.² The list at Annex I was then left blank. Subsequently, the Council approved three Implementing Regulations³ adding 8 natural persons and 4 legal persons, entities or bodies to that list and thereby requiring that their funds and economic resources be frozen.

Article 8(1)(a) of Council Regulation (EU) 2019/796 provides:

“1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 3(1), to the competent authority of the Member State where they are resident or located, and transmit such information, directly or through the Member State, to the Commission”.

The Commission has not received information referred to in Article 8(1)(a), directly from any natural or legal person, entity or body that is required to apply the freezing measure⁴. Nor does it have sufficient information from Member States to provide a more or less reliable overall value of the funds and economic resources frozen in the EU pursuant to Regulation (EU) 2019/796.

Given that the Commission holds no documents corresponding to the description given in your application, the Commission is not in a position to fulfil your request.

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 Secretariat-General of the Commission at the following address:

European Commission

Secretariat-General

Transparency, Document Management & Access to Documents (SG.C.1)

BERL 7/076

¹ OJ L 145, 31.5.2001, p. 43.

² OJ L 129 I, 17.5.2019, p. 1.

³ Council Implementing Regulations (EU) 2020/1125 (OJ L 246, 30.7.2020, p. 4), 2020/1536 (OJ L 351 I, 22.10.2020, p. 1) and 2020/1744 (OJ L 393, 23.11.2020, p. 1).

⁴ See in this regard Article 18 of Regulation (EU) 2019/796.

B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

(e-signed)

John BERRIGAN