



EUROPEAN COMMISSION

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

General Affairs

Policy planning and implementation, inter-institutional relations

Brussels,
FISMA.A.2/BBM/

Ms Christiana MAURO
Dohány u. 20.IV.26
Budapest 1077
HUNGARY

By e-mail only : CM.M@gmx.de

Dear Ms Mauro,

Subject: Your application for access to documents – GESTDEM 2021/2359

We refer to your e-mail of 15 April 2021, in which you make a request for access to documents, registered on the same day under the reference number Ares(2021)2557554.

Further to your correspondence on 27 April requiring that your postal address not be published in AsktheEU.org, you confirmed your preference to receive the correspondence from the Commission in your private e-mail address on 17 May. We are therefore sending our reply to your private e-mail address as requested. You remain responsible for informing AsktheEU.org, if requested, of the change of e-mail address for correspondence with the Commission.

You request access to the response to GESTDEM 2020/6883 request first submitted via AsktheEU.org on October 26, 2020, as well as a list of meetings between DG FISMA officials/representatives and all interest representatives between 26 October 2020 and 15 April 2021. You specified your request indicating that you “*would like the list to include the following information: name and job title of the European Commission officials that were present (e.g. head of unit, etc.); names of interest representatives (company/organisation name) present at the meeting; names of the lobbyist(s) present, the sector they represented (business, NGOs, academia, think tanks as per categories of EU Transparency Register if they are registered), including companies, consultancies and law firms, trade/business/professional associations, think tanks and NGOs*”.

The two lists matching the description of your request are in the attached document. As regards the last set of information you asked for (the sector as per categories of EU Transparency Register), the Commission unfortunately does not have that information under a single document nor on a single database from which a single list could be

extracted. According to settled case-law of the European Court of Justice, the Commission is not obliged to create a new document for the purposes of replying to an access to documents request. Given that the information in the Transparency Register is public, we invite you to check on it the categories of the interest representatives provided in the attached document.

Please note that meetings were held remotely from 16 March 2020 onwards.

A complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the names and professional positions which would lead to the identification of individuals.

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 put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

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 faithfully,

e-signed
Dorota Kalina ZALIWSKA
Head of Unit

Attachments: Annex I (list disclosed under GestDem 2020/2883), Annex II (meetings between 26 October 2020 and 15 April 2021).