



EUROPEAN COMMISSION

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

The Director-General

Brussels

FISMA.D.2/GH/(2021)/61628

Mrs. Bijl Esther
25 avenue Molière
B-1190 Brussels

Advance copy by e-mail:

e.j.s.bijl@gmail.com

Subject: Your application for access to documents – GESTDEM 2021/4725

Dear Mrs. Bijl,

We refer to your request for access to documents, registered on 24/07/2021 under the above-mentioned reference numbers in the GestDem database.

Please note that due to the wide scope of your request covering also areas falling under the responsibility of other Directorates-General, parts of your request have been attributed to other Directorates-General. This reply relates only to the documents held by DG FISMA. You have received (will receive) the replies from the other respective Directorates-General in due course.

In your request, you request access to:

1- A list of all internal meetings at DG FISMA that took place between 15 July 2019 and 15 July 2021 on the issue of the risk assessments carried out to identify high-risk third countries in the context of the EU's anti-money laundering and countering the financing of terrorism (AML/CFT) rules, and specifically those meetings in which the United Arab Emirates (UAE) were mentioned and/or discussed in this context.

According to Article 2(3) of Regulation 1049/2001 'This Regulation shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union'. Article 10(3) of the above-mentioned regulation provides that 'Documents shall be supplied in an existing version and format [...]'. In accordance with these provisions and settled case law, the European Commission is not obliged to create a document for which it has been asked to grant access but which does not exist.

Given that the list you requested in your application is not held by my services, DG FISMA is not in a position to fulfil your request under the provisions of Regulation

(EC) No 1049/2001 to provide you with a list of all internal meetings at DG FISMA that took place between 15 July 2019 and 15 July 2021 on the issue of the risk assessments carried out to identify high-risk third countries in the context of the EU's anti-money laundering and countering the financing of terrorism (AML/CFT) rules, and specifically those meetings in which the United Arab Emirates (UAE) were mentioned and/or discussed in this context.

2- Agendas, minutes, reports and other documentation of these meetings

Given that my services do not hold any agenda, minutes, reports and other documentation related to any internal meetings you requested in your application, DG FISMA is not in a position to fulfil your request under the provisions of Regulation (EC) No 1049/2001 to provide you with agendas, minutes, reports and other documentation of these meetings.

3-You also request the transmission of all correspondence that took place within DG FISMA between 15 July 2019 and 15 July 2021 which mentions the UAE in the context of the risk assessments carried out to identify high-risk third countries in the context of the EU's anti-money laundering and countering the financing of terrorism (AML/CFT) rules and/or related to the identification and listing of high-risk third countries. This could include, but is not limited to, e-mails, text messages, basis documents, memos or drafts.

The documents falling within the scope of your request are the documents identified in the reply to your other request registered under the reference GESTDEM 2021/4726. Please refer to my reply to this request for more details.

My services do not hold any other internal correspondence falling in the scope of your application.

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,

Electronically signed

John BERRIGAN