Dear Ms Haar,

Subject: Your application for access to documents – Ref GestDem No 2017/3530

We refer to your e-mail dated 12/06/2017 in which you make a request for access to documents, registered on 12/06/2017 under the above mentioned reference number.

You request access to:

(1) Minutes of meetings between representatives for financial companies AND respectively the Commissioner for financial services and his cabinet, the chief negotiator and his staff, the President of the Commission and his cabinet on the topic of the Brexit negotiations.

(2) Any written communication, including emails, between representatives for financial companies AND respectively the Commissioner for financial services and his cabinet, the chief negotiator and his staff, the President of the Commission and his cabinet on the topic of the Brexit negotiations.

You specified that your request covers communication in 2017, so we consider your request to cover documents from 01/01/2017 until the date of your initial application (12/06/2017 including).

Our answer concerns only the Chief Negotiator and the members of the Task Force on Article 50 negotiations with the United Kingdom.
The European Commission adopted a tailor-made approach to transparency for the Article 50 negotiations with the United Kingdom, which is explained on our webpage:


A list of meetings held by the Chief Negotiator Michel Barnier can be found on the following webpage:

http://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=fa02e4e1-d738-413e-8b4e-ed8381a90c86

In addition, as explained on our webpage, members of the Task Force are available to meet with stakeholders in order to listen and gather evidence on the social, economic and financial impact of the UK's withdrawal. The Task Force only accepts meeting requests from organisations or individuals that are in the Transparency Register.

Please find enclosed a list of the meetings held by the members of the Task Force with the representatives of financial companies (from 01/01/2017 until 12/06/2017 including).

During all of these meetings the Commission's representatives were in listening mode and took note of the stakeholders' concerns related to the withdrawal of the UK from the European Union.

The minutes of all these meetings reflect the fact that the Commission took note of the information that was shared by the stakeholders. They also include the opinions and evidence raised by the third parties, which represents know-how and commercial data of the organisations. Their disclosure is therefore prevented by the exception to the right of access laid down in Article 4 (2) first indent of Regulation (EC) No 1049/2001.

With reference to your request for any written communication, including e-mails, please find enclosed the e-mail correspondence with some organisations. The majority of meetings was arranged by phone. We could disclose only the e-mails sent by the members of the Task Force. The personal names have been blanked out in accordance with the Union legislation regarding the protection of personal data.

The disclosure of the e-mails sent by the third parties is prevented by the exception to the right of access laid down in Article 4 (2) first indent of Regulation (EC) No 1049/2001. Indeed, the organisations' e-mails contain a specific clause at the end:

"This message, including any attachments, may contain confidential and privileged material; any form of reproduction, dissemination, copying, disclosure, modification, distribution and/or publication of this message is strictly prohibited."

"This email may be confidential. Any distribution, use or copying of this email or the information it contains by anyone other than the intended recipient is unauthorized..."

"This message and any attachments are confidential, intended solely for the addresses, and may contain legally privileged information. Any unauthorized use or dissemination is prohibited."

"This message may contain confidential and/or privileged material. If you are not the intended recipient, please inform the sender and delete the message from your system. Any unauthorised disclosure, use or dissemination of this message, either in whole or in part, is prohibited."
In some cases stakeholders shared draft papers during the meetings with the Commission and they have published their final versions on their respective websites. In cases where stakeholders decided not to publish their papers but only share them with the Commission, their disclosure is prevented by the exception to the right of access laid down in Article 4 (2) first indent of Regulation (EC) No 1049/2001, because they contain commercial data and analysis of legal persons, including intellectual property.

All Commission's position papers which have been shared with the EU Member States and the EU institutions have been published on the webpage:


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In accordance with Article 7(2) of Regulation 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  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/282  
B-1049 Bruxelles  
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Sabine Weyand