



EUROPEAN COMMISSION

Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 of the TEU

Brussels, **18 05 18**
TF50(2018) 2852231

Kenneth Haar
Overgaden oven Vandet 12
1415 Copenhagen
Denmark

E-mail:
[ask+request-5340-
66ea3a36@asktheeu.org](mailto:ask+request-5340-66ea3a36@asktheeu.org)

Subject: Your application for access to documents – Ref GestDem No 2018/1923

Dear Mr Haar,

We refer to your e-mail dated 04/04/2018 registered on the same day under the above mentioned reference number, by which you make a request pursuant to Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹.

You requested access to:

- *A list of meetings between representatives for financial companies and/or associations representing financial companies AND members of the Task Force on Article 50 negotiations with the UK, including the chief negotiator and his staff,*
- *Minutes of meetings between representatives for financial companies and/or associations representing financial companies AND members of the Task Force on Article 50 negotiations with the UK, including the chief negotiator and his staff,*
- *Any written communication, including emails, between representatives for financial companies and/or associations representing financial companies AND members of the Task Force on Article 50 negotiations with the UK, including the chief negotiator and his staff.*

You specified that you requested documents since 14 June 2017, so we consider your request to cover documents from 14/06/2017 until the date of your initial application (04/04/2018).

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-ed8381a90e86>

¹ Official Journal L145 of 31.05.2001, p.43.

Please find enclosed a **list of the meetings held by the members of the Task Force with the representatives of financial organisations** (from 14/06/2017 until 04/04/2018).

In relation to your request for **the written communication, including emails**, partial access to these documents can be granted, subject to the redaction of information falling within the scope of Article 4(2) first indent of Regulation No 1049/2001 (protection of commercial interests), Article 4(1)(a), third indent of Regulation No 1049/2001 (protection of the public interest as regards international relations), and Article 4(1)(b) of Regulation No 1049/2001 (protection of privacy and the integrity of the individual), as explained in the corresponding sections below.

After a detailed examination of **the minutes of these meetings**, we concluded that no meaningful partial access to the minutes can be provided following the necessary redaction of parts which are protected by Article 4(2) first indent of Regulation No 1049/2001 (protection of commercial interests), Article 4(1)(a), third indent of Regulation No 1049/2001 (protection of the public interest as regards international relations), and Article 4(1)(b) of Regulation No 1049/2001 (protection of privacy and the integrity of the individual), as explained in the corresponding sections below.

Protection of commercial interests of a natural or legal person

Article 4(2) first indent of Regulation No 1049/2001 provides that "[t]he institutions shall refuse access to a document where disclosure would undermine the protection of (...) commercial interests of a natural or legal person, including intellectual property (...) unless there is an overriding public interest in disclosure".

The requested documents contain views, concerns and evidence raised by third parties, which represent know how and commercial data. The organisations shared this commercially sensitive information with the European Commission on a confidential basis. Its public release would damage these organisations' commercial interests, as it would put in the public domain confidential information, thereby harming their position on the market.

Article 339 of the Treaty on the Functioning of the European Union requires members of the staff of the EU institutions to refrain from disclosing "*information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their costs components*".

Protection of the public interest as regards international relations

Article 4(1)(a), third indent of Regulation 1049/2001 provides that "[t]he institutions shall refuse access to a document where disclosure would undermine the protection of (...) the public interest as regards (...) international relations (...)."

The meetings with stakeholders took place in the context of the negotiations on an international agreement on the United Kingdom's withdrawal from the European Union. In these meetings with stakeholders the European Commission gathers evidence on the impact of the UK's withdrawal from the EU, which is relevant for its international negotiations with the United Kingdom. Against this background, if information submitted by European stakeholders to the European Commission would be released, there would be a clear and non-hypothetical risk that European stakeholders would not

provide similar information to the European Commission in the future. This means that the European Commission would be deprived of the possibility to obtain relevant information allowing it to objectively assess its negotiating options. The negotiation power of the European Commission would consequently be affected and its position in the negotiations weakened, which in turn would damage the protection of the public interest as regards international relations.

Protection of privacy and the integrity of the individual

In addition, the requested documents contain personal data, which are protected by Regulation No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Article 4(1)(b) of Regulation 1049/2001 provides that "[t]he institutions shall refuse access to a document where disclosure would undermine the protection of (...) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data."

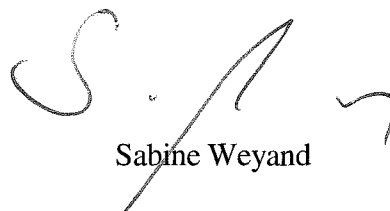
All the documents contain names and other personal information that allows the identification of natural persons. In your request you have not established the necessity of having these personal data transferred to you. Moreover, it cannot be assumed, on the basis of the information available, that disclosure of such personal data would not prejudice the legitimate interests of the persons concerned. Therefore, these personal data shall remain undisclosed in order to ensure the protection of the privacy and integrity of the individuals concerned.

In accordance with Article 7(2) of Regulation 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
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