



EUROPEAN COMMISSION

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

General Affairs

Policy planning and implementation, inter-institutional relations

Brussels, 19/02/2019

FISMA.A.2/DB/ah/ARES/s. 1047675

Mr Edward Collins
40 Bermonsey Street
London
United Kingdom

By registered letter with
acknowledgement of receipt

Advanced copy per e-mail

Subject: Your request for access to documents (our ref. GESTDEM: 2018/6726)

Dear Mr Collins,

Thank you for your e-mail dated 13 December 2018, in which you make a request for access to documents, registered under the above mentioned reference number.

Please accept our apologies for the time taken in answering your access to documents request which concerned the following information:

1. All correspondence, including emails sent and received, since 01/01/2018 between the Commissioner for Financial Stability, Financial Services and Capital Markets Union Valdis Dombrovskis, his cabinet, his officials, any other representatives of DG FISMA, and representatives from Royal Dutch Shell.

2. All documentation (including but not limited to all email correspondence, attendance lists, agendas, background papers, and minutes/notes) relating to the meeting between Royal Dutch Shell and Jan Ceyskens, Cabinet member of Valdis Dombrovskis on 22/11/2018."

After a search, only 2 documents of correspondence have been identified as falling within the scope of your request: the letter from ERT dated 20 July 2018 and the exchange of e-mails between 6 and 28 September 2018. It was ERT who had requested a meeting on behalf of several companies, including the Shell Companies.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be partially disclosed.

Some parts of the documents have been blanked out for data protection reasons as their disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation. Some of the documents to which you request access contain personal data, in particular names, contact details, hand-written signatures. Personal data can only be transmitted under specific exceptional conditions, including if *'[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest.'*

According to Article 9(1)(b) of Regulation 2018/1725, the European Commission also only has to examine the further conditions for a lawful processing of personal data if the recipient has established that it is necessary to have the data transmitted for a specific purpose in the public interest. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Notwithstanding the above, please note that there are reasons to assume that the legitimate interests of the data subjects concerned would be prejudiced by disclosure of the personal data reflected in the documents.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation 1049/2001, access cannot be granted to the personal data, 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.

Should you disagree with the assessment that the redacted data are personal data which can only be disclosed if such disclosure is legitimate under the applicable rules on the protection of personal data, you are entitled, in accordance with Article 7(2) of Regulation 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 Bruxelles, or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Dorota Kalina ZALIWSKA

Head of Unit

Enclosures: 2 documents (letter from ERT of 20 July 2018 and exchange of correspondence between 6-28 September 2018)