



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

Director General

Brussels, 9 June 2021

FISMA.B.4/GSV/av  
*fisma.ddg.b.4(2021)4225369*

**Subject: Your request for access to documents (ref GESTDEM 2021/2133)**

Dear Ms Eberhardt,

Thank you for your e-mail of 7 April 2021, requesting access to documents under Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

Your request is as follows:

*“Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:*

*1) minutes and other notes from lobby meetings (including online meetings) held by DG FISMA since 1 January 2021, in which intra-EU investment protection (after the termination of EU member states' intra-EU investment treaties) has been discussed;*

*2) all correspondence between DG FISMA and lobby groups, in which intra-EU investment protection (after the termination of EU member states' intra-EU investment treaties) has been discussed (since 1 January 2021);*

*3) minutes and other notes from the stakeholder workshops on intra-EU investment/investment protection, which DG Fisma organised on 17 December 2018 and 3 December 2019, plus correspondence related to the workshops.*

As per your agreement given by email dated 3 May 2021, we disclose one standard letter of invitation and thank you letter per category of stakeholder, where available, for the 2018 and 2019 workshops.

After a search, forty-six documents have been identified as falling within the scope of your application (see references below<sup>1</sup>).

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<sup>1</sup> References: Ares(2021)863564; Ares(2021)3669030; Ares(2021)3669022; Ares(2021)3457445;  
Ares(2021)3683834; Ares(2021)3066160; Ares(2021)3723906; Ares(2018)5556817;  
Ares(2018)5556817; Ares(2018)5626116; Ares(2018)5556817; Ares(2018)5556817;

Ms Pia Eberhardt

[ask+request-9291-b403a07a@asktheeu.org](mailto:ask+request-9291-b403a07a@asktheeu.org)

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 four documents can be fully disclosed, two of which are publicly available online.

Having examined the remaining forty-two documents (see reference below<sup>2</sup>) requested which are not public under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that they may be only partially disclosed as they contain personal data, in particular names and contact details. Therefore, some parts of the documents have been blanked out and their disclosure is prevented by exception to the right of access laid down in Article 4 of this Regulation, for data protection reasons.

Personal data can only be transmitted under specific exceptional conditions, including if *'the 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 to deny access to one document request and/or 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,

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Ares(2018)5556817; Ares(2018)5556817; Ares(2018)5556817; Ares(2018)5556817;  
Ares(2018)5556817; Ares(2021)3723906; Ares(2021)3688801; Ares(2018)5626116;  
Ares(2021)3723906; Ares(2021)3688801; Ares(2021)3723906; Ares(2019)562042;  
Ares(2019)562042; Ares(2019)562042; Ares(2019)562042; Ares(2021)3724687; Ares(2021)3066240;  
Ares(2021)3683808; Ares(2021)3066273; Ares(2021)3691049; Ares(2021)3697277;  
Ares(2021)3691049; Ares(2019)7816713; Ares(2019)7816713; Ares(2019)7816713;  
Ares(2019)7816713; Ares(2019)7816713; Ares(2019)7816713; Ares(2019)7816713;  
Ares(2019)7816713; Ares(2021)3724687; Ares(2021)3690483; Ares(2021)3724687;  
Ares(2021)3717401; Ares(2019)8644715;

<sup>2</sup> References: Ares(2021)863564; Ares(2021)3669030; Ares(2021)3669022; Ares(2021)3457445;  
Ares(2021)3683834; Ares(2021)3066160; Ares(2021)3723906; Ares(2018)5556817;  
Ares(2018)5556817; Ares(2018)5556817; Ares(2018)5556817; Ares(2018)5556817;  
Ares(2018)5556817; Ares(2018)5556817; Ares(2018)5556817; Ares(2018)5556817;  
Ares(2021)3723906; Ares(2018)5626116; Ares(2021)3723906; Ares(2021)3688801;  
Ares(2021)3723906; Ares(2019)562042; Ares(2019)562042; Ares(2019)562042; Ares(2019)562042;  
Ares(2021)3724687; Ares(2021)3066240; Ares(2021)3683808; Ares(2021)3066273;  
Ares(2021)3697277; Ares(2021)3691049; Ares(2019)7816713; Ares(2019)7816713;  
Ares(2019)7816713; Ares(2019)7816713; Ares(2019)7816713; Ares(2019)7816713;  
Ares(2019)7816713; Ares(2019)7816713; Ares(2021)3724687; Ares(2021)3690483;  
Ares(2021)3724687; Ares(2019)8644715;

in accordance with Article 7(2) of Regulation 1049/2001, to submit a confirmatory application requesting the Commission to review this position.

The Secretary-General will inform you of the result of his review within 15 working days of receipt of your request, and will either grant you access to the document or confirm the refusal. In the latter event, the Secretary-General will indicate what avenues of appeal are open to you.

Any correspondence should be sent to the following address:

European Commission  
Secretariat-General  
Transparency, Document Management and Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours faithfully,

Electronically signed

John BERRIGAN

Enclosure: 46 documents, 42 of which partially redacted: Ares(2021)863564;  
Ares(2021)3669030; Ares(2021)3669022; Ares(2021)3457445;  
Ares(2021)3683834; Ares(2021)3066160; Ares(2021)3723906;  
Ares(2018)5556817; Ares(2018)5556817; Ares(2018)5626116;  
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Ares(2018)5556817; Ares(2018)5556817; Ares(2018)5556817;  
Ares(2018)5556817; Ares(2021)3723906; Ares(2021)3688801;  
Ares(2018)5626116; Ares(2021)3723906; Ares(2021)3688801;  
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Ares(2019)562042; Ares(2019)562042; Ares(2021)3724687;  
Ares(2021)3066240; Ares(2021)3683808; Ares(2021)3066273;  
Ares(2021)3691049; Ares(2021)3697277; Ares(2021)3691049;  
Ares(2019)7816713; Ares(2019)7816713; Ares(2019)7816713;  
Ares(2019)7816713; Ares(2019)7816713; Ares(2019)7816713;  
Ares(2019)7816713; Ares(2019)7816713; Ares(2021)3724687;  
Ares(2021)3690483; Ares(2021)3724687; Ares(2021)3717401;  
Ares(2019)8644715;