



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

The Director-General

Brussels
FISMA.D.2/GH/(2021)6233597

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 2021/4726

Dear Mrs. Bijl,

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

Please note that due to the wide scope of your request, also covering 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 meetings of DG FISMA officials with United Arab Emirates representatives, including with UAE government officials (or their representatives), with employees of the UAE Embassy to the EU (incl. the Ambassador, incl. their representatives), as well as with employees and/or consultants working for lobby and/or consultancy and/or PR firms where the UAE is a client, that took place between 15 July 2019 and 15 July 2021

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, under the provisions of Regulation (EC) No 1049/2001,

to fulfil your request to provide you with a list of all meetings of DG FISMA officials with the United Arab Emirates representatives, including with UAE government officials (or their representatives), with employees of the UAE Embassy to the EU (incl. the ambassador, incl. their representatives), as well as with employees and/or consultants working for lobby and/or consultancy and/or PR firms where the UAE is a client, that took place between 15 July 2019 and 15 July 2021.

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

The following documents fall within the scope of your request:

- Flash report of 23 September 2020, Ares number (2020)4984767;
- Flash report of 11 November 2020, Ares number (2020)6648191;
- Flash report of 3 March 2021, Ares number (2021)1609130;
- Flash report of 17 June 2021, Ares number (2021)3968945;
- Flash report of 8 July 2021, Ares number (2021)4555334.

With regard to the meetings of DG FISMA officials with the United Arab Emirates representatives, including with UAE government officials (or their representatives), with employees of the UAE Embassy to the EU (incl. the ambassador, incl. their representatives), as well as with employees and/or consultants working for lobby and/or consultancy and/or PR firms where the UAE is a client, Regulation (EC) No 1049/2001 article 4.1(a) provides that *“the institutions shall refuse access to a document where disclosure would undermine the protection of (a) the public interest as regards:[...] international relations”*.

The agendas, minutes, reports and other documentation referring to these meetings between the EU and UAE could be interpreted or used in a way that could undermine the trust between the EU and a foreign counterpart and could therefore undermine the protection of the public interest as regards international relations.

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 the agendas, minutes, reports and other documentation of the meetings of DG FISMA officials with the United Arab Emirates representatives shall not be disclosed for the above-mentioned reasons.

3. You also request all correspondence that took place between 15 July 2019 and 15 July 2021 between DG JUST officials and UAE representatives, including UAE government officials (or their representatives), employees of the UAE Embassy to the EU (incl. the Ambassador, incl. their representatives), as well as employees and/or consultants working for lobby and/or consultancy and/or PR firms where the UAE is a client. This could include, but is not limited to, e-mails, text messages, basis documents, memos or drafts.

We understand that your request intends to cover correspondence that took place between the officials of the European Commission’s unit in charge of the fight against money laundering and the UAE representatives, including at the time when the current Unit D2 of DG FISMA was still in DG JUST (as Unit JUST C3), and after it moved to DG FISMA.

The following document falls within the scope of your application:

- Letter of DG FISMA Director General to the Minister of Finance of the United Arab Emirates [Ares(2021)4585918].

We regret to inform you that this document is covered in its entirety by the exception of the protection of international relations in Article 4(1) of the Regulation. The release of this letter to the general public could undermine the trust between the EU and a foreign counterpart and therefore damage the EU's international relations.

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 this letter shall not be disclosed for the above-mentioned reasons.

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 e-mail to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Electronically signed
John BERRIGAN