

To Mr Nicholas Lee

By email:

Nicholas Lee ask+request-10109-82789e5a@asktheeu.org

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Subject: Joint Reply to your five applications for access to documents – 2021ATD60, 2021ATD61, 2021ATD62, 2021ATD63 and 2021ATD64

Dear Mr Lee,

We refer to your emails of 15 October 2021 in which you make requests to EIOPA for access to documents (i) pertaining to the United States Foreign Account Tax Compliance Act (FATCA) and (ii) pertaining to PETI Petitions 1088/2016, 0323/2021, 0394/2021, 1470/2020.

EIOPA processed your applications in accordance with the provisions of Regulation (EC) No 1049/2001 of the European Parliament and of the Council¹ (the "Access Regulation") and Regulation (EU) No 1094/2010 of the European Parliament and of the Council² (the "Founding Regulation").

With your applications you request EIOPA to release all documents:

1. pertaining to FATCA or contributing to statements, guidelines, and decisions referencing FATCA (2021ATD60);
2. relating to or referencing PETI Petition 1088/2016 (2021ATD61);
3. relating to or referencing PETI Petition 0323/2021 (2021ATD62);
4. relating to or referencing PETI Petition 0394/2021 (2021ATD63); and
5. relating to or referencing PETI Petition 1470/2020 (2021ATD64).

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to documents (OJ L 145, 31.5.2001, p. 43).

² Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331 15.12.2010, p. 48).

We found one EIOPA document, in which a stakeholder makes reference to FATCA in the context of a public consultation on draft implementing technical standards concerning a standardised presentation format for the Insurance Product Information Document of the Insurance Distribution Directive. The document is available on our website: [IDD Final Report on draft ITS on IPID.pdf \(europa.eu\)](#)

In addition, there is a single reference to FATCA in a report published jointly by the European Supervisory Authorities on automation in financial advice. The report is available on the European Supervisory Authorities' website: [EBA BS 2016 422 \(JC SC CPFI Final Report on automated advice tools\).pdf \(europa.eu\)](#)

We regret to inform you that apart from the above-mentioned single references no documents were found in EIOPA's possession that would correspond to the description given in your five applications.

Furthermore, we note that FATCA is a US law and it is not in EIOPA's mandate as specified in Articles 1 and 8 of the Founding Regulation to deal with any matter concerning the application of FATCA. EIOPA is also not involved in the petitions of the European Parliament, which proceedings falls solely within the European Parliament's sphere of responsibility.

As specified in Article 2(3) of the Access Regulation, the right of access applies only to existing documents in the possession of EIOPA.

Given that no such documents have been identified, EIOPA is not in a position to fulfil your requests.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting EIOPA's Executive Director to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to EIOPA at the following address:

EIOPA

Executive Director

Westhafenplatz 1

60327 Frankfurt am Main

Germany

or by email to: Fausto.Parente@eiopa.europa.eu or
OfficeEIOPA SeniorManagement@eiopa.europa.eu

Yours faithfully,

Susanne Rosenbaum

[Signed]