



EUROPEAN COMMISSION

Directorate General for Financial Stability, Financial Services and Capital Markets Union

Brussels, **25 JUIN 2018**
FISMA/C3/MC/psc – 3458319

Mr Georgios VASSALOS
Université de Strasbourg
Rue des Moissonneurs 64
B – 1040 Bruxelles

**By registered letter with
acknowledgment of receipt**

Advance copy by email: ask+request-5392-
be1df9fc@asktheeu.org

Subject: Your request for access to documents with reference Gestdem 2018/2075

Dear Mr Vassalos,

We refer to your e-mail dated 11 April 2018 in which you make a request for access to documents, registered under the above mentioned reference number.

You request access to *all correspondence (including emails) and meeting records of:*

- Jonathan Faul, Director General of DG MARKT and DG FISMA (2010-2015)
- Olivier Guersent, Head of Commissioner's Barnier cabinet (2010-2014)
- Nadia Calviño Deputy Director General of DG MARKT (2010-2014)
- Emil Paulis, Director G (2009-2013)
- Martin Merlin, Director G and C (2013-2016)
- Ugo Bassi, Head of Unit G3 up to 2012 then Director F (2012-2016)
- Miguel de la Mano, Head of Unit G1
- Partick Pearson, Head of Unit G2
- Maria Teresa Fabregas Fernandez, Deputy and then Head of Unit G3
- Tim Lueder, Head of Unit G4
- Philip Tod, deputy head of unit G

and Industry, Associations, Trade Unions and Academics on all issues concerning MiFID/MiFIR II between November 2012 and May 2014.

In view of the large number of documents concerned by the request, DG FISMA agreed that your request will be handled as follows: deadline to reply to your request postponed to end June 2018.

We have identified 59 documents as falling under the scope of your request. You will find a list attached. Please note that we have consulted all third parties originators of the letters addressed to our Directorate-General.

As regards documents from third parties, please note that these documents were received by the Commission. These documents are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on it. They do not reflect the position of the Commission and cannot be quoted as doing so.

Protection of personal data

Some of the documents to which you have requested access contain personal data, in particular: names, contact details, hand-written signatures. Pursuant to Article 4(1) (b) of Regulation (EC) 1049/2001, access to a document has to be refused if its 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. The applicable legislation in this field is Regulation (EC) 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 data¹.

When access is requested to documents containing personal data, Regulation (EC) 45/2001 is fully applicable².

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested removing this personal data.

In case you would disagree with the above assessment, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

¹ Official Journal L 8 of 12.1.2001, p. 1

² Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.

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.B4
BERL 5/282
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,



Tilman LUEDER

Encl.: list of identified documents