



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

The Director General

Brussels, 7 March 2019
JUST/TA

Francesco Guarascio
Thomson Reuters
Avenue Marnix 17
1000 Brussels
Belgium

**Subject: Your application for access to documents – Ref GestDem
No 2019/1057**

Dear Mr Guarascio,

We refer to your e-mail dated 20/02/2019 in which you make a request for access to documents, registered on 22/02/2019 under the above-mentioned reference number.

You request access to the Commission's assessments ("country fiches") of all 54 priority countries in the scope of the EU assessment on high-risk third countries under Directive (EU) 2015/849 with regard to strategic deficiencies in their AML/CFT regimes.

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I regret to inform you that your application cannot be granted, as disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation.

The documents which you seek to obtain contain sensitive information with regard to the assessment of third countries – regarding the context, risk profile and level of deficiencies relating to the regime on anti-money laundering and countering terrorist financing (AML/CFT). Information received in this context originates from third parties that indicated that this information shall not be disclosed (especially confidential information received from third countries, international organisations and Europol). Disclosure of the documents requested would therefore undermine the protection of the public interest as regards international relations affecting the relations between the Union and the concerned third countries, as well as the relations between the Union and international organisations active in the AML/CFT field. Therefore the exception laid down in Article 4(1)(a) third indent of Regulation (EC) No 1049/2001 applies to these documents.

In addition, these documents relate to a matter where the decision is still pending since the Delegated Regulation related to these underlying documents did not yet enter into force. The European Parliament and Council still benefit from an objection period where they can object to the Delegated Regulation – in which case the Delegated Regulation would be null and void, requiring the Commission to re-assess the matter, the underlying documents and adopt a new Delegated Regulation. Pending the entry into force of the Delegated act, the disclosure of the

documents would undermine the decision-making process of the Commission in case it needs to further act on this matter. Such a disclosure would reveal preliminary views and policy options which are under consideration; the Commission's services must be free to explore all possible options in preparation of a decision free from external pressure. Therefore, the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 applies to these documents. The exceptions laid down in Article 4(3) apply unless there is an overriding public interest in disclosure of the document/documents. We have examined whether there could be an overriding public interest in disclosure, but have not been able to identify such an interest. In any case, the public interest in making the content of the documents public does not outweigh the harm disclosure would cause to the interests protected by the above mentioned exception.

We have considered whether partial access could be granted to the documents requested. However, these documents are entirely covered by the exceptions or the remaining parts after expunging the confidential information might be meaningless or illegible.

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
Secretary-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

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

Yours sincerely,

(e-signed)
Tiina ASTOLA