



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

The Acting Director General

JUS.D.3/ZP/zp(2020)1980951s

Mr Luuk Mulder
Nieuwsuur
Post office box 29200
Hilversum 1202MP
The Netherlands

Subject: Your application for access to documents – GESTDEM 2020/1641

Dear Mr Mulder,

We refer to your e-mail dated 10/03/2020 in which you make a request for access to documents, registered on the same day under the above-mentioned reference number.

You requested access to “*A list of meetings relating to or discussions about the Maltese citizenship act between the Maltese government and or representatives of the Maltese government and the European Commission/DG Home and or representatives of the European Commission/DG Home between January 2012 and present. All minutes or other reports about afore mentioned meetings. All documents pertaining to afore mentioned meetings*”. I consider your request to cover documents held up to the date of your initial application, that is, 10 March 2020.

Please note that the Commission does not hold any such list as described by you. However, we have identified the documents mentioned below as falling within the scope of your request.

1. Correspondence on the meeting of 24 January 2014 between Director-General Le Bail and the Maltese Parliamentary Secretary for Justice.
2. Joint Press Statement by the European Commission and the Maltese Authorities on Malta's Individual Investor Programme of 29 January 2014 (available here: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_14_70)
3. Correspondence on the telephone call of 30 January 2014 between Vice-President Reding and Prime Minister Muscat.

4. Correspondence on the telephone call of 27 June 2017 between Director-General Astola and the Maltese Permanent Representative to the EU.
5. Report on the meeting of 26 September 2017 between Director-General Astola and the Maltese Minister for Justice as well as the technical meeting of 26 September 2017 between officials from DG JUST and Maltese officials and their advisers.
6. Correspondence on the video conference of 20 March 2018 between Commission officials and Maltese authorities on the Maltese investor citizenship scheme.
7. Correspondence on the meeting of 24 April 2018 between Deputy Director-General Fonseca Morillo and the Maltese Permanent Representative to the EU.
8. Correspondence on the meeting of 16 April 2019 between Director-General Astola and the Maltese Permanent Representative to the EU.
9. Correspondence on the phone call of 2 May 2019 between Director-General Astola and the Maltese Permanent Representative to the EU.
10. Correspondence on the meeting of 13 May 2019 between Commissioner Jourová and the Maltese Minister for Justice.
11. Correspondence on the meeting of 25 July 2019 between Commission officials and representatives from the Malta Individual Investor Programme Agency.

Please note that parts of the documents 7, 8, 9 and 10 listed above do not fall within the scope of your request for public access to documents. These parts have been redacted and marked accordingly.

With regard to the documents 1 and 3-11 listed above, a complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names and contact information of Commission staff members not pertaining to the senior management;
- the names and contact details of other natural persons who are not public figures acting in their public capacity;
- other information relating to an identified or identifiable natural person, namely the position held by the persons concerned.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested

documents, 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.

In case you would disagree with this position, you are entitled, in accordance with Article 7(2) of Regulation (EC) No 1049/2001, to submit 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 Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Unit C.1. 'Transparency, Document Management and Access to Documents'
BERL 7/076
B-1049 Brussels, or by email to: sg-acc-doc@ec.europa.eu

According to standard operational procedure, the reply is usually also sent to you by registered post. Please note, however, that due to the extraordinary health and security measures currently in force during to the COVID-19 epidemics, which include the requirement for all Commission non-critical staff to telework, we are unfortunately not in a position to follow this procedure until further notice.

We would therefore appreciate if you could confirm receipt of the present e-mail by replying to JUST-CITIZENSHIP@ec.europa.eu.

Yours sincerely,

(e-signed)

Salla SAASTAMOINEN