



EUROPEAN COMMISSION

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

The Director-General

Brussels

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Ms Jana LEUTNER

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By registered letter with acknowledgement of receipt

Advanced copy per e-mail

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Dear Madam,

Subject: Your application for access to documents – GESTDEM 2020/5968

We refer to your e-mail of 07/10/2020 (submitted via the AsktheEU.org website platform) in which you make a request for access to documents, registered on 07/10/2020 under the above-mentioned reference number.

You request access to:

“1. The interims study by BlackRock that is due regarding the contract on "Development of Tools and Mechanisms for the Integration of ESG Factors into the EU Banking Prudential Framework and into Banks' Business Strategies and Investment Policies".

The tender specifications state that "the interim study shall be submitted by the contractor to the contracting authority within 6 months after the date on which the contract entered into force." as the contract award notice was published in April 2020, the interim study should be out in October 2020.

2. The comments by DG FISMA and if relevant other directorates in the European Commission on the interim study as soon as they are out.

The tender specifications state that "the contracting authority will comment on the document submitted within 30 days after the date of its reception.”

Your application concerns the following documents:

1. Preliminary draft interim study *“Development of tools and mechanisms for the integration of environmental, social and governance (ESG) factors into the EU banking prudential framework*

and into banks' business strategies and investment policies” as submitted by BlackRock Investment Management Ltd to the European Commission's services on 1 October 2020.

2. Comments made by the European Commission's services on the document mentioned at point (1) above.

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 that Regulation.

The documents which you seek to obtain relate to a decision which has not yet been taken by the Commission (approval or rejection of the interim report).

Disclosure of the documents requested would also undermine the protection of the decision-making process of the Commission, as it would reveal preliminary views and policy options which are currently 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 this document.

We have considered whether partial access could be granted to the documents requested. For the document mentioned under the point (1) above, access could be granted to the final form, as approved by the Commission's services. For the document mentioned under point (2) above, the exception laid down in Article 4(3) first subparagraph of Regulation (EC) No 1049/2001 would still apply.

The exceptions laid down in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 apply unless there is an overriding public interest in disclosure of the documents. We have examined whether there could be an overriding public interest in disclosure, but we have not been able to identify such an interest.

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 Brussels

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

Yours faithfully,

John BERRIGAN
(e-signed)