



**EUROPEAN COMMISSION**  
Directorate General Internal Market and Services

**The Director General**

Brussels, 06. 05. 2014  
DG MARKT/H4/SS/vi (2014)D/1420106

Mr Kenneth Haar  
Researcher - Corporate Europe Observatory  
✉ [ask+request-1223-0e41e54c@asktheeu.org](mailto:ask+request-1223-0e41e54c@asktheeu.org)

Dear Mr Haar,

**Subject:** *your application for access to documents – Ref. GESTDEM No. 2014/1273*

We refer to your e-mail dated 27 February 2014 in which you make a request for access to documents, registered under the above-mentioned reference number.

Your application concerns the following documents: all communication, including emails, minutes from meetings, letters and exchanged documents, between DG MARKT and Commissioner Michel Barnier and his Cabinet and the special working group of the European Banking Federation (EBF), mentioned in the Impact Assessment (SWD(2012)/166 final, page 86) accompanying the proposal for a directive on the recovery and resolution of credit institutions and investment firms.

Your request refers to an internal working group of the EBF with which the Commission had no specific contacts as such.

The draft report mentioned in the above impact assessment was transmitted to the European Commission by the EBF on 22 April 2009. Since this document originates from a third party, its originator has been consulted.

We have decided to give you partial access to this document because this document contains personal data, in particular: names, titles and contact details of third parties.

Pursuant to Article 4(1) (b) of Regulation (EC) No 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) No 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 data.<sup>1</sup>

<sup>1</sup> OJ L 8 of 12.1.2001, p. 1

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable.<sup>2</sup> 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 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 with this personal data expunged.

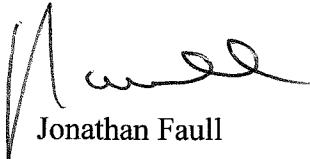
If you wish to receive this personal data, we invite you to provide us with arguments showing the need for having this personal data transferred to you and the absence of adverse effects to the legitimate rights of the persons whose personal data should be disclosed.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, 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.

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-B-4  
BERL 5/327  
B-1049 Brussels  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Jonathan Faull

Contact:

*Silvia Scatizzi*, ☎ + 32 2 296 08 81, [Silvia.Scatizzi@ec.europa.eu](mailto:Silvia.Scatizzi@ec.europa.eu)

Encl.: EBF Comments on the Commission Working Document on Crisis Intervention Measures for Ailing Banks, 22 April 2009

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<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, not yet reported.