



EUROPEAN COMMISSION

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

Financial Stability, Sanctions and Enforcement
Free movement of capital and application of EU law

Brussels

Mr. Olivier Hoedeman
Corporate Europe Observatory
(CEO)
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1050 Brussels,
Belgium

By email: ask+request-12460-
743c0c42@asktheeu.org

Subject: Your application for access to documents (EASE 2023/0407)

Dear Mr Hoedeman,

We refer to your request for access to European Commission documents registered on 23 January 2023 under the above-mentioned reference number.

You request access to

1) minutes and other notes from lobby meetings (including online meetings) held by DG FISMA since July 1st 2022, in which the above-mentioned 'toolbox' - and investment protection more generally - has been discussed;

2) all correspondence between DG FISMA and lobby groups, in which the above-mentioned 'toolbox' - and investment protection more generally - has been discussed (since July 1st 2022);

We have identified the following documents:

- 1) Minutes of the meeting with energy sector investors about application of CJEU's case-law on Bilateral Investment Treaties to the Energy Charter Treaty, dated 6 September 2023, reference Ares(2023)430096 (hereinafter, "Document 1");
- 2) Minutes of the meeting with Commerzbank, dated 12 September 2022, reference Ares(2022)7711202 (hereinafter, "Document 2");

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents we would like to inform you that part of the content of document 2 falls out of the scope of your request as it does not concern the topics requested and has therefore been redacted.

Regarding both documents a complete disclosure of them 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.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if (i) you prove that such transmission is necessary for a specific purpose in the public interest and (ii) 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 any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

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

Finally, kindly note that the enclosed documents are minutes that were drawn up for internal use under the responsibility of the relevant services of the Directorate-General for Financial Stability, Financial Services and Capital Markets Union. They solely reflect the services' interpretation of the interventions made and do not set out any official position of the third parties to which the documents refer, which was not consulted on its content. They do not reflect the position of the Commission and cannot be quoted as such.

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 to the Secretariat-General of the Commission within 15 working days upon receipt of this letter.

You can submit it in one of the following ways:

- **by asking for a review via your portal¹ account** (available only for initial requests submitted via the portal account),
- **or by mail to:**

European Commission
Secretariat-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,

Electronically signed

Anne-Françoise Mélot
Head of Unit

¹ <https://www.ec.europa.eu/transparency/documents-request>