



EUROPEAN COMMISSION

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

General Affairs

Policy planning and implementation, inter-institutional relations

Brussels
FISMA.A.2/DB

Ms Lora Verheecke
Rue du Bronze 29
B-1070 Brussels

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Subject: Your application for access to documents – GESTDEM 2021 /2282

Dear Ms Verheecke,

We refer to your email of 14 April 2021 registered under the above-mentioned reference number.

Your request is as follows:

“Dear Financial Stability, Financial Services and Capital Markets Union,

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:

For the period between 1 January 2019 to date,

- a list of all meetings held by all staff of DG Fisma with the following representatives: BlackRock, IIF, AFME, EFAMA, ISDA, MFA, ICI, and ICMA

- all minutes and other reports of these meetings;

- all correspondence, including attachments (including, but not limited to, emails, letters, and/or telephone call notes), between DG Fisma and any of the organisations mentioned above; and

- all documents prepared for the purpose of these meetings and/or exchanged during the course of these meetings.”

Your application concerns a very large number of documents that need to be retrieved and assessed individually. Such a detailed analysis cannot be carried out within the normal time limits set out in Article 7 of Regulation (EC) No 1049/2001.

Please find attached a first document, which is a list of meetings with representatives from the organisations mentioned in your request. This list corresponds to the first item of your request.

The handling of the other parts of your requests involves the assessment of a very important number of documents (we listed 110 meetings and about 70 documents for Blackrock, 65 for IIF, 100 for AFME, 65 for ISDA, and about 20 documents for each of the last three organisations MFA, ICI and ICMA). All documents are linked to different policies of our Directorate General and require assistance of different services/units of our DG, responsible for these documents. The analysis of these documents, together with the need to consult the third parties concerned in accordance with Article 4(4), cannot be expected to be completed within the normal time limits set out in Article 7 of Regulation (EC) No 1049/2001.

However, Article 6(3) of Regulation (EC) No 1049/2001 also provides for a possibility to confer with an applicant informally with a view to finding a fair solution when an application relates to a very long document or concerns a very large number of documents.

In accordance with the case law of the EU Courts, such a solution can only concern the content or the number of documents requested, not the deadline for replying¹. This means that the scope of the request must be reduced in a way that would enable its processing within the extended deadline of 15 + 15 working days.

Based on the above-mentioned provision, we would kindly ask you to specify the objective of your application and your specific interest in the documents requested², and whether you could narrow down the scope of your application (i.e. the subject matter(s) and/or timeframe covered), so as to reduce it to a more manageable amount of documents. We would propose to deal only with one request during the time limit of the request

In order to help you to narrow down your application, please note that the following categories of documents have been identified as falling under the scope of your request: Minutes of meetings and correspondence with organisations (about 360 documents).

According to our first estimates, the handling of your requests would take about 82 working days³, due to the fact that a lot of services of our DG have to work on this question, broken down as follows:

- identification of the documents falling under your request: 10 working days;
- retrieval and establishment of a complete list of the documents identified: 10 working days;
- scanning of the documents: 5 working days;
- assessment of the content of the documents in light of the exceptions of Article 4 of Regulation (EC) No 1049/2001: 10 working days;
- third-party consultations under Article 4(4): 15 working days;
- final assessment of the documents in light of the comments received: 5 working days;
- drafting of the reply: 2 working days;

¹ Judgment of the Court of Justice of 2 October 2014, *Strack v European Commission*, C-127/13, (hereinafter referred to as the '*Strack v Commission* judgment'), EU:C:2014:2250, paragraphs 26-28.

² *Strack v Commission* judgment, paragraph 28; Judgment of the General Court (then 'Court of First Instance') of 22 May 2012, *EnBW Energie Baden-Württemberg v European Commission*, T-344/08, EU:T:2012:242, paragraph 105.

³ Taking into account other applications for access to documents and other tasks that the staff concerned are likely to have to deal with during the same period.

- redaction of those parts of the documents to which one or several exceptions apply: 10 working days;
- internal review and approval of the draft decision: 10 working days; and
- preparation of the reply and the documents for dispatch (scanning of the redacted versions, administrative processing, etc.): 5 working days.

Furthermore, we have other significant requests to deal with.

It follows that, according to our first estimates, a maximum of 20 documents could possibly be dealt with within the extended deadline of 30 working days counting from the date of registration of your application on 8 April 2021 for the remaining days after preparation of the table enclosed to this answer. We propose that you choose from the attached table organisation(s), in relation to which you would wish to receive meeting minutes or other documents requested in your email.

In order to enable us to respect the time limits of Regulation (EC) No 1049/2001, we would kindly ask you for a swift reply to our invitation to propose a fair solution **within five working days at the latest:**

- by e-mail to: Fisma-access-documents

Yours sincerely,

Dorota Kalina ZALIWSKA
Head of Unit

Enclosure: List of meetings