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Mr. Charles Michel
President of the European Council

Mr. Didier Reynders
European Commissioner for Justice

Mr. Wojciech Wiewiórowski
European Data Protection Supervisor (EDPS)

Mishcon de Reya
Africa House
70 Kingsway
London WC2B 6AH
DX 37954 Kingsway
T: +44 20 3321 7000
www.mishcon.com

London | Cambridge | Oxford | Hong Kong | Singapore

Cc. CNIL

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Dear European Council President, Commissioner and Supervisor

Access to BO-Registers under new EU rules | Third Letter to the EU Journalist or Spy?

"I want other people to be very careful. The threat is not something you can just read in books or watch at the movies. It's very close."

These are the [words](#) of a Russian activist allegedly spied on by Pablo González, the Spanish journalist [arrested in Poland](#) on suspicion of espionage and included in the recent prisoners' swap with Russia confirms the concerns raised in our recent correspondence on [18 Aug 2024](#) and [29 Aug 2024](#).

As you know, on 22 November 2022, the CJEU ruled that public registers of beneficial ownership are illegal.

However, from 10 July 2026 journalists and civil society organisations will have ['immediate, unfiltered, direct and free access'](#) to beneficial ownership information held in national registers", under badly drafted rules pushed through by the European Parliament without consultation with the EDPS and after ['striking a deal'](#) with the other EU institutions.

One such journalist could have been Pablo González, the Russian-born Spanish citizen arrested in Poland and welcomed by Putin following the recent prisoners' swap between Russia and the West. Mr Gonzales has since been [formally charged with espionage](#) by the [Polish authorities](#). Under the new EU rules, as a journalist, Mr González would have been able to roam free within the central registers of all EU Member States thanks to his function and a 'passporting' system linking together all central registers¹. Also, under the new rules, business owners whose data had been accessed by someone like Pablo Gonzales, would be prevented from finding out his identity².

¹ See [Art. 12\(2\)](#) and [Art. 13\(3\)](#) of Directive (EU) 2024/1640.

² See [Art.12\(4\)](#) of Directive (EU) 2024/1640.





Prior to the prisoners' swap, the release of Mr González from Polish custody had been demanded by several journalists' organisations, including the [International Journalists Federation \(IFJ\)](#), the [European Federation of Journalists \(EJF\)](#) and [Reporters Sans Frontières \(RSF\)](#) and, with the IFJ-EJF [united in joint support](#) of Mr González, confirming the complex legal issues raised in such cases.

Mr González should benefit from the presumption of innocence, but this episode confirms the clash between individuals' rights to privacy and data protection and the new rules providing **generalised access** to sensitive personal information of millions of business owners **without possibility for an effective judicial redress** to protect themselves from indiscriminate access.

It is time for the EDPS to invoke [Art. 42](#) of Regulation (EU) 2018/1725 and issue an updated opinion to the new rules which were haphazardly modified by the European Parliament without his previous consultation, as would have been required under EU law.

It is perhaps ironic that in 2018 the same European Parliament [protested](#) against the access to *its own data* by journalists¹. Back then, the General Court [agreed](#). Fast forward to 2024, the rules around privacy and data protection have not changed. If anything, they have been strengthened by a string of judgments from the CJEU².

Best regards,

Filippo Nosedà
Partner

¹ Cases [T-639/15](#) to T-666/15 and T-94/16; see also The Guardian, "[Details of MEPs' €4,416-a-month expenses to remain secret, court rules - An obligation to publish spending records would undermine MEPs' privacy, says court](#)", 25 September 2018

² See [C-293/12](#); [C-362/14](#); [C-203/15](#); [Opinion 1/2015](#); [C-623/17](#); [C-793/19](#); [T-639/15](#); [C601/20](#). See also [application no. 36345/16](#).