

European Council – General Secretariat
Directorate-General Communication and Information – COMM
Information Services Unit / Transparency
Brussels

Registers of Beneficial Ownership – Our Access Request

Thank you for your Holding Reply dated 26 April informing that the General Secretariat "is still conducting consultations necessary to the examination" of [our request](#).

1. Déjà vu

In the past, the Commission ran down the clock in relation to a [previous Access Request](#), which led to a [complaint](#) before the European Ombudsman.

However, there is a legitimate interest in accessing the internal documents that led to the [Compromise Text](#) (since [adopted](#) by the European Parliament). We have the [clear judgment](#) from the CJEU in the *Sovim* case. We have evidence of [previous disagreements](#) between EU institutions in relation to the conditions required to access BO-information. And there are [valid concerns](#) about the proportionality of the mechanism covered by the Compromise Text.

2. Transparency – it goes both ways

According to the new AML rules, journalists and NGOs will have "*immediate, unfiltered and direct*" access to the data of tens of millions of EU citizens who for one reason or another operate their business through a company based in the EU.

It is noteworthy that a few years ago the EU Parliament [went to court](#) to prevent [investigative journalists](#) who were looking into parliamentary expenses from accessing their personal data. The EP won, raising doubts about the legality of the new AML rules.

Similarly, the Commission is defending its refusal to provide [investigative journalists](#) with access to text messages between the Commission's President and the CEO of Pfizer [before the EU Court](#).

Alas, under the new AML rules, beneficial owners of [31.5m](#) EU businesses have no right to go to court. Their [fundamental right](#) to an effective judicial remedy has been removed, raising additional concerns about the legality of the new rules, and showing a degree of hypocrisy on the part of EU institutions.

Denying access to the documents requested to provide scrutiny of the legislative process would lead to a grave reputational damage for the institutions you serve, not least because in the *Sovim* judgment the CJEU reasserted the principle of transparency of *EU institutions* (at [paragraph 61](#)).



Best regards,
Filippo Nosedà
Partner

30 April 2024