



BoA-O-2023-01

ORDER

given by

the
**BOARD OF APPEAL
OF THE EUROPEAN SUPERVISORY AUTHORITIES**

on
on a request for redaction

in the appeal case brought by

Euroins Insurance Group AD
[Appellant]

against

The European Insurance and Occupational Pensions Authority (EIOPA)
[Respondent]

Board of Appeal

Michele Siri (President and Co-Rapporteur)
Christos Gortsos (Vice President)
Gerben Everts
Geneviève Helleringer
Margarida Lima Rego
Carsten Zatschler (Co-Rapporteur)

Place of this order: Paris

Date: 2 August 2023

1. The Board of Appeal has carefully considered the request from Euroins dated 27 July 2023 to redact certain parts of its Decision and the observations represented by EIOPA on 31 July 2023.
2. The Board of Appeal fully acknowledges the significance of maintaining confidentiality and understands the need to ensure that nothing beyond the realm of public knowledge is divulged.
3. At the same time, however, it is essential to include in the Decision all the relevant context, particularly concerning the status of the EIOPA Report. Omitting pertinent context may render the Decision narrower.
4. In this respect, the Board of Appeal has taken into account:
 - a) Article 24(2) of the Rules of Procedure of the Board of Appeal states that: "*The Board of Appeal may direct the redaction of information from the published Decision should it decide it is right to do so pursuant to an application by a party under Article 26 or of its own motion*", and
 - b) the Guidelines to the Parties to Appeal Proceedings before the Joint Board of Appeal of the European Supervisory Authorities, according to which: "*Article 26 of the Rules of Procedure provides that a party may request the confidential treatment of documents or information filed or served in connection with the proceedings. If the Board of Appeal agrees, such information will be redacted from the published decision*".
5. In these circumstances, it is for the party exceptionally requesting confidential treatment to demonstrate that one of the exceptions to publication, in the present case, its commercial interests, would be undermined and that those interests are not outweighed by, notably, the overriding public interest in demonstrably robust and transparent checks and balances on supervision and enforcement mechanisms in the insurance sector.
6. The Board of Appeal does not consider that Euroins has discharged that burden in the present case.
7. Notwithstanding that, in the interests of a timely publication of the Decision, the Board of Appeal has decided to proceed with the following redactions in the published version of the Decision:
 - a) Blackline the entirety of paragraph 14 for clarity and precision;
 - b) Blackline the last sentence in paragraph 57 ("On the basis (...) million") to maintain the necessary context.
8. For the sake of consistency, the same applies to para 12 and para 14 of the decision made on 8th June 2023.

Michele Siri
President of the Board of Appeal of the European Supervisory Authorities

On behalf of the Board of Appeal Secretariat

Adrien Rorive

(SIGNED)

A signed copy of the order is held by the Secretariat