Petr Ježek  
The Special Committee on Financial Crimes, Tax Evasion and Tax Avoidance  
The European Parliament  
1 Avenue du President Robert Schuman  
67000 Strasbourg  
France  

29 May 2018  

Dear Mr Ježek  

We write with reference to your letter dated 25 May 2018 addressed to one of our partners, Mr Cameron Adderley. 

At the outset we should say that as you may know, the international reporting which became known as “Paradise Papers” came about as the result of a very substantial and sophisticated criminal cyber-attack on our computer systems in respect of which a large amount of confidential and legally privileged material was exfiltrated. Such criminal attacks are a serious public menace and we would hope that the European Parliament and your Committee would take the view that they should be very strongly deprecated. 

Moreover, despite substantial often lurid coverage by the media organisations in question, we are not aware of any sustained allegation of serious wrongdoing which emerged from the reporting. In particular, we note that you propose to have Mr Simon Bowers of the International Consortium of Investigative Reporting (the “ICIJ”) attend your Committee. The reporting of Mr Bowers has been extremely inaccurate. We have written to him identifying numerous inaccuracies in his reporting and he has failed to provide any meaningful response. 

We have also pointed out to Mr Bowers that although the ICIJ was very keen to make allegations of regulatory deficiencies on the part of Appleby, importantly Mr Bowers
appeared to have no data protection registration in the United Kingdom as he is required to have, a serious failure to comply with the most basic of regulatory obligations. We have considered your request carefully and we do not believe that we will be able to assist your inquiry for two reasons.

- The documents to which you refer are confidential to clients and much of it is subject to legal privilege. As you will understand, under our professional rules this means that we simply cannot discuss such material with any third parties.
- We have discovered that the bulk of the material which was exfiltrated – and the material which is likely to concern your inquiry - related to the services of Estera which provided fiduciary services and which separated from Appleby at the end of 2015.

For these reasons we are not in a position to accept your request.

Finally, to the extent that any of the material which may be considered by the Committee relates to Appleby and/or its clients, we hope that your Committee will be properly mindful of the rights conferred by Articles 6 and 8 of the European Convention on Human Rights (the "Convention"), to which the European Union is a party. The ability for any person to obtain legal advice in confidence is seen as a fundamental right protected by these provisions and no institution respectful of those rights should do anything to traduce them, particularly as in this case when the information in question was obtained by criminal means.

While we would agree that issues which arise across jurisdictions in relation to matters concerning taxation are properly a matter for examination by the Parliament, we do not believe that an institution which was seriously committed to upholding the rights under the Convention, would do so by reference to documents obtained by criminal means and by usurping the fundamental protection of legal privilege.

Finally, we would be grateful if you could ensure that the reasons we have given for declining your request are properly communicated. If we can assist you further, please let us know.

Yours sincerely

Appleby

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