



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY
Director-General

Brussels, **21 MAI 2014**
DG HR/ hr.b.1(2014)1358216

Mr Eamon Dillon
By email: ask+request-1294-
1c9a8d68@asktheeu.org

Subject: Your application for access to documents - Ref GestDem No 2014/1847

Dear Sir,

We refer to your e-mail dated 2 April 2014 and registered on 3 April 2014 in which you make a request for access to documents. Your e-mail also contains a certain number of requests for information (requests No. 3, 4, 5 and 6) which do not fall as such within the scope of the Regulation 1049/2001. As they solicit comments, views and information on a number of headings, we will consider them as requests for information and respond to them separately as soon as possible.

Requests falling under the provisions on access to documents

Your application contains three requests for access to specific documents (requests No. 1, 2 and 7).

I have examined these requests under the relevant provisions of Regulation 1049/2001 regarding public access to European Parliament, Council and Commission documents.

Having regard in particular to the right to the protection of personal data, I am not in a position to grant you access to any of these documents requested. While I have also considered the possibility of granting partial access, I have concluded that this would equally undermine the protection of personal data.

Against this background I can nevertheless provide you with the following general information on the process to which your requests No 1, 2 and 7 relate.

Mr Selmayr made a request for authorisation for an outside activity during leave on personal grounds in line with Articles 12b and 40 of the Staff Regulations. He requested unpaid leave on personal grounds and authorisation, to take effect from 1 April until 31 May 2014, to manage the electoral campaign of one of the official candidates for the function of president of the European Commission. He will receive payment from the relevant European political party during this period.

In relation to the outside activity during leave on personal grounds, the Appointing Authority in this case is the Director General for Human Resources. It was considered that the activity is in line with Articles 40 (1a) and 12 (b) of the Staff Regulations, and

Articles 14 and 15 of the Commission Decision on outside activities and assignments adopted on 16 December 2013. As stated by Mr Selmayr, the envisaged activity in the European election campaign will cover all EU polices in a general manner but will not involve any lobbying or advocacy vis-à-vis the Commission. Being responsible for the election campaign of the official lead candidate of a major European party for the office of President of the European Commission will not lead to the existence or possibility of a conflict with the legitimate interests of the Commission.

Mr Selmayr will continue to be bound by the provisions of Article 17 of the Staff Regulations as regards the unauthorised disclosure of information received in the line of duty.

Furthermore, let me underline that the activity of Mr Selmayr contributes to the democratic process leading to the election of the next president of the European Commission.

In relation notably to your request No 2 regarding the Appointing Authority authorised to grant leave on personal grounds in that case, I can inform you that the Appointing authority in this case is Vice- President Šefčovič who has granted the leave as described above.

Your rights

In relation to these three requests for documents falling under the provisions of Regulation 1049/2001, and in accordance with Article 7(2) of Regulation 1049/2001 you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-5
BERL 5/327
B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu

A copy of this letter will be sent to the person concerned.

Yours faithfully,



Irene SOUKA