



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

10 FEB. 2015

Ms Vicky Cann
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By registered letter with acknowledgment of receipt

Subject: Your application for access to documents – Ref GestDem No 2014/6106

Dear Ms Cann,

We refer to your e-mail dated 15 December 2014 in which you make a request for access to documents, registered on 18 December 2014 under the above mentioned reference number.

1. Scope of your request

Your application concerns *"all documents (correspondence, including emails, notes/minutes from any meetings etc.) which discuss Ann Mettler's employment at the Commission, as Head of the new European Political Strategy Centre, as it relates to articles 11 and 11a of the staff regulations."* In particular, you inquire *"what assessments have been made of Ms Mettler's personal interests"* and if there *"are there any matters from which she has been relieved from dealing, under Article 11a 2 of the staff regulations"*. You also request *"a copy of Ms Mettler's job description whilst at the Commission."*

2. Analysis

I have examined your request under the provisions of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹.

I regret to inform you that access to any such document cannot be granted. The disclosure is prevented by Article 4.1(b) of Regulation (EC) N° 1049/2001. Any such document would contain personal data relating to Ms Mettler. Such disclosure would therefore violate the privacy and the integrity of the individual concerned, in particular in accordance with Regulation (EC) N° 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data².

¹ Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.05.2001, p.43.

² OJ L 8, 12.1.2001, p. 1–22.

While I have also considered the possibility of granting partial access, I have concluded that this would equally undermine the protection of personal data.

I can nevertheless provide you the following general information on the process to which your request relates.

As part of the recruitment procedure and as for any candidate to be potentially recruited by the European Commission, Ms Mettler had to declare any potential conflict of interest. The services involved in the recruitment of Ms Mettler assessed the situation and in particular if there were any personal interests which would actually or potentially impair the candidate's independence in carrying out her duties in the specific position or any circumstance which actually or potentially constitutes a conflict of interest with respect to the proposed position. While no current conflict of interest has been identified, the situation is being ring-fenced to avoid even any appearance of conflict of interest in the future.

I can also provide you with some information on the post of Ms Mettler. Ms Mettler holds as of 1 December 2014 a post of temporary agent as Head of the European Political Strategy Centre. The overall purpose of this post is to provide strategic orientation and management of the European Political Strategy Centre (EPSC), within the framework set by its mission statement and the Commission's annual policy strategy and work programme.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions in implementing Directive 95/46/EC³ on the protection of individuals with regard to the processing of personal data according to which personal data must, *inter alia*, be processed fairly and lawfully and subject to the unambiguous consent of the data subject concerned.

Please be informed that a copy of this letter will be sent to the person concerned.

In accordance with Article 7(2) of Regulation No 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

Yours faithfully,



Irene SOUKA

³ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.