

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, 19 JAN. 2016

Ms Vicky Cann
CEO
Rue d'Edinburg 26
1050 Brussels
By email: ask+request-2467-15204ef4@asktheeu.org

Subject: Your application for access to documents – Ref /GestDem No 2015/6591

Dear Ms Cann,

I refer to your e-mail dated 14 December 2015 and registered on 15 December 2015 by which you make a request for access to documents under the above mentioned reference number.

Your application concerns *"all documents which relate to the application made under the Staff Regulations for authorisation for post-employment activities with ARENA 2036 by Mr Von Bose."* In particular, you *"request a note of all Mr Bose's job titles at the Commission including dates held; a copy of the application that he has made under the Staff Regulations to undertake a new professional activity with ARENA 2036 including dates made and dates authorised; and all documents (correspondence, emails, meeting notes etc) related to the authorisation of the new role or roles"*.

I have examined your request under the provisions of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

The documents identified are an application form submitted by Mr Von Bose in the framework of Article 16 of the Staff Regulations and the related decision from the Appointing Authority. I have also identified e-mail exchanges which took place between 12 May 2014 and 18 June 2014 within Commission services or between Commission services and Mr Von Bose pertaining to the underlying internal procedures concerning this request for authorisation.

The documents you requested contain personal data relating to the past and present occupational activities of Mr Von Bose. It is the Commission's obligation to ensure that the privacy and the integrity of the EU staff member concerned, also in his professional capacity, are correctly protected. This is why I consider that the exception foreseen in Article 4(1)(b) of Regulation No 1049/2001 applies.

As for the e-mail exchanges between the Commission services and Mr Von Bose, the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 applies. In addition, in the absence of an overriding public interest, the exception to the right of access cannot be waived.

While I have also considered the possibility of granting partial access on the basis of Article 4(6) of Regulation (EC) N° 1049/2001, 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 request relates.

Mr Von Bose submitted a declaration of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations), dated 9 May 2014 and registered on 12 May 2014, relating to the authorisation to engage in a non-remunerated occupational activity as a member of the advisory board for ARENA 2036, in Germany.

Following the general rules concerning the consultation process for this type of request, the Appointing Authority gave its approval on 17 June 2014 to carry out this activity as it did not lead to a conflict with the legitimate interests of the Institution. It was acknowledged that the board activities in which Mr Von Bose would intervene were not related to the management of research projects funded by DG RTD, projects in which ARENA was involved at the time of the request or in which it could become involved after the request was authorised. Mr Von Bose was reminded that during the 12 months after leaving the service, he was not to engage in any lobbying or advocacy vis-à-vis staff of the Commission on matters for which he had been responsible during the last three years in the service.

Furthermore I can provide you with some information on the last posts held by Mr Von Bose covering the period which was assessed as regards any potential conflict of interest. In the period from 01/09/2007 to 31/12/2013, Mr Von Bose was Director in charge of "Industrial Technologies" in DG RTD.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC¹ 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.

¹ 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

In accordance with Article 7(2) of Regulation (EC) 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-4
BERL 5/327
B-1049 Brussels

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

Finally, please be informed that a copy of this letter will be sent to the person concerned.

Yours sincerely,



Irene SOUKA