



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR RESEARCH & INNOVATION

The Director-General

B1/RS/JCV rtd.b.1.002(2020)3055122

*By registered letter with  
acknowledgment of receipt*

**HAI Abdul**

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**Subject: Your application for public access to documents – GestDem Ref No 2020/2220**

Dear Mr HAI,

We refer to your email of 09/04/2020 in which you submitted an application for public access to documents within the framework of Regulation (EC) No 1049/2001<sup>1</sup>, addressed initially to ERCEA and reattributed to our DG on the 17.04.2020.

Your request referred to documents containing information related to the resignation of Mr Mauro Ferrari from the position of special adviser of ERCEA, as follows:

*“Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I am requesting documents which contain the following information:*

- 1. Can you publish any documents on how much time he has spent at the agency since his appointment? As it has been claimed he was based in the US.*
- 2. What expenses did he claim for travel?*
- 3. Do any of the expenses date before his appointment on 01/01/2020?*
- 4. Is he going to get any compensation for leaving his post?*
- 5. Has he signed a NDA?*

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<sup>1</sup> 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 (OJ L 145, 31.5.2001, p. 43).  
Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111  
Email: [RTD-ACCESS-DOCUMENTS@ec.europa.eu](mailto:RTD-ACCESS-DOCUMENTS@ec.europa.eu)

6. *Will his pension be under review as what he says may damage the EU?”*

As factual background, after performing an internal analysis, we have split the request in two parts, one comprising the first three questions that shall be treated hereby, and another one that has been treated by the responsible Directorate General of Human Resources (DG HR). DG HR has treated your questions as access to information request based on the Code of Good Administrative Behaviour. You have received the information requested on 05/05/2020.

**I. SCOPE OF YOUR REQUEST**

Based on our internal analysis, we have identified nine documents as follows:

1. Reimbursement sheet interview for appointment on 11.01.2019;
2. Reimbursement sheet for the appointment meeting on 14.05.2020 with Commissioner Moedas;
3. Reimbursement sheet meetings period 30/06/2019-06/12/2019;
4. Mission cost summary fiche January 2020;
5. Mission cost summary fiche February 2020 I;
6. Mission cost summary fiche February 2020 II;
7. Activity report January 2020;
8. Activity report February 2020;
9. Activity report March 2020.

**II. EXAMINATION UNDER REGULATION (EC) No 1049/2001**

After a concrete assessment of the requested documents, we have concluded that:

**Access must be refused** to documents from 1 to 6 included, referring to different types of reimbursement. These reimbursements have been done by ERCEA for the period before Mr Ferrari was appointed as president of the ERC in his quality of external expert invited to attend the meetings according to the standard Commission rules for the reimbursement of experts' expenses.

They concerns also the expenses related to the interview meetings leading to his appointment and to the mission costs in his quality of President of the ERC after his appointment, paid by the Commission, complying with its own financial rules.

The content of these documents could not be revealed, on the basis of the exception mentioned at Article 4(1)(b) of Regulation (EC) No 1049/2001 that deals with the protection of privacy and the integrity of the individual. Pursuant to Article 4(1)(b) of

Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data.

The applicable legislation in this field is Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC1 ('Regulation 2018/1725').

The data requested by you are undoubtedly personal data in the meaning of Article 3(1) of Regulation 2018/1725, which provides that personal data 'means any information relating to an identified or identifiable natural person [...]'.

Pursuant to Article 9(1)(b) of Regulation 2018/1725, 'personal data shall only be transmitted to recipients established in the Union other than Union institutions and bodies if *'[t]he recipient establishes that it is necessary to have the data transmitted for a specific purpose in the public interest and the controller, where there is any reason to assume that the data subject's legitimate interests might be prejudiced, establishes that it is proportionate to transmit the personal data for that specific purpose after having demonstrably weighed the various competing interests'*. Only if these conditions are fulfilled and the processing constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 2018/1725, can the transmission of personal data occur.

Consequently, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data.

Nevertheless, we would like to emphasise that the travel costs of Commission staff are subject to the audit and control procedures established by the EU Treaties and pursuant to the regulatory framework for mission expenses, all official travel is undertaken in the most cost-efficient way possible according to the needs of the mission. Officials are required to book hotel rooms within strict price limits (per country or city) and the cheapest transportation option available on the market at the time of the purchase. Any derogation from these guidelines can only be granted under exceptional and duly justified circumstances.

**Partial access** can be granted to documents 7, 8, and 9. Please note that certain parts of the documents have been redacted, since they must be protected under the exception for the protection of personal data as mentioned above.

All of the disclosed requested documents contain personal data such as names, surnames, functions, office numbers and e-mail addresses of the Commission's officials not having the function of senior management staff and of the third parties identified in the documents, as well as information that could lead to the identification of individuals.

### **III. DISCLAIMER AND RE-USE OF THE DOCUMENTS**

You may reuse the requested documents free of charge, for non-commercial and commercial purposes, provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

### **IV. MEANS OF REDRESS**

Should you wish this position to be reconsidered, in accordance with Article 7(2) of Regulation (EC) 1049/2001, you are entitled to present in writing, within fifteen working days from receipt of this letter, a confirmatory application to the Commission's Secretary-General at the following address:

**European Commission**

**Secretary-General**

**Unit SG C.1 – Transparency, document management & access to documents**

**BERL 7/076**

**B-1049 Brussels**

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

Jean-Eric Paquet

Enclosures: 3 documents, expunged  
from personal data