



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

Brussels, **10 AOUT 2015**

Ms Vicky Cann
CEO
Rue d'Edinburg 26
1050 Brussels
By email: ask+request-2112-eeeba182@asktheeu.org

Subject: Your application for access to documents – Ref /GestDem No 2015/3609

Dear Ms Cann,

I refer to your e-mail dated 6 July 2015 and registered on 8 July 2015 by which you make a request for access to documents.

Your application concerns *"all documents which relate to any article 16 (staff regulations) applications made by Lars Hoelgaard, including to work for Farm Europe"*. You request in particular *"a note of all Mr Hoelgaard's job titles at the Commission including dates held; copies of any application(s) that he has made under article 16 to undertake a new professional activity; 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 No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

The documents identified are the application forms submitted by Mr Hoelgaard in the framework of Article 16 of the Staff Regulations and the related decisions from the Appointing Authority. I have also identified e-mail exchanges within Commission services or between Commission services and Mr Hoelgaard pertaining to the underlying internal procedures concerning these requests for authorisation (covering a period from 17/01/2012 to 19/07/2013).

The documents you requested contain personal data relating to the past and present occupational activities of Mr Hoelgaard. 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 Hoelgaard, Article 4(3) paragraph 2 of Regulation No 1049/2001 also applies. 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 request relates.

Mr Hoelgaard submitted the following declarations of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations):

Request 1: dated on 16 January 2012 and registered on 17 January 2012 related to giving an authorisation to give (non-remunerated) 2 hours speech on the Common Agricultural Policy (CAP) reform at the "Danish Sugar Beet Growers".

Request 2: dated and registered on 18 April 2012 related to engage in a non-remunerated activity for a period of 3 days consisting in making a summary of proceedings and moderating a round table at the World Meat Congress organised by FNICGV on 7 June 2012.

Request 3: dated on 28 April 2012 and registered on 8 May 2012 related to the participation in a lunch at the European Parliament as an "invited expert" on 29 and 30 May 2012.

Request 4: dated 15 June 2015 and registered on 20 June 2012 related to giving a (non-remunerated) one-day presentation at the Swedish Board of Agriculture on 14 September 2012.

Request 5: dated on 14 July 2012 and registered on 16 July 2012 related to the participation as an "invited guest" and to give a speech in the F.O. Licht, AGRA Conferences in the UK on 16 October 2012.

Request 6: dated and registered on 22 August 2012 related to giving a speech at the EDA World Dairy Forum in Ljubljana on 26-29 September 2012.

Request 7: dated on 10 December 2012 and registered on 12 December 2012 related to giving a speech on the Common Agricultural Policy and on the Reform of the CAP 2020 in the context of the negotiations on the EU Multiannual Financial Framework at AGRI Analyse on 5 February 2013.

Request 8: dated 16 June 2013 and registered on 17 June 2013 related to the to giving a speech on "EU School Fruit Scheme and its health implications" at Aspect Consulting for the "Breakfast is best campaign" on 20 June 2013.

Following the general rules concerning the consultation process for this type of request, the Appointing Authority gave its approval to carry out these activities as they did not lead to a conflict with the legitimate interests of the institution.

Mr Hoelgaard was reminded of the specific staff obligations as laid down in Articles 16, 17 and 19 of the Staff Regulations, as well as in Article 19 of the Commission Decision on outside activities and assignments.

I can also provide you with some information on the last posts held by Mr Hoelgaard with regard to the relevant period assessed as regards any potential conflict of interest. From 01/02/2011 to 31/12/2011, he was a Hors Classe Adviser and Head of the Task Force in charge of the development of new measures to improve future stability in the agriculture sector. From 16/09/2004 to 31/01/2011 he was Deputy Director-General of DG Agriculture and Rural Development.

Furthermore, I would like to draw your attention to Article 16 of the Staff Regulations under which an official intending to engage in an occupational activity shall inform the institution within two years of leaving the service. Please note that Mr Hoelgaard retired from active service on 1 January 2012. In this respect, you will understand that as Farm Europe was formally launched only on 29 April 2015, there was no need for Mr. Hoelgaard to inform the Commission.

I would finally like to remind you that Corporate Europe Observatory remains subject to the provisions of 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.

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

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

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Irene Souka', written over the typed name. The signature is stylized and somewhat cursive.

Irene SOUKA

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