

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

Brussels, **09 SEP. 2015**

Ms Vicky Cann
CEO
Rue d'Edinburg 26
1050 Brussels
By email: ask+request-2113-845060cf@asktheeu.org

Subject: Your application for access to documents request Gestdem 2015/3644

Dear Ms Cann,

I refer to your e-mail dated 6 July 2015 in which you make a request for access to documents, registered on 8 July 2015 under the above mentioned reference number.

Your application concerns *"all documents which relate to any article 16 (staff regulations) applications made by Yves Madre, including to work for Farm Europe. You request in particular "a note of all Mr Madre'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 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 two application forms submitted by Mr Madre in the framework of Article 16 of the Staff Regulations and one related decision from the Appointing Authority. I have also identified e-mails exchanged between 5 March 2015 and 5 August 2015 within Commission services or between Commission services and Mr Madre pertaining to the underlying internal procedures concerning his requests for authorisation.

The documents you requested contain personal data relating to the past and present occupational activities of Mr Madre. 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 email exchanges between the Commission services and Mr Madre the exception foreseen in 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 Madre submitted two declarations of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations).

The first one dated 27 February 2015 and registered on 5 March 2015 relates to his reintegration to the French Ministry for Agriculture. Following the general rules concerning the consultation process for this type of request, the Appointing Authority gave its approval to carry out this activity as it did not lead to a conflict with the legitimate interests of the Institution. Mr Madre was reminded of the specific staff obligations as laid down in Article 16, 17 and of the Staff Regulations, as well as in Article 19 of the Commission Decision on outside activities and assignment and Article 339 of the Treaty on the Functioning of the European Union.

The second one dated 24 August 2015 and registered on 1 September 2015 relates to an occupational activity as a contributor to a think tank Farm Europe. This request is still being handled.

I can also provide you with some information on the last posts held by Mr Madre considered as relevant for the assessment of any potential conflict of interest. From 10 February 2010 to 31 October 2014 he was an Expert in the Cabinet of Mr Dacian Cioloş, former Commissioner for Agriculture and Rural Development. From 1 November 2014 to 28 February 2015 he was a Policy officer in charge of examination of notification made by Member States in the framework of the implementation of the "greening" payment in DG Agriculture.

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.

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.

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

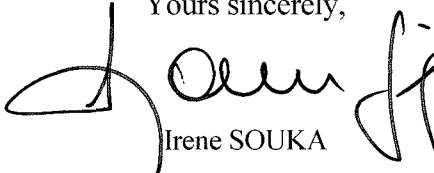
Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

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