

EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, **28 SEP. 2015**

Ms Vicky Cann  
CEO  
Rue d'Edinburg 26  
1050 Brussels  
By email: ask+request-2252-  
9c81b9df@asktheeu.org

**Subject: Your application for access to documents – Ref /GestDem No 2015/4702**

Dear Ms Cann,

I refer to your e-mail dated 7 September 2015 and registered on the same day, by which you make a request for access to documents under the above mentioned reference number.

Your application concerns *"all documents which relate to Marcus Lippold and his moves from the European Commission to MOL group and Saudi Aramco on sabbatical"*. In particular, you request *"a note of all Mr Lippold's job titles at the European Commission including dates held; copies of any and all application(s) that he has made under the Staff Regulations to undertake a sabbatical; and all correspondence, emails or meeting notes related to the authorisation of, and conditions placed on, this new role"*.

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<sup>1</sup>.

The documents identified are four requests for authorisation submitted by Mr Lippold in the framework of Article 40 of the Staff Regulations, read in conjunction with Article 12b thereof. In addition, e-mail exchanges within Commission services or between Commission services and Mr Lippold were identified, pertaining to the underlying internal procedures concerning these requests for authorisation (covering a period from 5 August 2015 to 8 September 2015).

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<sup>1</sup> OJ L 145 of 31.5.2001, p. 43.

The documents you requested contain personal data relating to the past and present occupational activities of Mr Lippold. 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 within Commission services and between the Commission services and Mr Lippold, the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 also 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 Lippold submitted the following yearly requests for outside activity while on leave on personal grounds:

- The first request related to a post of Vice President for Business Strategy and Corporate Affairs at MOL Group, from 1 August 2013 to 31 January 2014, in Hungary.
- The following two requests related to the prolongation of this activity until 30 November 2015.
- The fourth request related to a post of Corporate Planning Manager at Saudi Petroleum Overseas Ltd, from 1 April 2015 to 31 March 2016, in the United Kingdom.

Following the general rules concerning the consultation process for this type of requests, the Appointing Authority gave its approval to carry out these activities, under certain limited conditions aimed at preventing any potential conflict of interest. Mr Lippold was also reminded of the specific staff obligations as laid down in Articles 16, 17 and 19 of the Staff Regulations.

Furthermore I can provide you with some information on the last posts held by Mr Lippold:

- From 1/10/2011 to 31/7/2013, he was an International Relations Officer in DG Energy.
- From 17/2/2010 to 30/9/2011, he was an Economic Analyst in DG Energy.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC<sup>2</sup> 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 (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

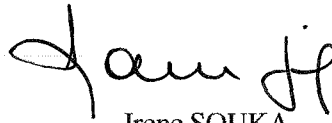
Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

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](mailto: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

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<sup>2</sup> 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