

EUROPEAN EXTERNAL ACTION SERVICE



CHIEF OPERATING OFFICER

Brussels, 8 February 2012
EEAS/CC/CG 12012) 156014

Ms. Vicky Cann
ask+request-24-77f544ac@asktheeu.org

Subject: Request for access to documents regarding the move by Mr Darren Ennis from Commission to MHP – reference GestDem 2011/5983

Dear Ms Cann,

Thank you for your email dated 18/1/2012 which confirms your request of 24/11/2011, registered in the Commission access to documents registry under reference GestDem 2011/5983, for access to documents under Regulation 1049/2001 regarding public access to European Parliament, Council and Commissions documents (hereinafter referred to as “Regulation 1049/2001”).

As requested, I have reviewed the decision of 17/1/2012 referring to Article 4.1(b) of the Regulation, as well as to Article 8 of Regulation (EC) 45/2001 of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (hereinafter referred to as “Regulation 45/2001”) for justifying that no documents have been released to you.

I noted also the examples you have sent us concerning several requests for access to documents you have introduced to the Commission and obtained disclosure of documents about the move of certain Commission personnel to specific private companies.

Mr Ennis was recruited by the European External Action Service (which is an autonomous EU institution for the purposes of the Staff Regulations) as temporary staff (function group AST) from 16/5/2011.

Mr. Ennis resigned from his position by letter dated 16/6/2011 with the view to taking up an offer from another employer.

Considering that, in the absence of specific rules yet to be established within the EEAS for the implementation of Article 16 of the Staff Regulations, the EEAS applies the Commission rules, i.e. the Commission Decision on outside activities and assignments

C(2004) 1597 dated 28/4/2004. Chapter 4, Temporary staff, Article 21 of that Decision states in its first paragraph:

"1. The present decision shall apply by analogy to members of the temporary staff, of the auxiliary staff and of the contract staff. Only those contract staff who have had access to sensitive information shall be subject to the obligations laid down in Article 18 (2). Contract staff shall be informed by their service whether Article 18 (2) is applicable on leaving the service."

Mr Ennis has not had access to sensitive information during his time in the European External Action Service and was consequently not deemed subject to the obligation of requesting authorisation to take up an offer from another employer in accordance with the provisions of Article 16 of the Staff Regulations.


Further documents in possession of the EEAS that relate either to the recruitment or to the resignation of Mr Ennis can only be released, as indicated in the reply to your initial request, after having obtained the approval of Mr Ennis, as they contain personal data relating to him, in accordance to Article 4.1(b) of Regulation 1049/2001 and Article 18 of Regulation 45/2001. We have sent to Mr Ennis a request to agree to such a release and are waiting for his reply. This concerns the following documents:

1. Contract of employment between Mr Ennis and the European External Action Service;
2. Letter informing Mr Ennis that he has been offered a post as temporary staff;
3. Letter of resignation from Mr Ennis;
4. Internal note on the end of contract of Mr Ennis.

These documents can be sent to you if Mr Ennis agrees to such a release and should you find them useful.

If you are not satisfied with this response you may, in accordance with Article 8 of the Regulation, institute court proceedings against the European External Action Service and/or make a complaint to the Ombudsman, under the conditions laid down in Articles 265 and 228 of the Treaty on the Functioning of the European Union, respectively.

Yours sincerely,


David O'SULLIVAN