



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, 11. 09. 2017

Ms Margarida da Silva  
CEO  
Rue d'Edimbourg 26  
1050 Brussels  
By email: [ask+request-4537-1cf1786d@asktheeu.org](mailto:ask+request-4537-1cf1786d@asktheeu.org)

**Subject: Your application for access to documents – Ref/GestDem No 2017/4533**

Dear Ms da Silva,

I refer to your e-mail dated 2 August 2017 and registered on the following day by which you make a request for access to documents under the above mentioned reference number.

Your application concerns *"documents which relate to applications made under the Staff Regulations (article 16 or article 40) for authorisation for post-employment activities by Robert Madelin since November 2016"*. In particular, you request *"a note of all Mr Madelin's application(s) made under the Staff Regulations to undertake a new professional activity and all documents (correspondence, emails, meeting notes etc.) related to the authorisation of the new role or roles"*.

You clarified that you have already received these documents in November 2016, which I understand is a reference to my reply dated 28 November 2016 to your application GestDem N° 2016/5923 registered on 21 October 2016. I accordingly understand your present application as relating only to documents subsequent to the request of 21 October 2016.

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.

The documents identified in the framework of your request are the following:

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111  
Office: SC11 - Tel. direct line +32 229+32 (0)2 29 57206

Commission européenne, 2920 Luxembourg, LUXEMBOURG - Tel. +352 43011

[Irene.Soujka@ec.europa.eu](mailto:Irene.Soujka@ec.europa.eu)

- two declaration forms submitted by Mr Madelin on 11 November 2016 in the framework of Article 16 of the Staff Regulations and the related decision from the Appointing Authority;
- a third declaration form submitted on 11 November 2016 in the framework of Article 16 of the Staff Regulations that was later withdrawn by Mr Madelin on 8 December 2016;
- e-mail exchanges within Commission services and between Commission services and Mr Madelin concerning these requests for authorisation and the related Appointing Authority decisions;
- a letter, dated 19 July 2017, that I have addressed to Mr Madelin and which clarifies the scope of Article 16 of the Staff Regulations and of the Appointing Authority individual decisions taken on the basis of that provision in relation to Mr Madelin's post-employment activities.

The documents you requested contain personal data relating to the past and present occupational activities of Mr Madelin. 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 correspondence between the Commission services and Mr Madelin, the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 applies. Such exception is related to the protection of the Commission's decision-making process even after the decision of the Appointing Authority has been taken. 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 Madelin's two declarations of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations), dated 11 November 2016, related to the following activities:

- a non-remunerated occupational activity for an indefinite period, as an adviser pro bono to the managing board of the European Health Forum Gastein (EHFG);
- a non-remunerated occupational activity as a member of the Advisory Council of the Euractiv Fondation in Brussels.

Following the general rules concerning the consultation process for this type of requests, on 4 January 2017, the Appointing Authority gave its approval to carry out the two activities subject to certain conditions, as follows:

- Mr Madelin was requested to make it clear to his interlocutors that these activities are carried out in his personal capacity, not representing in any way the position or interests of the Commission;
- Mr Madelin was furthermore reminded of the obligation under Article 16 paragraph 3 of the Staff Regulations regarding prohibition to engage, during the 12 months after leaving the service, in lobbying or advocacy vis-à-vis staff of the Commission on matters for which he was responsible during the last three years in the service as Senior Adviser for EPSC and as Director-General for DG CNECT.

Mr Madelin was also reminded of the staff obligations as laid down in Title II and notably in Articles 16, 17 and 19 of the Staff Regulations.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC<sup>1</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.

Please be informed that a copy of this letter will be sent to the person concerned.

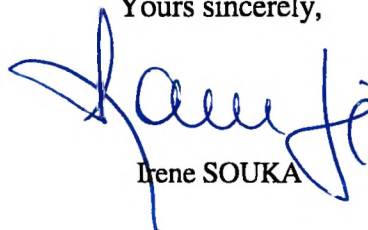
In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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)

Yours sincerely,



Irene SOUKA

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<sup>1</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