



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, 18. 10. 2017

Ms Margarida da Silva  
CEO  
Rue d'Edimbourg 26  
1050 Brussels  
By email: [ask+request-4680-1639cf18@asktheeu.org](mailto:ask+request-4680-1639cf18@asktheeu.org)

**Subject: Your application for access to documents – Ref/GestDem No 2017/5638**

Dear Ms da Silva,

I refer to your e-mail dated 28 September 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 Jonathan Faull"*. In particular, you request *"a note of Mr. Faull's job titles at the Commission including dates held; copies of any application(s) that he has 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"*.

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:

- twenty declaration forms for post-employment activities submitted by Mr Faull in the framework of Article 16 of the Staff Regulations;
- various correspondence within Commission services and between Commission services and Mr Faull concerning the above mentioned declarations and activities, and related Appointing Authority decisions.

The documents you requested contain personal data relating to the past and present occupational activities of Mr Faull. 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 within Commission services and between the Commission services and Mr Faull, 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. 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 Faull's twenty declarations of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations), related to the following:

- a declaration of 27 January 2017 for the establishment of his consulting company "Faull Consulting sprl" to provide consulting services, in Belgium and abroad, to third parties;
- a declaration of 1 February 2017 to perform an activity for an indefinite period of time as Member of the Advisory Board of the Centre for the European Reform, in London;
- a declaration of 1 February 2017 to engage for an indefinite period of time as a Member of the Conseil d'Administration of the Notre Europe – Institut Jacques Delors, in Paris;
- a declaration of 6 February 2017 to work for an indefinite period of time as visiting Professor at the College of Europe, in Bruges;
- a declaration of 6 February 2017 to engage for an indefinite period of time in an activity as Member of the Board of Administration of the Institute of European Studies, in Brussels;
- a declaration of 6 February 2017 to perform an activity for an indefinite period of time as Member of the Steering Group at the UK Legal Future;
- a declaration of 6 February 2017 to engage as a speaker in a number of different conferences listed in the declaration form;
- a declaration of 22 February 2017 to perform an activity for an indefinite period of time as a member of the Senior Expert Group, in London;
- a declaration of 2 March 2017 to work for an indefinite period of time as Honorary Professor at King's College, in London;
- a declaration of 2 March 2017 to work for an indefinite period of time as Visiting Fellow at the University of Sussex, in Brighton;
- a declaration of 10 March 2017 to engage as a consultant for the Caisse de dépôt et placement du Québec, in Canada;
- a declaration of 20 March 2017 to engage as a speaker at the Conference "UK in a Changing Europe";

- a declaration of 21 April 2017 to engage as a Member of the Steering Group of the Federation Internationale pour le Droit Européen until the closing session of the Congress of the Federation on 23-26 May 2018 in Estoril, Portugal;
- a declaration of 1 June 2017 to perform an occupational activity, through his company "Faull Consulting sprl", for an indefinite period of time as Head of Public Affairs-Europe for the Brunswick Group, in Brussels;
- a declaration of 6 July 2017 to deliver a speech at a conference on the UK and Europe organised by the Centre for European Research at Queen Mary University, in London;
- a declaration of 6 July 2017 to engage as a speaker at a conference at the British Swiss Chamber of Commerce (BSCC), in Zurich;
- a declaration of 17 July 2017 to engage as a speaker/lecturer at a number of conferences/events listed in the declaration form:
- a declaration of 18 July 2017 to engage as a speaker at the Journées de l'histoire in Blois, (France);
- a declaration of 19 July 2017 to work as Member of the Faculty at the Académie Notre Europe, in Paris;
- a declaration of 1 September 2017 to work as adviser to a working group at the London School of Economics, in London for six meetings.

Following the general rules concerning the consultation process for this type of requests, the Appointing Authority gave its approval to carry out the activities, under certain conditions aimed at preventing any risk of conflict of interest. Notably, when the declared activities could potentially, because of their nature, give rise to any lobby or advocacy, the statutory prohibition to engage in lobbying or advocacy activities foreseen in Article 16(3) of the Staff Regulations was extended by the Appointing Authority from 12 to 18 months after leaving the service and applied vis-à-vis staff of the Commission, not only on matters for which he was responsible during the last three years as Director-General in the Secretariat-General and for DG FISMA, but on any matters related to Commission's activities. Furthermore, during the 24 months after the date of his retirement, Mr Faull is required to refrain from having professional contacts for his clients with his former colleagues in the Secretariat-General and DG FISMA, when the nature of the activity could possibly foresee it.

In addition, in the framework of his envisaged activity with his company "Faull Consulting sprl", the Appointing Authority granted its authorisation to Mr Faull, subject to the above mentioned restrictions and the obligation to declare in advance any specific activity, or group of activities, Mr Faull intended to perform through his company, with a view of further assessing such activity, or group of activities, under Article 16 of the Staff Regulations.

Moreover, Mr. Faull was requested to always make it clear to his interlocutors that he will act in his personal capacity, never representing the interests or positions of the Commission. Mr Faull was also reminded of the relevant staff obligations as laid down in Title II of the Staff Regulations.

Furthermore, I can provide you with some information on the last post held by Mr Faull, with regard to the relevant period assessed as regards any potential conflict of interest:

- 1 October 2016 - December 2016: Director-General in the SG supporting work on the initial phase of creation of the European Solidarity Corps;

- 2 September 2015 - September 2016: Director-General in the SG entrusted with the special mission, on behalf of the President, to chair the "Task Force for Strategic Issues related to the UK Referendum";
- 3 July 2010 - August 2015: Director General, DG Financial Stability, Financial Services and Capital Markets Union;

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