



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, 20. 02. 2018

Ms Margarida da Silva
CEO

Rue d'Edimbourg 26
1050 Brussels

By email: [ask+request-4977-
e3bdf81@asktheeu.org](mailto:ask+request-4977-e3bdf81@asktheeu.org)

Subject: Your application for access to documents – Ref/GestDem No 2018/0193

Dear Ms da Silva,

I refer to your e-mail dated 08 January 2018 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 contain overview of the number of requests for occupational activities after leaving service (under article 16 of the staff regulations) or on leave on personal grounds (under article 40 of the Staff regulations) since October, 2014."*

In particular, you request *"the overall number of requests but also breakdowns by:*

- *Job title and/or work area at the Commission;*
- *Sector of occupational activity for which authorisation was sought;*
- *Final status of the request: i.e. number of cases approved, approved with conditions, rejected."*

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.

I regret to inform you that no document was identified that contains the overall detailed information that you request. Indeed, as specified in Article 2(3) of the Regulation (EC) No 1049/2001, the right of access as defined in that Regulation applies only to existing documents in the possession of the institution.

The Commission does not hold a ready-made register or other form of document with an overview of the number of requests and with the breakdowns you request for individual decisions under the Articles referred to in your letter.

As you may know, in order to comply with Article 26 of the Staff Regulations all relevant individual decisions are included only in the personal files of the persons concerned. The General Court has indeed ruled that a personal file is by nature unique, which precludes the existence in any form whatsoever of any other set of documents of the same sort (Judgment of 11.10.1995, Baltasvias/Commission, joined cases T-39/93 and T-553/93, paragraph 38). Consequently, the individual decisions concerned are not filed in parallel by the Commission.

In consideration of the above, your request falls outside the scope of Regulation 1049/2001.

Nevertheless, and in order to accommodate your request to the extent possible, while there is no document corresponding fully to your request, I enclose redacted excerpts from the DG HR Reports 2014, 2015 and 2016. Report for 2017 is still in progress.

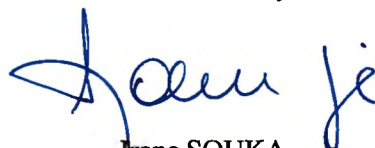
In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

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

Yours sincerely,



Irene SOUKA