

[REDACTED]

From: CAB-BORRELL-FONTELLES-ARCHIVES@ec.europa.eu
Sent: Monday, 7 September 2020 17:07
To: RUUTU Olli
Cc: [REDACTED]
Subject: FW: Draft decision for HoA signature - J DOMECCQ
Attachments: Decision Art 18 - Mr. DOMECCQ-1.pdf

Dear Mr Ruutu,
Please find enclosed the letter signed by Head of Agency Mr Josep Borrell Fontelles.
Kind regards,
[REDACTED]

From: RUUTU Olli <[REDACTED]>
Sent: Saturday, September 5, 2020 12:24 PM
To: [REDACTED] [eeas.europa.eu](mailto:[REDACTED]@eeas.europa.eu)>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Draft decision for HoA signature - J DOMECCQ

Dear [REDACTED],

Further to my e-mail this morning, please find attached for the HoA's consideration and signature the draft Decision relating to the authorisation to engage in post-employment activity under Article 18 of the EDA Staff Regulations.

As discussed, this Decision is not procedurally linked to the breach proceedings and should be signed next Monday, if possible, and must be adopted latest by next Tuesday 08/09/2020 in order to meet the 30 working days deadline set by the SRs. We would, therefore, appreciate it if you could already make arrangements to have it signed by the HoA in time for the deadline. Once signed by the Head of Agency, please send a scanned copy to [REDACTED] our Head of HR (cc in this e-mail) for dispatch to Mr Domecq.

[REDACTED]

Best regards,

Olli

EUROPEAN DEFENCE AGENCY

DECISION OF THE HEAD OF AGENCY

EDAHR202009001

THE HEAD OF AGENCY

Having regard to Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency (hereinafter referred to as “the Council Decision”),¹ notably Articles 7(2) and 10 (1) thereof,

Having regard to Council Decision (EU) 2016/1351 of 4 August 2016 concerning the Staff Regulations of the European Defence Agency, and repealing Decision 2004/676/EC (hereinafter referred to as “the Staff Regulations”),² and in particular to Article 18 thereof,

Whereas:

- (1) Mr Jorge Domecq (NP ████████), former Chief Executive of the EDA, submitted an application for authorisation to engage in an occupational activity after leaving service in accordance with Article 18 of the Staff Regulations;
- (2) Article 18 para.2 of the Staff Regulations stipulates that the Authority Authorised to Conclude Contracts (“AACC”) is the decision-making authority for such applications and Article 1.2 of the Staff Regulations provides that the AACC is determined in accordance with the relevant provisions of the EDA Council Decision. In this instance, considering Articles 7(2) and 10(1) of the EDA Council Decision, the decision on the application submitted by the EDA’s former Chief Executive falls under the remit of the Head of Agency;
- (3) Mr Jorge Domecq submitted his application for authorisation on 28/07/2020 and provided additional elements by email on 31/08/2020 and 03/09/2020;
- (4) An assessment of the application has concluded that there is no established conflict with the interests of the Agency which would justify a prohibition to engage in the occupational activity, in the sense of Article 18 of the EDA Staff Regulations, but that the situation has in fact created a perception of a conflict with the legitimate interests of the Agency and may give rise, in the future, to an actual conflict of interest, which could, if not mitigated, cause serious damage to the reputation of the Agency;
- (5) To address this perceived conflict of interest and to prevent a real conflict of interest that could arise in connection with the new occupational activity, the Head of Agency may decide to authorise the occupational activity subject to the conditions it thinks fit for up to two years after the date on which Mr Domecq left the service;
- (6) This authorisation with conditions does not remove or in any way alter the prohibition set out under Article 18 para.3 for Mr Domecq, as a former senior member of staff, from engaging in lobbying or advocacy vis-à-vis EDA staff for his new business, which applies for one year after leaving the service.

¹ OJ L 266, 13.10.2015, p.55.

² OJ L 219, 12.08.2016, p.1.

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HAS DECIDED AS FOLLOWS:

Based on the assessment made of the application for authorisation, the application for authorisation to engage in occupational activities after leaving service is **approved with the following conditions:**

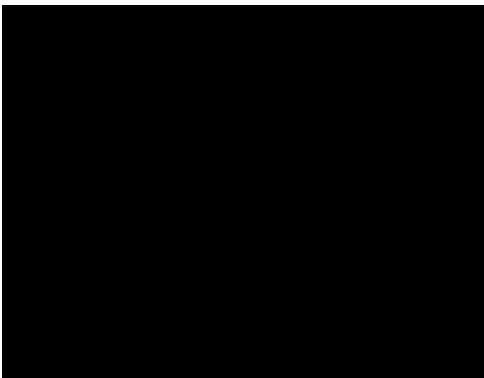
- **Until 31/01/2021** – Mr Domecq should not have contacts with EDA staff for the purpose of lobbying or advocacy on matters for which he was responsible as Chief Executive of EDA;
- **Until 31/01/2022** – Mr Domecq should remove himself from any Airbus decision or task which concerns EDA activities in order to avoid any perceived or real conflict of interests;
- **Until 31/01/2022** – Mr Domecq should abstain from contacts with the Airbus Brussels office for matters which concern EDA.

Mr Domecq will be informed of this Decision and reminded at the same time of his duty under Article 19 of the EDA Staff Regulations to refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.

A summary of the assessment and the conditional approval of the activity above will be listed as part of the cases assessed in the annual report on the implementation of Article 18 of the Staff Regulations published on the EDA website.

A copy of this decision will be included in the personal file.

Done at Brussels, on 07 September 2020



Josep Borrell
Head of the Agency