



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
HUMAN RESOURCES AND SECURITY  
Director-General

Brussels, 23 SEP. 2015

Ms Vicky Cann  
CEO  
Rue d'Edinburg 26  
1050 Brussels  
By email: ask+request-2248-  
0245615d@asktheeu.org

**Subject: Your application for access to documents – Ref /GestDem No 2015/4639**

Dear Ms Cann,

I refer to your e-mail dated 2 September 2015 and registered on the same day by which you make a request for access to documents under the above mentioned reference number.

Your application concerns *"all documents which relate to any article 16 (staff regulations) applications made by Bernd Langeheine, including to work for Cleary Gottlieb. In particular, you request "a note of all Mr Langeheine's job titles at the Commission including dates held; copies of any application(s) that he has made under article 16 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 document identified is one application form submitted by Mr Langeheine in the framework of Article 16 of the Staff Regulations and the related decision from the Appointing Authority. I have also identified e-mail exchanges between 6 May 2015 and 3 July 2015 within Commission services or between Commission services and Mr Langeheine pertaining to the underlying internal procedures concerning this request for authorisation.

The document you requested contain personal data relating to the past and present occupational activities of Mr Langeheine. 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 e-mail exchanges between the Commission services and Mr Langeheine, Article 4(3) paragraph 2 of Regulation (EC) No 1049/2001 also applies. 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 Langeheine submitted a declaration of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations).

The declaration, dated 4 May 2015 and registered on 6 May 2015, relates to the authorisation to engage in a remunerated occupational activity as a Senior Consultant at Cleary Gottlieb Steen & Hamilton.

Following the general rules concerning the consultation process for this type of request, the Appointing Authority gave its approval to carry out these activities, subject to certain conditions. Mr Langeheine will not deal with any open cases (or possibly new cases linked to closed or open ones) on which he worked or had knowledge of in the framework of his work at DG COMP during his three last years of service, and most particularly on certain listed cases. Mr Langeheine was reminded of the permanent obligation under the first paragraph of Article 16 of the Staff Regulations not to deal with the same case on behalf of different parties and may thus be the subject of disciplinary measures if this will not be complied with. During the 18 months after leaving the service (i.e. until 30/11/2015), Mr Langeheine will not have any professional contacts with the service for which he had been responsible, in DG COMP. Should Mr Langeheine during the first two years after leaving the service be involved in cases which might lead to a conflict with the legitimate interests of the Institution, he remains bound by the obligation to notify the Commission, in particular the Director-General of DG COMP.

Mr Langeheine was also reminded of the specific staff obligations as laid down in Articles 16, 17 and 19 of the Staff Regulations.

Furthermore I can provide you with some information on the last posts held by Mr Langeheine covering the period which was assessed as regards any potential conflict of interest :

From 1/07/2002 to 31/05/2011 : DG INFSO, Director – Electronic Communications Networks and Services

From 1/06/2011 to 31/05/2014 : DG COMP, Deputy Director-General – Mergers

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.

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)

Finally, please be informed that a copy of this letter will be sent to the person concerned.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Irene Souka', with a stylized flourish at the end.

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