



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, **30 JUN 2016**

Ms Vicky Cann
CEO
Rue d'Edimbourg 26
1050 Brussels
By email: ask+request-2759-
7372424b@asktheeu.org

Subject: Your application for access to documents – Ref /GestDem No 2016/1717

Dear Ms Cann,

I refer to your e-mail dated 5 April 2016 and registered on 7 April 2016 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 applications made under the Staff Regulations for authorisation for post-employment activities by Kevin Coates"*. In particular, you request *"a note of all Mr Coates' 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."*

By e-mail dated 23 May 2016, as registered on 24 May under Ares(2016)2392217, you answered to the requests for further clarifications¹ on what you meant by "post-employment" activities in relation to the relevant Articles of the Staff Regulations.

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 are two requests for authorisation of an outside activity during leave on personal grounds submitted by Mr Coates in the framework of Article 40 of the Staff Regulations, read in conjunction with Article 12b thereof.

The documents you requested contain personal data relating to the past and present occupational activities of Mr Coates. It is the Commission's obligation to ensure that the

¹ See e-mails dated 2 May and 23 May 2016, registered under Ares(2016)2076170 and Ares(2016)2372171 respectively.

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.

While I have also considered the possibility of granting partial access on the basis of Article 4(6) of Regulation (EC) No 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 Coates submitted the following requests for outside activities while on leave on personal grounds:

- The first request relates to a post as a partner in the Covington & Burling law firm from 16 March 2016 until 15 March 2017;
- The second request relates to the activities exercised within "Lawyers – In For Britain" from 16 March 2016 until 15 March 2017.

Following the consultation process required for this type of requests, the Appointing Authority gave its approval to carry out these activities, under certain limited conditions aimed at preventing any potential conflict of interest. In relation to the first request, Mr Coates was requested not to work on any cases on which he was involved since he joined the cartel directorate at the end of 2012. He was also requested not to have any professional contact with DG Competition for twelve months. In relation to the second request, Mr Coates was to inform the Commission Task Force for Strategic Issues related to the UK Referendum of the initiative UK referendum lawyers to which he participates.

Mr Coates was also reminded of the specific staff obligations as laid down in Title II and Articles 37 and 40 of the Staff Regulations.

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

- From 1 November 2012 to 15 March 2016 he was Head of Unit in the Cartels Unit in DG Competition.

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

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

Yours sincerely,

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

Irene SOUKA