



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-3044-4cbb60c8@asktheeu.org](mailto:ask+request-3044-4cbb60c8@asktheeu.org)

**Subject: Your application for access to documents – Ref/GestDem No 2016/3353**

Dear Ms Cann,

I refer to your e-mail dated 14 June 2016 and registered on 15 June 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, Article 16 for authorisation for post-employment activities by Péter Balás, including at Covington & Burling as detailed here: <https://www.cov.com/en/news-and-insights/news/2016/06/former-deputy-director-general-of-dg-trade-joins-covington>. In particular, you request "a note of all Mr Balás' 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 are two application forms submitted by Mr Balás 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 which took place between 29 March 2016 and 19 May 2016 within Commission services or between Commission services and Mr Balás pertaining to the underlying internal procedures concerning this request for authorisation.

The documents you requested contain personal data relating to the past and present occupational activities of Mr Balás. 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 Balás, the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 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 Balás submitted two declarations of intention to engage in an occupational activity after leaving the Commission (Article 16 of the Staff Regulations), dated 18 and 21 March 2016 and both registered on 29 March 2016, relating to the authorisation to engage in two remunerated occupational activities one as a senior research scholar at the Institute for Applied Systems Analysis and the other one as a senior policy adviser for Covington.

Following the general rules concerning the consultation process for this type of request, the Appointing Authority gave its approval on 19 May 2016 to carry out these activities, subject to certain conditions. During the twelve months after leaving the service, Mr Balás will not engage in lobbying or advocacy vis-à-vis staff of the Commission on behalf of his future employers on matters for which he was responsible during the last three years in the service. During the first two years after leaving the service, Mr Balás will not be involved in any Trade Defence or WTO cases launched by the European Commission and will not have professional contacts with DG TRADE staff in the context of his new activities.

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

From 16/11/2005 to 30/06/2014: DG TRADE, Deputy Director-General - Trade

From 01/07/2014 to 30/11/2015: DG DEVCO/NEAR, Hors Classe Adviser - EU Neighbourhood

From 01/12/2015 to 31/03/2016: DG TRADE, Hors Classe Adviser - Trade

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.

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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

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