



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, 18. 09. 2018

Ms Margarita da Silva  
CEO  
Rue d'Edimbourg 26  
1050 Brussels  
By email: ask+request-5803-  
4e20f0f9@asktheeu.org

**Subject: Your application for access to documents – Ref /GestDem No 2018/4258**

Dear Ms da Silva,

I refer to your e-mail dated 6 August 2018, registered on the same day, and by which you make a request for access to documents under the above-mentioned reference number.

Your application concerns "*documents which relate to any article 16, article 12B and article 40 (staff regulations) applications made by Reinald Krueger, Deputy Director-General at DG CNECT since January 2017.*" In particular, you "*request a note of all Mr. Krueger's job titles at the Commission including dates held; copies of any application(s) that he has made under article 12b, 16 and 40 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.

I have identified, as corresponding to your request, a request for an occupational activity while on leave on personal grounds submitted by Mr Krueger on 4 April 2018 in the framework of Article 40 of the Staff Regulations, read in conjunction with Article 12b thereof as well as the related Appointing Authority decision. I have also identified correspondence within Commission services or between Commission services and Mr Krueger pertaining to the underlying internal procedures concerning this type of requests for authorisation.

The documents identified contain personal data relating to the past and present occupational activities of Mr Krueger. 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 relating to the protection of personal data provided for in Article 4(1)(b) of Regulation No 1049/2001 applies.

As for the correspondence between the Commission services and Mr Krueger, in addition to the protection of personal data, the second subparagraph of Article 4(3) of Regulation (EC) No 1049/2001 also applies. That exception is related to the protection of the Commission's decision-making process even after the decision of the Appointing Authority has been taken. As no overriding public interest in disclosure could have been identified in the present case, that 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) No 1049/2001, I have concluded that this would equally undermine the protection of personal data.

Against this background, in order to address your query to the extent possible, I can nevertheless provide you with the following general information on the process to which your request relates.

The request that Mr Krueger submitted to engage in an outside activity relates to a remunerated occupational activity for a period of one year as of 1 October 2018 to 30 September 2019, as Group Public Policy Development Director for Vodafone Group Limited in London.

Following the consultation process required for this type of request, the Appointing Authority gave its approval to carry out this activity, under certain limited conditions aimed at preventing any potential conflict of interest.

Mr Krueger was reminded of the statutory provisions which require him:

- to follow the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefit;
- to refrain from any unauthorised disclosure of information received in the line of duty during his work at the Commission, unless that information has already been made public or is accessible to the public, and, in this context, to refrain from exploiting insights of confidential nature in policy, strategy or internal processes that he may have acquired in the line of service and that have not yet been public or are not commonly available in the public domain;
- in accordance with Article 40 of the Staff Regulations, to refrain from engaging in any activity or role which involves lobbying or advocacy vis-à-vis staff of the European Commission and which could lead to the existence or possibility of a conflict with the legitimate interests of the Institution.

In addition, Mr Krueger was required :

- to immediately report to his Appointing Authority any actual, potential or perceived conflict of interests that may rise in the framework of the authorised activity in order to address it effectively;
- not to deal in any way with files and matters directly linked to his work at the Commission to avoid the perception of any conflict of interest;
- to always make it clear to his interlocutors that he intervenes (or acts) only in his own capacity not representing in any way the opinion or interest of the Institution. In this regard

and in the framework of his new activity, Mr Krueger shall refrain from associating his former position at the European Commission with his new role and in discussions within Vodafone or with its clients and to refrain from making public statements that could damage the image of the Institution.

- not to participate in meetings or have contacts of professional nature with his former Directorate General or service for a period of 1 year.

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

- from 16 September 2008 to 15 April 2018, he was Head of Unit (CNECT.DDG2.B.3 - Markets).

Following the authorisation for his envisaged activity, Mr Krueger opted out from his post of Head of Unit and moved to another post.

- from 16 April 2018 to 30 September 2018, he has been relocated to a position of Senior Expert in DG CNECT.

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.

Finally, please be informed that a copy of this letter will be sent to the person 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 5/282  
B-1049 Brussels

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Irene SOUKA