



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

*By registered letter with acknowledgment of receipt*

To the attention of Mr Arun DOHLE  
Ask+request-5805-df9e797f@asktheeu.org

Dear Sir,

**Subject: Your application for access to documents – Ref GestDem No 2018/4287**

I refer to your e-mail dated 03/08/2018 in which you make a request for access to documents, registered on 08/08/2018 under the above-mentioned reference number.

You request access to:

*All documents/correspondence related to the Vacancy Notice Unit 1A - Post n°145009 - Policy Officer - Human/Fundamental Rights.*

*Including, but not limited to, internal and external communication related to the need/justification of this contract and the number of applications, as well as criteria for selection.*

The following documents have been identified as falling within the scope of your request:

- a) the vacancy notice for post n°145009 (one document);
- b) correspondence within DG NEAR on the publication of the post n°145009 (one document);
- c) CVs of candidates (several documents);
- d) DG HR correspondence with candidate on 29 September 2017 (one document);
- e) Candidates' evaluation grid (one document);
- f) DG NEAR's request to DG HR to recruit the candidate of 25 September 2017 (one document);
- g) DG NEAR internal note to request the recruitment of the selected candidate (one document);
- h) a conflict of interest form submitted by the candidate (one document).

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that:

- the document under a) may be entirely disclosed;
- the documents under b), d), f), g) and h) can be partially disclosed. Some parts of these documents have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation, as described below;
- the documents under c) and e) cannot be disclosed as their disclosure is prevented by exceptions to the right of access laid down in Article 4 of this Regulation, as described below.

The underlying exceptions mentioned above concern the protection of (i) the privacy and integrity of the individual as provided for in Article 4(1)(b) of Regulation 1049/2001, as well as (ii) the decision-making process, provided for in the second subparagraph of Article 4(3) thereof.

#### **As regards the protection of the privacy and integrity of the individual**

Article 4(1)(b) of Regulation 1049/2001 provides that "[t]he institutions shall refuse access to a document where disclosure would undermine the protection of [...] privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data".

The requested documents under b) to h) contain personal data of the candidates, and names and surnames of the members of the selection panel and staff in the Institutions.

This information falls under the definition of personal data provided for in Article 2(a) of Regulation 45/2001, according to which personal data is defined as "[...] any information relating to an identified or identifiable natural person (...)." Under that provision, "an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity[...]".

It follows that public disclosure of the above-mentioned personal information would constitute processing (transfer) of personal data within the meaning of Article 8(b) of Regulation 45/2001.<sup>1</sup>

In accordance with the *Bavarian Lager* ruling,<sup>2</sup> Regulation 45/2001 becomes fully applicable when a request is made for access to documents containing personal data. According to Article 8(b) of

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<sup>1</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, page 1).

<sup>2</sup> Judgment of the Court (Grand Chamber) of 29 June 2010 in case C-28/08 P, *European Commission v the Bavarian Lager Co. Ltd.* (ECLI:EU:C:2010:378), paragraph 63.

that Regulation, personal data shall only be transferred to recipients if the recipient establishes the necessity of having the data transferred, and if there is no reason to assume that the data subject's legitimate interests might be prejudiced. Those two conditions are cumulative.<sup>3</sup>

The processing (transfer) of personal data can occur only if both conditions are fulfilled and constitutes lawful processing in accordance with the requirements of Article 5 of Regulation 45/2001.

In that context, whoever requests such a transfer must first establish its necessity. If such a necessity is indeed demonstrated, it is then for the Institution concerned to determine that there is no reason to assume that that transfer might prejudice the legitimate interests of the data subject.<sup>4</sup>

Concerning your request to access documents, you have not established the necessity of disclosing any of the above-mentioned personal data. I also refer to the *Strack* case, where the Court of Justice ruled that the Institution does not have to examine by itself the existence of a need for transferring personal data.<sup>5</sup>

In view of the above, I must conclude that the transfer of personal data through the public disclosure of the above-mentioned information included in some of the documents requested cannot be considered as fulfilling the requirements of Regulation 45/2001. As a consequence, the use of the exception under Article 4(1)(b) of Regulation 1049/2001 is justified, as there is no need to publicly disclose the personal data included therein, and it cannot be assumed that the legitimate rights of the data subjects concerned would not be prejudiced by such disclosure.

Please note that the exception referred to above has an absolute character and does not envisage the possibility of demonstrating the existence of an overriding public interest.

### **As regards the protection of the decision-making process**

Article 4(3), second subparagraph of Regulation 1049/2001 provides that "[...] *access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.*"

The scope of that provision covers the requested document identified under category e).

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<sup>3</sup> Ibid, paragraphs 77-78.

<sup>4</sup> Judgement of the Court of Justice of 16 July 2015 in case C-615/13P, *ClientEarth v EFSA*, (ECLI:EU:C:2015:489), paragraph 47.

<sup>5</sup> Judgment of the Court of Justice of 2 October 2014 in case C-127/13 P, *Strack v Commission*, (ECLI:EU:C:2014:2250), paragraph 106.

The process of drafting an evaluation grid in a given selection process constitutes an important, but not the final stage thereof. The comparative assessment of the candidates is concluded by way of the panel's decision to establish the final list of short-listed candidates. Consequently, evaluation grid constitutes "[...] *opinions for internal use, as part of deliberations [...]*" within the institution concerned.

Once the submitted applications have been examined from the point of view of the eligibility and selection criteria, the selection panel carries out a comparative assessment of the candidates. That assessment is the essential and principal task for which the selection panels are convened and established.

In the light of the character and the nature of tasks entrusted to the selection panels, as described above, I am of the view that public access to the documents requested under category e) would undermine the independence of selection panels and the objectivity of their work.

In addition to this assessment, I could not identify any overriding public interest in disclosure, and must therefore conclude that the use of the exception under Article 4(3) of Regulation 1049/2001 is justified.

Notwithstanding, I have considered whether partial access could be granted to the documents requested. As mentioned above, you will find enclosed a copy of documents identified under categories b), d), f), g) and h) where the information falling under the scope of the above-explained exceptions have been expunged. Such a partial disclosure was however not possible for the document under categories c) and e).

You may reuse the disclosed documents free of charge for non-commercial purposes provided that the source is acknowledged and that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

In accordance with Article 7(2) of Regulation 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 Bruxelles

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

Yours faithfully,



Irene SOUKA

- Enclosures:
- (1) Vacancy Notice for post n°145009
  - (2) Correspondence within DG NEAR on the publication of the post n°145009
  - (3) DG NEAR's request to DG HR to recruit the candidate of 25 September 2017
  - (4) DG NEAR internal note to request the recruitment of the selected candidate
  - (5) Correspondence with candidate on 29 September 2017
  - (6) Conflict of Interest form

<p style="text-align: center;"><b>VACANCY NOTICE UNIT A1 - Post n°145009</b> <b>POLICY OFFICER – HUMAN/FUNDAMENTAL RIGHTS</b></p>
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**We are**

The mission of DG NEAR is to take forward the EU's neighbourhood and enlargement policies. DG NEAR works closely with the European External Action Service and the line DGs in charge of thematic priorities.

In the enlargement area, DG NEAR assists those countries with a perspective to join the EU in meeting the criteria defined by the Treaty of European Union and the European Council. DG NEAR closely monitors the progress of enlargement countries towards the EU and supports accession negotiations as required by the Council. The DG manages the bilateral relations of the Union with candidate countries and potential candidates on their path to the EU, frontloading reforms on rule of law, economic governance and public administration reform. Concerning the Western Balkans, the DG develops and implements the stabilisation and association policy of the European Union as defined by the European Council.

By implementing assistance actions in Europe's eastern and southern neighbourhood, DG NEAR supports reform and democratic consolidation, and strengthens the prosperity, stability and security around Europe. DG NEAR helps to promote EU values, policies and interests in this region, and to contribute to developing the special relationship of the EU with its neighbouring countries.

DG NEAR manages the bulk of the Union's financial and technical assistance to the neighbourhood and enlargement countries.

**The Unit's** overall objective is to ensure overall policy coordination within DG NEAR and across the Commission. It also ensures appropriate policy coordination and cooperation with the EEAS. We are the unit responsible for coordination within DG NEAR of enlargement strategy and policy, including the Stabilisation and Association process, and of the European neighbourhood policy. The unit manages the annual enlargement package exercise comprising a strategic communication and individual country reports on each enlargement country. The unit hosts the Centre of Thematic Expertise on Rule of Law, Fundamental Rights and Democracy.

The unit consists of 24 staff.

**We propose**

A highly challenging position for a policy officer to work as a member of the Centre of Thematic Expertise on Rule of Law, Fundamental Rights and Democracy on fundamental rights issues for Enlargement and Neighbourhood countries who will bring their solid policy and coordination background and experience to bear in a dynamic team environment.

He/she will work in the Centre of Thematic Expertise on Rule of Law, Fundamental Rights and Democracy to **provide a horizontal steer to human/fundamental rights issues** in the Enlargement and Neighbourhood regions and act as **policy advisor and resource person for human/fundamental rights**.

He/she will **monitor fundamental rights issues** particularly in the Enlargement and Neighbourhood East regions, and developments on European standards in international organisations (Council of Europe, OSCE, UN etc).

He/she will **contribute to the preparation of the annual Enlargement package** (including as regards guidance, quality check, preparation and participation in consultations with international organisations and NGOs).

He/she will contribute to the **preparation of other monitoring reports** produced by the European Union in the **field of human/fundamental rights** (notably those of DG JUST and the EEAS).

He/she will lead the **organisation of the Fundamental Rights Network (FRi-Net)** in DG NEAR, and will organise annual meetings of the network and thematic seminars.

He/she will maintain regular contacts with the Council of Europe and other international organisations (including UN bodies and OSCE/ODIHR), other EU institutions and civil society organisations.

He/she will draft responses to parliamentary questions, correspondence and citizens' requests, and provide comments on IPA/ENI or EIDHR programming.

### **We look for**

We are looking for a proactive, dynamic, well-organised and motivated colleague, with a strong sense of initiative and strong coordination abilities.

The ideal candidate should have a sound understanding and experience working on human and fundamental rights and on policy and strategic coordination ideally on either Enlargement or European Neighbourhood policy.

He/she should have sound analytical skills, and ability to process, analyse and prioritise large quantities of information and reporting.

He/she should have a high personal commitment to quality, timeliness and accuracy. Capacity to perform duties autonomously, flexibly and under pressure is indispensable.

Excellent interpersonal and communication skills, including the ability to communicate effectively in public and to represent the DG within the Commission and the Commission vis-à-vis Member States, are an essential part of the job.

An excellent command of English and good command of French is essential. Knowledge of other EU languages would be an asset.

**Only FG IV contract agents in the Commission, candidates from an FG IV EPSO CAST or candidates registered as FG IV in the EU CV online database will be considered for this position.**

Interested candidates should send their CV and a short letter of motivation to the following mailbox: [NEAR-A1@ec.europa.eu](mailto:NEAR-A1@ec.europa.eu)

**Deadline for applications: 21 July 2017**

**From:** EC ARES NOREPLY  
**To:** [HR AMC J30 VACANCY NOTICES](#)  
**Cc:** [NEAR HR BUSINESS CORRESPONDENT](#); [REDACTED]  
**Subject:** [REDACTED] - NEAR ACTION \_ Publication CA FGIV post 145009 - NEAR A1  
**Date:** vendredi 30 juin 2017 10:32:01  
**Attachments:** [Vacancy notice human and fundamental right.docx](#)

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[Ares\(2017\)3286031 - NEAR ACTION \\_ Publication CA FGIV post 145009 - NEAR A1](#)

*Sent by NEAR HR BUSINESS CORRESPONDENT <NEAR-HR-BUSINESS-xxxxxxxxxxxx@xx.xxxxxx.xx>. All responses have to be sent to this email address.  
Envoyé par NEAR HR BUSINESS CORRESPONDENT <NEAR-HR-BUSINESS-xxxxxxxxxxxx@xx.xxxxxx.xx>. Toutes les réponses doivent être effectuées à cette adresse électronique.*

Dear [REDACTED]  
Can you please publish this post today?  
Thanks,  
[REDACTED]



**From:** EC ARES NOREPLY  
**To:** [HR AMC J30 RECRUITMENT SELECTION](#)  
**Cc:** [REDACTED] [NEAR HR BUSINESS CORRESPONDENT](#); [REDACTED]  
**Subject:** Ares(2017)4659403 - DG NEAR - ACTION - Recruitment - [REDACTED] - Policy Officer Human / Fundamental Rights, Contract Agent, FG IV, NEAR A.1, Post nr 145009  
**Date:** lundi 25 septembre 2017 10:28:01  
**Attachments:** [image001.gif](#)

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[REDACTED] - [DG NEAR - ACTION - Recruitment - \[REDACTED\] - Policy Officer Human / Fundamental Rights, Contract Agent, FG IV, NEAR A.1, Post nr 145009](#)

*Sent by ve\_near.hr.bc (NEAR) <near-hr-business-correspondent@ec.europa.eu>. All responses have to be sent to this email address.  
Envoyé par ve\_near.hr.bc (NEAR) <near-hr-business-correspondent@ec.europa.eu>. Toutes les réponses doivent être effectuées à cette adresse électronique.*

Dear Colleagues,

Please proceed with this recruitment request.

Many thanks,

Best regards,

[REDACTED]  
Member of the HR Business Correspondent team



**European Commission**

DG NEAR – DG Neighbourhood and Enlargement Negotiations  
R.1. - Resource Planning and IT  
L-15 05/113  
B-1049 Brussels/Belgium

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]





**EUROPEAN COMMISSION**  
Neighbourhood and Enlargement Negotiations

A – STRATEGY AND TURKEY  
The Director

Brussels,

**NOTE TO [REDACTED]  
DIRECTOR NEAR R**

**Subject: Recruitment of [REDACTED] as Policy Officer Human / Fundamental Rights, Contract Agent, FG IV, NEAR A.1, Post n°145009**

Following the publication of the above mentioned position, the pre-selection panel short-listed [REDACTED] candidates who were invited to the selection interview on 6 September 2017.

Following the interviews, the panel has concluded that [REDACTED] has demonstrated the best potential and abilities to fulfil the task of the position mentioned here above and therefore is the most suitable candidate for this position.

I would appreciate it if your services would carry out the necessary administrative procedures to request the recruitment of [REDACTED] as soon as possible.



Encl.: Evaluation grid for selection – interview

Cc: [REDACTED]

**From:** [HR AMC J30 RECRUITMENT SELECTION](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED] [NEAR A1](#): [REDACTED]  
**Subject:** Your selection as Contract Agent - NEAR A1 - FG IV  
**Date:** vendredi 29 septembre 2017 17:02:43  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[Conflit of interest - \[REDACTED\].doc](#)

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Dear [REDACTED],

Following your interview for a Contract Agent position at the European Commission, I have the pleasure to inform you that DG NEAR has decided that the abovementioned Contract Agent position - Function Group IV - in DG NEAR A1 will be reserved for your potential recruitment.

Please take into consideration that DG HR asks minimum 2 months for a recruitment process.

For your possible recruitment, I need the document "absence of conflict of interest" duly completed by you (**Part I**), attached to this e-mail.

Please send the **ORIGINAL** document by post as soon as possible. No recruitment is possible without this document.

**EUROPEAN COMMISSION**

**DG HR - AMC.4**

**ATT.** [REDACTED]  
[REDACTED]

**B-1049 Brussels**

A request for your possible recruitment will be sent by us to DG HR, Unit B1, who will further follow-up on the preparation of your personal file.

Please note that the final decision on your possible employment as a Contract Agent at the European Commission requires several elements.

The person responsible for your recruitment in DG HR will invite you to a medical check-up and to a meeting with her to submit all the requested documents.

**The final decision on employment is taken by DG HR B.1 on behalf of the European Commission.**

**Please note that only the final job offer** (offer letter and/or contract of employment) **signed by the Authority empowered to sign contracts** (European Commission, Head of Unit of DG HR Unit B.1) **can be considered as a legal commitment on behalf of the European Commission.**

For additional information regarding conditions of employment for Contract Agents, please consult:

[http://ec.europa.eu/civil\\_service/job/contract/index\\_en.htm](http://ec.europa.eu/civil_service/job/contract/index_en.htm).

I remain at your disposal for any further questions you would have.

Best regards,

[Redacted]

[Redacted]

HRM Assistant



**European Commission**

Directorate-General Human Resources and Security

AMC.4 – Account Management Centre for DEVCO, ECHO, FPI, NEAR, TRADE staff in EU Delegations

[Redacted]



Team 2 - **talent** MANAGEMENT

Recruitment, Mobility & Performance Management

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# EUROPEAN COMMISSION

Please enter an answer  
in every section and  
write in capitals.

## FOR THE RECRUITMENT OF NON- MANAGERS

### DECLARATION CONFLICT OF INTEREST BY CANDIDATES

(Articles 11 and 11a of the Staff Regulations and  
Articles 11 and 81 of the Conditions of Employment of Other Servants- CEOS)

*This questionnaire aims at allowing the Appointing Authority/Authority Empowered to Conclude Contracts of Employment to identify potential or actual conflict of interest in relation to the specific position offered and the appropriate measures to be adopted, if any.*

*This questionnaire does not exempt candidates from complying with all the ethics obligations imposed on them upon recruitment.*

*Once the Appointing Authority/Authority Empowered to Conclude Contracts of Employment has finalised this form, it will be transmitted to Unit HR.E.3 for insertion in the personal file. In case of potential conflict of interest identified by the Appointing Authority/Authority Empowered to Conclude Contracts of Employment, copies will also be transmitted to the candidate, to Unit HR.B.1, to the HR Unit of the Directorate-General offering the position and to the candidate's direct manager.*

#### THE POSITION OFFERED

**TO BE FILLED IN BY THE RECRUITING DIRECTORATE-GENERAL**

Vacancy notice No: .....Sysper 145009.....

Administrative status of the position offered: Contract agent

Grade of the position offered:.....FG IV.....

DG, Directorate, unit: .....NEAR.DGA2.A.1.....

Name of the immediate superior: [REDACTED]



**PART I**

**TO BE FILLED IN BY THE CANDIDATE AND SENT BACK TO THE RECRUITING DIRECTORATE-GENERAL**

SURNAME/FIRST NAME: .....

Address for correspondence: .....

Contact telephone number: .....

Work telephone number: .....

E-mail address: .....

If applicable, applicant number in any European Union competitions/selection procedures:

**ASSESSMENT BY THE CANDIDATE OF ANY POTENTIAL OR ACTUAL CONFLICT OF INTEREST**

*In your opinion, do you have any personal interest, in particular a family<sup>1</sup> or financial interest, or do you represent any other interests of third parties, which would actually or potentially impair your independence in the course of your duties in the specific position offered at the Commission and which may thus lead to any actual or potential conflict of interest relevant to that position?*

**Declaration**

I hereby certify that the information provided in this form is correct and complete and that my curriculum vitae is duly updated. I will immediately inform the Appointing Authority/Authority Empowered to Conclude Contracts of Employment of any change in my situation, or of any new relevant information I may receive which could cause a breach of the Staff Regulations/CEOS. I am aware that any false declaration may result in the cancellation of the recruitment process or, after recruitment, in disciplinary sanctions.

Signature of the candidate: .....

Date: 02/10/2017

<sup>1</sup> Should you report any family interest, you are asked to inform the member(s) of your family concerned that the Commission will process their data as covered by the Specific Privacy Statement (in FR) available in the DPO Register:

<http://ec.europa.eu/dpo-register/download?metaId=1451119>