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

Brussels, 19 JUIN 2015

Ms Vicky Cann
CEO
Rue d'Edimbourg 26
1050 Bruxelles
By email: ask+request-1969-04e19e58@asktheeu.org; ask+request-1997-44e4d6f6@asktheeu.org; ask+request-1998-81da420b@asktheeu.org

Subject: Your application for access to documents – Ref GestDem N° 2015/2510 – N° GestDem 2015/2698 – N° GestDem 2015/2701

Dear Ms Cann,

I refer to your 3 e-mails, the first one dated 30 April 2015 and registered on the same day under the reference number 2015/2510, the two others dated 13 May 2015 and registered on 18 May 2015 under the reference numbers 2015/2698 and 2015/2701.

Your applications concern the following documents:

a) Request GestDem N°2015/2510:

"All documents which relate to the job move by Joao Pacheco to Farm Europe and any other external activities which he may be undertaking." In particular you *"request copies of any application(s) that Mr Pacheco made under Article 16 of the Staff Regulations to undertake this or any other new professional activity; and all documents (correspondence, emails, meeting notes etc) related to the authorisation of the new role or roles."*

b) Request GestDem N°2015/2698:

"All documents which relate to Joao Pacheco joining Allen F Johnson Associates." In particular, you *"request copies of any application(s) that Mr Pacheco made under Article 16 of the Staff Regulations to undertake this or any other new professional activity; and all documents (correspondence, emails, meeting notes etc) related to the authorisation of this new role."*

c) Request GestDem N°2015/2701:

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111
Office: SC11 - Tel. direct line +32 229-+32 (0)2 29 57206

Commission européenne, 2920 Luxembourg, LUXEMBOURG - Tel. +352 43011

Irene.Souka@ec.europa.eu

"All documents which relate to Joao Pacheco's work at JSPacheco international consulting." In particular, you *"request copies of any application(s) that Mr Pacheco made under Article 16 of the Staff Regulations to undertake agriculture-related projects at this consultancy; and all documents (correspondence, emails, meeting notes etc) related to the respective authorisation(s).*

The 3 requests are treated jointly in the present reply as they all relate to notifications made by Mr Pacheco in the context of Article 16 of the Staff Regulations.

I have examined your requests under the provisions of Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents.

The documents identified are the application forms submitted by Mr Pacheco in the framework of Article 16 of the Staff Regulations and the related decisions from the Appointing Authority. I have also identified email exchanges within Commission services or between Commission services and Mr Pacheco pertaining to the underlying internal procedures concerning these requests for authorisation (covering a period from 15/07/2013 to 22/08/2013).

The documents you requested contain personal data relating to the past and present occupational activities of Mr Pacheco. It is the Commission's obligation to ensure that the personal data which it handles 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 Pacheco, Article 4(3) paragraph 2 of Regulation No 1049/2001 also applies. While I have also considered the possibility of granting partial access, 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 requests relate.

Mr Pacheco submitted two applications for authorisation to engage in an occupation after leaving the Commission dated on 11 July 2013 and registered on 15 July 2013. His requests under this Article are related to the authorisation to engage in remunerated professional activities as a partner at Paperhouses and as an owner of a private consulting company. Following the general rules concerning the consultation process for this type of request, the Appointing Authority gave its approval to Mr Pacheco to carry out these activities subject to the following condition: in his function of owner of the company, he would have to require prior authorisation from the Appointing Authority on each project he intended to start in the domain of agriculture.

In relation to your specific request GestDem N°2015/2698, I also refer to my note to you dated 22 April 2015 bearing the reference Ares(2015)1707555 - 22/04/2015.

I would like to remind you that Corporate Europe Observatory remains subject to the provisions implementing Directive 95/46/EC[1] 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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[1] 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 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-5
BERL 5/327
B-1049 Brussels

or by email to: sg-acc-doc@ec.europa.eu

Please be informed that a copy of this letter will be sent to the person concerned.

Yours faithfully

Irene SOUKA