

[REDACTED]

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**From:** O REGAN Fergal Anthony  
**Sent:** 13 July 2018 15:53  
**To:** [REDACTED] (EC)  
**Cc:** [REDACTED]; [REDACTED] (EC); [REDACTED] (EC)  
**Subject:** RE: Phone call

Dear [REDACTED] dear [REDACTED]

Thank you again for meeting with us yesterday and your email of today. We would like to follow up on one additional issue.

We understand that the Secretary General has been invited to the weekly meetings of the President's cabinet since early this year, and this practice continues with the new SG. Can you confirm if this is the case? Can you indicate to us the dates in January, February, March, April, May and June 2018 when the Secretary General attended the weekly meetings of the President's Cabinet. Can you indicate to us how many times the Secretary General was invited to weekly cabinet meetings in 2017.

Thanks again for your cooperation.

Best wishes,

Fergal

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**From:** [REDACTED]  
**Sent:** 13 July 2018 14:30  
**To:** O REGAN Fergal Anthony  
**Cc:** [REDACTED]; [REDACTED] (EC); [REDACTED]; [REDACTED] (EC)  
**Subject:** RE: Phone call

Dear Fergal,

Following yesterday's meeting; please find enclosed the PV containing the amendment to the CCA rules concerning the replacement of the Head of Cabinet (point 6.3). We would like to point out though that since participation of the Head of Cabinet of the President is not obligatory (only the Rapporteur and the recruiting Director-General are required by the rules for a CCA to go ahead), no replacement was in fact necessary since the quorum of 4 was confirmed.

As per your second point, I referred your query to the SPP, but they confirm that they don't have such document.

Best regards,

[REDACTED]

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**From:** O REGAN Fergal Anthony [REDACTED]  
**Sent:** Friday, July 13, 2018 12:11 PM  
**To:** [REDACTED] (SG)  
**Cc:** [REDACTED] (EO); [REDACTED] (HR); [REDACTED] (EO)  
**Subject:** RE: Phone call

Dear [REDACTED] dear [REDACTED]

Thank you for meeting with us yesterday. We would like to follow up on one outstanding issue that was identified in the meeting.

Article 10 of the CCA Rules of Procedure states that the Chair must replace a member of the CCA who has a conflict of interest with a person from a pre-established list made up of DGs, DDG and Directors (it being understood that the replacement must be at least at the same level as the position to be filled). Mr Selmayr was not the hierarchical superior of any of the DGs or DDGs.

We also note that the recusal letter of Mr Selmayr states that

*"the normal provisions for deputising or replacement allowed by the CCA Rules of Procedure are not really adequate in this instance in light of my position as hierarchical superior to the replacements foreseen". (our emphasis)*

You informed us in the meeting that you believed that there is a Commission decision which derogates from Article 10 and that that decision is a public document. Can you please forward to us a copy of the decision you referred to by Monday COB.

In addition, please also let us know when the email exchanges between COMM and the "Le Soir" journalist, which were identified in the meeting yesterday, can be consulted in the reading room.

Best wishes,  
Fergal

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**From:** O REGAN Fergal Anthony

**Sent:** 10 July 2018 16:32

**To:** [REDACTED] (EC)

**Subject:** RE: Phone call

Dear [REDACTED]

Apart from the points already raised by us relating to the matter under investigation, we do not, at this stage, have any additional points that require clarification. However, as a matter of procedure, we would like to confirm expressly, at the meeting on Thursday, the completeness of the documentation provided to the Ombudsman.

Along with providing us with a folder containing documents that are (mostly) in the public domain, we were given, on the first day of the inspection, access to the CCA file. After we clarified the scope of the Ombudsman's request for an inspection, we were also given access to 2 folders of documents (approximately 1,000 pages) from the Legal Service and 15 folders from DG HR, (amounting to approximately 7,500 pages). While these files emanate from the Legal Service and DG HR, they do contain some correspondence with the cabinets, with SG and with DG COMM (in particular, the SPP).

You have expressly informed us that you did request the cabinets and other services if they were in possession of any further documents which are not also included in the aforementioned files. You have confirmed to us that no such documents exist.

We would like to take an express note of this view in the inspection report.

See you Thursday.

Best wishes,

Fergal



**European Ombudsman**

**Fergal O' Regan**

Head of Unit

[REDACTED]  
Rue Wiertz  
Montoyer 30 Building  
B-1047 Brussels  
F. + 32 (0)2 284 49 14  
[www.ombudsman.europa.eu](http://www.ombudsman.europa.eu)

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**From:** [REDACTED]

**Sent:** 10 July 2018 14:25

**To:** O REGAN Fergal Anthony

**Cc:** [REDACTED] (EC)

**Subject:** Re: Phone call

Dear Fergal,

Thanks for your message. We will look into the document and the extra questions and will try to our best to be ready for our Thursday meeting. Any additional questions you might have, we would really appreciate receiving them by COB today so that we have time to prepare the answers (and to make all necessary searches).

I will send you an outlook invite now. See you and the team on Thursday.

Best