



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

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DG.HR/hr.r.1(2014)2591017

Ms Vicky Cann
CEO
Rue d'Edimbourg 26
1050 Bruxelles
By email: ask+request-1406-14492307@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2014/3267

Dear Ms Cann,

We refer to your e-mail dated 14 July 2014 in which you make a request for access to documents, registered on 15 July 2014.

Your application concerns *"all documents (correspondence, including emails, notes/minutes from any meetings, etc) which discuss Mr Eoin O'Malley's employment at the Commission as it relates to the Articles 11 and 11a of the Staff Regulations. In particular you inquire "what assessments have been made of Mr O'Malley's personal interests, considering his previous work for BusinessEurope and the US Chamber of Commerce", as well as if there "are any matters from which he has been relieved from dealing, under Article 11a 2 of the staff regulations". In addition, you request "copies of all Mr O'Malley's job descriptions whilst at the Commission".*

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

We have not identified any documents relating to the assessment of personal interests of Mr O'Malley in relation to his employment in the Commission. Therefore I am not in a position to send you any document that corresponds to your request.

For your information, the obligation to fill in a form upon recruitment by a candidate in order to examine any personal interest or potential conflict of interest was introduced in the new Staff Regulations¹, which entered into force on 1 January 2014.

Article 11(3) of the Staff Regulations stipulates:

Before recruiting an official, the appointing authority shall examine whether the candidate has any personal interest such as to impair his independence or any other

¹ Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013

conflict of interest. To that end, the candidate, using a specific form, shall inform the appointing authority of any actual or potential conflict of interest. In such cases, the appointing authority shall take this into account in a duly reasoned opinion. If necessary, the appointing authority shall take the measures referred to in Article 11a(2).

As regards your request for copies of all job descriptions of Mr O'Malley, the documents you request contain personal data relating to the past occupational activities of Mr O'Malley. It is the obligation of the Commission to ensure that the privacy and integrity of the staff member concerned are completely protected. This is why I consider that the exception foreseen in Article 4 (1) (b) of the Regulation No 1049/2001 applies.

I can nevertheless provide you with the following information:

- From June 2010 to January 2012, Mr O'Malley was a policy officer in consumer safety in DG SANCO, working on the RAPEX operations as well as in the Pharmaceuticals Unit;
- From February 2012 to May 2013, Mr O'Malley was a speechwriter in DG TRADE;
- Since May 2013, Mr O'Malley is a policy officer in DG TRADE, contributing to the development of trade policy in the field of communications and speechwriting.

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

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

Yours faithfully


Irene SOUKA