



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, 1st June 2010
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Mr Olivier Hoedeman
Corporate Europe Observatory
rue d'Edimbourg 26
1000 Brussels

by e-mail only:
olivier@corporateeurope.org

Subject: Your application for access to documents under Regulation (EC) 1049/2001 (GESTDEM 2010/859)

Dear Mr Hoedeman,

I refer to your email letter of 26 March 2010 by which, pursuant to Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents¹ ('the Regulation'), you lodged a confirmatory application in order to obtain a review of the position taken by Mr Szlaszewski, Director at the Secretariat-General (direction SG/B "Better Regulation and Administration"), in its letter of 5 March 2010 in response to your initial request of 21 February 2010.

I also refer to the holding reply sent by my services on 22 April 2010 in which we extended the prescribed time period for answering by another 15 working days in accordance with Article 8(2) of Regulation 1049/2001. By letter of 17 May 2010, we informed you that we were not able to handle your request within the time limits of Regulation 1049/2001, since the required analysis of the documents as well as consultations with the third party concerned were ongoing.

Please note that the present decision only deals with your request for access to documents. The remaining issues addressed in your email letter of 26 March have been dealt with in a separate reply of 30 April 2010 from Mr Szlaszewski.

¹ OJ L145, 31.05.2001, p. 43.

1. SCOPE OF YOUR REQUEST

In your initial application you requested access to the following documents:

- "- Mrs. Ferrero-Waldner's notification of her post-Commission occupation;*
- the Memorandum relating to Mrs. Ferrero-Waldner's post-Commission occupation;*
- the opinion of the ad hoc Ethical Committee;*
- the Commission's decision on the matter."*

Since in your application you specifically referred to Mrs Ferrero Waldner's new occupation as a member of the Supervisory Board of Munich RE, your initial request for access was interpreted as meaning the documents related to this specific occupation.

In your confirmatory application you clarified that your request for access concerned *"any other documents that may exist related to other remunerated positions about which Ferrero-Waldner has notified the Commission."*

On the basis of your clarifications, we have identified the following documents as falling within the scope of your request:

- (1) Mrs Ferrero-Waldner's letter to President Barroso of 29.10.2009;
- (2) Mrs Ferrero-Waldner's letter to President Barroso of 15.12.2009;
- (3) The Ad hoc Ethical Committee's opinion of 14.01.2010 regarding *Munich RE*;
- (4) The Ad hoc Ethical Committee's opinion of 14.01.2010 regarding *Gamesa Corporación*;
- (5) The Ad hoc Ethical Committee's opinion of 14.01.2010 regarding *Norman Foster*;
- (6) The Ad hoc Ethical Committee's opinion of 14.01.2010 regarding *FRIDE*;
- (7) President Barroso's memorandum to the Commission of 15.01.2010 (SEC(2010) 51);
- (8) Minutes of the Commission's 1902nd meeting of 19.01.2010;
- (9) Mrs Ferrero-Waldner's letter to President Barroso of 26.01.2010;
- (10) President Barroso's memorandum to the Commission of 12.02.2010 (SEC(2010) 144).

As you were informed in the reply to your initial application, document (8) is already in the public domain.

Furthermore, in the reply to your initial application, partial access was granted to documents (1), (3) and (7).

2. ASSESSMENT UNDER THE REGULATION

After a careful assessment of the documents mentioned under points (1) to (7), (9) and (10) above on the basis of Regulation No 1049/2001 and following the consultation of the person concerned, I am pleased to inform you that full access is being granted to the requested documents, a copy of which is attached to this letter.

Yours sincerely,

A handwritten signature in cursive script that reads "Catherine Day". The signature is written in black ink and is positioned to the right of the typed name.

Catherine Day

Enclosures