



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

Brussels, 14.02.2011  
SG.E.3/MKo/OK/rc – Ares(2011)

Mr Olivier Hoedeman  
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*by E-mail only:*  
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**Subject: Confirmatory application for access to a document under Regulation 1049/2001 regarding public access to documents - Gestdem 2010/4477**

Dear Mr Hoedeman,

I refer to your e-mail dated 20 December 2010, registered the same day in which, in accordance with Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup>, you requested a review of the decision of the Secretariat-General dated 15 November 2010. I also refer to the holding replies of 18 January and 8 February 2011.

In your initial application, you requested access to *all documents related to the Commission's Decision to allow ex-Commissioner Mr. Charlie McCreevy to join the board of NBNK Investments PLC.*

In its initial reply of 15 November 2010, the Director of Directorate B in the Secretariat General informed you that on 6 October 2010 Mr. McCreevy had decided to resign from the non-executive directorship of NBNK Investments PLC and subsequently had withdrawn his request for the Commission's approval of this activity.

In your confirmatory application to the Secretary General of the Commission, you asked for disclosure of the documents related to the adoption of the *de facto* decision on allowing ex-Commissioner Mr. Charlie McCreevy to join the board of NBNK Investments PLC, including the assessment conducted by the Ad-hoc Ethical Committee on the request at stake.

First, I would like to point out that since Mr. McCreevy withdrew his request, there was in fact no need for the Commission to take a decision, and thus no decision was taken on this matter. Therefore, there are no documents related to taking such a decision.

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<sup>1</sup> OJ L145 of 31.05.2001, p. 43.

You more specifically request access to the Opinion of the Ad-hoc Ethical Committee of 24 August 2010. I am pleased to inform you that this document can be disclosed. However, pursuant to Article 4(1) b of Regulation 1049/2001 for the purpose of preserving Mr. McCreevy's privacy, the proposed remuneration fees have been blanked out. You will find enclosed an expunged version of the Opinion.

Insofar as access is refused to parts of the document you have requested, you may avail yourself of the means of redress available against this decision. You may either bring proceedings before the General Court or file a complaint with the European Ombudsman under the conditions specified respectively in Articles 263 and 228 of the Treaty on the Functioning of the European Union.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Day', with a stylized flourish at the end.

Catherine Day

Enclosure: 1