



Commission should develop new procedure for appointing its Secretary-General

Press release no. 7/2018 - 04/09/2018

Following an investigation into two complaints, the European Ombudsman, Emily O'Reilly, has found four instances of maladministration in the appointment of the European Commission's Secretary-General in February 2018.

The maladministration arose due to the Commission not following the relevant rules correctly either in letter or in spirit. The Commission created an artificial sense of urgency to fill the post of Secretary-General in order to justify not publishing a vacancy notice. It also organised a Deputy Secretary-General selection procedure, not to fill that role, but rather to make Mr Selmayr Secretary-General in a rapid two-step appointment.

In addition the Ombudsman notes that the Commission's communications on this issue, which raised valid concerns, have been defensive, evasive and at times combative.

"Our inquiry was based on an inspection of thousands of pages of Commission internal documents, and it shows the precise steps the Commission took in order to make the appointment process appear normal."

"All of this risked jeopardising the hard won record of high EU administrative standards and consequently, the public trust."



“The College of Commissioners collectively is responsible for the maladministration in this case. It is extraordinary that no Commissioner seemed to question the Secretary-General appointment procedure, which in the end raised valid widespread concerns.” said Ms O'Reilly.

The Ombudsman calls on the Commission to develop a specific and separate appointment procedure for its Secretary-General to prevent a repeat of this happening. The procedure should include publishing a vacancy notice, placing it on the agenda of the weekly Commissioners' meeting and also including external experts in the consultative committee for the appointment.

The Ombudsman notes in her findings that her investigation did not concern any assessment of Mr Selmayr, who she understands is both a competent EU official and committed to the European Union.

Background

The Ombudsman's inquiry was based on two complaints, from two separate delegations of MEPs (one French and one Dutch).

Ms O'Reilly opened the inquiry in May 2018 following the Resolution of the Parliament on the same matter. She put seven questions to the Commission, including on what lessons it had learned and how to ensure the same situation would not be repeated in future.

The Ombudsman's services held [several inspection meetings \[Link\]](#) with the Commission to examine all relevant documents related to the appointment. This allowed the Ombudsman to build a detailed timeline (included in the Ombudsman's [Recommendation \[Link\]](#)) of the events and decisions that eventually led to the appointment.

Instances of maladministration in full

1) Failure to take appropriate measures to avoid the risk of a conflict of interests arising from the involvement of Mr Selmayr and/or other members of the President's Cabinet in the decision-making leading to the creation and approval of the vacancy notice for Deputy Secretary-General (a vacancy for which Mr Selmayr highly likely knew he would apply for and later did).

2) Failure to ensure that the composition of the Consultative Committee on Appointments (CCA), for the selection of a Deputy Secretary-General, was in accordance with Article 10 of the CCA Rules of Procedure.

3) Holding a selection procedure for Deputy Secretary-General, which did not serve its stated purpose to fill the vacancy, but rather only to ensure that Mr Selmayr would be eligible for reassignment as Secretary-General.



4) As the impending retirement of Mr Italianer was kept secret, a situation of urgency to fill the post of Secretary-General was created artificially. Even then, this should not have prevented the Commission from launching a procedure to identify and evaluate possible candidates for Secretary-General before Mr Italianer would retire.

The Ombudsman's full Recommendation can be found [here \[Link\]](#).