

## Letter from the European Ombudsman to the President of the European Commission on how the European Commission handles the challenge of staff ‘revolving doors’

Correspondence - 09/06/2023

**Case** OI/1/2021/KR - **Opened on** 03/02/2021 - **Decision on** 16/05/2022 - **Institution concerned** European Commission ( No further inquiries justified ) |

Ms Ursula von der Leyen

President

European Commission

Strasbourg, 03/02/2021

Strategic inquiry: **OI/1/2021/KR**

**Subject:** How the European Commission handles the challenge of staff ‘revolving doors’

Dear President,

In February 2019, I closed my strategic inquiry on how the European Commission manages ‘revolving doors’ situations of its staff members ( [OI/3/2017/NF \[Link\]](#) ) [1] . The inquiry led me to issue a number of suggestions to the Commission, so that it can continue to lead by example in this area.

In particular, I stressed the need for the Commission to take a more robust approach in assessing cases where senior staff members leave the EU civil service. I also committed to launch a follow-up inquiry to look more closely at how the Commission manages such cases.

While the right to work is a fundamental EU right and every case should be examined individually, problems can arise if doubts are raised in the minds of many Europeans about the possible compromising of the public interest through this practice. Such moves may give rise to



a conflict of interest with the legitimate interest of the Commission, and thus EU, to maintain public trust.

Since my last inquiry, further concerns have been raised on this increasing challenge facing the EU administration [2] . I have therefore decided to now open this inquiry to assess how the Commission has managed post-employment notifications of staff members. As in my previous inquiry (OI/3/2017/NF), this specific inquiry will not concern former Commissioners .

In conducting this inquiry, I will draw on some of the recent developments in this area, including the stronger measures the European Banking Authority introduced following my inquiry last year. [3]

As a first step, I would appreciate it if the Commission would provide me with a list of the **number of notifications** it has dealt with over the past two years (2019/2020) under the following provisions of the Staff Regulations:

- Article 12b with Article 40: *unpaid leave to take up an outside activity* ,
- Article 16: *activity after leaving the Commission* .

Please sort the two lists by Directorate-General (DG), and specify the number of cases per DG falling under each of the above articles and please include:

- (i) Number of cases related to senior officials [4] in each DG, and
- (ii) Number of cases of staff in management positions [5] in each DG.

I would be grateful if the Commission would provide me with this list within **one month** of receiving this letter.

My Office will then select a sample of files from a number of DGs, and will contact the Commission to find a suitable date for an inspection and a meeting. Amongst other things, the meeting will be an opportunity to evaluate the progress made by the Commission in response to the suggestions I made during my previous inquiry.

Should your staff have any queries, they may contact the responsible case handlers in my office, Ms Angela Marcos Figueruelo or Mr Koen Roovers.

Yours sincerely,

Emily O'Reilly European Ombudsman

[1] See: <https://www.ombudsman.europa.eu/en/decision/en/110608> , as well as the Decision in attachment.



[2] See the European Parliament Policy Department for Citizens' Rights and Constitutional Affairs' study 'The Effectiveness of Conflict of Interest Policies in the EU - Member States', [https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL\\_STU%282020%29651697](https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU%282020%29651697) (p.12); see also the EUObserver: <https://euobserver.com/institutional/149841> (23/10/20).

[3] See: <https://www.ombudsman.europa.eu/en/decision/en/135141> , as well as the Decision in attachment.

[4] Director-General or equivalent in grades AD16/AD15, director or equivalent in grades AD15/AD14

[5] Head of unit and above.