

Acknowledgement of receipt of the follow up of the European Commission to the Decision in the above case on how the Commission manages 'revolving door' moves of its staff members

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

Dear President,

Thank you for the follow up reply to my Decision on the abovementioned inquiry.

The EU institutions have, in general, high standards of administration, ethics and transparency, in comparison with other global actors and even many EU Member States. To maintain these high standards, it is important to show that EU civil servants have a long-term commitment to the public good and that jobs in EU institutions are not seen as a stepping-stone to more lucrative positions in the private sector.

The issue of the 'revolving door' between the EU administration and the private sector is a priority for my office. If moves are not decided on properly, it risks undermining the work of the EU administration by subjecting it to undue influence and carrying a serious reputational risk for the EU as a whole.

Based on my inquiry, I concluded that the Commission should apply a more robust approach to problematic post-service activities. The Commission replied that, notably concerning former senior managers, it imposes:

- more severe restrictions in terms of duration, and/or
- new types of restrictions (for example a prohibition to take as clients, stakeholders of the



former staff member's department).

The Commission also indicated, that, when necessary, it forbids envisaged activities fully, for example requests for activities that include:

- lobbying the EU institutions on matters for which former senior officials were responsible in the last three years of service;
- working on a specific file or project (for instance a grant or a tender), on which the former staff member worked while in the service.

The Commission also adopted a more restrictive approach to activities of

staff members on unpaid leave. As such, the Commission no longer approves activities that aim to represent private interests against the Commission (for example in law firms, consultancies or public affairs departments of organisations).

I furthermore made three suggestions for improvement to enhance the accountability and transparency of the Commission's approach. The Commission replied that it will take the following actions.

To enhance the accountability of former staff members as regards respect of imposed restrictions, the Commission indicated that, in cases that give rise to reputational risk, it may impose a condition of periodical reporting on the compliance with restrictions.

To enhance the transparency of the decisions taken in application of Article 16(3) of Staff Regulations, the Commission:

- commits to publishing its annual report on revolving door cases of former senior staff members, in the first half of the year to enable public scrutiny.
- considers disclosing certain elements of authorisations of post-service activities of its former senior staff members, for example after receiving public questions on the Commission ensured that the public interest is adequately protected.

I welcome all of these improvements and commitments.

I had also suggested that the Commission, at a minimum, requires former staff members to submit evidence that the restrictions imposed were shared with the new employer. The Commission did not commit to this minimum standard. While the Commission may explicitly request (former) staff members to share, where necessary, imposed restrictions with a new employer and/or clients, it does not request evidence of this. I remain of the view that the Commission should consider doing so.

My office will continue to monitor the Commission's practice on this important topic.

I thank you and your services for the excellent cooperation during this inquiry.

Yours sincerely,



Emily O'Reilly European Ombudsman

Strasbourg, 06/12/2022