

## Letter from the Ombudsman to Commissioner Georgieva in the context of the inquiry based on complaints 2077/2012/TN and 1853/2013/TN

Correspondence - 25/02/2015

**Case 1853/2013/TN - Opened on 28/11/2013 - Recommendation on 22/09/2014 - Decision on 09/09/2016 - Institution concerned** European Commission ( Recommendation partly agreed by the institution ) |

Vice President Kristalina Georgieva European Commission 1049 Brussels BELGIQUE

Inquiry based on complaints - 2077/2012/TN & 1853/2013/TN

Dear Vice President,

Thank you for the opinion of the European Commission sent on January 30th 2015, as regards our recommendations and guidelines in relations to the above inquiry.

We welcome the progress made by the Commission in this increasingly crucial area of public administration, by improving its procedures and thus helping to avoid possible conflict of interest situations.

We recognise the complexity of the issue, and commend you and your staff for the positive work so far. We fully appreciate that it must be viewed in the context of a modern human resources policy, which encourages staff development and mobility.

We note in particular that the Commission is reflecting on guideline (k), which we consider the most important:

*"Publish online, in respect of decisions to approve requests to work outside the Commission from senior officials, (i) the name of the senior official concerned, (ii) details of the duties carried out in the Commission by that senior official, (iii) details of the duties to be carried out in the new activities, and (iv) the Commission's detailed assessment and conclusions (including any conditions) in respect of any potential conflict of interest;"*

In order to take into account the results of this reflection, we intend keeping our inquiry open until the Commission publishes this information as required this year by Article 16(4) of the Staff



Regulations. We will decide the next steps in our inquiry after having assessed this publication. Of course all EU institutions and agencies have the same legal requirement, and we encourage them to follow the lead of the EU executive branch in this area.

In order to continue leading on this issue, not only within the EU, but also in comparison with most Member States, we encourage the Commission to publish regularly the maximum details possible of positive decisions, and not just annually, which is the minimum legal requirement.

As mentioned previously, such publication is already in place in at least one Member State operating under the same data protection laws.

Following this approach would also allow the Commission to assert more completely the facts of its positive assessments of post-employment activity when senior officials leave the service. In some cases, without such assessments being published pro-actively, misunderstandings, distrust and indeed scepticism of the reasons for a positive decision, which comes into the public domain regardless, can damage the reputation not only of the official concerned but of the Commission, and by extension the Union.

As we know, trust among Europeans in both the EU and national levels of governance is unfortunately not very high at the moment. This is mainly a political challenge for the Union, however I am sure you will agree that it is also important for the EU administration, which is of a high standard, to be the 'gold standard' in ethics, transparency, accountability and effectiveness.

I believe this issue is an opportunity to continue the positive work in the area of transparency already undertaken by the Juncker Commission.

If this opportunity is grasped, I will very much welcome it.

Yours sincerely,

Emily O'Reilly

25/02/2015