

## **Report on the European Ombudsman's inspection of documents and meetings - Strategic inquiry OI/3/2017/NF on the European Commission's management of 'revolving doors' situations concerning its staff**

Correspondence - 29/11/2019

**Case** OI/3/2017/NF - **Opened on** 27/03/2017 - **Decision on** 28/02/2019 - **Institution concerned** European Commission ( No maladministration found ) |

**Date:** From 07/11/2017 to 14/11/2017

**Location:** MO34, Brussels

### **Present:**

The Ombudsman:

- Mr Fergal O'Regan, Head of Coordination of Public Interest Inquiries
- Staff member, Strategic Inquiries Unit
- Staff member, Inquiries Unit 4
- Trainee, Strategic Inquiries Unit

The European Commission:

- 16 staff members (Secretariat-General and DG HR)

## **Purpose of the inspection of documents / meetings**

On 27 March 2017, the European Ombudsman opened a follow-up inquiry on the Commission's management of 'revolving doors' situations concerning its staff. As a first step in the inquiry, the Ombudsman requested lists of cases dealt with by the Commission under Articles 11, 12b and 16 of the EU Staff Regulations in the years 2015 and 2016.

Following receipt of the lists, the Ombudsman's inquiry team selected a sample of 65 files for inspection and contacted the Commission to organise an inspection and several meetings. In order to have an overview of the Commission's most recent practices, the inquiry team included a limited number of files relating to the year 2017.



The inspection and meetings had a two-fold purpose: (i) to get a better understanding of how the Commission handles requests from staff to engage in an occupational activity in the private sector after leaving the service or during leave on personal ground (CCP), as well as possible conflicts of interests concerning incoming staff or staff coming back from CCP and ii) to complete this understanding through the inspection of sample cases.

## Introduction and procedural information

A kick off meeting took place on 07/11/2017 to prepare the subsequent inspection and meeting sessions.

During the kick off meeting, the Ombudsman's inquiry team introduced themselves and presented the purpose and scope of the strategic inquiry. They also explained that the inquiry **does not concern any specific individual**, but instead focuses only on systemic issues.

The Commission representatives introduced themselves and presented the proposed planning for the subsequent inspection of files and meeting sessions. It was agreed that the Ombudsman would receive a copy of the letters/emails sent by the Commission to inform each individual, whose files had been inspected as part of the sample, of the processing of their personal data in the context of the Ombudsman's strategic inquiry.

Given that this is a strategic inquiry in the public interest, the Ombudsman will publish the inspection report on her website. As for the files inspected and in accordance with the European Ombudsman's Implementing Provisions [1], no access may be granted by the Ombudsman to copies of inspected documents identified by the Commission as confidential, without the Commission's prior agreement.

## Information exchanged at the meetings

The inspection sessions took place from 08/11/2017 to 14/11/2017. They were complemented by several meetings with representatives of the Commission's Directorate-General for Human Resources and Security (DG HR) to discuss the Commission's rules and practices under Articles 11, 12b combined with a leave on personal grounds (Article 40) and 16 of the Staff Regulations.

During the meetings, the Commission representatives described the Commission's internal processes: (i) for detecting and preventing possible conflicts of interests concerning incoming staff, or staff coming back from CCP (ii) for assessing requests to engage in an occupational activity submitted by former staff within two years of leaving the service and (iii) for assessing requests of staff to engage in an outside activity while they are on leave on personal grounds (CCP).



The Commission representatives also explained the composition and content of the sample files to be inspected by the Ombudsman's inquiry team.

## Documents inspected

The Commission provided the Ombudsman's inquiry team with full access to the requested documents. The Ombudsman's inquiry team proceeded to a thorough inspection of the documents and took copies as follows:

### 1- General documentation

- (i) Blank forms to be filled by Commission staff under Articles 11, 12b/40 and 16 of the Staff Regulations (*confidential*)
- (ii) Template letters and documents describing internal workflows (*confidential*)
- (iii) Revised draft Commission Decision on outside activities and assignments, related explanatory document, revised draft form for Article 16 declarations ( *confidential*)
- (iv) Activity Report of the Investigation and Disciplinary Office (IDOC) for 2016 (*confidential*)

### 2- Sample files

- (v) Lists of sample files for inspection under Articles 11, 12b/40 and 16 of the Staff Regulations (*confidential*)
- (vi) Declarations filled for the recruitment of non-managers and managers in application of Article 11 of the Staff Regulations (+ return from CCP) (*confidential*)
- (vii) Requests for an outside activity while on leave on personal ground in application of Article 12b/40 of the Staff Regulations (*confidential*)
- (viii) Declarations of intention to engage in an occupational activity after leaving the service in application of Article 16 of the Staff Regulations (*confidential*)
- (ix) Email exchanges between DG HR, other DGs and the Secretariat General (*confidential*)
- (x) Email exchanges between DG HR and the staff or former staff members concerned (*confidential*)
- (xi) Notes from other DGs to DG HR (*confidential*)



(xii) Individual decisions taken by the Appointing Authority (*confidential*)

The Commission identified all inspected documents as 'confidential'. The copies of the relevant documents were marked 'confidential' and signed by a representative of the Commission and a member of the Ombudsman's inquiry team.

The Ombudsman's inquiry team expressed their gratitude for the excellent cooperation of the Commission representatives involved.

Strasbourg, 15/12/2017

[1] Article 4(8) of the European Ombudsman's Implementing Provisions.