

MAROŠ ŠEFČOVIČ

VICE-PRESIDENT OF THE EUROPEAN COMMISSION

Brussels, 19 DEC. 2013

Dear Ms O'Reilly,

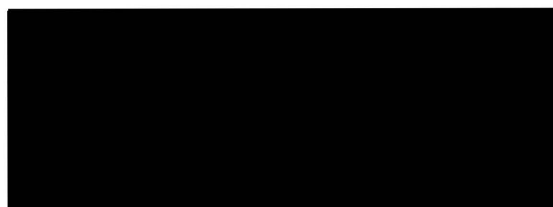
**Subject: Own-initiative inquiry
ref. OI/4/2013/CK**

Thank you for the letters of 12 August 2013 addressed to six Executive Agencies (EACEA, ERCEA, REA, EAHC, TENTEA and EACI) about the above-mentioned case.

The agencies invited the Commission to provide an answer on their behalf. I am pleased to enclose the comments of the Commission regarding this inquiry.

Naturally, the Commission remains at your disposal for any further information you may require.

Yours sincerely,



Enclosure

Ms Emily O'REILLY
European Ombudsman
1, avenue du Président Robert Schuman
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Comments of the Commission on the European Ombudsman's Own-initiative inquiry
- ref. OI/4/2013/CK

I. BACKGROUND/SUMMARY OF THE FACTS/HISTORY

On 30 April 2013, the European Ombudsman announced his intention to examine the different practices adopted by EU Agencies regarding the issue of disclosure of the names of Selection Board members. On 12 August 2013, the European Ombudsman sent a letter to the six Executive Agencies (EACEA, ERCEA, REA, EAHC, TENTEA and EACI) asking them to provide information on the issue.

II. THE INQUIRY

The origin of the procedure is not a complaint but an own-initiative inquiry of the European Ombudsman. The latter asked if the names of Selection Board members are disclosed to candidates and if so, at which stage of the selection procedure. The European Ombudsman also requested if the names are published proactively or if they are made available upon request. In the first case, the European Ombudsman would like to know which measures have been taken in order to ensure compliance with data protection requirements.

III. THE COMMISSION'S COMMENTS ON THE INQUIRIES

In order to provide the European Ombudsman with an overview of the situation in the six executive agencies, the agencies invited the Commission to provide an answer on their behalf.

The Commission gathered and conveys in a harmonised way the following information received from the six executive agencies.

All executive agencies disclose the names of the Selection Board members to candidates at one or another stage of the selection process.

- (1) All executive agencies communicate the names orally to the candidates when starting the interview. ERCEA and REA always display the names of the Selection Board members during the interview.
- (2) Before the interview, EACI, TENTEA, EACEA and EAHC disclose the names upon request of candidates. If requested by a candidate, the names of the Selection Board members are communicated by e-mail before the interviews. TENTEA and EACEA have the same approach: even if only one candidate asks for the names of the members before the interview, the names are communicated beforehand to all candidates as an equity measure. EACI and EAHC communicate the names of the Selection Board members only to the candidates who requested this information.
- (3) REA discloses proactively the names of the Selection Board members for selection of Temporary Agents. For Temporary Agents selected externally,

names of Selection Board members are published on the REA website after the deadline for applications and until the end of the selection. For Temporary Agents who are Commission officials seconded in the interest of the service, names are disclosed in the invitation letter for an interview.

To comply with data protection requirements, REA has adopted a Specific Privacy Statement relevant to the selection procedure for Temporary Agents (SPS). This document is available on the REA website but does not explicitly mention that the names of the members of Selection Boards are published. REA will inform members of Selection Boards of that practice. The webpage containing the names of the Selection Board members mentions that candidates are strictly forbidden to contact the members of the Selection Board, either directly or indirectly, at any stage of the selection procedure and that the Selection Board will decide whether candidates infringing this rule are to be disqualified.

IV. CONCLUSIONS

It appears from above that all executive agencies communicate the names of Selection Board members. However, the administrative practice to achieve this objective differs from agency to agency. This reflects the autonomy of each agency. However, the Commission intends to circulate to all agencies what it considers as best practices used by the Commission and namely by EPSO (publication of the names of Selection Board members on the website dedicated to competition/selection at the latest three weeks before the Assessment Centre (tests); warning notice on the secrecy of the Selection Board's proceeding; and message advising candidates against contacting any of Selection Board members to preserve the confidentiality of its work. Candidates are informed that all information on a competition/selection, including Selection Board, is given by means of website and/or EPSO account). The Commission and the agencies remain at the disposal of the European Ombudsman for further questions.