



**OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)**

The President

OI/4/2013/CK
E2014-186845

Alicante, 20 December 2013
RP/ps/adf

European Ombudsman
Mrs Emily O'Reilly
1 avenue du Président Robert Schuman
CS 30403
F-67001 Strasbourg Cedex



Médiateur européen

22 JAN. 2014

Date d'arrivée

Subject: Inquiry OI/4/2013/CK concerning the EU agencies

Disclosure of names of Selection Board members

Dear Mrs O'Reilly,

On 12 August 2013 the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) was requested to clarify its policy as regards disclosure of the names of selection board members. In particular, OHIM was invited to reply to the following questions:

1. Are the names of selection board members disclosed to candidates? If so, at which stage of the selection procedure? Are the names published proactively or are they made available upon request?
2. In case the Agency has adopted a proactive policy of disclosing the openness and transparency names of selection board members, what are the measures it has taken in order to ensure compliance with data protection requirements?

1. Regarding the first question, it should be pointed out as previous background that the openness and transparency in selection procedures - which helps to build and maintain public trust in the EU institutions - must be reconciled with the observance of the secrecy surrounding the proceedings of selection boards, foreseen by Article 6 of Annex III to the Staff Regulations. This secrecy, which was introduced with a view to guaranteeing the independence and objectivity of selection boards by protecting them from external pressures, precludes the disclosure of the opinions or views adopted or expressed by the individual members of the selection committee.

Openness and transparency are public interests and certainly major goals of OHIM's performance and the challenge is to achieve a fair balance between these goals and the respect for the independence of the selection committees.

In light of these considerations and in order to ensure more transparency, OHIM intends to reconsider and update its previous practice regarding the disclosure of the names of selection board members. For the present, the policy applied to the on-going selection procedures can be described as follow:

- such disclosure will be made to candidates invited to participate to the phase of the selection procedure where the merits are assessed and compared (interview) and also to unsuccessful candidates that request such disclosure. In doing so, OHIM ascertains that the selection procedure has not been vitiated by conflicts of interest. Such practice is currently under consideration in the framework of the agency's Selection Guidelines for temporary agents and contract agents foreseen to be adopted soon.

It is our view that selection procedures at OHIM cannot be compared to the ones organised by EPSO due to the smaller size and organizational needs (disclosure does not take place online but individually, informing each candidate by means of an email or a letter).

2. Regarding the second question, in order to ensure the respect of the Regulation n° 45/2001, each member of the Selection Committee will sign a declaration of absence of conflict of interest and a confidentiality commitment, agreeing to the transmission of personal data to candidates invited for interviews and to unsuccessful candidates upon request.

We trust we have duly clarified your requests and remain at your disposal for any further information you may need on those issues.

Yours sincerely, *and with my best regards,*



António Campinos