



Vilnius, 25/09/2014
EIGE/VL/Is D/2014/ 683

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

Subject: EIGE's reply to the European Ombudsman's suggestions

Reference: Report OI/7/2013/EIS

Dear Ms O'Reilly,

I wish to thank you for your letter of 24 June 2014 and your comprehensive report prepared following your visit to EIGE in December 2013. My team and I welcome the many positive observations you have made in relation to our work and procedures. We have given careful consideration to the array of recommendations in your report and have worked to take them on board, as I outline later in this letter.

As we pointed out during our meeting, although EIGE was established in December 2006, in fact it is a comparatively new European Agency which has only been in operational mode since 2010. The initial implementation phase was delayed due to certain technical difficulties. My team and I endeavour at all times to comply with best practice and welcome your guidance on ways in which we can further improve our performance and our contacts with the EU citizens who must be at the centre of our work.

I am pleased to share with you the follow-up actions EIGE has taken after reflecting on the suggestions in your report.

(B) EIGE'S INITIAL CONTACTS WITH THE PUBLIC

Under this heading you made two recommendations

- a. *EIGE could consider publishing the European Code of Good Administrative Behaviour (ECGAB) on its website, so as to make its commitment to the principles laid down in the ECGAB more prominent and visible to the public.*

EIGE's response:

I am pleased to tell you that the "European Code of Good Administrative Behaviour" has now been published in EIGE's website. It can be found under the following directory: <http://eige.europa.eu/content/document/the-european-code-of-good-administrative-behaviour>

- b. EIGE could consider making its homepage and information about what it does available in other official EU languages besides English and Lithuanian.*

EIGE's response:

During 2015 EIGE will prepare necessary measures to comply to the highest extent with the requirements of the Regulation 1/1958 on languages, without incurring disproportionate costs. At present, "EIGE in Brief" contains basic information about the Institute and is readily available in nine (9) languages, i.e. EN, LT, PT, IT, FR, EL, DE, LV, and ES, which will be made more traceable on the Institute's website during an upgrade at the beginning of 2015. It is our intention that progressively more languages will be available throughout 2014 and it will be accessible in all EU languages on EIGE's website by the end of 2015. In addition, it is important to highlight that EIGE's reports to the presidency of the EU Council are translated and published in 5 EU languages (EN, DE, FR, ES, IT and LT¹). Utilising IPA funding, we will also include "EIGE in Brief" in the languages of the candidate and accession countries.

(C) TRANSPARENCY, DIALOGUE AND ACCOUNTABILITY

- c. EIGE could consider producing an annual report on its handling of requests for public access to documents and making it available to the public, in accordance with Article 17(1) of the "Policy on Public Access to documents at the European Institute for Gender Equality".*

EIGE's response:

EIGE welcomes the Ombudsman's positive comments about its website and the Institute's procedures in relation to access to documents.

In relation to your useful suggestions and recommendations, we are pleased to tell you that EIGE is in the process of implementing Article 8.1 of the "Policy on Public Access to documents at the European Institute for Gender Equality". EIGE will, in future, annex a report to its Annual Activity Report (AAR 2014) to include available information about requests from the public for access to documents including the document register and requests received by web-form. We will also include details (as appropriate) of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register.

(D) RECRUITMENT

- d. In its recruitment procedures, EIGE could consider informing candidates about the possibility of complaining to the Ombudsman on a systematic basis. Such a practice would be in line with the principles of good administration.*

¹ Translations of the main bulk of documents into Lithuanian are covered by the LT Government.

EIGE's response:

The Institute has included references on the possibility of complaining to the Ombudsman. This is particularly addressed on our website under the "Relevant Information" subheading "Selection procedure appeals" found here: <http://eige.europa.eu/content/selection-procedure-appeals-further-details>. EIGE will add more comprehensive information on the appeal procedure in each vacancy announcement.

- e. EIGE could consider adopting measures with a view to complying with the Ombudsman's guidelines on the disclosure of names of members of selection boards.*

EIGE's response:

Upon your recommendation and common practice among other EU institutions and bodies, the Institute will adhere to and implement the good practice of announcing the names of the persons on selection boards in the letters of invitation to those candidates invited for an interview. This will be introduced as from the last quarter of 2014.

(G) WHISTLEBLOWING

- f. EIGE's whistleblowing rules contain provisions with respect to reporting improprieties. EIGE could consider including more detailed provisions intended to facilitate the administrative investigations of OLAF within the Agency and amending Decision MB/2011/022 accordingly.*

EIGE's response:

We note the guidance of the Ombudsman in relation to the need to strengthen the procedures and guidance in relation to whistleblowing in order inter alia to take on board the revision to the Staff Regulations.

Director's Decision No 21 - EIGE's Procedure on reporting improprieties is already in place and applicable since March 2012. The decision lays down the procedure to be followed by EIGE staff in order to comply with the obligation to notify any fact which gives rise to a presumption of the existence of serious wrongdoings, of which they may become aware in the course of or in connection with the performance of their duties, as set forth in Article 22a and 22b of the SR. The Institute will amend the existing Director's Decision No. 21 to fulfil the provision of Article 22c, with a specific emphasis on the process for handling complaints.

The guidelines on investigation procedures for OLAF staff (version October 2013 ref. Ares (2013) 3077837 dated 18 September 2013) have been posted on EIGE's intranet.

A newly developed anti-fraud strategy, in line with the Financial Rules, and the amended Director's Decision No 21 will be presented to all staff at a formal staff meeting early 2015.

These documents will be part of the welcome package and be specifically highlighted in the presentations to newly recruited staff during their induction meeting.

(OTHER ISSUES)

1. *How does EIGE deal with allegations of psychological and sexual harassment internally? Please provide a copy of the relevant rules, if any, which EIGE has adopted as well as information on any other practical written or unwritten arrangements EIGE has in place in order to protect staff members from such harassment.*

EIGE's response:

Prior to the date of the visit of the European Ombudsman, no case of sexual or psychological harassment had been brought to the attention of the senior management of EIGE by a victim, a Confidential Counsellor or any other staff representative.

In its early days, the Institute began work on the development of a policy on protecting the dignity of the person and preventing psychological and sexual harassment and, following consultation with the services of the European Commission, in October 2011, the document was further refined and adopted by the Institute's Management Board on 6 June 2012. In addition to that, a manual of informal procedures developed with external support, within the framework of the policy, will be finalised by the end of 2014.

Forty one members of staff participated in openly available training (1/2 day course) on the prevention of any type of harassment, provided by an accredited trainer in May 2013. Separately, training sessions on this subject were held for EIGE's managers and Team Leaders (7 participants) (1/2 day course on preventing any type of harassment). Internal Confidential Counsellors and their Network Coordinator were nominated and requested to undergo intensive sessions on their role and mandate (more detail under point 4). All staff members were reminded of the role of the Confidential Counsellors by email communication in June 2013.

The Institute's policy document on psychological and sexual harassment promotes a zero tolerance approach to any type of harassment and treats all allegations of harassment very seriously. It provides for both an informal procedure supported by Confidential Counsellors and a formal procedure with the involvement of external expertise. EIGE's policy is to treat all allegations firmly and confidentially but it must also ensure that any person accused of harassment is presumed innocent until proven otherwise.

2. *How many requests for assistance pursuant to Article 24 of the Staff Regulations relating to issues of harassment did EIGE receive in 2012 and 2013? Without entering into the details of specific requests received, what was the outcome of these requests?*

In 2012 and 2013 there were no requests to management for assistance pursuant to Article 24 of the Staff Regulations relating to issues of harassment.

3. *How many complaints pursuant to Article 90(2) of the Staff Regulations relating to issues of harassment did EIGE receive in 2012 and 2013? Without entering into the details of specific complaints received, what was the outcome of these complaints?*

As mentioned earlier in this letter, in 2012 and 2013 no complaints were received pursuant to Article 90(2) of the Staff Regulations related to issues of harassment.

4. *How are EIGE's confidential counsellors involved in the Agency's attempts to protect staff members from harassment? How are they being trained? What is the frequency of such training sessions, if any?*

In November 2013, EIGE formalised the appointment of four already trained Confidential Counsellors and a Coordinator for the Network of Confidential Counsellors. As stated under point 1 above, the Confidential Counsellors and the Network Coordinator have completed extensive training on their role and mandate over a four full day course covering the Introduction and Role of the Confidential Counsellor; Communication skills, and The Supportive Relationship; Confidentiality, and Mediation. EIGE will organise annual follow-up training for them; the next session is planned for the 4th quarter of 2014.

The Institute appreciates the views and recommendations of the Ombudsman and her guidance in helping our agency's management improve upon the quality of administration, allowing us to better serve EU citizens overall.

Yours sincerely,



Virginija Langbakk
Director