



P. Nikiforos Diamandouros
European Ombudsman

Mr Christian F. Lettmayr
Acting Director
European Centre for the Development of
Vocational Training (CEDEFOP)
P.O. Box 22427
55102 Thessaloniki
GRECE

Strasbourg, **27 -04- 2012**

**Report of the European Ombudsman's following his visit to the European
Centre for the Development of Vocational Training (Cedefop), OII/4/2012/CK**

Dear Mr Lettmayr,

I am writing in order to share with you the results of the visit that I made to the European Centre for the Development of Vocational Training (Cedefop) on Wednesday 22 February 2012. Please find enclosed in this letter a report containing my findings and suggestions.

I hope that Cedefop will find useful the suggestions made in the report and that you will react positively to them in an effort to build and maintain an administrative culture of service. I would be grateful if you could inform me, by 31 July 2012 of the follow up you have given to my suggestions.

The Ombudsman aims to be not only a form of external control, but also a resource to help those with management responsibilities in the EU institutions, bodies, offices and agencies to improve the quality of their administration and to build and maintain a culture of service to citizens. In addition to my suggestions, my staff and I are ready to give advice on request, within the limits of my competence and resources.

Finally, I would like to thank you and your staff for your excellent co-operation.

Yours sincerely,

P. Nikiforos Diamandouros

Enclosure: 1



Report

of the European Ombudsman's following his visit to the European Centre for the Development of Vocational Training (Cedefop), OII/4/2012/CK

The background to the visit

1. With the aim of identifying and spreading best practices used by EU agencies in their relations with citizens, the Ombudsman launched in May 2011 a programme of visits to the agencies. Three "pilot" visits to the EU agencies in the United Kingdom, namely, the European Banking Authority, the European Medicines Agency and the European Police College, were initially carried out. In October 2011, the Ombudsman visited the European Environment Agency in Copenhagen and in November the European Monitoring Centre for Drugs and Drug Addition and the European Maritime Safety Agency in Lisbon¹.

2. By letter of 30 January 2012, the Ombudsman informed Cedefop that, in the framework of his programme of visits to agencies, he had decided to visit Cedefop on 22 February 2012.

3. Cedefop was established by Council Regulation of 10 February 1975 EEC No 337/75², as last amended by Council Regulation EC No. 2051/2004³. Its mission is to support the development of European vocational education and training (VET) policies and to contribute to their implementation. Its strategic objective is to strengthen European cooperation and support the Commission, the Member States and social partners in designing and implementing policies for an attractive VET that promotes excellence and social inclusion. Cedefop's tasks are to: compile selected documentation and analyses of data; contribute to developing and coordinating research; exploit and disseminate information; encourage joint approaches to vocational education and training problems; provide a forum for debate and exchanges of ideas.

4. A draft agenda with the specific issues which the Ombudsman wished to discuss was sent to Cedefop. Moreover the Ombudsman also informed Cedefop that, in response to a commitment he had undertaken following a request by the Assembly of Agency Staff Committees (AASC), he would also meet with

¹ Information on previous visits to the EU agencies is available on the following page of the Ombudsman's website: www.ombudsman.europa.eu/activities/visits.faces

² OJ L 39, 13.2.1975, p. 1–4

³ OJ L 355, 1.12.2004, p. 1–3



Cedefop's Staff Committee during his visit. In the absence of an elected Staff Committee, the Ombudsman received a request for a meeting from representatives of a trade union in Cedefop, US-Cedefop. The Ombudsman agreed to meet the trade union representatives.

The visit

5. The meeting with Cedefop's management took place on 22 February 2012. The Ombudsman was accompanied by Ms Christina Karakosta, Legal Advisor at his cabinet. Cedefop was represented by Mr Christian Lettmayr, Acting Director, who was accompanied by Mr Thierry Bernard-Guele, Head of Area Resources, Mr George Paraskevaidis, Head of Finance and Procurement, Ms Ginette Manderscheid, Head of Human Resources, Mr Gerd-Oskar Bausewein, Head of Communication, Information and Dissemination, Ms Pascaline Descy, Head of Research and Policy Analysis, Ms Miriam Fuchs, Legal Advisor, Mr Spyros Antoniou, Data Protection Officer, Mr Jesus Bustamante, Senior Expert, System Librarian - Data Protection Officer, Ms Paula McClure, Expert, Records Management and Archives and Ms Tine Soerensen Ballis, Assistant to the Director.

6. The meeting started with a short presentation made by the Acting Director. He provided the Ombudsman with some general information about the agency, its mission and organisation. In turn, the Ombudsman clarified that his visits are formally carried out on the basis of his competence to conduct own-initiative inquiries. He pointed out that an own-initiative inquiry implies, among others, that the usual procedural guarantees concerning such inquiries apply. These include the agency's right to request the European Ombudsman to treat information and documents on a confidential basis⁴. After these initial presentations, the Heads of different units made presentations with a view to providing answers to the questions put by the Ombudsman in its letter of 30 January 2012. A PowerPoint presentation and supporting documents were also provided to the Ombudsman.

7. After the meeting with management, the Ombudsman and Ms Karakosta met two representatives of Us-Cedefop, Ms Tina Bertzeletou and Mr David Crabbe, former Chairperson of Cedefop's staff committee. The trade union brought up the issue of the absence of a staff committee and problems in the flow of information from management to staff. They pointed out that Cedefop's staff was not informed about the Ombudsman's visit. They also asked questions regarding access to documents and the application of Regulation 1049/20001.

8. The following subjects constituted the object of discussion between the Ombudsman and Cedefop's management:

- Complying with the Code of Good Administrative Behaviour and ethical standards
- Transparency, dialogue and accountability

⁴ Articles 5.1, 5.2 and 14.2 of the Ombudsman's Implementing Provisions:
www.ombudsman.europa.eu/resources/provisions.faces



- Selection and recruitment
- Tenders
- Conflicts of interest
- The absence of a staff committee

The Ombudsman's findings and suggestions

(A) Complying with the Code of Good Administrative Behaviour and ethical standards

9. One of the Ombudsman's fundamental tasks is to ensure that the EU administration is open, service-minded and efficient in handling contacts with citizens. The relevant basic principles are laid down in the European Code of Good Administrative Behaviour (CGAB). The issue remains significant in the daily work of the European Ombudsman's Office, suggesting that the EU administration still faces some challenges in this area. When appropriate, the European Ombudsman tries to find a rapid solution to complaints that concern grievances arising from citizen's initial contacts with the administration. In such circumstances, the Ombudsman's services usually contact the relevant person by telephone.

10. All the EU agencies agreed to adopt the European Code of Good Administrative Behaviour at a meeting of the heads of the agencies held in Lisbon in October 2008. Although the Ombudsman was pleased that Cedefop's website contains a link to the European Code of Good Administrative Behaviour, he wanted to find out exactly how Cedefop has implemented this decision, and how it goes about ensuring that its staff complies with the principles laid down in the Code.

11. Cedefop explained that the Code of Good Administrative Behaviour is posted both on the Centre's website (in all EU languages), as well as on its intranet site. Staff members are provided with copies of the printed version of the Code, as well as with an informative internal publication entitled "*A short guide on good behaviour*". The latter includes guidelines about professional behaviour vis-à-vis colleagues. It also contains a small section reminding Cedefop's staff that their private behaviour may also reflect on Cedefop and the EU and encouraging them to try to behave outside their professional life as well, in a way which reflects favourably on Cedefop and the EU administration.

12. Cedefop also informed the Ombudsman that ethical standards, such as integrity, fairness, objectivity and equal treatment, form part of the assessment criteria used in the evaluation of staff members and of the internal control standards for effective management. Criterion number 2), in particular, is entitled "ethical and organisational values". Under this criterion, the agency is required to set up a framework, both substantive and procedural, to inform, guide and support staff on ethical conduct, good administrative behaviour, avoidance of conflicts of interest and fraud prevention, as well as to report harassment or other irregularities. In order to put this requirement into effect, Cedefop undertook to distribute information documents and organise trainings.



13. Cedefop's intranet section entitled "Ethics and integrity" provides documents and information regarding a wide range of topics, including: conflicts of interest, employment of one's spouse, gifts and favours, harassment, whistleblowing, outside activities and sensitive posts. Cedefop also pointed out that training sessions have been organised regarding whistleblowing, harassment and confidentiality. In relation to harassment, the Ombudsman was informed that five confidential counsellors have been appointed so that any member of the staff can address the counsellor he/she feels more comfortable to talk to. Cedefop also focused on the need to ensure effective communication between management and staff and on better information flow through the intranet, newsletters, alerts, a box for suggestions and staff surveys.

14. The Ombudsman welcomes Cedefop's commitment to providing its staff with a wide range of information relating to good administrative behaviour and ethical standards and to organising training sessions on specific topics, including whistle-blowing and harassment. Its internal publication "A short guide on good behaviour" could provide a source of inspiration for other EU bodies and agencies wishing to provide guidance to their staff about the rules and principles governing behaviour towards colleagues.

(B) Transparency, dialogue and accountability

15. The Ombudsman also places a premium on promoting transparency and increasing accountability in the EU administration. This requirement is, among others, reflected in the EU legislation on public access to documents, which expressly mentions the Ombudsman as a review body. It is also reflected in the Ombudsman's extensive powers of investigation, which enable him thoroughly to clarify the facts and issues which arise during his inquiries.

16. Accordingly, the Ombudsman wanted to know more about the following issues:

(a) How does Cedefop deal in practice with requests for public access to documents? What are its guidelines and/or practical arrangements for handling such requests? Please provide examples, such as the main correspondence in the Agency's handling of the last three requests for public access to documents dealt with under Regulation 1049/2001.

b) Does Cedefop produce an annual report, internal or external, on its handling of public access to documents?

c) Does Cedefop operate, or intend to operate, a public register in the sense of Article 11 of Regulation 1049/2001?

d) Cedefop handles a vast amount of information and data. Its website is user-friendly and contains a large volume of data, publications and information relating to Cedefop's main activities. In particular, the section entitled "contact-us" provides a detailed contact list and different contact persons for a range of issues. How does Cedefop deal with requests for information? Please provide information concerning the feedback which Cedefop's services receive from users and stakeholders regarding access to information.



17. Cedefop explained its information policy. It first pointed out that it handles a huge amount of policy documents and information. Its website is built on the logic that documents and information regarding Cedefop's core activities should be publicly available and easily accessible. Being proactive is one of Cedefop's main concerns. Cedefop focuses on electronic publications and has recently launched the e-book format in its publications, in an effort to make information more attractive and accessible. Cedefop provided the Ombudsman with documents describing the standard procedure for replying to requests for information and for receiving visitors. Cedefop provided statistics concerning requests for information sent through email, as well as inquiries received by the reference service team. It also informed the Ombudsman about deadlines and feedback. Most requests are handled within 24 hours and only 16% is handled in over a week but less than 15 days. It noted that 99% of the users declare that they are satisfied or very satisfied.

18. In the course of the meeting, it was also pointed out that a number of documents regarding financial and organisational matters, such as the annual list of contractors, the annual accounts and the annual reports, are available on Cedefop's website, while the names and emails of all staff members are publicly available.

19. The question of languages used in the Centre's publications was also brought up. It was explained that all documents are published in English. Publications are also published in French, German, Greek, Italian, Portuguese and Spanish, as well as in the language of the rotating European presidency. Cedefop explained that limited time and financial resources do not allow for translations in all 23 official languages. In addition, Cedefop encourages its partners to translate its studies and reports in other languages and easily gives licences for translation to third parties. It stated that it has never received a complaint concerning the use of languages, most probably since most of its stakeholders, policy makers, researchers, and the relevant scientific community are used to working in English.

20. Regarding requests for access to documents, the Ombudsman pointed out that, despite the existence of different contact persons for different matters, there is no contact person for access to documents nor any reference to Regulation 1049/2001 in Cedefop's website. Cedefop promised to introduce a special "Access to documents" section on its website with information about Regulation 1049/2001. Cedefop noted that its services receive very few requests for access to documents because most of its documents that are of interest to the public relate to its core activity and are therefore already publicly accessible. It added that requests for access to documents usually concern procurement or selection procedures and are dealt with by the competent department. If the competent service identifies any complex legal issue, assistance from the legal advisor is sought. Confirmatory applications are dealt with by the director who usually replies immediately and tries to observe the 15- working day deadline, an attempt that is also supported by the director's secretariat.

21. It was also pointed out that Cedefop's document management system is currently being completed. The internal register for incoming mail has been completed, while the part concerning outgoing correspondence is in its final phase of implementation. Cedefop noted that while it has not published any report on Regulation 1049/2001 due to the fact that requests for documents have been made very rarely to Cedefop, it is willing to do so, following the Ombudsman's suggestion.



22. The Ombudsman congratulates Cedefop on its website, which is user-friendly, easy to navigate and informative. While he finds the reasons underpinning Cedefop's language policy regarding publications to be adequate, he encourages Cedefop to make at least the homepage of its website, as well as information on Cedefop's functions and language policy, available in all 23 Treaty languages. By greeting citizens who visit the website in their own language and by explaining its functions to them, Cedefop would demonstrate clearly that it recognises that all citizens of the European Union have a legitimate interest in its work.

23. Cedefop provides the public with a vast amount of information mainly relating to its core activities, as well as some information regarding financial and organisational matters. It has adopted a proactive approach to the dissemination of information and should be applauded in that respect. The Ombudsman also applauds Cedefop's efforts to complete its document management system. The Ombudsman also welcomes Cedefop's commitments (a) to make it easier to request access to documents and information that it has not published proactively, by creating a dedicated page on its website for this purpose and (b) to produce an annual report on its handling of public access to documents.

24. In addition to its commitment to create such a dedicated page, Cedefop should consider adopting formal procedures designed to deal with requests for access to documents, both initial requests and confirmatory applications. In that way it would be able to comply with the deadlines set out in Regulation 1049/2001. The participation of the legal advisor in the handling of requests for access to documents would be most appropriate. The Ombudsman would be happy to assist Cedefop in providing further training about access to documents and the application of Regulation 1049/2001.

(C) Selection and recruitment

25. With regard to the substance of selection and recruitment decisions, the Ombudsman takes an approach similar to that of the EU Courts. This means, among others, that he recognises the administration's very wide discretionary powers in selecting its staff. With regard to the procedural aspects of selection and recruitment, the Ombudsman has very actively worked to increase the transparency of EU recruitment. This has, for instance, led to enhanced transparency regarding the names of members of selection boards, and more detailed evaluation sheets providing candidates with a better insight into how they were assessed.

26. The Ombudsman noted that Cedefop had adopted and published on its website guidelines for the selection procedures it organises. He went on to ask for additional clarification on the following issues:

a) How does Cedefop ensure an effective communication with candidates to selection procedures concerning the status of their applications and/or the outcome of the selection procedure?



b) Are the names of selection board members known to candidates? To what extent does Cedefop provide job candidates with access to the assessments of their applications?

c) To what extent does Cedefop seek quicker and less formal means to resolve disputes about selection and recruitment decisions than the ones foreseen in Article 90 of the Staff Regulations?

d) Does Cedefop systematically inform candidates that they may complain to the Ombudsman, as provided for in Article 19 of the Code of Good Administrative Behaviour?

27. Cedefop provided information regarding its selection procedures. It stated that all candidates receive an acknowledgment of receipt once they have submitted their application and that both successful and unsuccessful candidates are informed about the outcome of the procedure. Candidates have access to the assessments of their applications. In particular, they may ask for a summary feedback in the pre-selection phase and for aggregate results in the written test and interview phase.

28. Cedefop further stated that the names of the members of its selection boards are not public nor are they disclosed. It explained that non-disclosure aims to protect the selection board from outside pressure, bearing in mind the agency's small size and its location. It noted that staff members would hesitate to participate in selection boards if their names were disclosed.

29. According to Cedefop, disputes are defused by means of the information it provides in response to candidates' inquiries. Such information includes notes, criteria and comparative assessment. Only in few cases, do unhappy candidates bring formal complaints under article 90 of the Staff Regulations. Cedefop's current policy is not to inform candidates about the possibility to complain to the Ombudsman. Candidates are only informed about judicial remedies. In response, the Ombudsman clarified his competences in selection cases and explained the differences between the Ombudsman's and the Court's intervention in such cases by providing concrete examples.

30. It both courteous and service-minded to acknowledge receipt of applications and to inform candidates of the significant steps affecting their progress in a recruitment procedure⁵. In this regard, the Ombudsman welcomes Cedefop's policy to provide candidates with information regarding the outcome of selection procedures. With a view to further improving the information provided to candidates, the Ombudsman encourages Cedefop to inform individuals of all the possibilities for challenging a decision excluding them from a competition. The possibilities of external challenge are the right to complain to the Ombudsman and the right to bring an action for annulment before the EU courts.

31. Concerning Cedefop's policy of not disclosing the names of the members of its selection boards, the Ombudsman recalls that, according to established case-

⁵ Decision closing the Ombudsman's inquiry into complaint 923/2009/(BB)FOR against FRONTEX,



law, the secrecy relating to the deliberations and proceedings of selection boards was introduced with a view to guaranteeing the independence of these boards and the objectivity of their proceedings, by protecting them from all external interference and pressure⁶. Observance of this secrecy therefore precludes the disclosure of the views adopted by individual members of selection boards. The Ombudsman has consistently taken the view that the right to keep secret the individual views of selection board members is not, however, the same as keeping their identities secret⁷.

32. The Ombudsman notes that the institutions' views as to the correct balance between openness and the legitimate needs of confidentiality in the work of Selection boards have evolved in the direction of giving greater weight to openness⁸. He recalls that both EPSO and the Commission have an established practice, whereby they disclose the names of the selection board members. In the Ombudsman's view, such a practice guarantees transparency in selection procedures, helps to build and maintain public trust in the EU institutions, bodies, offices or agencies and reassures candidates that the selection procedure has not been vitiated by conflicts of interest.

(D) Tenders

33. At the review level, disputes in relation to tender decisions and contractual relationships are most commonly dealt with by the courts. However, a significant proportion of the Ombudsman's cases has over the years concerned these areas as well. In relation to tenders, the Ombudsman draws inspiration from the courts' approach, which is to recognise the administration's broad discretionary powers in assessing the substantive aspects of tender proposals, while carefully checking whether it gave valid and adequate reasons for its decisions and whether it adequately respected applicable procedures and information rights. In relation to contractual disputes, the Ombudsman does not as such assess whether there is a breach of contract. He does, however, thoroughly examine whether the administration provided good reasons for its position, and also looks into the fairness of administrative actions or omissions.

34. The Ombudsman wished to be informed how Cedefop handles disputes in relation to these areas and whether tenderers and contractors are informed that they can complain to the Ombudsman.

35. Cedefop informed the Ombudsman that detailed guidelines and instructions about tenders are available on its intranet site. Cedefop's Finance

⁶ See, for example, case 89/79 Bonu v Council [1980] ECR I-553, paragraph 5.

⁷ Decision of the European Ombudsman closing his inquiry into complaint 2586/2010/(ML)TN against the European Personnel Selection Office (EPSO). See also, decision of the European Ombudsman closing his inquiry into complaint 3115/2009/RT against the European Commission; Special report from the European Ombudsman to the European Parliament following the own-initiative inquiry into the secrecy which forms part of the Commission's recruitment procedures (1004/97/(PD)GG); Decision of the European Ombudsman on complaint 674/2004/(MF)PB against the European Commission and the European Personnel Selection Office.

⁸ Decision of the European Ombudsman on complaint 812/2004/MHZ against the European Personnel Selection Office.



and Procurement department systematically cooperates with the Commission's relevant services. Not only do they consult documents and information available on DG Budget's website but they use on a regular basis DG Budget's Helpdesk and the Agencies' Network to address questions and resolve problems that may arise.

36. It explained that calls for tenders are usually published in English and sometimes, due to the nature of the services needed, in Greek. However, since the call is also published in the Official Journal, it is translated in all official languages. Tenders can submit their offers in all official languages. Cedefop informed the Ombudsman that in order to ensure transparent and fair procurement procedures: (a) all communication with tenderers is conducted by the procurement department and always in writing (b) letters rejecting offers include reasons for non-selection (c) such letters are initially prepared by the competent procurement assistant with input from the evaluation committee and then reviewed and eventually signed by the Head of Finance and Procurement, to ensure consistency of approach among tenderers and procedures (d) when receiving additional requests regarding non-selection decisions a more detailed comparison with the successful tenderer is provided. There has never been a procurement case against Cedefop in the Court in the last 5 years.

37. It added that tenderers are not informed of the possibility to complain to the Ombudsman following Commission's instructions. In particular, it referred to a letter sent by DG Budget in October 2008 in which it was clarified that *"the European Ombudsman does not carry out mediation in the sense of non-binding dispute resolution process in which an independent third party assists the parties involved in a dispute to settle their differences, without deciding on the merits of the dispute"*. According to the letter: *"no reference to the European Ombudsman should be included in the heading "Body responsible for mediation procedures" of the contract notice and contract award notice"*.

38. The Ombudsman notes that it is good administrative practice expressly to inform tenderers of all the remedies available to them. In this respect, he would like to draw Cedefop's attention to the fact that, in addition to seeking judicial redress, unsuccessful tenderers can seek redress from the Ombudsman. Although the scope of the review he can carry out in tender cases is necessarily limited, he does nevertheless check whether the relevant procedures have been respected and if the assessment made is not vitiated by a manifest error. Thus, he takes a stance on the merits of the dispute brought to his attention.

39. This approach is different from that of a mediation body which, as rightly pointed out in the Commission's letter, assists the parties in settling their differences, without deciding on the merits of the dispute. In fact, the Commission's letter should rather be understood as wishing to ensure that the competent services will not refer to the Ombudsman as "a mediator" and not as an instruction not to refer to the right to complain to the Ombudsman. The Ombudsman notes that this right is enshrined in Article 43 of the Charter of Fundamental Rights.

(E) Conflicts of interest

40. Conflicts of interest arise when persons who work for the public administration may be perceived to have an inappropriate personal interest in a



matter with which they are dealing. Such conflicts need to be appropriately handled in order to ensure objective decision-making, and to enhance the public's trust in the administration. Recent events and cases show that the EU administration does not clearly enjoy the public's full confidence in relation to this issue. In light of these considerations, the Ombudsman was interested to know what concrete measures Cedefop applies in order to avoid conflicts of interest in relation to (a) recruitment of staff, including senior staff and (b) current and former staff members, notably regarding external activities during and after their service at Cedefop (see for instance articles 11, 11a, 12b, and 16 of the Staff Regulations).

41. Regarding the avoidance of conflicts of interest in recruitment, Cedefop provided the Ombudsman with the Guide for selection boards and the confidentiality & non-conflict of interest statement that selection board members need to sign. It added that before a selection procedure starts, meetings are always held between selection board members and the Head of Human Resources, in order to explain certain issues, including conflicts of interest.

42. Regarding outside activities, Cedefop informed the EO that its intranet site contains a number of relevant information and a number of forms. The information provided to the staff contains the following statement: *"Declare a conflict of interest: (...) if you believe that even though you would be capable of being impartial, it would be reasonable for others to doubt it"*. Dedicated information sessions and training sessions have taken place in cooperation with the Commission. The Ombudsman was provided with the PowerPoint presentation of the training relating to outside activities. More specifically, the training covered issues related to outside activities parallel to employment, outside activities during leave, activities after the end of employment, publications and speeches. Cedefop also noted that departing staff members are reminded of their obligations after leaving the service in a letter signed by the Head of Human Resources.

43. Regarding procurement, it was pointed out that all members of opening and evaluation committees as well as external evaluators receive guidelines and sign a non-conflict declaration, which includes as Annex the relevant Article of the Financial Rules and the corresponding Article of the Implementing Rules. The Guidelines on Opening and Evaluation Committees also make explicit reference and provide adequate explanations in regard to that matter, including the procedure to be followed in case of declared or presumed conflict of interest.

44. The Ombudsman has stated on several occasions that EU institutions, bodies and agencies should do their utmost to avoid not only actual, but also apparent conflicts of interest, in order to maintain public trust and confidence in their activities and to protect their staff from unjustified suspicion. The Ombudsman welcomes the fact the Cedefop has adopted a broad definition of the notion of conflict of interest, including the concept of apparent conflict. He also welcomes Cedefop's initiative to organise training focused on issues relating to conflicts of interest, such as outside activities.

(F) The absence of a staff committee

45. The Ombudsman points out that it is not his role to intervene on how an EU institution, body or agency decides to set up the dialogue between its



management and staff. Nevertheless, all EU institutions, bodies and agencies are required, under Article 9, paragraph 1 of the Staff Regulations to have a Staff Committee⁹. In the Ombudsman's view, failure to set up a Staff Committee for a period of time going beyond reasonable limits could constitute a violation of the above obligation.

Summary of the Ombudsman's suggestions

46. On the basis of his visit and the information provided to him by Cedefop, the Ombudsman makes the following suggestions:

- a)** In addition to its commitments to create a dedicated page for access to documents requests and to produce an annual report on its handling of such requests, Cedefop could consider adopting formal procedures to deal with requests for access to documents. Such procedures should include both initial requests and confirmatory applications. In that way Cedefop would be able to comply with the deadlines set out in Regulation 1049/2001. The participation of the legal advisor to the handling of requests for access to documents would be most appropriate and advisable. The Ombudsman would be happy to assist Cedefop in providing further training about access to documents and the application of Regulation 1049/2001.
- b)** The Ombudsman encourages Cedefop to make at least the homepage of its website, as well as information on its functions and language policy, available in all 23 Treaty languages. By greeting citizens who visit the website in their own language and explaining its functions to them, Cedefop would demonstrate clearly that it recognises that all citizens of the European Union have a legitimate interest in its work.
- c)** With a view to further improving the information provided to candidates in selection procedures, the Ombudsman encourages Cedefop to inform candidates of all the possibilities available to them to challenge a decision excluding them from a competition. The possibilities of external challenge are the right to complain to the Ombudsman and the right to bring an action for annulment before the EU courts.
- d)** The Ombudsman suggests that Cedefop reconsider its position regarding disclosure of the names of selection board members.
- e)** Cedefop could consider informing tenderers about the possibility to seek redress by submitting a complaint to the Ombudsman.
- f)** The Ombudsman encourages Cedefop to take all necessary measures to ensure that a Staff Committee will be elected to represent the interests of the staff.

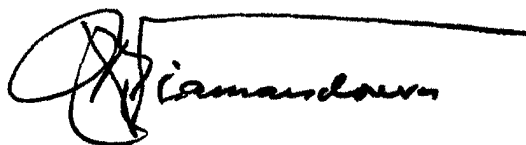
⁹ " There shall be set up:

(a) within each institution:

- a Staff Committee, which may be organised in sections for the different places of employment; (...)"



I would be pleased if Cedefop could report back to me by 31 July 2012 on its follow-up on the above suggestions.



Nikiforos Diamandouros

Done in Strasbourg on **27 -04- 2012**