

25 June 2013
ESRB/2013/0087



ESRB
European Systemic Risk Board
European System of Financial Supervision

Mario Draghi

ESRB Chair

Mr Nikiforos Diamandouros
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Médiateur européen

- 1 JUL. 2013

Date d'arrivée

**Reply of the European Systemic Risk Board to the European Ombudsman in case
OI/10/2012/EIS**

Dear Mr Diamandouros,

Please find enclosed, as requested, the response of the ESRB to your letter dated 4 June.

Should you need further clarifications, please do not hesitate to contact the Head of the ESRB Secretariat, Mr Francesco Mazzaferro (francesco.mazzaferro@esrb.europa.eu).

Yours sincerely,



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ESRB Secretariat

ESRB response to the European Ombudsman in case OI/10/2012/EIS

Introduction

The ESRB is responsible for the macro-prudential oversight of the financial system within the European Union, and is part of the European System of Financial Supervision (ESFS). The Secretariat of the ESRB is ensured by the European Central Bank (ECB). The ECB carries out and is responsible for all matters relating to the recruitment of ESRB Secretariat staff, as well as other logistical and administrative tasks.

Responses

In his report dated 26 February 2013, the Ombudsman, following his visit to the ESRB Secretariat on 14 June 2012 and based on the information the ESRB Secretariat provided him with, suggests the following:

- a) The ESRB could take the necessary steps to adhere to the European Code of Good Administrative Behaviour. In this respect, the ESRB's commitment to the principles set out in the Code could also be made visible to Union citizens by providing a link to the Code on its website.*

The ESRB Secretariat, as an integral part of the ECB, adheres to the European Code of Good Administrative Behaviour. Sub-section 0.16.2 of the ECB Staff Rules, which is in the Ethics Framework (2010/C 104/02), states that: "Members of staff shall comply with the ECB's rules for public access to information and take due note of the European Code of Good Administrative Behaviour in their relations with the public".

As proposed by the European Ombudsman, the ESRB Secretariat has included a link to the Code on the ESRB website, as from 26th June 2013.

- b) The ESRB could consider (a) creating a dedicated page on its website which would identify the rules applicable to requests for access to documents and the responsible contact person, (b) producing an annual report on its handling of requests for public*



access to documents, once it starts receiving such requests, and (c) establishing a public register of its documents.

The ESRB has established a dedicated page on its website to include the rules applicable to requests for access to documents and the responsible contact person, i.e. the Head of the ESRB Secretariat. This page includes the Decision of the European Systemic Risk Board of 3 June 2011 on public access to European Systemic Risk Board documents (ESRB/2011/5). The ESRB will continue to take the necessary steps to ensure that all relevant information on requests to the ESRB is reported in the corresponding ECB annual report.

- c) The ESRB could request the ECB to consider rephrasing the statement "... before applying, please consider whether your qualifications are commensurate with the vacancy. Indiscriminately applying for vacancies might reflect on your credibility" on the website of the ECB, to which the ESRB's website leads. Although the Ombudsman understands that the statement is intended to be helpful, its wording could be changed so as to render it more citizen-friendly.*

The ECB has rephrased the text as suggested in the relevant documentation to launch recruitment. The new text reads: "When considering whether to apply for a position, make sure you read the vacancy notice carefully and apply only for those jobs that suit your experience, strengths and aspirations". See the link below:

<http://www.ecb.europa.eu/ecb/jobs/apply/html/index.en.html>

- d) The ESRB could request the ECB to consider including information on remedies available to candidates also in vacancy notices and letters rejecting applications.*

ESRB Secretariat staff has a contract with the ECB. The ECB has already implemented this suggestion by including the following text in the "Application outcome" page of the ECB website's "Apply for vacancies" section: "In the event that you wish to formally challenge the decision of the selection committee, you should follow the procedures indicated in Articles 41 and 42 of the Conditions of Employment for Staff of the European Central Bank or Articles 32 and 33 of the Conditions of Short-Term Employment. This involves requesting an administrative review of the decision within two months from the date on which it was communicated. The request should be sent to the Director General HR, Budget and Organisation. You have the possibility to make a complaint to the



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European Ombudsman, but this will not affect the above-mentioned deadline". See the link below:

<http://www.ecb.europa.eu/ecb/jobs/apply/html/index.en.html#howto>

- e) *The ESRB could adopt concrete measures on conflict of interest issues in order to comply with its legal obligations. In this regard, it could develop templates for the Declarations of Interest of its senior staff members and ensure that these Declarations of Interest are made available on its website.*

The Head and the Deputy Head of the ESRB Secretariat have signed a similar template on Declaration of Interest which is used by the European Ombudsman. The declarations have been posted on the ESRB website.