



Mr P. Nikiforos Diamandouros  
European Ombudsman  
1 avenue du Président Robert Schuman  
CS 30403  
67001 Strasbourg cedex  
France

E-mail: eo@ombudsman.europa.eu

26 SEP. 2012  
Copenhagen,  
JMC/SBN/OCO  
Ref.: EEA/D/ 28 709



Médiateur européen

- 1 OCT. 2012

Date d'arrivée

**Subject: Report of the European Ombudsman OI/11/2011/PB**

Dear Mr Diamandourous,

With reference to your letter of 6 June 2012 (S2012-156742) enclosing your report on your visit to the European Environment Agency which took place on 20.10.2011, I would like to inform you herewith of the measures taken on the basis of your suggestions.

1. The information available on the EEA external website concerning Regulation (EC) No 1049/2001 and its implementation, and access to EEA documents has been updated and supplemented with (a) general information on the matter and (b) a guide on public access to documents with a reference to the functional mailbox where applicant may submit their request for access to documents (see: <http://www.eea.europa.eu/about-us/documents>). Furthermore, the EEA external website contains a list of documents about the EEA directly accessible by electronic means, as well as a report on the implementation of Regulation (EC) No 1049/2001 for the period September 2009 to September 2012 (see: <http://www.eea.europa.eu/about-us/documents/docs-about-eea>).
2. The vacancy notice template and the letter notifying the applicants of the outcome of the selection process have been updated in line with point b of the ombudsman's suggestions (see attached annexes 1a and 1b).
3. The contract notice published in the supplement to the Official Journal of the European Union for open or restricted call for tenders informs tenderers systematically on their right to have recourse to the European Ombudsman (see for example contract notice 2012/S 126-207890, OJ/S 126 of 4.7.2012<sup>1</sup>). The letter template informing tenderers of the decision reached concerning the award of the contract has been updated in line with point c of the ombudsman's suggestions (see attached annex 2).
4. Additional measures to strengthen the existing procedures and policies in relation to the prevention of conflict of interests have been submitted to and approved by the EEA Management Board at its 63<sup>rd</sup> meeting on 27.6.2012 (see attached annex 3).

<sup>1</sup> Available at <http://ted.europa.eu/udl?uri=TED:NOTICE:207890-2012:TEXT:EN:HTML&src=0>

I trust that you will find the measures undertaken acceptable to comply with Regulation (EC) No 1049/2001 and look forward to working with you to improve further the quality of our administration and of our services towards citizens.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'J. McGlade', with a stylized flourish at the end.

Prof. Jacqueline McGlade  
Executive Director

Enclosures:

- Vacancy notice template (annex 1a) and templates of notification letter to applicants (annex 1b)
- Template of notification letter to tenderers (annex 2)
- Policies and procedures in relation to the prevention of conflict of interests (annex 3)



**VACANCY NOTICE FOR THE POSITION OF  
Project Manager – xxx – Temporary Agent (AD6)  
Reference no. EEA/AD/20xx/x**

The European Environment Agency (EEA) is organising an open competition with a view to recruiting a temporary agent to work as / within the area of xxx and further with a view to establishing a reserve list.

**THE AGENCY:**

The EEA is an Agency of the European Union (EU) and one of the decentralised Community bodies. The EEA aims to support sustainable development and to help achieve significant and measurable improvement in Europe's environment, through the provision of timely, targeted, relevant and reliable information to policy-making agents and the public.

**JOB DESCRIPTION:**

Under the responsibility of the Head of Group xxx, reporting to the Head of Programme xxx, the Project Manager shall be responsible for xxx

The position will entail the following tasks:

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**ELIGIBILITY CRITERIA:**

Candidates applying must satisfy the following eligibility criteria on the closing date for the submission of applications:

- a) Successful completion of university studies attested by a degree relevant to the field concerned (eg. Xxx), where the normal duration of university education is 4

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years or more **OR** successful completion of university studies attested by a degree relevant to the field concerned (eg. Xxx), where the normal duration of university education is 3 years;

- b) A minimum of 3 years (with a 4 year diploma) **OR** 4 years (with a 3 year diploma) of relevant professional experience after award of the university degree.

In addition, in order to be eligible a candidate must:

- Be a national of one of the member countries of the EEA (Member States of the European Union plus Iceland, Liechtenstein, Norway, Switzerland and Turkey);
- Enjoy full rights as a citizen;
- Have fulfilled any obligations imposed by law concerning military service;
- Have a thorough knowledge of one of the languages of the EEA member countries and a satisfactory knowledge of another of these languages<sup>1</sup>;
- Meet the character requirements for the duties involved;
- Be physically fit to perform the duties linked to the post.

Candidates should assess carefully and check before submitting their application whether they fulfil all the conditions for admission laid down in the vacancy notice, particularly in terms of qualifications and relevant professional experience.

## **SELECTION CRITERIA:**

### **Essential:**

- A minimum of x years' experience in the areas mentioned under "Job description";
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- Excellent knowledge of written and spoken English;
- Ability to prioritise work and manage his/her responsibilities;
- Good organisational and interpersonal skills;
- Excellent communication skills;
- Excellent knowledge of the main MS Office Software, namely Word, Excel, PowerPoint and Outlook.

<sup>1</sup> corresponding to level B.2 of the Common European Framework of Reference for languages [CEFR](#)

**Advantageous:**

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- 

**CONTRACTUAL CONDITIONS:**

The successful candidate will be offered a Temporary Agent contract in accordance with Article 2a) of the Conditions of Employment of Other Servants of the European Communities. The selected candidate will be employed for an initial time period of four years, renewable.

Successful candidates who are recruited undergo an initial probation period of 6 months.

The basic monthly salary of a Temporary Agent AD6 (step 1), before any deductions or allowances, on 1 July 2010 amounts to EUR 4,921.28. To the basic salary a weighting factor is to be added (34.1%) for Denmark from 1 July 2010. The salaries of Temporary Agents are subject to a community tax deducted at source. They are exempt from national tax.

In addition to their basic salary, staff members may be entitled to various allowances, in particular an expatriation or foreign residence allowance, and family allowances, including household allowance, dependent child allowance, pre-school allowance and an education allowance.

Please note that recruitment is done in the first or second step of the indicated grade, depending on the duration of the acquired professional experience.

Under certain circumstances, in particular where staff members are obliged to change their place of residence in order to take up employment, the EEA may also reimburse various expenses incurred on recruitment, notably removal expenses.

The place of work will be Copenhagen, Denmark.

It is brought to the particular attention of candidates that the provisions of Articles 11 to 26 of the Staff Regulations, concerning the rights and obligations of officials, shall apply by analogy to Temporary Agents. These rules specify that:

*"An official shall carry out his duties and conduct himself solely with the interests of the Communities in mind; he shall neither seek nor take instructions from any government, authority, organization or person outside his institution. He shall carry*

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*out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Communities.*

*An official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service."*

For further information on the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities see:

[http://ec.europa.eu/civil\\_service/docs/toc100\\_en.pdf](http://ec.europa.eu/civil_service/docs/toc100_en.pdf)

## **SELECTION PROCEDURE:**

A Selection Committee is set up for the selection procedure. It consists of members designated by the Appointing Authority and the Staff Committee. The Selection Committee is bound by the principle of confidentiality as enshrined in Article 6 of Annex III to the Staff Regulations. This works in two ways: first, it imposes obligations to ensure equal treatment for candidates; and second, it seeks to protect the Selection Committee to ensure that its decisions are totally impartial.

The Selection Committee adheres strictly to the conditions of admission laid down in the vacancy notice when deciding whether or not candidates are eligible. Candidates admitted to a previous selection procedure will not automatically be eligible. **Candidates are strictly forbidden to make any contact with the members of the Selection Committee, either directly or indirectly. Any infringement of this rule will lead to disqualification from the selection procedure.**

Should the Selection Committee discover at any stage in the procedure that the candidate does not meet one or more of the general or special conditions for admission to the selection procedure, the candidate will be disqualified.

The Selection Committee decides on those candidates who are admitted to the selection procedure in accordance with the requirements as specified under eligibility criteria. The applications of the candidates admitted to the selection procedure are reviewed to establish whether or not they show evidence of all requirements as specified under selection criteria. The Selection Committee will invite for an interview the candidates they deem best qualified. The interview will be held in English and the candidate's knowledge of other languages will also be assessed during the interview. Candidates invited for an interview will be asked to undergo a technical, written and/or oral test in the area of expertise required for the post. The

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test and the interview will take place in Copenhagen (Denmark) where the EEA has its seat and where the place of employment is.

At the end of the interviews the Selection Committee will submit the list of suitable candidates to the Appointing Authority who will decide on the appointment of the successful candidate and the establishment of a reserve list for the post advertised or similar posts that may become available. This usually follows from follow-up recruitment interviews conducted by the Appointing Authority with the suitable candidates. Candidates shall note that inclusion on the reserve list does not guarantee recruitment. Recruitment will be based on availability of posts and budget.

The reserve list for this post will be valid until **31 December 2012** and may be extended at the discretion of the Appointing Authority.

Prior to contract signature, the successful candidate will be asked:

- to provide original or certified copies of all relevant documents proving his/her eligibility, including a police certificate confirming the absence of any criminal record;
- to undergo a compulsory medical examination to establish that he/she meets the standard of physical fitness necessary to perform the duties involved.

### ***PERSONAL DATA PROTECTION:***

Any personal data provided by the applicant shall be processed pursuant to European Regulation related to personal data protection, in particular [Regulation \(EC\) No 45/2001](#) on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movements of such data. This applies in particular to the confidentiality and security of such data.

Personal data shall be processed solely for the purposes of this selection procedure.

The applicant shall have the right of access to his/her personal data and the right to rectify or update any such data that is inaccurate or incomplete at any time during the application procedure. The right to rectify can only be exercised up to the closing date for submission of applications. However, inaccurate identification data may be rectified at any time during and after the application procedure. Any request for access or rectification of personal data shall be addressed in writing to the Human Management Resource Group at the address: European Environment Agency, Kongens Nytorv 6, 1050 Copenhagen K, Denmark, or electronically at the e-mail address: [recruitment.enquiries@eea.europa.eu](mailto:recruitment.enquiries@eea.europa.eu).

The applicant can, upon request, be provided with their evaluation results at all stages of the selection procedure. The request must be submitted to the Human Management

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Homepage: [www.eea.europa.eu](http://www.eea.europa.eu)



Resource Group at the address: European Environment Agency, Kongens Nytorv 6, 1050 Copenhagen K, Denmark, or electronically at the e-mail address: [recruitment.enquiries@eea.europa.eu](mailto:recruitment.enquiries@eea.europa.eu).

The EEA does not make public the names of successful candidates on reserve lists. However, it is possible that, for the purposes of recruitment and related planning purposes, members of the Agency's senior management team may have access to reserve lists and in specific cases, to the application of a candidate.

Should the applicant have any queries concerning the processing of his/her personal data, s/he shall address them to the Data Protection Officer of the EEA at the following e-mail address:

[dataprotectionofficer@eea.europa.eu](mailto:dataprotectionofficer@eea.europa.eu)

Applicants are entitled to have recourse at any time to the European Data Protection Supervisor (<http://www.edps.europa.eu>; [EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)) if they consider that their rights under Regulation (EC) No 45/2001 have been infringed as a result of the processing of their personal data by the EEA.

### ***EQUAL TREATMENT:***

EEA is an equal opportunities employer and accepts applications without distinction on the grounds of gender, colour, racial, social or ethnic origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, marital status or family situation, or any other status. Staff is recruited on the broadest possible geographical basis from among nationals of all EEA member countries.

### ***APPLICATION PROCEDURE:***

Interested candidates must apply by filling in electronically the application form below.

Please note that the address indicated on the form will be used as the location for travel for candidates invited to an interview.

To the application form must be attached:

- **The European CV below duly filled in**
- **A letter of motivation**

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**Application documents:**

- Template Europass CV (the icon)
- Instructions for Europass CV (the icon)

***NB: Failure to submit any of the required documents will lead to exclusion from the procedure.***

**Closing date for application: xxx 20xx, at 12.00 (Central European Time)**

Applications sent after this date will be rejected.

Please ensure that you observe the following:

1. Remember to take time zones into consideration when sending your application.
2. Remember to fill in the application form below.
3. Include a CV using the Europass template attached and a letter of motivation.
4. Ensure to specify in your CV exact starting and end dates of professional experiences (date/month/year) as well as percentage of work activity in case the experience is not full time.
5. Once your application has been submitted, you will receive an automatic reply.
6. It is your responsibility to keep the automatic reply message as proof of submission of your application.
7. Should you not receive an automatic reply message, please check whether the e-mail has been filtered by the spam filter set up on your e-mail account. Please re-submit your application if this is not the case, or contact Human Resources on the e-mail address indicated at the end of this vacancy notice.
8. **Please do not leave it until the last minute to submit your application.** Experience has shown that the system can become overloaded as the deadline for applications approaches and you may find it difficult to submit your application in time. Applications not submitted in time cannot be considered valid.

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9. You may apply in any of the official languages of the European Union but the use of English is encouraged to facilitate the selection process.

### **REQUEST FOR REVIEW:**

A candidate who feels that a mistake has been made regarding eligibility may ask to have his/her application reconsidered by sending, within 10 calendar days of the date of notification, a request for review, quoting the number of the selection procedure concerned to the Chairperson of the Selection Committee at the following address: European Environment Agency, Kongens Nytorv 6, 1050 Copenhagen K, Denmark, or electronically at the e-mail address: [recruitment.enquiries@eea.europa.eu](mailto:recruitment.enquiries@eea.europa.eu).

The Selection Committee will reconsider the application and notify the candidate of its decision within 15 working days of receipt of the request for review.

### **APPEAL PROCEDURES:**

If a candidate considers that he/she has been adversely affected by a particular decision, he/she can lodge a complaint under Article 90(2) of the Staff Regulations of Officials of the European Communities and Conditions of employment of other servants of the European Communities, at the following address:

Executive Director  
European Environment Agency  
Kongens Nytorv 6  
1050 Copenhagen K  
Denmark

The complaint must be lodged within 3 months. The time limit for initiating this type of procedure starts to run from the time the candidate is notified of the act adversely affecting him/her.

If the complaint is rejected the candidate may bring a case under Article 270 of the Treaty on the Functioning of the European Union and Article 91 of the Staff Regulations of Officials of the European Communities and Conditions of Employment of Other Servants of the European Communities before:

The European Union Civil Service Tribunal  
Postal Address:  
L-2925 Luxembourg

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Please note that the Appointing Authority does not have the power to amend the decisions of a Selection Committee. The Court has consistently held that the wide discretion enjoyed by Selection Committees is not subject to review by the Court unless rules which govern the proceedings of Selection Committees have been infringed.

It is also possible to complain to the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union and in accordance with the conditions laid down in the Decision of the European Parliament of 9 March 1994 on the regulations and the general conditions governing the performance of the Ombudsman's duties, published in Official Journal of the European Union L 113 of 4 May 1994:

European Ombudsman  
1 Avenue du Président Robert Schuman – CS 30403  
F-67001 Strasbourg Cedex

Please note that complaints made to the Ombudsman have no suspensive effect on the period laid down in Articles 90(2) and 91 of the Staff Regulations for lodging, respectively, a complaint or an appeal with the European Union Civil Service Tribunal under Article 236 of the EC Treaty.

***For questions only:***

|                                      |                                                                                                                                               |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <u>E-mail</u><br>(Questions<br>only) | Should you have any questions, please contact<br><a href="mailto:recruitment.enquiries@eea.europa.eu">recruitment.enquiries@eea.europa.eu</a> |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|

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«Title» «Christians\_Name» «Name»  
«Address»

xx Month 2012  
«Id»-«ApplicationNb»-  
JMO/CMA/HBI/CHM

**NB – NB – NB – NB – NB:**

REMEMBER TO DELETE THE LAST SENTENCE (“On behalf of .....”) IF THIS LETTER IS SENT TO INTERNAL CANDIDATES!!!

**Subject: XXXXXX (Post Name) – EEA/X/XXXX/X**

Dear «Title» «Name»,

Following your application for the post of XXXXXXXXXX at the European Environment Agency, I wish to inform you that the Selection Committee has now completed its examination of the candidates' files.

Having examined the applications in the light of the conditions published in the Notice of Competition, the Selection Committee has called for interview the candidates considered best qualified for the post.

On the basis of the above, I regret to inform you that your name has not been included in the list of candidates to be called for interview for this post.

Please be assured, however, that this will not affect any future application you should choose to submit.

If you consider that you have been adversely affected by this decision, you may either lodge a complaint with the Executive Director under Article 90(2) of the Staff Regulations of Officials of the European Communities and Conditions of employment of other servants of the European Communities or file a complaint with the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union. For further detailed information on these means of redress, please refer to the vacancy notice EEA/X/XXXX/X available at the following address: [link].

On behalf of the Selection Committee, I would like to thank you for the interest you have shown in the European Environment Agency, and wish you the very best in your professional developments.

Yours sincerely,  
Henriette Bille  
Human Resource Management Group

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1050 Copenhagen K  
Denmark

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E-mail [eea@eea.europa.eu](mailto:eea@eea.europa.eu)  
Homepage [www.eea.europa.eu](http://www.eea.europa.eu)



«Title» «Christians \_Name» «Name»  
«Address»

xx 20xx  
«Id»-«ApplicationNb»-  
EEA/ADS/SBN/CMA/HBI/CHM

**NB – NB – NB – NB – NB:**

REMEMBER TO DELETE THE LAST SENTENCE (“On behalf of .....”) IF THIS LETTER IS SENT TO INTERNAL CANDIDATES!!!

**Subject: POST NAME**  
**Reference No. EEA/X/200X/X**

Dear «Title» «Name»

We refer to your interview in connection with the post of (POST TITLE) at the European Environment Agency.

The selection procedure has recently been concluded, and we regret to inform you that your name was not retained on the short list that has been presented to the Executive Director of the EEA.

We would like to assure you that this decision will not affect any future application you should choose to submit.

If you consider that you have been adversely affected by this decision, you may either lodge a complaint with the Executive Director under Article 90(2) of the Staff Regulations of Officials of the European Communities and Conditions of employment of other servants of the European Communities, or file a complaint with the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union. For further details on these means of redress, please refer to the vacancy notice EEA/X/XXXX/X available at the following address: [link].

On behalf of the Selection Committee, I would like to thank you for the interest you have shown in the European Environment Agency, and wish you the very best in your professional developments.

Yours sincerely,

Henriette Bille  
Human Resource Management Group

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Homepage [www.eea.europa.eu](http://www.eea.europa.eu)



NAME  
Address 1  
Address 2  
Postal code and city  
Country

Xxx 20xx  
EEA/ADS/xx/xxx/JMC/JMO/CMA/HBI/CHM

**Subject: EEA/X/200X/X – POST NAME**

I refer to the interview that we had on xxx 20xx. After a careful comparison of the merits of the candidates, I regret to inform you that you have not been selected as the highest qualified candidate.

Please be assured, however, that this decision does not prejudice against you in case you choose to apply for future vacancies at the European Environment Agency. We invite you to look at the competitions published on the website of the European Personnel Selection Office (<http://europa.eu/epso/>) as well as our website [www.eea.europa.eu](http://www.eea.europa.eu).

If you consider that you have been adversely affected by this decision, you may either lodge a complaint with the Executive Director under Article 90(2) of the Staff Regulations of Officials of the European Communities and Conditions of employment of other servants of the European Communities, or file a complaint with the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union. For further detailed information on these means of redress, please refer to the vacancy notice EEA/X/XXXX/X available at the following address: [link].

I personally would like to thank you for the interest that you have shown in the Agency, and wish you the very best in your further professional developments.

Prof. Jacqueline McGlade  
Executive Director

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NAME  
Address 1  
Address 2  
Postal code and city  
Country

xx 20xx  
EEA/ADS/xx/xxx/JMC/CMA/HBI/CHM

**Subject: EEA/X/200X/X – POST NAME**

With reference to the interview that we had on xxx 20xx, and after a careful comparison of the merits of the candidates, I regret to inform you that you have not been selected as the highest qualified candidate.

However, given the qualifications you have demonstrated during the interviews, I can confirm that your name will remain on the reserve list for the post. According to the needs of the Agency, it is possible that we will return to this list, and to you, at a later stage. The reserve list is valid until 31 December 20xx.

If you consider that you have been adversely affected by this decision, you may either lodge a complaint with the Executive Director under Article 90(2) of the Staff Regulations of Officials of the European Communities and Conditions of employment of other servants of the European Communities, or file a complaint with the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union. For further detailed information on these means of redress, please refer to the vacancy notice EEA/X/XXXX/X available at the following address: [\[link\]](#).

I personally would like to thank you for the interest that you have shown in the Agency, and wish you the very best in your further professional developments.

Prof. Jacqueline McGlade  
Executive Director

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Homepage [www.eea.europa.eu](http://www.eea.europa.eu)



«Title» «Christians\_Name» «Name»  
«Address»

Xxx 2012  
«Id»-«ApplicationNb»-  
SBN/CMA/HBI/CHM

**Subject:       JOB TITLE**  
**Contract type (grade xx) – Ref. EEA/xx/20xx/x**

Dear «Title» «Name»,

Following your application for the post of [JOB TITLE] at the European Environment Agency, I wish to inform you that the Selection Committee has now completed its examination of the candidates' files.

Having examined the applications in the light of the conditions published in the Notice of Competition, the Selection Committee has called for interview the candidates considered best qualified for the post.

Under the conditions published in the Notice of Competition, it was stipulated that a Letter of motivation and a Europass CV must be submitted with the application. As the application submitted by you before the closing date did not include both of these application documents, we regret to inform you that your application has not been considered for this post.

Please be assured, however, that this will not affect any future application you should choose to submit.

If you consider that you have been adversely affected by this decision, you may either lodge a complaint with the Executive Director under Article 90(2) of the Staff Regulations of Officials of the European Communities and Conditions of employment of other servants of the European Communities, or file a complaint with the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union. For further detailed information on these means of redress, please refer to the vacancy notice EEA/X/XXXX/X available at the following address: [link].

On behalf of the Selection Committee, I would like to thank you for the interest you have shown in the European Environment Agency, and wish you the very best in your professional developments.

Yours sincerely,

Henriette Bille  
Human Resource Management Group

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Homepage [www.eea.europa.eu](http://www.eea.europa.eu)



[Recipient]  
[Full official address]

Email:

Copenhagen,  
JMC/XXX/OCO  
Ref.: EEA/D/

**Subject:**     **[Tendering procedure Ref. No and title]**

Dear [Mr/Mrs] [name],

After examination of the tenders received in response to our tendering procedure, we regret to inform you that your bid has not been selected for the award of the above procurement contract, as *[please specify reason for the decision]*.

Without prejudice to any legal appeal, you may obtain additional information on the grounds for the rejection of your bid.

If you so request in writing, you may be informed of the characteristics and relative advantages of the successful tender and the name of the tenderer to whom the contract has been awarded. However, certain details will not be disclosed if disclosure would hinder application of the law, would be contrary to the public interest, would harm the legitimate business interests of public or private undertakings or could distort fair competition between those undertakings.

Should it not be possible to conclude the contract with the successful tenderer or should he withdraw, we reserve the right to review our decision and to award the contract to another tenderer, to close the procedure or to abandon procurement.

Any request for information you may make and any reply from us will have neither the purpose nor the effect of suspending the deadline for lodging an appeal against the contract award decision, which must be done within two months of this letter.

The court responsible for hearing appeal procedures is the General Court:

General Court  
Rue du Fort Niedergrünwald  
L-2925 Luxembourg  
Tel.: +352 4303-1  
Fax: +352 4303 2100  
E-mail: [generalcourt.registry@curia.europa.eu](mailto:generalcourt.registry@curia.europa.eu)  
URL: <http://curia.europa.eu>

It is also possible to complain to the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union and in accordance with the conditions laid down in the Decision of the European Parliament on the regulations and the general conditions governing the performance of the Ombudsman's duties<sup>1</sup>:

European Ombudsman  
1 Avenue du Président Robert Schuman – CS 30403  
F-67001 Strasbourg Cedex  
Tel.: +33 (0)3 88 17 23 13

<sup>1</sup> Decision No 94/262/ECSC, EC, Euratom of 9.3.1994, OJ L 113/15 of 4.5.1994.

Fax: +33 (0)3 88 17 90 62

E-mail: [eo@ombudsman.europa.eu](mailto:eo@ombudsman.europa.eu)

URL : <http://www.ombudsman.europa.eu>

A complaint to the European Ombudsman has no impact on the above deadline for lodging an appeal with the General Court.

Thank you for your interest in the work of the European Environment Agency. We trust that it will be renewed in future procurement procedures.

Yours sincerely,

Prof. Jacqueline McGlade  
Executive Director



### **Policies and procedures in relation to the prevention of conflict of interests**

Further to the invitation from the European Ombudsman, following its visit to the EEA on 20.10.2011, to make modifications to the existing procedures and rules, the following measures are being proposed in order to further strengthen the existing procedures and policies in relation to the prevention of conflict of interests.

#### **New Staff**

When taking up duties new members of staff receive as part of the welcome programme tuition in prevention of conflict of interests consisting of the following:

- Signature of the form A1 "*Obligations of EEA officials and other servants under the Staff Regulations and conditions of employment*" and acknowledgment of receipt of a copy of the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Communities; during the welcome programme this form will be reviewed together with the Head of Programme based on the full CV who will then complete the relevant section on the A1 form;
- Training on ethics and integrity where the obligations and duties as staff members and information on reporting improprieties ("*whistle blower*" mechanism) are addressed through relevant practical examples;
- Staff members receive a copy of the European Code of Good Administrative Behaviour and a copy of the decision of the Management Board of 22.6.2004 for the implementation of this Code to the EEA;
- Presentation of the information and forms available on the EEA intranet as part of the welcome programme.

#### **Consultants/Contractors**

When taking up duties, consultants/contractors shall sign a form on their rights and obligations, whereby they acknowledge that they shall refrain from any behaviour or action that may impair their independence or reflect adversely upon their position, the work or the image of the European Union.

The form is countersigned by the responsible Head of Group.

#### **Guest scientists**

When taking up duties, guest scientists are required to:

- sign an acknowledgment of receipt of the European Code of Good Administrative Behaviour and of Decision EEA/10/GEN/1 governing guest scientists programmes organised by EEA of 18.3.2010; and
- fill out and sign an acknowledgment of their rights and obligations

In addition, they shall provide a full CV with all affiliations as well as education and employment history. This will be published on the EEA website for the duration of the guest scientist programme.

### **Annual process for staff**

As part of the annual career development dialogue, the line manager and the member of staff will update the awareness of conflict of interest based on a self-declaration (as part of the self –assessment) where the member of staff will state whether any new engagements or activities have been (or are to be) undertaken that could give rise to a potential conflict of interest. When finalising the development plan, the line manager responsible will specify his/her own assessment of the question of conflict of interests.

### **Publication of CVs**

The full CVs of Senior Managers, Scientific Committee members and where agreed, members of the Management Board, will be published on the EEA external website including affiliations, education and employment history.

### **Other processes already in place**

A specific section on ethics and integrity is available on the EEA intranet under Administration and provides relevant information and forms per type of activity as well as useful links to the applicable rules and regulations (see Annex 1 – Information available on the EEA intranet herewith enclosed).

## Information available on the EEA intranet

### ETHICS AND INTEGRITY

The [Staff Regulations](#) establish the general framework of rights and obligations affecting EEA staff. This is supplemented by the European Code of Good Administrative Behavior, which determines the type of service the public can expect from European public servants.

The guides and procedures listed in this section covers a variety of issues, ranging from behavioral tips, which you would be well advised to follow, to compliance with legal obligations under the Staff Regulations, violation of which could lead to disciplinary measures.

In all instances, EEA staff should always avoid situations that could lead to a potential conflict of interest. Article 11a of the Staff Regulations provides that:

*"1. An official [EEA staff] shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests.*

*2. Any official [EEA Staff] to whom it falls, in the performance of his duties, to deal with a matter referred to above shall immediately inform the Appointing Authority [the Executive Director]. The Appointing Authority [the Executive Director] shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter.*

*3. An official [EEA staff] may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties."*

#### LINKS

- Staff Regulations and conditions of employment of other servants (Article 11a to 26a)
- European Code of Good Administrative Behavior
- EEA financial Regulation (excerpt)
- [Decision of the Executive Director of 31.5.1999 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities interests](#)
- [Guidelines on identification and management of sensitive functions](#)
- [Internal control standard No 14 on reporting improprieties](#)
- Commission Intracomm:
  - o Practical guide to staff ethics and conduct  
[http://myintracomm.ec.testa.eu/hr\\_admin/en/ethics/Documents/guide\\_ethics\\_en.pdf](http://myintracomm.ec.testa.eu/hr_admin/en/ethics/Documents/guide_ethics_en.pdf)
  - o Guidelines on gifts and hospitality for the staff members  
[http://myintracomm.ec.testa.eu/hr\\_admin/en/ethics/Documents/COMM\\_PDF\\_SEC\\_2012\\_0167\\_F\\_EN\\_COMMUNICATION\\_TO\\_COMMISSION.pdf](http://myintracomm.ec.testa.eu/hr_admin/en/ethics/Documents/COMM_PDF_SEC_2012_0167_F_EN_COMMUNICATION_TO_COMMISSION.pdf)

- Conflict of interests/external activities  
[http://myintracomm.ec.testa.eu/hr\\_admin/en/ethics/obligations/Pages/index.aspx](http://myintracomm.ec.testa.eu/hr_admin/en/ethics/obligations/Pages/index.aspx)
- Practical guidance for staff wishing to engage in volunteers activities  
<http://myintracomm.ec.testa.eu/infoadm/en/2011/Pages/ia11022.aspx>

## ☐ Recruitment

### Selection process:

Declaration of confidentiality and absence of conflict of interest to be signed by the appointed members of the selection committee prior to starting their work

### New Staff:

Form A1 “Obligations of EEA officials and other servants under the Staff Regulations and the conditions of employment” and acknowledgment of receipt of a copy of the Staff Regulations and conditions of employment of other servants

### Consultants/contractors:

Form “Acknowledgment of rights and obligations”

### Independent experts appointed as evaluator:

Code of conduct

Declaration of confidentiality and absence of conflict of interest

### Scientific Committee members:

Declaration of commitment – Annex I to the Scientific Committee rules of procedure, Management Board decision of 6.4.2005

### Special adviser:

Declaration on the honour of no conflict of interest between the duties of Special Adviser to the EEA and other activities

Declaration of activities in view of applying to the function of Special Adviser to the EEA

Statement of assurance of non-conflict of interest with a view to the appointment as a Special Adviser to the EEA (to be signed by the appointing authority)

### Guest scientists:

Form “Acknowledgment of rights and obligations”

Acknowledgment of receipt of the European Code of Good Administrative Behavior and of Decision EEA/10/GEN/1 governing guest scientist programmes organised by EEA of 18.3.2010

## **Contracts**

Declaration of confidentiality and absence of conflict of interest to be signed by each appointed member of the opening and evaluation committees prior to starting their work

Contractual clause on conflict of interests (excerpt from framework service contract, service contract, grant agreement and framework partnership agreement)

## **External activities**

Form *"Authorisation to engage in an outside activity, whether gainful or not, or carry out an assignment outside the Communities"*

## **Promotions**

Declaration of confidentiality and absence of conflict of interest to be signed by each appointed member of the promotion committee prior to starting their work

## **Finance**

Charter of the authorising officer / by delegation and by sub-delegation

Charter of the accountant

Charter of the internal audit capability

## **Training**

For all staff: compulsory training sessions on ethics and integrity are organised at regular interval ( $\frac{1}{2}$  day)

For newcomers: training on ethics and integrity included as part of the Induction training programme for newcomers