

## 2015 Discharge to the Commission

### **Written questions to Commission Secretary-General, Alexander Italianer on 31 January 2017**

#### **Policy coordination**

1. Policy coordination is one of the main tasks of the Commission Secretariat General.

Bearing in mind, on the one side, the decrease of the number of legislative initiatives and, on the other side, the increase of the Sec. Gen. staff (more 80 new posts in 2015) do you think that the implementation rate of the Commission working programme in 2015 ( 78%) is really a success?

#### **Commission's answer:**

##### *CWP implementation*

The figures on the implementation rates for the last two Commission Work Programmes (CWP) are as follows:

- Implementation rate of CWP 2015: 91% <sup>1</sup>

Out of 23 key initiatives, 21 have been fully adopted and one partially. The proposals to complete the EU accession to the European Convention on Human Rights could not be completed as it faced major legal difficulties following an opinion from the European Court of Justice. As part of the announced Labour Mobility Package, the initiative on an enhanced EURES (the European Job Mobility Portal) is still outstanding.

- Implementation rate of CWP 2016: 91%

Out of 23 key initiatives, 20 have been fully completed and two partially. The initiative on a New Start for working parents will be followed up on in March 2017. Outstanding are also, as part of the Single Market Strategy Implementation, the initiatives on intellectual property enforcement, Single Market Information Tool (March 2017), Mutual recognition and enforcement in the goods sector, and, as part of the Implementation of the European Agenda on Security, the proposal on combating Fraud and counterfeiting of non-cash payments (May 2017).

Implementation rates for the Commission Work Programme were therefore very high for both 2015 and 2016 (91%) and can be considered a very positive development. When they occur, delays are due to e.g. changing political circumstances and challenges, due to the need for thorough discussions and coordination among services and Cabinets, to the need for follow-up on opinions of the Regulatory Scrutiny Board, or to the time needed to assess and analyse the

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<sup>1</sup> It should be noted that the implementation of the 2015 CWP continued in 2016, hence the difference between the 78% in the SG Annual Activity Report and the 91% reported here.

results of stakeholder consultations where large volumes of replies have been received. Beyond the work programme, the Commission also delivered a number of other major initiatives in areas where there was an urgent need to act, for example in response to the refugee crisis and security threats.

It should also be noted that the CWP highlights only a limited number of top political and legislative priorities for the year to come, but that the Commission is preparing and adopting many other initiatives, which are regularly published in the Forecast Report shared with the Parliament. These are initiatives which have a more repetitive nature (e.g. annual reports) and/or which implement legal obligations. Among those are for example proposals already announced in big strategies or action plans, non-legislative policy Communications, delegated and implementing acts, international agreements, repeals etc.

#### *Policy coordination role of the Secretariat-General*

The Secretariat-General plays a central role in the policy coordination process. This role has been significantly strengthened under the Juncker Commission, as the Secretariat-General now supports both the President and the Vice-Presidents, most of whom do not have a service reporting directly to them. The Secretariat-General coordinates and prepares the work of the Vice-President's project teams, provides briefings and policy advice to both the President and Vice-Presidents, and ensures that new proposals presented by the Commission are fully in line with the 10 political priorities of the President and respect the better regulation requirements and principles. The Secretariat-General chairs inter-service groups on all major policy initiatives.

The Secretariat-General is directly responsible for a large number of key policy initiatives, in particular in the areas of economic governance, migration and security. The SG has also played a leading role in the development and drafting of many of the major strategic initiatives presented by the College in the first two years of the mandate, drawing on the experience and expertise of all relevant Commission departments. In 2015 and 2016, the Secretariat-General produced in cooperation with other services major policy documents covering fields as diverse as the Investment Plan, Energy Union, Digital Single Market, the European Agenda for Migration and Security, Capital Markets Union, the Single Market Strategy and the annual Commission Work Programme. This is in addition to a range of other reports and communications produced by the Secretariat-General, such as the new Better Regulation Agenda, annual reports on issues such as relations with national Parliaments, access to documents and the management and performance of the EU budget. In total, the Secretariat-General produced in 2015 and 2016 in excess of 72 communications and reports.

2. The Commission Secretary General has put in place a new staff structure (with 3 Deputy Secretaries General) and developed new methods to support the tasks of the Commission Vice-Presidents “without portfolio”. To which extent has this new way of working been successful when it came to respond to the refugees

crisis? How has the Secretariat general helped to anticipate the recent evolutions of the migration policy?

**Commission's answer:**

The refugee crisis is a good example of a cross-cutting policy priority which has required the coordinated mobilisation of a wide variety of tools, expertise and staff. Detailed day-by-day coordination has been essential to harness all the possibilities at the EU's disposal. The actions taken included very rapid legislative initiatives, negotiations with third countries, access to funds and material support, and deployment of experts. Services such as DG ECHO, DG HOME and the Structural Reform Support Service attached to the Commission's Secretariat-General have been engaged in practical implementation on the ground. All this work has required the full involvement of a wide range of Commission services to meet the goals set by the President and the College. Coordination has been essential. At the political level, the overview and steering role of the Vice-Presidents has been critical for ensuring coherence. At the services level, the Secretariat-General has set up a variety of communication and coordination tools and provided steer, arbitrage and support to ensure that different services deliver as effectively as possible. The Secretariat-General itself has taken the lead in preparing a number of relevant policy initiatives in recent months (e.g. on the Partnership Framework approach, the regular reporting on the implementation of the EU-Turkey Statement or the Communication on the Central Mediterranean Route) and is also the central service involved in the EU Integrated Political Crisis Response arrangements (IPCR) which was activated for the first time in view of the refugee and migration crisis.

The Commission has thus been able not only to react to circumstances, but also to put in place innovative structures such as the regular Western Balkans videoconferences, and policies such as the Partnership Framework to anticipate and influence developments in advance. One of the three Deputy Secretaries-General is tasked with the overall coordination of all the different actions and services, also in view of ensuring consistency between the internal and external dimensions of the EU policy in response to the refugee and migration crisis. As such, it is able to contribute much more actively today and to look ahead to the future humanitarian and migration challenges.

**National parliaments**

3. In the framework of the political dialogue with National Parliaments initiated by President Barroso the Commission Secretariat general launched a solid policy of cooperation with the national parliaments. To which extend the network put in place at this occasion has contributed to any progress in the negotiations of the EPPO decision?

**Commission's answer:**

The political dialogue with national Parliaments which was set up in 2006 enables

the Commission to engage with the national Parliaments at a very early stage of the policy-making process. This close dialogue, including the direct channels of communication established with national Parliaments and their representatives in Brussels have proven particularly valuable in the negotiations on the European Public Prosecutor's Office proposal (EPPO), given the various views and opinions expressed by the national Parliaments on this matter. Thirteen national Parliaments have issued a reasoned opinion on this proposal, arguing that it did not comply with the subsidiarity principle, activating thereby the "yellow card" mechanism. As a result, the Commission re-examined its proposal and in the Communication adopted in November 2013, while maintaining it, it made a promise to take national Parliaments' views into account during the further negotiations with the European Parliament and the Council. Furthermore Commissioner Jourová visited a number of national Parliaments to listen to their views and concerns on the proposal. The informal political dialogue, which complements the subsidiarity control procedure laid down in Protocol No 2 to the Treaties, has therefore proven to be a useful tool in advancing the negotiations on the EPPO.

#### **Performance management**

4. In its annual activity report, the Commission Secretary General stressed his ambition to simplify the performance management of the Commission. Does the Sec. Gen. really consider that the addition of a “new Strategic plan covering the years 2006-2010 “will simplify the complicated internal governance framework?

How is this “strategic plan” articulated with the EU 2010-2020 strategy and the 10 priorities plan of President Juncker?

#### **Commission's answer:**

The Commission's performance framework was significantly reformed, streamlined and clarified in 2016. The old annual Management Plans were replaced by multiannual Strategic Plans and simplified annual Management Plans.

Multiannual objectives are set for a period of five years in the Strategic Plans and main outputs are defined annually in the Management Plans. As part of the reform, the levels of accountability were also clarified, with the general objectives now defined at the level of the Commission and specific objectives at the level of the DG. Commission departments produce Strategic and Management plans showing how they will contribute to the Commission's priorities and setting clear objectives and indicators for subsequent monitoring and reporting.

The Strategic Plans are structured around the 10 political priorities of the Juncker Commission which constitute 10 out of the 11 General Objectives from which every department selected the ones to which it contributes. One additional General Objective covers horizontal activities.

Furthermore, Commission departments were asked to link the Commission's priorities and the initiatives of the Europe 2020 Strategy. The headline targets of the Europe 2020 goals have been integrated into the Commission's performance framework as impact indicators, supporting the general objectives. This illustrates the close alignment between Europe 2020 and the Juncker Commission priorities.

5. There has been progress in the indicators used by the Commission to measure performance, do you consider that those indicators could be entirely translated into concrete objectives as an option to further improve good governance and performance management?

**Commission's answer:**

Indicators play an important role in the Commission's performance framework. The Strategic Plans for 2016-2020 are organised around the long-term objectives defined at Commission level (10 political priorities of the Juncker Commission, taken as General Objectives) and at DG/Service level (Specific Objectives). The specific objectives are objectives tailored to the responsibilities and activities of each Directorate-General/Service. They are accompanied by result indicators, milestones and targets so that measurement and reporting is possible on the progress the department makes towards reaching them.

Every year, each Commission department establishes a Management Plan defining the main actions and outputs for the year ahead and how these will contribute to meeting the objectives set.

The Commission's departments report on progress each year in their Annual Activity Reports. This is the mechanism through which Directors-Generals provide information on the performance of their departments.

**Task force for the UK referendum**

6. In the light of the Brexit decision how does the Secretary General evaluate the main achievements of the task force for the UK Referendum in 2015?

**Commission's answer:**

After the British Prime Minister announced in 2015 a referendum on the United Kingdom's membership of the European Union, President Juncker made it clear that he wanted to help the UK find a solution that was fair for the UK and fair for the EU as a whole. In this context, the Commission expressed its readiness to discuss specific proposals presented by the British Government and to continue contributing to efforts to improve public understanding of the EU and its work in the UK and across the Union. To support this work, a 'Task Force for Strategic Issues related to the UK Referendum' was created, attached to the Secretariat General and reporting directly to President Juncker and in charge of coordination

of the Commission's work on all strategic issues related to the UK ahead of the Referendum.

The Task Force in particular provided support in the negotiation of the new Settlement for the UK which was agreed at the 18-19 February European Council. Furthermore, throughout the Referendum campaign, the Task Force acted as important counsel to the President and his team about ongoing political developments in the UK and was in charge of overseeing the Commission's input to information activities in the run-up to the Referendum.

The Task Force, which had 8 staff members and was headed by Director-General Jonathan Faull, relied on policy support services across the Commission and worked particularly closely with DG COMM, notably the Spokesperson's Service, and the Commission's Representation in London. It was dismantled after the UK Referendum.

## **European Semester**

7. One of the priorities of the Commission Secretariat General was to implement and revamp the European Semester in 2015?

Does the Secretary General consider that the fact that 3% of the country specific recommendations were implemented “fully in 2015” is a big success?

### **Commission's answer:**

The European Semester is above all a qualitative exercise, not a mathematical one. In addition, many country-specific recommendations cover major reforms that take more than a year to implement, which is why the Commission follows up their implementation over time.

According to the Commission's analysis, Member States are taking action on most of the country-specific recommendations. Even if a number of them are not yet implemented to the full extent, very few have not been followed at all. No Member State challenges the need for the reforms, though Member States may have different views on how to implement them.

The European Semester has proven its worth over the last years in influencing national decisions and throwing more light on common problems.

It is important to acknowledge that good progress has been made, also in those countries that were hardest hit by the crisis. More is however required to strengthen the recovery, particularly in those countries that are suffering from macroeconomic imbalances.

Following the Five Presidents' report in June 2015, which announced a revamping of the European Semester, the Commission intensified its contacts with the Member States. It strengthened its presence in the Member States, notably with the appointment of European Semester Officers since 2013, and stepped up political contacts, including with national Parliaments and social partners.

The new, streamlined process allows for more time to examine and discuss EU guidance. Furthermore, the Commission is closely linking progress on the country-specific recommendations to EU structural funding. Funding is used mainly for jobs-, growth- and investment-boosting investments like the ones identified in the country-specific recommendations and that can help the EU meet the Europe 2020 targets.

### **Access to documents**

8. How many access to documents' requests has the institution received, fully replied, only partially granted and how many were rejected? What were the main grounds for those rejected? Please provide a list of the requests including the nature of the requested documents and the final decision whether to grant the access.

#### **Commission's answer: (see also annex)**

The Commission received 6,752 initial applications for access to documents in 2015 (representing an increase of 8% compared to the previous year).

At initial stage, 6,227 replies were provided in 2015. Full disclosure was given in more than two out of every three cases (68.8%), and partial access in another 15.3% of cases. 15.9% of applications received a fully negative reply.

The area of health and food safety policy received the highest proportion of initial requests (9.2% of the total), whilst the area of policy coordination (Secretariat-General) occupied the second rank (8.7%), followed closely by the area of internal market, industry, entrepreneurship and SMEs (8.6%).

The areas of competition policy (5.8%); international cooperation and development (5.4%); and environment, and taxation and customs Union (5.7%) were concerned by just over 5% of requests. The remaining policy areas accounted for less than 5% of all initial requests.

In 2015, the Commission also received 284 confirmatory applications asking for a review, by the Commission, of initial access-to-documents decisions. The initial (full or partial) refusal was reversed in 41.3% of cases, resulting in wider or full access granted at confirmatory stage.

A list of all initial requests received in 2015 is annexed. It contains the details of the type of reply given by the Commission. An overview detailing the percentage of requests received per policy area is also annexed.

As regards the exceptions under Regulation 1049/2001 invoked at initial stage, the protection of privacy and the integrity of the individual continued to be the main ground for (full or partial) refusal (29.4%). It came ahead, respectively, of the exceptions aimed at protecting the purpose of inspections, investigations and audits (20.9%); the decision-making process (20.3%); commercial interests (14.8%); international relations (4.9%); court proceedings and legal advice

(4.5%); and the financial, monetary or economic policy of the EU or a Member State (0.7%).<sup>2</sup>

At confirmatory level, the most frequently invoked main ground for confirming a (full or partial) refusal of access was, as in previous years, the protection of the purpose of inspections, investigations and audits (37.7%), followed by the protection of the decision-making process (16.4%), and privacy and the integrity of the individual (15.6%).<sup>3</sup>

9. How many of the rejected cases were transmitted to the European Ombudsman or the Court of Justice? And what were the results of these procedures?

**Commission's answer:**

In 2015, the Ombudsman opened 11 new inquiries where access to documents was either the main or a subsidiary part of the complaint. This represents a significant decrease compared to the previous year, when almost three times as many (30) new inquiries were opened. As applicants have two years to submit a complaint to the Ombudsman, some of the investigations opened in 2015 concerned the way the Commission had handled access to documents requests in previous years.

The Ombudsman has opened 12 enquiries (in 2015 and 2016) concerning requests for access to documents in 2015.

Four of these cases have in the meantime been closed. In none of these cases did the Ombudsman conclude her enquiry with a finding of maladministration.<sup>4</sup>

10 new cases were brought before the General Court in 2015 against confirmatory Commission decisions under Regulation (EC) No 1049/2001, a similar number as in the previous year (9). As applicants have two months to appeal confirmatory decisions on access to documents, some of the Court cases opened in 2015 concerned confirmatory decisions adopted at the end of 2014.

12 decisions are the subject of appeals before the General Court (cases brought in 2015 and 2016) concerning confirmatory decisions adopted in 2015.<sup>5</sup>

<sup>2</sup> Whenever several exceptions were applied to one single document or set of documents, only the main ground for refusal was taken into account for the purpose of drawing up these statistics.

<sup>3</sup> Ibid.

<sup>4</sup> In case 2015/0119/PL, regarding the handling of a TTIP-related request, the Ombudsman closed the case without further action; in case 2015/393/JN (DG NEAR), concerning the Commission's refusal to grant full access to public procurement-related documents, the Ombudsman concluded that there was no maladministration; in case 2015/735/AN, about the partial refusal of Commission documents related to the closure of the EDC (*Entrepreneurship Development Centre*), the Ombudsman similarly closed the case without any finding of maladministration; in case 2015/1337/JASOI/ANA (DG GROW), regarding an alleged failure to respond to an initial request for public access to documents, the Ombudsman concluded that the Commission successfully resolved the complaint and closed the case.

<sup>5</sup> T-110/15 - *International Management Group v European Commission*; T-210/15 - *Deutsche Telekom v European Commission*; T-264/15 - *Gameart v European Commission*; T-344/15 - *French Republic v European Commission*, T-448/15 - *EEB v European Commission*; T-451/15 - *AlzChem AG v European Commission*; T-514/15 - *Izba Gospodarcza Producentów i Operatorów Urz. dze Rozrywkowych v European Commission*; T-581/15, *Syndial SpA - Attività Diversificate v Commission*;

Only one of these cases has in the meantime been closed (T-110/15, *International Management Group v European Commission*). The General Court rejected the applicant's appeal, stating that the Commission had rightly applied a general presumption of non-disclosure to documents forming part of the administrative file of an OLAF investigation.

## **Whistleblowing**

- 10 How many cases of internal whistleblowing were registered in 2015? Could the Secretariat General provide an analysis of the cases reported?

### **Commission's answer:**

Whistle-blowers have various communication channels offered to them. In accordance with Art 22a of the Staff Regulations, they shall inform either their immediate superior, or their Director-General, or the Secretary-General, or the persons in equivalent position, or OLAF directly.

The Secretary-General has not recorded any case directly transferred to him, in 2015, under the scope of Art 22a of the Staff Regulations.

Any information received by any official, in the context of Art 22a of the Staff Regulations has to be transmitted to OLAF. The relevant statistics are therefore held by OLAF, which assesses the information for appropriate follow-up.

According to information provided by OLAF, this Office registered five cases of whistleblowing originating from within the Commission in 2015.

Whistleblowing communications are treated in a confidential way, to protect whistle-blowers and the presumption of innocence of the persons concerned.

- 11 Has the Commission finished the evaluation of internal guidelines on whistleblowing started in October 2015 (as stated in the discharge procedure for 2014), and can it present the results? What are the main conclusions of the evaluation of the internal guidelines on whistleblowing? What action is the Commission taking in order to follow up the findings of this assessment? Does the Commission intend to put forward a legislative proposal on the protection of whistle-blowers?

### **Commission's answer:**

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T-611/15 - *Edeka-Handelsgesellschaft Hessenring v European Commission*; T-727/15 - *Justice & Environment v European Commission*; T-74/16 - *Pagkyprios organismos ageladotrofon (POA) Dimosia Ltd v Commission*; T-11/16 - *Fabio De Masi v Commission*.

At the end of 2015, pursuant to the Guidelines' review clause, the Commission conducted a review of their effectiveness.

The review, finalised in 2016, concluded that while there is no need to change the content of the Guidelines, it is necessary to increase staff awareness of the whistleblowing rules and guidelines, in particular managers', who play a pivotal role in the reporting system.

The Commission will implement the actions recommended by the review and will continue to review the quality and the impact of the Guidelines on a regular basis.

More generally, with a view to strengthening the protection of whistle-blowers in the public and private sector in Europe, the Commission is assessing, in line with its 2017 Work Programme, the scope for horizontal or further sectorial action at EU level to help protect whistle-blowers who expose wrongdoing. To this end, it is launching a public consultation and an impact assessment that will assess both regulatory and non-regulatory options that might be pursued to achieve this objective.

Does the Commission plan to register internal whistleblowing cases?

**Commission's answer:**

(see above reply to question 10)

Whistle-blowers have various communication channels offered to them. In addition, the Commission is not informed when whistle-blowers contact OLAF directly.

Any information received by any official, in the context of Art 22a of the SR has to be transmitted to OLAF. The relevant statistics are therefore held by OLAF, which assesses the information for appropriate follow-up).

The Commission does not plan to register internal whistleblowing cases due to the confidentiality requirements mentioned above.

12. How often has the European Commission applied its internal guidelines on whistleblowing?

**Commission's answer:**

The guidelines have been in application since their adoption.

They provide for the possibility to seek confidential and informal guidance from various contact points (ethics correspondent, line managers, specialised services,

OLAF); this information is not recorded, notably to protect the confidential character of the matter.

As regards the protection for staff members who 'blow the whistle' in good faith, there has been one case since the guidelines were issued in which the Commission applied protective measures at the request of a *bona fide* whistle-blower.

## **Transparency**

13. Has the Commission any knowledge about breaches of the transparency rule applied since 2014 “not on the Register, no meeting” in 2015, and if so, how did it react to such incidents? How was the Commission trying to enhance compliance to this rule?

### **Commission's answer:**

The Juncker Commission has taken ambitious steps to enhance lobbying transparency, which is an essential part of the Commission's Better Regulation Agenda. As of 1 December 2014, further to a decision adopted by the Commission, Commissioners, their Cabinet members and Directors-General publish information on the meetings they hold with interest representatives. Moreover, they meet only with interest representatives who have registered in the Transparency Register. These arrangements, laid down in Decisions C(2014) 9048 and C(2014) 9051, ensure full transparency regarding meetings held between interest representatives and those more closely involved in the Commission decision-making process.

No breach of the rules was established by the Commission in 2015. In cases where minor omissions and inaccuracies had been noticed they were rectified through subsequent registration and publication.

In line with these decisions, Commissioners, their Cabinet members and Directors General publish information on meetings with interest representatives on their respective websites and under their own responsibility. Disclosure in the public domain implies that correct implementation of the rules can be closely scrutinised by stakeholders, the media and citizens, and is thus a matter of personal integrity. This policy of decentralised publication of data was motivated by the wish to give direct and full responsibility to the Commissioners, their staff and heads of departments. It has become apparent that this is the most effective means to ensure that those concerned take personal responsibility for complying with the November 2014 Decisions. Awareness-raising and training is also organized internally.

Information on more than 6000 meetings with interest representatives in 2015 has been published on *Europa*. The implementation of these decisions has also been a strong incentive for entities joining the Register. At the end of 2015, the system included nearly 9000 entities (with more than 2700 new registrations in that year), who all signed up to a common Code of Conduct. Today the Register includes over 11000 entities.

As a further step to increase transparency, the Commission presented on 28 September 2016 a Proposal for a new Inter-institutional Agreement on a Mandatory Transparency Register covering the European Parliament, for the first time the Council, and the Commission. This would further strengthen the framework for relations with interest representatives trying to influence the EU decision-making process. The proposal suggests that in Parliament, the 'not in register, no meeting' rule should apply to MEPs as well as the Secretary-General, the Secretaries-General of the Political Groups, and Directors-General in the administration.

### College meetings

14. Could you please provide us with an overview of the participation of each Commissioner in the meetings of the College of Commissioners?

#### **Commission's answer:**

In 2015, statistics of attendance at the 40 weekly meetings of the Commission are as follows:

	Attendance out of a total of 40 meetings
Mr PRESIDENT	38
Mr TIMMERMANS	36
Mrs MOGHERINI	27
Mrs GEORGIEVA	37
Mr ANSIP	36
Mr ŠEF OVI	35
Mr DOMBROVSKIS	32
Mr KATAINEN	38
Mr OETTINGER	34
Mr HAHN	28
Mrs MALMSTRÖM	33
Mr MIMICA	31
Mr ARIAS CAÑETE	30
Mr VELLA	33
Mr ANDRIUKAITIS	32
Mr AVRAMOPOULOS	31
Mrs THYSSEN	39
Mr MOSCOVICI	35
Mr STYLIANIDES	33
Mr HOGAN	33

Lord HILL	35
Mrs BULC	38
Mrs BIE KOWSKA	34
Mrs JOUROVÁ	39
Mr NAVRACSICS	36
Mrs CRE U	30
Mrs VESTAGER	36
Mr MOEDAS	35

## Gender

15. Is the 2019 Commission's official target of 40% of female managers at middle management and senior management level realistic? Will this target be fulfilled?

### **Commission's answer:**

In senior management (Director level and above), the female population has increased from 27% in 2014 to 31% in December 2016. The Commission's effort is particularly visible looking at the relative share of appointments in 2015 (44% of appointed senior managers were women) and 2016 (46% women) and its increasing trend. During the same period, the share of women in middle management has increased from 31% to 34%. The Commission has increasingly concentrated its effort on first appointments, with a share of newly appointed women middle managers of 37% in 2015, rising up to 48% in 2016. In July 2016, the Commission called upon its departments to make further progress with a view to appointing more women to middle management functions by taking advantage of all opportunities available, for instance resulting from retirements, secondments, inter-institutional transfers, leave on personal grounds, mobility, etc.).

At the same time, the Commission adopted additional measures regarding the selection procedures for middle management functions. Namely, the final report of the selection panel should include a dedicated section on the state of the gender representation in a given DG, and the recruiting Director-General should explicitly mention the impact of the proposed appointment on the DG's target when consulting the Cabinet, so that Commissioners are fully informed of the situation in the DGs under their portfolios. Moreover, a DG may be prevented from filling a vacant middle management post should it not show significant progress towards meeting the 2019 target.

In addition, the new Talent Management Strategy adopted in 2016 includes specific actions aimed to develop and foster managerial capacities as well as encourage more women to apply for management positions. Measures intended to increase the number of female candidates to senior and middle management functions encompass trainings, mentoring schemes or flexible working schemes.

The Commission is closely monitoring the progress and will intensify its efforts with a view to reaching the target of 40% of female managers by 2019.

16. Has the Commission made progress on reaching President Juncker's target of 40% female senior and middle management in the Commission compared to 2014? Can the Secretary General provide concrete numbers and lay out concrete measures that it undertook and/or still undertakes to increase the number of women in the aforementioned positions?

**Commission's answer:**

Please see the reply to question 15 above.

**Code of Conduct for Commissioners**

17. Has the Commission any knowledge about breaches of the Code of Conduct for Commissioners in 2015, and if so, how did it react to such incidents? Further, how was the Commission trying to enhance compliance to the Code of Conduct?

**Commission's answer:**

The Commission is not aware of any breach of the Code of Conduct for Commissioners in 2015. The Members of the Commission are responsible for their compliance with the code. In case of doubt regarding the interpretation of the code in specific situations, they may request the assistance from the President's cabinet or the Secretariat-General.

18. In last year's replies the Commission stated, that instead on Code of Conduct revision it will set priority on ensuring its full and effective implementation. In the light of exchange of views with Mr. Oettinger held on 9 January 2017, especially concerning the use of private jet of a lobbyist, does the Commission believe that the Code of Conduct is really up-to-date and that is effectively implemented?

**Commission's answer:**

Without prejudice to the already announced modification of the Code of Conduct (please see the reply to question 19 below), the Commission considers that the Code of Conduct for Commissioners is up-to-date and effectively implemented. The Commission believes that the correct implementation of the Code of Conduct for Commissioners is of paramount importance to the protection of the Commission's reputation and to enhance citizens' trust in the European Union Institutions.

19. The latest version of the Code of Conduct for Commissioners dates back to 2011. When will it come to a general revision of the Code of Conduct for Commissioners (including the rules on conflict of interest and on the declaration of financial interests) as requested by the EP in this resolution of last year?

**Commission's answer:**

The President of the Commission has already informed the President of the European Parliament of the Commission's intention to propose two amendments to the Code of Conduct for Commissioners: first, to dispense the Members of the Commissioner from the obligation to take an electoral leave in case they are candidates for EP election; second, to tighten the Code of Conduct by extending the cooling-off period with regard to post-mandate activities from currently 18 months to 2 years for former Commissioners and to 3 years for the President of the Commission. On 23 November 2016, the President of the Commission wrote to the President of the European Parliament to seek the European Parliament's opinion on this intention, in line with the Framework Agreement.

**Written questions**

20. How many written questions did the European Commission answer in 2015? Could the Commission provide an evaluation of workload, on average, until the final answer can be provided to the European Parliament? What is your estimated forecast for the number of the questions after the entry in force of the new Rules of Procedure of the EP? Are there any calculations concerning the future impacts of possible savings (in staff, working hours, costs)?

**Commission's answer:**

The Commission replied to 14.544 written questions in 2015. This was a major increase compared to the election year 2014 when the Commission replied to 10.045 questions and even higher than in 2013 when 13.374 written questions were received.

The Commission has, in a reply to a Written Parliamentary Question (Reply given on 11 June 2015 by Vice-President Timmermans to P-006180/2015) estimated that, in the Commission, about 76 full-time equivalents were dedicated to the preparation of replies to written parliamentary questions. However, in practice many more than 76 full-time equivalents are involved in work on written questions.

Since Parliament in mid-2015 endorsed a new interpretation to its Rule 130 to

limit the number of questions from each MEP to max 5+4 per month, the global volume of parliamentary questions has levelled-off for 2016 (9.543 written questions). However, this trend still needs to be confirmed, as it may be offset by the entry into force of the new Rules of Procedures on 17 January 2017 which introduce a new category of written and oral questions, the minor and major interpellations, with the possibility of an additional debate on major interpellations in Plenary foreseen. The additional burden these questions create cannot yet be estimated.

## **Harassment**

21. The well-being of the employees and the quality of the work of the Commission is an important issue: could the Commission provide an assessment of the harassment cases and of sick leaves due to work in 2015? What are the actions taken to improve the situation?

### **Commission's answer:**

The Commission agrees that a robust and comprehensive policy protecting the dignity of employees and preventing any form of harassment is essential in any modern organisation. The comprehensive Commission anti-harassment policy is laid down in a Commission decision<sup>6</sup>. This policy is based on two pillars: 1) prevention and 2) support and follow-up.

As to the first pillar, the Commission has implemented a number of preventive measures such as trainings, on-line information, guides and leaflets, to help its staff and managers avoid and effectively cope with problems at work.

The second pillar is about coping with problems that have already occurred, either by an informal (aiming at a resolution through conciliation) or a formal procedure, at the choice of the person affected.

The informal procedure aims at resolution through conciliation. Two paths are open to staff: they may contact a member of the Commission-wide network of confidential counsellors, or the Commission Mediator.

The formal procedure is initiated on the basis of a request for assistance under Article 24 of the Staff Regulations. These requests are submitted to a dedicated unit in DG HR which may in turn call on the Commission's Investigation and Disciplinary Office to consider whether there are sufficient indications to warrant an administrative inquiry.

In duly justified cases, emergency measures may be taken to separate the two parties and safeguard the affected staff member's health and security.

Harassment cases are monitored and registered by the Commission. In 2015 there were 181 requests for an informal procedure, and 16 requests for a formal procedure. Five administrative inquiries were opened in relation to allegations of harassment. Not all the cases submitted as informal procedure fall into the definition of harassment; indeed, a relevant share of these requests relates to

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<sup>6</sup> C(2006)1624/3 of 26.04.2006

conflicts which the counsellor can help solving. In 2015 and 2016 the Commission held courses on sensibilisation and prevention of harassment for its staff as well as specific courses for its managers. Regular communication actions on harassment were as well put in place, aiming at preventing potential cases.

The Commission does not have at its disposal detailed statistics on sick leaves due to work, mainly because the medical causes of an absence from work are very often complex and articulated. However, the Commission's overall absence rate related to sickness, amounting to 4.2 % in 2015, appears in line with those of other similar organisations and of Member States (definitions and calculations are not fully homogeneous among Member States), which are between 3% and 6%.

In addition to the Commission's sickness absence management policy that was adopted in 2014, the Commission has launched in 2015 the 'Fit @ work' programme, a crosscutting health and wellbeing programme to bring together current and new initiatives in physical and mental health, organisational health and social measures so as to improve staff resilience in a preventive way. The 2016 staff survey has shown an increase in ratings on work-life balance (from 53% in 2014 to 57 % in 2016), fair treatment (65% in 2014 and 69% in 2016), and working atmosphere( 68% in 2014 and 72% in 2016).

## **Expert groups**

22. While with the adoption of the new horizontal rules on the Commission's expert groups on 30 May 2016 many concerns previously expressed by Parliament have been met, does the Commission intend to implement all of the Ombudsman's recommendations on transparency?

### **Commission's answer:**

The revised horizontal rules on expert groups adopted by the Commission on 30 May 2016 respond positively to many suggestions made by the Ombudsman and reflect the Commission's determination to improve the overall management of these groups.

In particular, the revised horizontal rules enhance transparency in many respects, as requested by the Ombudsman, notably by:

- making it mandatory for Commission departments to select expert group members through public calls for applications<sup>7</sup>, under certain conditions;
- foreseeing that a new version of the Register of Commission expert groups and other similar entities ('the Register of expert groups) reflecting the revised horizontal rules should be put in place, and ensuring for the first time

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<sup>7</sup> Idem, Article 10

synergies between the Register of expert groups and the Transparency Register<sup>8</sup>. This new version was launched the day of adoption of the horizontal rules;

- instructing Commission departments to make available all relevant documents of an expert group, including the agendas, the minutes and the participants' submissions, either on the Register of expert groups or *via* a link from this Register to a dedicated website where this information can be found<sup>9</sup>. Exceptions to publication are possible only where it is deemed that disclosure of a document would undermine the protection of any public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001;
- instructing Commission departments to ensure prior publication of the agenda and of the background documents in due time ahead of the meeting, followed by timely publication of adequate minutes of the particular expert group meeting<sup>10</sup>;
- foreseeing that minutes of the group meetings should be meaningful and complete<sup>11</sup>;
- streamlining the classification of group members in order to bring more clarity and transparency with respect to the membership of expert groups<sup>12</sup>;
- foreseeing that when opinions, recommendations or reports are given by the expert groups, the members that voted against them or abstained shall have the right to have a document summarising the reasons for their position annexed to the relevant opinions, recommendations or reports<sup>13</sup>.

An important additional element that enhances transparency comes with new provisions on conflict of interest assessment in relation to independent experts acting in a personal capacity and in the public interest. Such conflict of interest assessment takes place on the basis of declarations of interest, which applicants have to submit to the Commission departments as part of their application, and which are then published on the Register of expert groups if they are appointed as members of the expert groups in question.

The Commission is committed to implement all these provisions.

## Impact assessments

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<sup>8</sup> C(2016) 3300, chapter 2, p. 5.

<sup>9</sup> *Idem*, Article 26.

<sup>10</sup> *Idem*, Article 26.1

<sup>11</sup> *Idem*, Article 13.7.

<sup>12</sup> C(2016) 3301, Article 7.

<sup>13</sup> *Idem*, Article 13.8.

23. How did impact assessments contribute to the improvement of the quality of the Commission's legislation?

**Commission's answer:**

The Commission only makes legislation when it adopts autonomous acts under empowerments granted by the co-legislators. Otherwise, the Commission presents proposals to the co-legislators which may then undergo substantial amendment with or without an impact assessment being prepared by the co-legislators.

New political initiatives with significant impacts will generally be accompanied by an impact assessment which presents evidence about problems, policy options, and the environmental, social and economic impacts (costs and benefits) including impacts for SMEs. In 2003, the European Parliament, the Council and the Commission made commitments to perform impact assessments of proposals and substantial amendments respectively. Since then, the Commission has produced close to 1000 impact assessments. In the same period, we understand that the Parliament has impact assessed 30 or so of its substantial amendments. The commitment to carry out impact assessment was reconfirmed in the revised inter-institutional agreement of April 2016. While the Commission will continue to build on its good track record, it calls on the Parliament and Council to step up their own impact assessment work to support their substantial amendments.

The Regulatory Scrutiny Board checks the quality of each impact assessment report based on the Commission's Better Regulation Guidelines and verifies whether the minimum standards are met. The Board helps ensure that initiatives take into account all available evidence and stakeholders' views before decisions are taken on what action to take, if any. In 2015, the Board scrutinised 29 impact assessments (and issued 14 negative opinions initially) and in 2016 it reviewed 60 impact assessments and gave 25 negative opinions initially.

Impact assessments inform the Commission's decision making but the Commission is not bound by the information they contain. It is difficult, therefore, to quantify precisely the global impact that impact assessment has on the quality of the Commission's proposals. This is due to the fact that Commission impact assessments inform the policy reflection process and help in the identification of a preferred option. In that sense, the impact assessments add clear value in informing the policy makers about the likely impacts, helping them define efficient and effective policy initiatives. There are numerous examples which illustrate the value of impact assessment in informing the political process – and once published, the public:

- ***Mini VAT One-Stop-Shop***: On 1st December 2016, the Commission presented a further legislative proposal to modernise and simplify VAT for cross-border e-commerce, in particular for SMEs. This includes extending the One-Stop-Shop to online sales of tangible goods to final consumers. The impact assessment estimated saving to business is EUR 2.3 billion a year. This was 200 million EUR higher saving as compared to the 2<sup>nd</sup> best ranked option.
- ***Audio-visual Media Services***: The impact assessment showed that the Commission proposal could bring simplification and more flexibility to current rules. The economic benefit could amount to EUR 122 million for

a single TV broadcaster or to EUR 441 million per year EU-wide for sponsorship.

- **Prospectus Directive:** The Commission has proposed to overhaul prospectus rules to improve access to finance for companies and to simplify information for investors. Small and medium-sized companies in particular will find it easier to raise funding when issuing shares or debt. The new disclosure regime is estimated to save SMEs around EUR 45 million per year. Additional savings of around EUR 130 million per year are estimated for secondary issuances.
- **Integrating Social Statistics:** The proposal made by the Commission in August 2016 is likely to deliver savings between EUR 3.1 million and EUR 34 million for statistical data collection costs depending on the implementation at national level.
- Fifteen out of the 58 (26%) legislative initiatives in the Commission's scoreboard on regulatory fitness (see below) include exemptions or lighter regimes for SMEs.

More information can be found in:

- The scoreboard which tracks the Commission's regulatory fitness programme  
[http://ec.europa.eu/atwork/pdf/201621025\\_refit\\_scoreboard\\_summary\\_en.pdf](http://ec.europa.eu/atwork/pdf/201621025_refit_scoreboard_summary_en.pdf);
- The recent Communication (COM(2016) 615) *Better regulation: Delivering better results for a stronger Union*.

24. Do you have any statistics concerning the use of legislative footprints to Commission proposals? How widespread is their use?

**Commission's answer:**

The Commission does not assess "legislative footprints" when preparing its proposals. Instead, the Commission undertakes a range of stakeholder consultation activities and gives stakeholders opportunities to provide feedback on its initial policy ideas (in roadmaps and inception impact assessments) and on draft delegated and implementing acts. These inputs are then considered in the Commission's further preparatory work. An open public consultation must generally be undertaken for new initiatives as well as evaluations of existing legislation. The Commission publishes the contributions received and reports on the results, which can be accessed through the portal Your Voice in Europe.

The Commission's better regulation guidelines require the results of all stakeholder activities to be summarised and presented in the impact assessment report, the evaluation or as a self-standing synopsis. These should also explain how stakeholder inputs have been taken into account by the Commission.

Finally, as from 1 December 2014, Commissioners, their staff and Directors-General publish on Europa information on meetings held with interest representatives. The rule "not on the Register, no meeting" applies as well. This policy represents another strong element of the transparency in the legislative process.

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**Staff**

25. Could you provide us with the exact number of staff (broken down by categories) who are working in the Secretariat General?

**Commission's answer:**

**Staffing levels for SG entity:**

<b>SG</b>	<b>31/12/2014*</b>	<b>31/12/2015</b>	<b>31/12/2016</b>
Officials	471	514	505
Contract staff	55	58	57
Intra-muros service provider	30	34	35
Trainees	16	15	15
Seconded national experts	8	6	11
Extra-muros service provider			4
Interim Agents	3	4	4
Temporary staff		2	1
Atypical external persons		1	1
<b>Total</b>	<b>583</b>	<b>634</b>	<b>633</b>

\*In 2014 Officials & Temporary Agents were grouped together

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## Annexes for question 8

(Access to documents)

### Question 8: Annex A - Policy areas covered by initial access-to-documents requests received in 2015 (%)

POLICY AREA CONCERNED	2015
EU policy on food safety and health	9.18
Internal coordination by the Secretariat-General: ensuring the overall coherence of the Commission's work in shaping new policies and steering them through the other EU institutions	8.74
EU policy on the internal market, industry, entrepreneurship and small businesses	8.58
EU policy on competition, including the enforcement of EU competition rules in cooperation with national competition authorities	5.81
EU policy on the environment: ensuring a high level of environmental protection and preserving the quality of life of EU citizens	5.79
EU policy on taxation and customs	5.67
EU policy on development and delivering international aid	5.35
EU policy on trade with countries beyond the EU's borders	4.38
EU policy on migration and home affairs	4.21
EU policy on agriculture and rural development, including aspects of the common agricultural policy (CAP)	3.97
EU policy on regions and cities	3.92
EU policy on mobility and transport	3.76
EU's energy policy: secure, sustainable and competitively priced energy for Europe	3.47
Internal legal advice services	3.17
EU policy on justice, consumer and gender equality	2.77
EU policy on employment, social affairs, skills, labour mobility and the related EU funding programmes	2.68
EU policy to develop a Digital Single Market in order to generate smart, sustainable and inclusive growth in Europe	2.65
EU policy on banking and finance	2.59



