



2018/0000(RSP)

28.3.2018

DRAFT MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 123(2) of the Rules of Procedure

on Integrity policy of the Commission, in particular the appointment of the
Secretary-General of the European Commission
(2018/0000(RSP))

Ingeborg Gräble and others

on behalf of the Committee on Budgetary Control

European Parliament resolution on Integrity policy of the Commission, in particular the appointment of the Secretary-General of the European Commission (2018/0000(RSP))

The European Parliament,

- having regard to the statement by the Commission of 12 March 2018 on the integrity policy of the Commission, in particular the appointment of the Secretary-General of the European Commission;
 - having regard to the replies given by the Commission on 25 March 2018 to the written questions asked by CONT members and at the occasion of the hearing held by CONT on 27 March 2018;
 - having regard to the motion for a resolution of the Committee on Budgetary Control;
 - having regard to Rule 123(2) of its Rules of Procedure;
- A. whereas it is fundamental that the European Commission, as Guardian of the Treaties, acts in conformity with the rules,
- B. whereas trust in the European project and in the European Union will only be maintained, if the European Union institutions act as role models of the rule of law, transparency and good administration and prove to have sufficient internal check and balances to react adequately whenever these fundamental principles are threatened,
1. Regrets that the procedure for the appointment of the new Secretary-General of the European Commission on 21 February 2018 was conducted in a manner which aroused widespread irritation and disapproval in public opinion, among Members of the European Parliament and within the European civil service; notes that the result of this procedure constitutes a reputational risk not only for the European Commission but for all the European Union institutions;

Factual elements

2. Notes that:
- on 31 January 2018, a post of Deputy Secretary-General was published with the standard deadline of ten working days for applications (i.e. 13 February);
 - two candidates applied; the new Secretary-General was one of the applicants for the post; the second candidate applied for the vacancy on 8 February 2018, went through the full day assessment centre on 12 February 2018 and withdrew the application prior to the interview with the Consultative Committee on Appointments (CCA), scheduled for 20 February 2018;
 - the new Secretary-General went through the procedure provided for in Article 29 of the Staff Regulations which included:

- a) a full day assessment centre (15 February);
 - b) an interview (16 February), assessment and opinion (20 February) by the Consultative Committee on Appointments (CCA);
 - c) an interview with the Commissioner responsible for Budget and Human Resources, and the President of the European Commission (20 February);
- no minutes were drafted for these interviews nor was their length recorded;
 - the College – by unanimous decision – appointed the Head of Cabinet of the Commission President as Deputy Secretary-General on 21 February;
 - subsequently, during the same meeting, the then Secretary-General announced his retirement having, in the morning of the same day, sent a formal letter to the President stating his intention to retire on 31 March 2018;
 - the President of the European Commission and his Head of Cabinet had known since 2015 that the then Secretary-General intended to retire soon after March 2018, an intention which was reconfirmed in early 2018; however, the President had not divulged this information in order not to undermine the authority of the then Secretary-General;
 - acting on a proposal from the President, in agreement with the Commissioner for Budget and Human Resources, and without the appointment of a new Secretary-General having been on the agenda of the meeting, the College decided to transfer the newly appointed Deputy Secretary-General with his post, pursuant to Article 7 of the Staff Regulations, to the position of Secretary-General of the European Commission (reassignment without publication of the post);

Career path of the new Secretary-General

3. Notes that:

- the new Secretary-General joined the European Commission as a grade AD6 official in November 2004, having passed the open AD competition COM/A/10/01; was promoted to grade AD7 in 2007, to grade AD8 in 2009, to grade AD9 in 2011 and to grade AD10 in 2013;
- as of 10 February 2010, and while still being grade AD8 in his basic career, he was seconded as Head of Vice-President Reding's Cabinet, where he occupied a function of Head of Cabinet at grade AD14, at Director level, in accordance with the Rules on the Composition of Cabinets in force at the time (SEC(2010)104);
- after having successfully completed a selection procedure, the new Secretary-General was appointed Principal Adviser to the European Bank for Reconstruction and Development with effect as of 1 June 2014; with this appointment he became a grade AD14 official in his basic career;
- the new Secretary-General took leave on personal grounds (CCP) from 1 April 2014 to 31 May 2014 in order to act as campaign manager for the EPP lead candidate for

President of the European Commission;

- following his reintegration on 1 June 2014, he was assigned as an AD14 official as Principal Adviser to the Directorate-General for Economic and Financial Affairs;
 - from 1 July 2014 to 31 October 2014, the new Secretary-General was seconded at grade AD14 as head of the transition team of the President-elect of the European Commission;
 - on 1 November 2014, he was seconded as Head of the President's Cabinet at grade AD15 in accordance with the Rules on the Composition of Cabinets in force since 2004 (see decisions SEC(2004)185, SEC(2010)104 and C(2014)9002);
 - on 1 January 2017, he was promoted to grade AD15 in his basic (non-secondment) career as an official in the framework of the 10th Senior Officials Promotion Exercise, a decision taken by the College of Commissioners (PV(2017)2221); hence, before the meeting on 21 February 2018, he was in his basic career a Commission official in grade AD15, Principal Adviser in the Directorate-General for Economic and Financial Affairs;
4. Stresses the extremely rapid career of the new Secretary-General who in a period of slightly more than 13 years, has progressed from AD6 to AD15, out of which he spent 8 years in different cabinets;

Career paths of previous Secretaries-General

5. Notes that, according to the Commission, the three previous Secretaries-General became Director, Director-General and Head of Cabinet before being transferred to the function of Secretary-General, whereas the new Secretary-General did not perform any management task in the Commission services; points out, in particular, that on 21 February 2018 he was not Deputy Secretary-General in function;

Procedure of appointment

6. Takes note that the new Secretary-General was transferred in the interest of the service under Article 7 of the Staff Regulations and that the position was not published because the post was not considered vacant; hence no official could apply since the procedure was organised through a reassignment with post rather than as a transfer in the strict sense with proper publication of the vacant post;
7. Notes that the Commission used the same procedure of transfer under Article 7 of the Staff Regulations for the three previous Secretaries-General (transfer with post rather than transfer in the strict sense); underlines that none of the previous Secretaries-General were appointed successively Deputy Secretary-General and Secretary-General during the same College meeting;
8. Stresses that the appointment by transfer was initiated by the President of the European Commission in agreement with the Commissioner responsible for Budget and Human Resources and after consultation of the First Vice-President;

9. Acknowledges that it is not Commission practice to transfer directors in grade AD 15 to Director-General posts but notes that the Commission considers that, legally, the College could have decided to transfer a principal advisor to the post of Secretary-General;
10. Questions why the Commission used different procedures to appoint Deputy Secretary-General and Secretary-General;

Evaluation

11. Notes that the replies given by the Commission show that the President and his Head of Cabinet had been aware since 2015 of the intention of the former Secretary-General to retire soon after 1 March 2018, which he reconfirmed in early 2018; underlines that this knowledge would have allowed for a regular appointment procedure for his successor by one of the two public procedures foreseen by the Staff Regulations: (1) appointment by the College following publication of the post and selection procedure under Article 29 of the Staff Regulation; or, (2) transfer in the interest of the service pursuant to Article 7 of the Staff Regulations, equally upon publication of the post in order to allow any interested official to apply for such transfer;
12. Underlines that by opting for the procedure under transfer of Article 7 of the Staff Regulations in the form of reassignment of the newly appointed Deputy Secretary-General with his post to the position of Secretary-General, it was possible to avoid publishing the vacant post of the retiring former Secretary-General; notes that the same procedure was used for the appointments of previous Secretaries-General; stresses, however, that this tradition of non-publication has reached its limits insofar as it does not correspond anymore to modern standards of transparency;
13. Notes that only the President, the Commissioner responsible for Budget and Human Resources, the First Vice-President and the former and new Secretaries-General knew in advance of the meeting of the College of Commissioners of 21 February 2018 that the proposal for the immediate appointment of the new Secretary-General by way of transfer of the newly appointed Deputy Secretary-General with his post would be made during the meeting;
14. States that this procedure seems to have taken all other members of the College by surprise and avoided a debate among the Commissioners, since the appointment of a new Secretary-General did not appear on the agenda of the meeting of the College of Commissioners on 21 February 2018;
15. Is deeply concerned that this way of proceeding with the appointment of the new Secretary-General could cast doubt on the preceding procedure of appointment to Deputy Secretary-General insofar as it might not have served the purpose of filling this vacancy in the first place, but rather of allowing for the transfer of this post to the post of Secretary-General under Article 7 of the Staff Regulations without publication of the post; considers that, although such a way of proceeding might satisfy purely formal requirements, it nevertheless runs against the spirit of the Staff Regulations;
16. Is disappointed by the fact that not a single Commissioner seems to have questioned this surprise appointment, asked for a postponement of this appointment decision or requested discussion of principle on the role of a future Secretary-General in this “political

Commission”, and on the understanding of that role;

17. Reminds that Directors-General in the European institutions are in charge of hundreds of staff members and the implementation of substantial budgets as authorizing officers, as well as having the obligation to sign a declaration of assurance in their annual activity report at the end of each financial year; questions therefore the Commission’s claim that Heads of Cabinet of the President could be considered equivalent to a Director-General position in terms of management and budgetary responsibilities; points out that the internal Communication from the President to the Commission governing the composition of the private offices of the Members of the Commission and of the Spokesperson’s service of 1 November 2014 does not supersede or modify the Staff Regulations;
18. States that the two-steps nomination of the Secretary General constitutes a coup-like action which stretched and possibly even overstretched the limits of the law;

Lessons to be learned

19. Points out that in order to maintain an independent, loyal and motivated European civil service, the Staff Regulations need to be applied in letter and spirit: this requires notably that Articles 4, 7 and 29 of the Staff Regulations need to be fully respected so that all “vacant posts in an institution shall be notified to the staff of that institution, once the appointing authority decides that the vacancy is to be filled” and that this obligation of transparency needs also to be respected for transfers under Article 7 of the Staff Regulations, apart from very exceptional cases, as recognised by the Court of Justice;
20. Recalls that only through proper publication of vacant posts is it possible to secure a wide choice of suitably qualified candidates allowing for informed and optimal appointment decisions; stresses that publication procedures whose sole purpose is to fulfil the formal requirement for publications, have to be avoided by all European institutions and bodies;
21. Recommends that the decision-making processes and procedures of the College of Commissioners need to be strengthened in order to avoid any indiscriminate waving-through of appointments or other important decisions and that therefore it is necessary that all these items are included in the draft agenda;
22. Calls on all the institutions and bodies of the European Union, in this context, also to put an end to the practice of “parachuting” in order to protect the regular career progress of traditional European civil service; political influence must not undermine the application of the Staff Regulations;
23. Invites the Commission to revoke its decisions by which it considers the function of Head of Cabinet of the President to be equivalent to the function of Director-General and the function of Head of Cabinet of a Commissioner to be equivalent to the function of Director; invites the Commission to put in place measures to ensure fair career advancement for members of cabinets;
24. Calls on the Commission to review, before the end of 2018, its administrative procedure for the appointment of senior officials with the objective of fully ensuring that the best candidates are selected in a framework of maximum transparency and equal opportunities, thereby also setting an example for the other European institutions;

(xx. Instructs its President to forward this resolution to xx.)