

## 2011 Discharge to the Commission

### **WRITTEN QUESTIONS TO THE SG OF THE COMMISSION CATHERINE DAY**

Hearing on 22 January 2013

#### **DAS - Annual activity reports and synthesis report - EU 2020 strategy**

- 1. Does the Commission continue to strive for an unqualified statement of assurance (an overall positive DAS) from the Court? Is it a realistic strategic objective?**

##### Commission's answer:

*The Commission set this long term objective in its "Action Plan towards an Integrated Control Framework" which is designed to improve the management and control systems; it will therefore continue to strive to obtain an unqualified statement of assurance from the Court of Auditors.*

*There has been a significant reduction in the error rate for the EU budget as a whole and the gap between the error rate and the materiality threshold applied by the Court of Auditors has been reduced significantly over the years.*

*The Commission continues to make improvements to the financial management of EU funds; these are mostly based on recommendations from the European Court of Auditors (the Court) in its Annual and Special Reports as well as in follow up to European Parliament discharge resolutions. Examples include the reinforced use of interruptions/suspensions of payments and of recoveries/financial corrections in order to protect the EU budget.*

*In its legislative proposals for the Multiannual Financial Framework 2014-2020 the Commission has proposed further structural improvements through simplification, reinforcing the accountability of financial actors under shared management as well as supervisory and control mechanisms. All of these proposals aim at further reducing the risk of errors.*

*However, as of the next DAS exercise, the Court will base its future calculation of the error rate on a revised methodology. Considering that the Court is committed to ensuring full comparability with the estimated error rates in previous DAS, and that this important indicator has to be put into perspective with actions taken to protect the EU budget, it is likely that the financial impact of errors will continue to converge to a level close to the materiality threshold.*

- 2. What is your opinion concerning the quality of the Annual Activity Reports of the Directorate Generals with special regard to their performance parts?**

##### Commission's answer:

*Since their introduction, the primary focus of the Annual Activity Reports (AAR) has been on the legality and regularity of transactions. This focus proved to be an effective approach as evidenced by the successive audit reports by the Court of Auditors. The Central Services of the Commission work continuously to help*

*DGs improve the evidence base underpinning their Declaration of Assurance on the use of resources in accordance with the principles of sound financial management. Future work will include further guidance to all services on reporting on 'effectiveness', 'economy' and 'efficiency' of financial and non-financial activities.*

*Performance Reporting is one of the challenges for the years ahead and the Commission is committed to building the basic architecture of better performance reporting into the standing instructions on the annual activity reports covering the next multiannual financial framework (starting in 2014).*

**3. Do you consider the Synthesis Report of the Commission as a consistent and robust reporting tool?**

Commission's answer:

*Building on the Annual Activity Reports from all Directors-General and Heads of Service, the Synthesis Report is a central piece in the chain of accountability in the Commission. The Synthesis Report gives a balanced view of the management achievements by all Commission services. It not only takes stock of the main achievements but also points to weaknesses (which may lead to reservations in the declaration of assurance) and therefore lead to corrective actions and measures to mitigate the risks encountered in the normal implementation of policy and programmes.*

**4. Based on the conclusions of the Synthesis Report what are the key management issues to be addressed by the Commission as a matter of priority?**

Commission's answer:

*For this year, the Synthesis Report has identified the following key management issues to be addressed by the Commission departments:*

- to make proposals for simplification in the next generation of programmes, in particular in areas such as complex eligibility rules for grant beneficiaries and difficulties in applying public procurement rules, drawing on the 2011 reservations entered by Directors General.*
- To improve the assurance provided by the controls over external aid, exercised by the deconcentrated delegations, through better planning and supervision.*
- To support initiatives that enhance reporting on the achievement of policy objectives and provide added value for EU society*

**5. In its annual activity report for 2011 the Secretary General of the Commission stated as second specific objective to ensure that the political priorities of the Commission are appropriately reflected in all Commission departments' activities and in the allocation of human resources.**

**In particular the SG has to monitor the alignment of the general and specific objectives in the DG management plans with the Europe 2020 strategy flagship initiatives.**

**What does it concretely mean?**

Commission's answer:

*The standing instructions for the setting up of the 2011 Management Plans invited the services to reflect in their Management Plans the priorities established by the Europe 2020 flagship initiatives.*

*The monitoring of the alignment of the DGs objectives with the Europe 2020 flagship initiatives has been made through the creation of internal working groups on the following flagships: Innovation Union, Youth on the Move and a Digital Agenda for Europe.*

**6. How many DGs and Services are directly or indirectly involved in the EU 2020 Strategy? Could you list those Dgs and services?**

Commission's answer:

*All policy DGs and a number of horizontal services are involved in the implementation of the EU 2020 Strategy, in particular: DG AGRI, CLIMA, COMM, COMP, CNECT, EAC, ECFIN, EMPL, ENTR, ENV, ESTAT, HOME JUST, MARKT, MARE, MOVE, REGIO, RTD, SANCO, SG, TAXUD, and TRADE.*

**7. According to the SG annual activity report for 2011 there had been 95% of alignment as results from the three working groups set up for the flagship initiatives "Innovation Union", "Youth on the Move", "A digital agenda for Europe". What does it concretely mean? How are the 4 other flagships initiatives coordinated?**

Commission's answer:

*The work of the three internal working groups listed above enabled the SG to verify that the lead and associated DGs had integrated the main elements of the flagships into the management plans. For example:*

- *For "Innovation Union", DG RTD's 2011 Management Plan treated this initiative as one of its specific objectives and listed the four main Innovation Union policy outputs expected for 2011. Of these, the "State of the Innovation Union 2011" report (COM (2011) 849), the "Innovation Union Competitiveness report 2011" (DG RTD publication) and the Communication "Partnering in Research and Innovation" (COM(2011)572) were all issued in 2011. The Staff Working Document "Towards enhanced patent valorisation for growth and jobs" (SWD(2012)458) was issued in 2012.*
- *Concerning "Youth on the Move" EAC aligned its proposal to increase the percentage of young people participating in higher education and one of the key actions (draft Council Recommendation on reducing early school leaving (policy output January 2011) with the EU2020 general objective of enhancing the international attractiveness of Europe's higher*

*education institutions and raising the overall quality of all levels of education and training in EU.*

- *Regarding "A Digital Agenda for Europe" the general objectives of DG CNECT incorporate both the ambitious programme of the Digital Agenda with its 101 targeted actions. They set a long-term framework for the activities of DG CNECT to fulfil its mission statement. The first general objective aims at establishing a digital single market with a stable legal framework that stimulates investment. The second objective is to reinforce innovation and investment in ICT research as a main driver of the digital economy.*

*For the other four flagships, coordination was ensured either through ad hoc meetings or through Interservice Groups organised by the lead DG. This is for example the case for the Interservice groups on the Poverty platform or the agenda for new skills and jobs, led by DG EMPL*

**8. How many meeting of each Commissioners working group (set up by president BARROSO in February 2010) have taken place in 2011?**

Commission's answer:

*In 2011, there were 24 meetings of the Commissioners groups.*

**9. Why 4 flagships initiatives are not coordinated by those working groups?**

Commission's answer:

*The flagships have different characteristics in terms of timing, scope, number of DGs involved, number and types of actions, etc; therefore, for each flagship the most appropriate coordination mechanism was chosen. See also reply to question 7.*

**10. What is the follow up given to the meetings of those working groups? Are there reports produced and publicly available?**

Commission's answer:

*Short internal reports are produced after each meeting. These are not publicly available.*

**11. How can the Secretary General guarantee that the political priorities defined by the president BARROSO are really reflected in the allocation of human resources?**

Commission's answer:

*Once a year the Commission examines the requests for additional staffing and decides to redeploy posts provided by a 1% levy on all DGs to reinforce the Commission's ability to deliver on its political priorities. In recent years most of the redeployed posts have been attributed to DGs working on the economic and financial crisis.*

*The Commission also encourages its departments to redeploy their workforce internally. Each department is asked to move staff away from administrative*

*support and coordination functions, to scale down activities becoming less relevant or important than they may have been in the past, and to concentrate on political priorities. As a result, more than 1500 staff were redeployed within individual departments over the period 2009-2012, concentrating reinforcement on policy making activities. Overall, the share of Commission staff assigned to administrative support and coordination activities has decreased steadily since 2007, as shown by the annual Screening Report issued by the Commission.*

**12. Why the structure of the Commission work programme (2012 and 2013) does not precisely reflect the frame of the EU 2020 Strategy in flagships initiatives as to the internal policies?**

Commission's answer:

*The Commission work programmes flow primarily from the President's political guidelines at the start of the mandate. They also reflect the evolution of priorities over time. All this meshes closely with Europe 2020. But it has a more global scope, encompassing the full range of EU policies.*

*In addition to this, the flagships were not designed as over-arching themes but as specific clusters for priority actions. As a result, the Commission work programme does indeed have a different frame than the EU 2020 Strategy flagships. Its content however includes the most important actions foreseen by in the flagships*

**13. The SG was in the lead for the elaboration of the Flagship initiative on a "Resource-efficient Europe" adopted in January 2011. What have been the first achievements of this flagship initiative in 2011?**

Commission's answer:

*The resource efficiency flagship covers diverse actions in many economic sectors. The major initiatives announced in the flagship initiative have been delivered including the four long-term roadmaps on a competitive low carbon economy in 2050, Energy 2050, Transport 2050 and A Resource Efficient Europe. DG Environment meets regularly with Commission services to coordinate their activities with relevance to the implementation of the Roadmap on resource efficiency whilst the Secretariat General ensures overall policy coherence in the context of the Annual Growth Strategy and European Semester as well as in the preparation of the Commission's work programme and its implementation.*

**14. How (through which mechanism) the Commission can ensure that the implementation of the 7 flagship initiatives is coordinated in a consistent way in order to constitute the real growth and job strategy of the Union.**

Commission's answer:

*The Commission's Europe 2020 Communication of 3 March 2010 sets out a comprehensive strategy to put Europe on a path towards smart, sustainable and inclusive growth. It defines seven flagship initiatives as levers of progress towards this goal. In its flagship communications the Commission has translated these initiatives into concrete action plans. These Communications establish the frameworks for the delivery of the flagships and ensure coherence between them. They were prepared according to the regular Commission coordination process,*

*involving all relevant services. The implementation of the flagships and the presentation of concrete actions follow the same process, and are also coordinated in the Commission Work Programme.*

- 15. According to the annual activity report of DG MARKT for 2011 the Single Market remains the most effective response to the economic and financial crisis and plays a key role in delivering 'Europe 2020' objectives**

**The Single Market Act, with its 12 levers and 50 supplementary actions, is also the Commission's immediate response to the challenges of growth and jobs. In 2011, DG MARKT prepared several initiatives and actions (from worker mobility to SME finance and consumer protection, via digital content, taxation and trans-European networks) corresponding to the 12 Single Market Act levers.**

**How are those (very often cross cutting) actions articulated with the flagships initiatives of the EU 2020 Strategy?**

Commission's answer:

*The Single Market Act is a comprehensive package of 12 measures to develop further the Single Market. Some of these actions are also relevant for flagship initiatives, in which case they are also monitored as part of the flagship.*

### **Administrative burden**

- 16. What is the EC doing to prevent unnecessary regulatory burden deriving from current and future regulation?**

Commission's answer:

*The Commission has strengthened its particular focus on the needs of small and medium-sized businesses through measures listed in its Report on 'Minimising regulatory burden for SMEs – Adapting EU regulation to the needs of micro-enterprises'<sup>1</sup>. This now forms part of the upgraded Smart Regulation agenda described in the December 2012 Communication from the Commission on 'EU Regulatory Fitness (REFIT)'.<sup>2</sup> In the Impact Assessment process, new proposals are closely checked to avoid unnecessary burden and to exempt or introduce lighter regulatory regimes for smaller businesses; an EU-wide consultation of SMEs on the Top Ten most burdensome EU regulations has taken place; under the new REFIT Programme a wider range of evaluations will have a stronger focus on regulatory burden; a follow-on programme to the Admin Burden Reduction Programme - ABR plus, has been adopted and standards for consultation of citizens and stakeholders are being strengthened.*

- 17. How does the EC consider the functioning of the High Level Group on Administrative Burdens? Does the Secretary-General think its mandate should be prolonged?**

Commission's answer:

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<sup>1</sup> COM(2011)803.

<sup>2</sup> COM(2012)746.

*In December 2012, the Commission extended the mandate of the High Level Group on Administrative Burdens to 31 October 2014. It was prolonged because the Commission values its advice on the reduction of unnecessary administrative burdens.<sup>3</sup>*

**18. Does the Secretary-General consider the HLG's mandate to be sufficient to tackle regulatory pressure?**

Commission's answer:

*The mandate of the Group is sufficient for it to fulfil its role in advising the Commission on unnecessary administrative burdens.*

**19. Does the Secretary-General consider the EC able to judge its own legislation in an independent way?**

Commission's answer:

*If the question refers to the ex-post evaluation of legislation, these evaluations are designed to provide an objective and independent assessment of the efficiency, effectiveness, coherence and relevance of EU regulation. They are mainly undertaken by consultants and comprise stakeholder consultations.*

*If the question addresses new legislation, the Commission approach is not to judge its own legislation but to have an independent Board to judge the quality of the impact assessments which are a most relevant input for all major decisions, including legislative ones. The European Court of Auditors and other independent studies have found that the Commission's system compares favourably to other systems in the EU.*

**Special advisor**

**20. Am 12. Dezember 2011 wurde Herr zu Guttenberg aufgrund der persönlichen Entscheidung von Vizepräsidentin Kroes zum Berater im Rahmen der „No Disconnect Strategy“ (NDS) der Kommission ernannt. Gibt es eine Bilanz der Kommission nach über einem Jahr seiner Beratertätigkeit und wenn ja, wie lautet diese? Welche Ergebnisse wurden aufgrund der Beratertätigkeit von Herrn zu Guttenberg erzielt? Erhielt Herr zu Guttenberg neben der Erstattung seiner Reisekosten weitere Vergütungen oder Aufwandsentschädigungen? Auf welche Höhe beliefen sich die Kosten, die mit der Ernennung von Herrn zu Guttenberg zum Berater der Kommission verbunden sind? Wie lautet die betroffene Haushaltszeile?**

*On December 12, 2011, Mr. zu Guttenberg was appointed as an adviser to Vice-President Kroes advisors under the "No Disconnect Strategy" (NDS). Is there a record of the Commission after over a year of his consulting activities, and if so, which ones? What results were achieved due to the advice of Mr. zu Guttenberg? Does Mr. zu Guttenberg receive, in addition to the reimbursement of his travel expenses, other remuneration or allowances? What are the costs associated with the appointment of Mr. zu Guttenberg as advisor to the Commission? What is the budget line concerned?*

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<sup>3</sup> Commission Decision of 5 December 2012 (C(2012)8881).

Commission's answer:

*Mr zu Guttenberg was appointed by Vice-President Kroes as her advisor. Mr zu Guttenberg is not paid for this activity and there is no formal requirement to produce reports of his activities, which have included sensitive discussions with or involving people in countries or situation of personal risk. Publicising the details of such activities or discussions could be potentially harmful for such persons.*

*Mr zu Guttenberg has helped to build relationships with key public and private stakeholders, both with the European Union and in third countries, particularly in the USA, who are keen to contribute to the success of the No Disconnect Strategy. He has also provided his own insights into the direction that the Strategy should take and his inputs have been one ingredient in the work of the Commission in this important field.*

*As noted above, Mr zu Guttenberg is not paid for his activity as advisor to Vice-President Kroes. Only the travel and subsistence costs related to his role as an advisor were reimbursed. In 2011 and 2012, this amounted to EUR 19.862,01 (EUR 5.532,25 in 2011; EUR 14.329,76 in 2012) from budget line 09.010211.00.02.20.*

**21. What are the tasks and main activities of an advisor of a Commissioner delegated to Washington? What are/ were his duties in Brussels?**

Commission's answer:

*Without further indications allowing for a clear identification of the "adviser" the Commission assumes that this question relates to Mr Clive BERGEL whose mandate as Special Adviser is to give advice on EU economic policy and governance issues in the framework of the Support Group for Portugal (SGPT).*

*Mr BERGEL, who has his residence in New Jersey, was designated as Special Adviser because of his extensive expertise in the area of access to international capital markets. His main responsibility is to strengthen the SGPT's ability to help the Portuguese Government to gain access to international capital markets and to deal with and benefit from interactions with the international capital markets. His period of work was fixed by contract at a maximum of 30 working days per year.*

**Evaluation report art. 318 TFUE**

**22. The evaluation report highlighted a few shortcomings particularly in the following policy areas: Mobility and Transport; Regional Policy; Agriculture and Rural Development; Health and Consumer Protection; Development and External Relations. It is noted that the lessons learnt were considered when a new generation of programmes for the next period 2014-2020 were drafted. What performance management and reporting and monitoring systems will the Commission introduce to present a more comprehensive link between the programmes' objectives and targets on one hand, and the results achieved on the other?**

Commission's answer:

*The Commission has proposed several elements aimed at delivering a stronger performance framework, more focused on efficiency and effectiveness in the attainment of the overall objectives of the different financial programmes in its proposals for the new MFF. It hopes that Parliament and Council will ensure that this stronger framework is adopted in co-decision to ensure the more comprehensive link between the programme objectives and targets and results achieved.*

- 23. The new design of the evaluation report should be welcomed as it gives a well structured (heading by heading, policy area by policy area) overview of the EU budget spending. Would the Commission consider addressing this issue with the European Court of Auditors in order to better align the major reports of both institutions (e.g. ECA's Annual Report, Commission's evaluation report)?**

Commission's answer:

*Yes. The Commission is in touch with the Court of Auditors on the development of the Commission's reporting instruments.*

- 24. The Court considers the evaluation report as "not conclusive concerning the expected final results or impacts". It acknowledges, however, that "it may take some time until the Commission is in a position to produce a comprehensive evaluation report, based on robust performance data generated from a consistent performance management and reporting system". What steps and measures will the Commission take to give consideration to the recommendations of the European Court of Auditors to the Commission's (Article 318) evaluation report? From the perspective of the Commission, which Court recommendations seem more feasible than others? Why? (What is the justification?)**

Commission's answer:

*Final results or impacts can only be assessed in a conclusive way some years after the completion of the actions taken under financial programmes. While financial programmes are being implemented, initial reporting mainly focuses on actions taken and intermediate results. The report adopted last year under Article 318 largely relies on interim evaluations of the current MFF and so cannot produce conclusive data or assessments on final results or impacts. The Commission is working on improvements to its evaluation and reporting instruments to ensure that they produce strong performance-related data and assessments produced by the monitoring and evaluation framework adopted for the next MFF.*

- 25. According to the Court of Auditors response to the Commission's second Article 318 evaluation report, the report is not conclusive concerning the expected final results or impacts. As a result, the evaluation report does not provide sufficient, relevant and reliable evidence on what the EU policies have achieved. Therefore, the evaluation report is not suitable for its intended use in the discharge procedure.**

- **What kind of improvements does the Commission plan to introduce in order to make the Art 318 report a suitable document for the discharge authority?**

Commission's answer:

*The Commission is working on ways of developing its reporting methods to ensure well-supported assessments of results and impacts.*

- **Does the Commission plan to include other potential sources of information available to be able to form a rounded view on performance?**

Commission's answer:

*Yes. The Commission is reviewing all relevant sources of information including Activity Statements, future Performance Statements, Annual Activity Reports, evaluations and Court of Auditor's performance audits.*

- **What is the added value of the evaluation report in your view?**

Commission's answer:

*The report should provide an overall assessment of the extent to which the financial programmes attain their overall objectives, including efficiency and effectiveness, based on latest available evidence, according to the stage reached in the implementation of each programme at the relevant time*

- **Concerning the timing of the publication, do you foresee an earlier publication date next year to allow the Court to carry out a profound review of the evaluation report?**

Commission's answer:

*Yes. The Commission is preparing for the next Evaluation report, covering the year 2012, to be published significantly earlier as requested by the Court of Auditors. The next edition of the report should be synchronised with the Synthesis Report on management achievements which is usually adopted in June.*

- 26. Since according to its annual activity report for 2011 the Secretary general of the Commission encourages the DGs to align their objectives as drafted in their management plan with the Europe 2020 flagships initiatives and to report on their progress in their annual activity report does the Secretary general consider feasible to make the synthesis of those evaluations by flagship initiative in the evaluation report article 318 TFUE?**

Commission's answer:

*Reporting on progress made towards the attainment of the objectives of financial programmes should produce information on progress towards the attainment of some of the Europe 2020 flagship initiatives. Conclusions on effectiveness, efficiency and impacts drawn from evaluations can only be produced some years after the relevant actions have been taken. The Commission is working on the best way to present the information in its different reporting instruments.*

## Agencies

**27. In view of cuts in staffing in the institutions, what additional tasks have been added at the end of 2011, or are being added to the work of the agencies at the end of 2012 and what additional resources do they have to complete these tasks? If no additional resources are provided, what tasks will not be carried out as a consequence?**

Commission's answer:

*In general, new tasks in decentralised agencies derive from tasks assigned by the Legislator; as a rule, the Commission does not delegate tasks to decentralised agencies. Any Commission proposal to revise the founding Regulation of a decentralised agency is accompanied by a legislative financial statement which provides details on the corresponding resources requirements in the agency, taking into account all possibilities for redeployment within the agency concerned. This is also in line with point 42 of the 'Roadmap'.*

*In parallel with the legislative procedure, these legislative financial statements are discussed in budgetary trilogues, in accordance with the procedure foreseen in point 47 of the Interinstitutional Agreement on budgetary discipline and sound financial management.*

**28. How is the Commission now following up on the work of the Inter-Institutional Working Group on Agencies which concluded in July 2012, and how will the 'Roadmap' help to address the problems which are identified in many instances by the European Court of Auditors, i.e.**

- a. carry-overs which are not supported by commitments or which appear excessively high**
- b. lack of transparency or rigour in recruitments**
- c. problems with procurement and contract management**
- d. potential conflicts of interest on boards**

Commission's answer:

*In line with the Joint Statement, the Commission adopted on 19th December 2012 a Roadmap on the follow-up to the Common Approach, and transmitted it to the European Parliament and to the Council, as well as to the Regulatory Agencies.*

*This document serves as an inventory of all the initiatives to be taken by the Commission, as well as agencies themselves, Council, Member States and the European Parliament, to follow-up on the Common Approach, including concrete deliverables and deadlines. In addition, it indicates when cooperation with agencies is necessary/useful and when agencies have already started implementing the Common Approach.*

*In parallel to the actions listed in the roadmap, the Commission will also implement the Common Approach through proposals to adapt agencies' founding acts.*

- a) *In line with point 36 of the 'Roadmap', the Commission will issue guidance to agencies on internal planning and revenue forecasting ('best practices').*
- b) *Point 87 of the Roadmap foresees the simplification of existing human resources procedures through amendments to the Staff Regulations, as well as guidelines on staff policy in the agencies. Such modifications will bring further clarity also in the area of recruitment. However, it should be emphasised that the recruitments of staff are in competence of each agency/institution. During the works of the Inter-institutional Working Group on decentralised agencies, it was made clear that the Commission should refrain from any involvement in the daily management of the human resources issues in the agencies.*
- c) *In line with point 14 of the Roadmap, the Commission will provide support to agencies in the area of public procurement, on the basis of agencies' feedback. This will not entail any modification in the regulatory framework.*
- d) *As a priority action for 2013 and in line with point 33 of the Roadmap, the Commission will develop, in cooperation with the agencies, Guidelines for a coherent policy on the prevention and management of conflicts of interest for members of the Management Boards and Directors, experts in scientific committees, and members of Boards of Appeal.*

**29. Regarding high levels of accumulated surplus, particularly in the fee-earning agencies, what is the Commission able to do in the context of the roadmap to encourage a more coherent picture than that offered in 2011 and are there specific measures or proposals intended in this context?**

Commission's answer:

*In line with point 38 of the Common Approach, fees should be set at a realistic level to avoid the accumulation of significant surpluses. Given the size of its accumulated surplus, this mostly concerns the Office for Harmonisation of the Internal Market (OHIM), for which the Commission is currently preparing a revision of the fee Regulation.*

*In line with points 72 and 73 of the Roadmap, the Commission will produce an analytical paper to investigate the treatment of surplus in partially self-financed agencies, including the possible creation of a ring fenced fund and will propose relevant changes in the Framework Financial Regulation, if appropriate.*

**30. In the context of the Roadmap, how is the Commission able to support agencies tackle the technical and management challenges of complex IT systems which have to operate on an EU-wide basis?**

Commission's answer:

*In line with points 12 and 13 of the Roadmap, the Commission will assess the services provided to agencies and, if necessary, improve, clarify, extend or adapt them. It will also review the existing Service Level Agreements.*

**31. What training does the Commission envisage for agencies to ensure that the range of financial problems identified by the ECA in 2011 can be overcome and avoided when the new Financial Regulation is implemented from January?**

Commission's answer:

*Agencies can benefit from trainings organised by the Commission services on financial matters, including on public procurement, through service level agreements. Agencies' staff regularly attend the Commission's financial training, namely as regards public procurement.*

*The Agencies also have a help desk service on financial matters. The Commission regularly receives and responds to Agencies' questions.*

*Furthermore, the Agencies can access the Commission's internal financial website (Budgweb), where reference guidance and documents are available.*

*Specifically as regards the new Financial Regulation, the Commission organised in October and November 2012 information sessions to Commission staff that were also open to Agencies' staff. In addition, in October 2012, a session on changes in the area of procurement was delivered to the Network of Public Procurement Agencies (NAPO).*

**Relations with the OLAF**

**32. Article 4. 5 of the OLAF Regulation (EC 1073/1999) stipulates that where investigations reveal that a member, manager, official, or other servant may be personally involved, the institution, body office or agency to which he belongs should be informed.**

**Has the Secretary General of the Commission set up a specific administrative "structure" (unit) to examine the information transmitted by OLAF?**

Commission's answer:

*Unit B4 "Public Service Ethics" of the Secretariat General is entrusted with the follow up of information transmitted by OLAF to the Commission. This is managed in conformity with a Memorandum of Understanding established between the Commission and OLAF to ensure timely exchange of information between OLAF and the Commission with respect to OLAF internal investigations in the Commission (SEC(2003)871 consolidated, of 14/8/2003).*

**33. If yes, what is the mission of this Sec. gen service when it is informed by the OLAF?**

Commission's answer:

*Information communicated by OLAF to the Commission is transmitted by the Secretary General of the Commission in writing to Commissioners and Directors Generals responsible for the matter at stake (see above answer to Q32).*

**34. How many cases does it yearly handle and which follow-up is given to their case handling?**

Commission's answer:

*In conformity with OLAF Regulation, the Commission is informed on all OLAF internal investigations concerning the Commission.*

*The number of internal investigations concerning the Commission is referred to in OLAF's annual reports. [http://ec.europa.eu/anti\\_fraud/about-us/reports/olaf-report/index\\_en.htm](http://ec.europa.eu/anti_fraud/about-us/reports/olaf-report/index_en.htm)*

*The Secretary General transmits this information to the relevant Commissioner and to the Director General of the relevant DG or service and to the Commissioners responsible for Human Resources/IDOC, Anti-fraud and for Budget.*

**35. How many servants are in charge of this task? Have they been in charge of the DALLI case?**

Commission's answer:

*Four AD officials are in charge of the treatment of the information provided by OLAF to the Commission regarding OLAF internal investigations. An Assistant is also responsible for the treatment of all relevant documents and administrative follow-up of all the files of the Unit.*

*These officials were not involved in the OLAF investigation concerning former Commissioner Dalli. As a member of the Commission was concerned by this investigation, the information flow between OLAF and the Commission was restricted to the President, the Secretary General and the Head of the Legal Service of the Commission.*

**36. Has the EC Secretary General been informed about the conclusions of the analysis performed by the OLAF Supervisory Committee in the DALLI case, the potential problems it has discovered and the recommendations issued to the Director General of OLAF?**

Commission's answer:

*The Supervisory Committee informed the Commission Secretary General that its report on this investigation had been sent to the Director-General of OLAF but did not provide a copy of its report.*

**Cooperation and Verification Mechanism exit strategy**

**37. Does the Secretariat General work on a Cooperation and Verification Mechanism exit strategy having in mind that:**

- a. **The new EC initiative for elaboration of EU Anti-Corruption Report, which from 2013 onwards will comprise separate analyses and specific recommendations to each member state. In addition, EC has already launched and allocated resources to monitoring instruments dealing with anti-corruption performance of EU member-states. In this regard, don't you consider this initiative as one of the possible options for future cooperation and coordination with the respective national authorities?**

- b. EC has already acknowledged in its reports of 18<sup>th</sup> July 2012 that in both CVM countries the necessary legislative and institutional framework has already been established and what needs to be assessed is its effective implementation/performance?**

Commission's answer:

*The CVM is based on benchmarks that were agreed by Romania and Bulgaria at the time of their accession, which need to be met before the mechanisms can be brought to an end. The exit strategy is the successful accomplishment of reform.*

*The scope of the CVM is not limited to corruption but also covers the reform of the judiciary and, for Bulgaria, the fight against organised crime. For corruption, the EU Anti-Corruption report is designed to deepen the EU's role in tackling corruption and in stimulating best practice in anti-corruption policies. Whilst much of the legislative and institutional framework is indeed in place, these should be seen as the tools to undertake reform. The essential implementation of the reforms followed through the CVM will need to use these tools to best effect and to achieve the concrete, sustainable and irreversible results assessed under the CVM.*

### **Getting results from the EU Budget-performance evaluation**

- 38. Was ist der aktuelle Sachstand zu einem Leistungsmanagement- und Berichtssystem? Welche Schritte hat die Kommission bereits unternommen, und welche möchte sie noch unternehmen? Wann sollen die Systeme einsatzfähig sein? Wie sieht ihr Arbeitszeitplan hierfür derzeit aus?**

Commission's answer:

*The Commission is committed to building the basic architecture of better performance reporting into its AAR instructions for 2014. But the results will only be visible after several years: the legal framework for a robust performance framework does not yet exist (at this moment, none of the legal bases for the next generation of programmes has been approved by the co-legislators). When the new programmes are implemented, time will be needed to obtain the statistical information underpinning the performance framework put in place, notably from the member states as regards all programmes under shared management.*

*In the meantime the Commission is working to close the gap between the planning of priorities and activities in the Management Plan through the reporting in the Annual Activity Reports.*

*The Commission is exploring opportunities for making the Annual Evaluation Report based on Article 318 TFEU more inclusive, covering the full range of activities financed by the budget, including the appropriate indications in relation to the discharge recommendations, while relying extensively on the available performance-related information such as evaluation reports, the AARs and the Activity Statements accompanying the Draft Budget.*

- 39. Wie oft werden die Daten der DGs innerhalb des Leistungsmanagementssystems künftig bewertet?**

*How often will the data of the DGs within the performance management system be assessed in the future?*

Commission's answer:

*Whilst this reporting is foreseen on an annual basis, most of the results can only be measured in the longer run: they are multi-annual and multi-causal by nature. The impact of the action by the Commission cannot easily be isolated from other factors such as the general economic climate or intervention by other players.*

*The Standing Instructions on the preparation of the AAR allow for the monitoring of trends to indicate the interim impact of EU-action where quantified milestones are not available in a cost-efficient manner.*

**40. Was für Indikatoren zur Leistungsmessung und Zielerreichung sollen in dem Leistungsmanagementsystem genutzt werden? Wie sehen diese für die unterschiedlichen DGs aus?**

*What indicators to measure performance and objectives' achievement will be used in the performance management system? What do they look like for different DGs?*

Commission's answer:

*The primary indicators will be those that measure the achievement of the objectives as foreseen in the legislative frameworks of the different programmes. The objectives and indicators are included in all legislative proposals within the next Multiannual Financial Framework.*

*The focus will be on indicators that measure the impact on EU-society.*

**41. Der Europäische Rechnungshof fordert eine klare Definition des Begriffs "Europäischer Mehrwert", an dem sich die Indikatoren und Zielsetzungen des Leistungsmanagementsystems orientieren. Was ist Ihre Definition von "Europäischer Mehrwert" und wie setzen Sie diese in Ihrem Leistungsmanagement um? Welche Messgrößen nutzen Sie?**

*The European Court calls for a clear definition of the term "European added value", based on the indicators and objectives of the performance management system. What is your definition of "European added value" and how to use it in your performance management system? Which metrics do you use?*

Commission's answer:

*The Commission has defined EU added value as 'the value resulting from an EU intervention which is additional to the value that would have been otherwise created by Member State action alone'.*

*For preparing the Management Plans, the Central Services help the DGs to focus on indicators that measure results for the EU-citizen (output, results and impact indicators).*

*The Commission Impact Assessment process prepares evidence for political decision-makers on the advantages and disadvantages of possible policy options by assessing their economic, social and environmental potential impact. In so doing, the process also deals with the issue of the added value of Commission proposals.*

42. Sie sagen, dass die Evaluation in der DG REGIO gezeigt hat, dass es richtig war große Unternehmen künftig aus der EFRE Förderung auszunehmen. Worauf stützt sich diese Feststellung?

*It is said that the evaluation of DG REGIO has shown that big companies continue to be excluded from the ERDF funding. What is the basis for that rule?*

Commission's answer:

*Evidence from evaluations has shown that the impact of enterprise support was found to be greatest when targeted on smaller firms. The Commission therefore proposes targeting its limited resources where it can have the greatest impact.*

### Staff

43. Wie viele Arbeitstage wurden 2011 als Urlaubstage für Dienstjubiläen gewährt? Was ist die Rechtsgrundlage für diese Regelung?

*How many working days were granted 2011 as vacation days for long service awards? What is the legal basis for this rule?*

Commission's answer:

*Special leave for years of service are granted to recognise special landmarks of a career. When an official/agent completes 20, 25, 30, 35, 40 or 45 years of service with an Institution or EU Agency or other body created under the EU treaty, the TFEU or the Euratom Treaty, or any organisation devoted to furthering the EU interest, he or she receives 5 days of annual leave. It is based on Article 6 of Annex V of the Staff Regulations regulating special leaves and the Commission decision on implementing provisions on leave of 5<sup>th</sup> November 2010. Similar provisions can be found in Member States' national labour law.*

*In 2011, approximately 6.835 special leave days for years of service (working days) were granted to the Commission officials/agents. When compared to overall staff figures, this figure highlights the special character of this measure.*

44. Wie viele Stellen in welchen Generaldirektionen wurden im Jahr 2011 mit erfolgreichen Concours-Bewerbern besetzt? Wie viele der eingestellten Beschäftigten nahmen nicht am Concours teil? Welchen Besoldungsgraden gehören diese an?

*How many posts in which DGs were occupied in 2011 by successful applicants in EU competitions? How many of the persons hired did not participate in the competitions? At what grade levels have they been hired?*

Commission's answer:

*Im Jahr 2011 hat die Kommission 969 Beamte und Beamtinnen in den folgenden Generaldirektionen und Besoldungsgruppen eingestellt: (In 2011, the Commission hired 969 officials and civil servants in the following Directorates General and categories)*

	<b>AD</b>	<b>AST</b>	<b>Total</b>
<b>AGRI</b>	13	10	<b>23</b>
<b>BUDG</b>	5	23	<b>28</b>
<b>CLIMA</b>	9	3	<b>12</b>
<b>COLLÈGE</b>	4	5	<b>9</b>
<b>COMM</b>	12	7	<b>19</b>
<b>COMP</b>	26	35	<b>61</b>
<b>DEVCO</b>	13	4	<b>17</b>
<b>DGT</b>	59	41	<b>100</b>
<b>DIGIT</b>	19	9	<b>28</b>
<b>EAC</b>	4	10	<b>14</b>
<b>ECFIN</b>	35	16	<b>51</b>
<b>ECHO</b>	2	2	<b>4</b>
<b>ELARG</b>	8	5	<b>13</b>
<b>EMPL</b>	14	19	<b>33</b>
<b>ENER</b>	9	14	<b>23</b>
<b>ENTR</b>	23	30	<b>53</b>
<b>ENV</b>	6	8	<b>14</b>
<b>EPSO</b>		2	<b>2</b>
<b>ESTAT</b>	10	8	<b>18</b>
<b>FPI</b>		1	<b>1</b>
<b>FPIS</b>		1	<b>1</b>
<b>HOME</b>	8	3	<b>11</b>
<b>HR</b>	11	6	<b>17</b>
<b>IAS</b>	8	3	<b>11</b>
<b>INFSO</b>	26	17	<b>43</b>

<b>JRC</b>	14	34	<b>48</b>
<b>JUST</b>	6	7	<b>13</b>
<b>MARE</b>	4	6	<b>10</b>
<b>MARKT</b>	20	9	<b>29</b>
<b>MOVE</b>	11	4	<b>15</b>
<b>OIB</b>	3	2	<b>5</b>
<b>OIL</b>		10	<b>10</b>
<b>OLAF</b>	17	1	<b>18</b>
<b>OP</b>	7	23	<b>30</b>
<b>PMO</b>	1		<b>1</b>
<b>REGIO</b>	6	9	<b>15</b>
<b>RTD</b>	23	16	<b>39</b>
<b>SANCO</b>	16	9	<b>25</b>
<b>SCIC</b>	27	9	<b>36</b>
<b>SG</b>	3	11	<b>14</b>
<b>SJ</b>	11	11	<b>22</b>
<b>TAXUD</b>	10	6	<b>16</b>
<b>TRADE</b>	2	15	<b>17</b>
<b>Total</b>	<b>505</b>	<b>464</b>	<b>969</b>

*Im Jahr 2011 hat die Kommission 145 Zeitbedienstete (ohne Auswahlverfahren) in folgenden Besoldungsgruppen eingestellt: (In 2011, the Commission hired 145 temporary staff (without selection) in the following categories)*

	<b>AD</b>	<b>AST</b>	<b>Total</b>
<b>AGRI</b>		3	<b>3</b>
<b>BEPA</b>	3		<b>3</b>
<b>CLIMA</b>	2		<b>2</b>

<b>COLLÈGE</b>	2	22	<b>24</b>
<b>COMM</b>	11	3	<b>14</b>
<b>COMP</b>	3	7	<b>10</b>
<b>DEVCO</b>		1	<b>1</b>
<b>DGT</b>	37		<b>37</b>
<b>EMPL</b>	1		<b>1</b>
<b>ENTR</b>	1	1	<b>2</b>
<b>EPSO</b>	1		<b>1</b>
<b>ESTAT</b>	1		<b>1</b>
<b>HOME</b>	1		<b>1</b>
<b>HR</b>	3	4	<b>7</b>
<b>IAS</b>	1		<b>1</b>
<b>JUST</b>		2	<b>2</b>
<b>MARE</b>	2	1	<b>3</b>
<b>MARKT</b>		4	<b>4</b>
<b>MOVE</b>		1	<b>1</b>
<b>OLAF</b>	2		<b>2</b>
<b>OP</b>	1		<b>1</b>
<b>REGIO</b>	3	2	<b>5</b>
<b>SANCO</b>		1	<b>1</b>
<b>SCIC</b>	15		<b>15</b>
<b>SG</b>	1		<b>1</b>
<b>SJ</b>	1		<b>1</b>
<b>TRADE</b>		1	<b>1</b>
<b>Total</b>	<b>92</b>	<b>53</b>	<b>145</b>

**45. In how many cases did officials and temporary staff take early retirement without reduction of pension rights in 2011 and 2012, broken down by DG, salary group and function? What were the reasons for the early retirement? In how many cases were the posts filled again?**

Commission's answer:

*In 2011, 36 officials (no temporary agents) were selected to retire without reduction of pension rights in accordance with Article 9(2) of Annex VIII to the Staff Regulations and Article 39 of the Conditions of Employment of Other Servants. In 2012, this figure was 44 officials (no temporary agents).*

*A list is annexed, broken down by DGs, salary group and function.*

*The Commission Decision C(2004)1588 of 28 April 2004, amended by the Decision of 10 August 2006, describes the procedure and the selection criteria.*

*To be eligible, staff must:*

- be at least 55 years old;*
- be unable to retire without a reduction in pension rights in the course of the year and;*
- have completed at least 10 years' service as officials or temporary agent.*

*The following criteria concerning the applicant's tasks are considered as conferring to his application a high priority with regard to the interest of the service:*

- criteria relating to reorganisation measures;*
- criteria relating to the applicant's skills: where new job requirements do not correspond to the applicant's aptitudes and skills, and where identifying an appropriate new assignment is likely to prove difficult;*
- a particular personal situation, put forward by the applicant, requiring his presence at home or at a place other than the place of assignment;*
- the applicant's length of service within the Commission and/or his past positive contribution to the work of the service and/or the Commission.*

*The posts becoming vacant after the retirement of those officials are subject to review and in some cases modification of the job content; therefore, they can be either reallocated to another unit in the same DG or taken back to the central level for redistribution amongst DGs on the basis of new priorities and established needs.*

<b>2011 EXERCISE OF EARLY RETIREMENT WITHOUT REDUCTION OF PENSION RIGHTS</b>			
<b>DG</b>	<b>AST</b>	<b>AD</b>	<b>Management</b>
AGRI	2		
BUDG	1		
COLLEGE	1		
COMM	1		
DEVCO	2		
DGT		2	
DIGIT		1	
EAC		1	
ECFIN		1	
ELARG	1		
EMPL		1	
ENER	1		
ENV		1	1
EPSO		1	
ESTAT		1	
HR	1		1
INFSO	1		
JRC	1		
MOVE			1
OIB	1		
OP			1
PMO	1		
REGIO	1		
RTD		1	1
SANCO		1	
SCIC	1		
SG			1
SJ	1		
TAXUD	1		
TRADE	1		
<b>total</b>	<b>19</b>	<b>11</b>	<b>6</b>
			<b>36</b>

<b>2012 EXERCISE OF EARLY RETIREMENT WITHOUT REDUCTION OF PENSION RIGHTS</b>			
<b>DG</b>	<b>AST</b>	<b>AD</b>	<b>Management</b>
AGRI	2		
BUDG		1	
COLLEGE	1		
COMM	2		
DEVCO	3		
DGT	1	2	
DIGIT			1
EAC			1
ECFIN			1
ECHO		1	
ELARG	1		
EMPL			1
ENER		1	
ENTR	1		
ENV		1	
ESTAT	1		
FPI	1		
HR	2		
IAS		1	
INFSO	1		
JRC	1	1	
MARKT	1		
MOVE		1	
OIB	2		
OLAF	1		
OP	1		
PMO	1		
RTD	1		1
SANCO	1		
SG	1	1	
SJ	1		
TAXUD			1
TRADE		1	
<b>total</b>	<b>27</b>	<b>11</b>	<b>6</b>
			<b>44</b>

**46. How many recipients of pensions were there in total at the Commission in 2010, 2011 and 2012?**

Commission's answer:

*Pensions paid by the Commission include all pensioners from all institutions and agencies.*

year	Recipients of pensions
2010	17.651
2011	18.515
2012	19.451

**47. What was the amount of the highest and lowest pensions actually paid? What was the amount of the average pension of Commission officials and temporary staff covered by the Staff Regulations in 2011 and 2012?**

Commission's answer:

*The Commission has calculated the following amounts for all the Institutions and agencies in 2012:*

*Lowest pension paid: EUR 35*

*Average pension paid: EUR 4200*

*Highest pension paid: EUR 9000*

**48. The Commission presents an update of the screening report each year since to 2007. There is an overhead of 47.9 % in 2012 (included Financial Management, Control and On-the-spot Audit, Translation and Interpretation). What are the absolute figures of Commission staff employed in Coordination and Support by subcategory? Unfortunately the COM doesn't give us absolute figures**

Commission's answer:

*The Commission will soon provide to the Budget Authority its eighth Job Screening update report, with an unchanged methodology to ensure comparability over the years. The Screening expresses different types of Commission activities in percentages, which is a meaningful standard approach for efficiency analysis. Detailed information on total Commission staffing are provided in the context of the budget procedure, both on establishment plan staff as well as external staff financed through operational credits.*

**49. How many Commission employees in each of the grades AD 12 to AD 16 have joined the flexi-time scheme in 2011? On how many days of free time compensation was made use of per grade, in 2011 and 2012? Could you please provide the data in a table?**

Commission's answer:

*The table below provides the number of Commission staff applying flexitime in each of the grades AD12 to AD16. In order to ensure compliance with Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data, data are not presented when the number of staff applying flexitime is under or equal to 5, or no one applies flexitime.*

*Staff may, subject to validation by their hierarchy and in conformity with applicable Commission rules, enter or leave the flexitime regime at any point in time during the year. Therefore, numbers of staff applying flexitime continuously fluctuate over a period of one year.*

*The figures provided in the table below show that only a small amount of extra hours put by staff in grades AD12 to AD16 in addition to regular working time is ever recuperated.*

Grade	2011			2012		
	Population Applying Flexitime	Extra Time	Extra Time	Population Applying Flexitime	Extra Time	Extra Time
		Recuperated	Not recuperated		Recuperated	Not recuperated
AD16	7	85	311	<=5	n/a	n/a
AD15	42	227	2044	33	197	1625
AD14	161	1378	4119	160	1158	4382
AD13	785	6765	13665	982	7985	17469
AD12	1431	12501	20983	1189	9954	16396

**50. Could you provide us with the training strategy of the Secretariat-General?**

Commission's answer:

*The inserted ".pdf" file provides for the SG strategic training framework for 2011.*



CSF\_2011\_SG.pdf

**How many staff operate as internal trainers (how many hours)?**

*Like many other DGs, the SG organises training sessions for its own staff with internal trainers. In 2011, 47 SG internal trainers gave 93 training hours (2 hours per trainer on average).*

*The SG also organises training sessions with SG internal trainers for the whole Commission staff. These are the corporate "Ariane" training courses on the*

*decision-making procedure and are given by in-house SG experts. In 2011, 33 SG internal trainers gave 124 training hours (3.45 hours per trainer on average).*

**How many days does the staff of the Secretariat-General (SG) spend on average on training (internal/external) in 2011?**

*In 2011, SG staff benefited from 6.2 days of training per person*

**How much money does the SG spend on training measures in total/ per employee (contract agent/ official)?**

*In 2011, the SG spent on average 363.30 € per person (all SG staff) on training needs (487 officials and 37 contract agents) and 19.65 € per person (all Commission staff) for the corporate "Ariane" training on the decision-making procedure.*

**What amount of money is used for external trainers?**

*In 2011, the SG spent 31,203.62 € on external trainers for its staff's training and 649,370.38 € on external training for the corporate "Ariane" courses on the decision-making procedure*

**What was your experience with the, in the meantime abolished, career development maps?**

*The training map was a useful tool for programming training needs. It was used by the training sector to analyse the training needs of all SG staff and to plan ahead and order the necessary training courses. However, unfortunately the correspondence between the courses planned in training maps and the courses actually followed was only about 40% (which is around the average Commission level).*

**Were they useful for the staff development?**

*The training map was an efficient tool used during the appraisal dialogue with the line manager to identify and list all the training courses the official/contract agent needed or wished to follow over the coming year. It helped the manager to plan the training sessions over the whole year and to get information on training courses organised by DG HR.*

**Were they followed by staff and controlled by Managers?**

*In the SG, the filling ratio of the training maps turned around 80-90 %. The managers used to check the training maps and approve or reject them. This was generally done on the basis of the discussion that took place during the appraisal dialogue with the official. However, after the training map was completed, only around 40% of the courses (around the average Commission level) were actually followed during the year.*

**In regard to training courses, what is the procedure for identifying the needs of staff?**

Every year, when establishing the Strategic Training Framework for the SG, the SG training sector sends a call for requests to the SG managers to identify the training needs for their teams as such for the coming year. In parallel, the managers also identify the individual training needs during the appraisal dialogues. There is a specific field in the self-assessment and appraisal report dedicated to learning.

**51. Could you please provide us with statistical information regarding the application of the flexitime regime applied by Commission officials and temporary agents (each grade AD/AST 5 - 16) in the SG in 2011?**

Commission's answer:

*The participation ratio by grade, representing the population that has effectively registered for the flexitime regime, divided by the number of eligible persons, is as follows:*

DG	Category (AD05-AD16 and AST05-AST11, excluding AST/C and AST/D)	Grade	Participation Ratio
SG	AD	AD16	0,0%
SG	AD	AD15	25,8%
SG	AD	AD14	60,7%
SG	AD	AD13	65,1%
SG	AD	AD12	76,8%
SG	AD	AD11	66,7%
SG	AD	AD10	77,1%
SG	AD	AD09	72,8%
SG	AD	AD08	61,5%
SG	AD	AD07	73,1%
SG	AD	AD06	78,1%
SG	AD	AD05	70,9%
SG	AD	TOTAL	69,2%
SG	AST	AST11	62,5%
SG	AST	AST10	73,3%
SG	AST	AST09	73,4%
SG	AST	AST08	77,0%
SG	AST	AST07	76,9%
SG	AST	AST06	65,9%
SG	AST	AST05	78,4%
SG	AST	TOTAL	74,2%

*The recovery ratio by grade, which represents the proportion of extra hours recovered (for those registered for flexitime, is as follows:*

DG	Category (AD05-AD16 and AST05-AST11, excluding AST/C and AST/D)	Grade	Recuperation Ratio
SG	AD	AD16	0.0%
SG	AD	AD15	<=5
SG	AD	AD14	27.5%
SG	AD	AD13	22.2%
SG	AD	AD12	20.2%
SG	AD	AD11	<=5
SG	AD	AD10	23.0%
SG	AD	AD09	32.0%
SG	AD	AD08	47.2%
SG	AD	AD07	38.4%
SG	AD	AD06	45.1%
SG	AD	AD05	36.9%
SG	AD	TOTAL	28.0%
SG	AST	AST11	<=5
SG	AST	AST10	<=5
SG	AST	AST09	55.2%
SG	AST	AST08	36.1%
SG	AST	AST07	57.8%
SG	AST	AST06	79.8%
SG	AST	AST05	63.2%
SG	AST	TOTAL	52.4%

*In order to ensure compliance with Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data, when the number of people (same category and grade) applying flexitime in the DG, is under or equal to 5, the data are not presented*

*In summary, 28.0 % of (registered) extra time worked by AD's and 52.4 % by AST's are recuperated. That means that 72 % of (registered) extra time worked by AD's and 47.6 % by AST's are not recovered.*

**52. Welche Verfahren wurden vom Untersuchungs- und Disziplinaramt (IDOC) gegen Kommissionsmitarbeiter in den Jahren 2011 und 2012 eingeleitet?**

***How many procedures were initiated by the Investigation and Disciplinary Office (IDOC) to Commission staff in 2011 and 2012?***

Commission's answer:

*For the information relating to 2011, the Annual Activities Report 2011 of IDOC is enclosed.*



*The Annual Activities Report for 2012 is currently being prepared. At this stage, the Commission can provide the following preliminary figures:*

- 5 administrative inquiries were opened in 2012;

- 35 'pre-disciplinary' hearings were held with members of staff on the basis of Article 3 of Annex IX to the Staff Regulations;
- 14 disciplinary procedures were opened against members of staff. Of these 14 cases, 6 were referred to the Disciplinary Board with a view of imposing a sanction with a financial impact for the person concerned. The remaining 8 cases were submitted to the appointing authority without referral to this Board, in view of a non-financial sanction (warning or reprimand).

*For more information about the nature of the IDOC procedures, reference is made to the attached report for 2011.*

**53. Having regard to the Guidelines on Mobility: Secretary General took over her office in November 2005. Mobility for senior management is also obligatory after 5 years in post (Sec 2004 1352/2). Why the Mobility was not applied so far? When it will be applied?**

Commission's answer:

*According to the Compilation Document on Senior Officials Policy (SEC(2004) 1352), senior officials should, as a general rule, serve between five and seven years in a function. This being a general rule, exceptions are obviously possible. Decisions on the assignment and reassignment of Directors-General (including the Secretary-General) are decided by the College of Commissioners, in the interest of the service. The College has not decided to reassign the Secretary General so she continues in her function.*

**54. How many staff members in delegations were flown out due to complications during pregnancy in 2011? What were the costs? How many days of absence did they have in 2011?**

Commission's answer:

*The EEAS has provided the following information to the Commission: "Some two thirds of our repatriations on health grounds are due to pregnant women: around 120 out of a total of 183 repatriations in 2012. Proportions are similar for 2011.*

*Pregnant women are flown out at the latest 1 month before delivery due to health flight restrictions. In cases of serious complications and when duly justified, the repatriation can take place considerably earlier in the pregnancy.*

*According to the Staff Regulations, maternity leave is granted at the earliest 6 weeks before the date of delivery; therefore, only in a minority of cases, the pregnancy-related evacuations generate additional absence days".*

**55. How are the Chair and the members of the ethical committee, deciding on lobbying rules for Commissioners, remunerated? How does the Commission evaluate possible conflict of interests?**

Commission's answer:

*The members of the Ad hoc Ethical Committee are not remunerated. The Committee mainly works by written procedure. If and when meetings are held in Brussels, travel costs and per diem are met by the Commission according to the rules applicable to high-level experts.*

*The Ad hoc Ethical Committee does not decide on "lobbying rules for Commissioners".*

*According to article 2 of Commission Decision C(2003) 3750 of 21.10.2003 and to the Code of Conduct for Commissioners, the Ad hoc Ethical Committee advises the Commission, on request, on whether a former Commissioner's intention to engage in an occupation related to the content of her/his former Commission portfolio is compatible with Article 245 of the TFEU.*

*When considering the compatibility with the TFEU of former Commissioners' envisaged post-office activities, the Commission relies on the Ad hoc Ethical Committee's opinion and on the information provided by the former Commissioner concerned as regards the scope, the aim and the context of her/his envisaged post-office activity*

## **Various**

### **56. How would you describe the situation in the Commission concerning adherence to the highest ethical standards of service and the reputational implications thereof?**

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

*Recent comparative studies demonstrate the high level of ethical standards in force within the Commission. As a result of the serious efforts carried out in awareness-raising throughout the Commission, including training sessions, "Ethics Days", written information available through intranet etc, the effective adherence of Commission Staff to the above referred standards is very high.*

### **57. How is it ensured that the Commission services always respect the right to protection of personal data?**

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

*Lorsqu'elle traite des données personnelles, qu'il s'agisse des données de son personnel ou des citoyens avec qui elle est en contact, la Commission respecte les dispositions du Règlement 45/2001.*

*C'est ainsi qu'elle a désigné, dès 2003, un Délégué à la Protection des données, qui est chargé de veiller, de façon indépendante, à ce que la Commission respecte les droit fondamentaux des personnes à la protection de leurs données. Un registre des traitements de données est disponible sur Internet depuis 2007; il reprend l'ensemble des traitements de données notifiés au Délégué par les services de la Commission; pour chacun d'eux, les éléments essentiels permettant de vérifier la conformité au règlement sont décrits (légitimité, légalité, qualité des données, durées de conservation, possibilité pour les personnes d'exercer leurs droits). 886 traitements figurent au Registre au 15/01/2013. Pour les traitements les plus sensibles, conformément au Règlement, un avis préalable doit être demandé au Contrôleur Européen de la Protection des Données. Cette obligation a également été respectée pour l'ensemble de traitements existant avant l'entrée en vigueur du règlement, qui ont fait l'objet d'un contrôle ex-post par le Contrôleur Européen.*

*Pour chaque traitement de données les personnes concernées sont informées conformément aux articles 11 et 12 du Règlement 45/2001 par le biais d'une déclaration de confidentialité ("privacy statement") spécifique. De nombreuses applications informatiques permettent aux personnes concernées d'exercer leurs droits d'accès et de rectification directement; si ce n'est pas le cas, les personnes concernées sont systématiquement informées de la procédure à suivre auprès du responsable du traitement.*

*Dans son rapport du 17 /12/2012 consacré au Statut des Délégués à la Protection des Données, le Contrôleur Européen de la Protection des Données souligne l'importance de cette fonction pour le respect du règlement par les institutions, et confirme que la Commission remplit complètement ses obligations à cet égard.*

**58. Are impact assessment reports duly taken into account when submitting new proposals?**

Commission's answer:

*Yes. President Barroso has reinforced the role of the Impact Assessment Board (IAB) so that in principle a positive opinion on an impact assessment from the IAB is needed before a proposal can be put forward for Commission decision.<sup>4</sup> The European Court of Auditors found that impact assessments are actively used for decision-making at the level of the College of Commissioners and that users in Council and European Parliament find them helpful when considering the Commission's proposals.*

**59. In the last year's discharge resolution for the Commission, the Parliament expressed its regret that, despite the considerable budgetary means foreseen for the European schools, the latter continue to fail in the fulfilment of their main task, which is to provide for sufficient places in the required languages and in the vicinity of officials' places of work and residence, but instead have expanded their activities to include other fields of education. The fact that the schools are often at a considerable distance from the officials' places of work, and that in the enrolment process account is often not taken of the child's place of residence, has serious negative consequences both in terms of efficient use of resources, and as far as balancing private and professional life is concerned, in that either the officials are forced to spend a lot of time in heavy traffic or the EU Institutions are forced to pay for common transport of children to schools. In addition, such inconvenient arrangements have a negative environmental impact. What steps has the Commission take over the last year in order to remedy this situation?**

Commission's answer:

*The European Schools (ES) are based on an intergovernmental agreement which foresees the provision of the infrastructure of the schools by the host countries to the Institutions. Belgium is thus responsible for providing sufficient buildings for the ES in Brussels. The organisation of studies in language sections, which is defined in the convention on the ES, assures adequate teaching in the mother tongue of the pupils and necessitates a certain concentration of pupils to the schools where their mother tongue is taught. A minimum number of pupils is*

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<sup>4</sup> C(2010) 1100 The Working Methods of the Commission 2010-2014

*necessary, together with a decision by the Board of Governors (composed of representatives of the Member States, the Commission, the Secretary General of the ES, parents and Directors) in order to open a language section. In some cases a language can be available in one single school. During the year 2012, the Belgian authorities made available the fourth school on its permanent location in Laeken (which opened in September) with a capacity of close to 3000 pupils.*

*It is important to note that all category 1 pupils fulfilling the criteria and seeking admission during the school year 2012/2013 were offered a place in an ES according to the enrolment policy.*

*The overcrowding in certain of the Brussels ES necessitates a restrictive enrolment policy which guarantees a place in an ES but not necessarily the one of first choice. The Commission and the Board of Governors requested already in 2010 that a fifth school should be made available by the Belgian authorities for 2015 in order to meet the increasing demand. During the year 2012, the Commission continued to press the Belgian authorities for a reaction on the highest levels. The Commission insists, in all contacts with the Belgian authorities, on the importance of the geographical location of the school. So far, no official reply has been received as to the provision or location of the future 5<sup>th</sup> school.*

**60. What steps has the Commission taken in order to make more use of the available technologies, like teleconferences and teleworking, in order to reduce costs of buildings and travel? Has the Commission made any estimates as to possible financial savings which could be achieved with the increased use of these technologies?**

Commission's answer:

*The Commission promotes the use of Visio-conference (VC) for its meetings to avoid missions and consequently to reduce its carbon footprint. There are regular awareness campaigns performed under the EMAS scheme in order to reduce unnecessary missions where VC is possible. As result of that incentives, the VC facilities have increase from 346 (2008) to 496 (2011) and the duration of call increase from 38.100 hours in 2008 to 60.215 hours in 2011. Savings are being made in travel costs as some of these VC meetings have replaced missions. However, it is difficult to quantify the volume of savings as there is no direct and immediate relation between overall VC use and the total number of missions undertaken. For the future, the Commission is working on a web based VC system that will allow officials to have VC meetings using their own computer – this technology will probably enhance the use of VC for meetings in the future.*

*As regards teleworking, no significant savings are expected in the short term, notably because teleworking is not yet widespread: only 7.9 % of staff are structural teleworkers in 2012, spread across all DGs and Services.*

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