

2018 Discharge to the Commission

WRITTEN QUESTIONS TO ACTING SECRETARY GENERAL JUHANSONE

Hearing on 18 November 2019

Horizontal questions

1. Could the Commission list all error rates reported in the Secretariat-General's AAR and provide an explanation for the basis of calculation (how does the Commission arrive at these error rates, are they based on historical data or projections?)?

Commission's answer:

According to the materiality criteria, the target error rate is 0% for operations with low inherent risks (procurement and expenses of an administrative nature) and below 2% for action grants with the reimbursed costs mechanism. The error rates achieved are measured through exceptions and non-compliance events (ex-ante controls), complemented where necessary with the results of ex post controls and third-party assurance.

For procurements and other administrative expenses, the error rate was 0.5%. Controls aim at systematically detecting and preventing breaches of legality and regularity. The analysis of exceptions and non-compliance events shows that the pre-set target of 0% or close to 0% was complied with.

For the grant to the European University Institute (EUI), the error rate in 2018 was 1.5%. The core of the grant is for personnel belonging to a dedicated administrative entity and whose costs are standardised. An audit conducted in 2017 by an external consultant showed that adequate control procedures are in place.

2. Could the Commission provide a description of the auditing process regarding the Secretariat-General, including the institutions involved, possibly with a timeline?

Commission's answer:

The Internal Audit Service's conclusion on the state of the Secretariat-General's internal control is based on the audit work carried out in the last three years (between 1 February 2016 to 31 January 2019). In 2018, the Internal Audit Service concluded that the internal control systems in place for the audited processes are effective.

There were no critical or very important recommendations (or management-related recommendations) issued by the European Court of Auditors in 2018.

3. Could the Commission provide a list of all studies paid for by the Secretariat-General since 2009 indicating the topic/title, who conducted the study, if it was published or not (if published, including date) and the total cost of the study?

Commission's answer:

Over the period 2009 – 2018, the Secretariat-General signed the following contracts related to studies as listed in the table below. As regards information on whether the studies were published and the exact publication date, the Commission would need more time to compile and verify this information. In case the Honourable Members would like to have this information for particular studies, the Secretariat-General could provide more details on request.

2018 - Title	Contractor	Amount
Study on interviews for the testing of the user interface of Themis/infringements and updates on the visual style guide	EVERIS SPAIN SL	13.653,77
Study on focus groups 'communicating better regulation'	ERNST & YOUNG SPECIAL BUSINESS SERVICES	59.662,50
Study on security for the Transparency Register information system	UNI SYSTEMS SYSTMATA PLIROFORIKIS	57.406,00
2017 - title	Contractor	Amount
Study on usability review and visual style guide	EVERIS SPAIN SL	35.440,00
Study on definition of the user interface of the Themis/infringements application and visual style guide update	EVERIS SPAIN SL	17.140,00
Study on the Secretariat-General registers and similar information systems	CONSORTIUM EUROPEAN DYNAMICS EUROPE	61.925,36
Study security plan for the applications NOAH, ARGUS, AMA and permanence of the Secretariat-General	CONSORTIUM ARHS	94.599,72
Study on data requirements for the European Citizen's Initiative	MATRIX INSIGHT LIMITED	239.135,00
2016 - title	Contractor	Amount
Study on establishing business continuity plan for European Commission Cabinet offices	BIS-WEB LIMITED	10.000,00
2015 - title	Contractor	Amount
Study on security plan for the application HAN	CONSORTIUM ARHS	42.735,45
Study on conducting a business impact analysis of the cabinets	CONTINUITY SYSTEMS LIMITED	12.000,00
Study on Transparency Register	RISK & POLICY ANALYSTS LIMITED RPA	40.396,00
Study on document management system	CONSORTIUM EC- COSY	39.940,40
Study on ICT architecture	CONSORTIUM INNOVATIA	59.663,22

2014 - title	Contractor	Amount
Study on methodologies for retrospective evaluation of regulatory burden	RISK & POLICY ANALYSTS LIMITED RPA	144.802,00
2013 - title	Contractor	Amount
Commission's performance measurement and accountability framework	STEVE MONTAGUE	4.542,52
Study assessing costs and benefits of regulation	ECONOMISTI ASSOCIATI SRL	157.400,00
2010 – title	Contractor	Amount
Study on SG Vista	DELOITTE CONSULTING & ADVISORY	38.060,00

Internal control

ECA found a greater number of internal control weaknesses in the management of family allowances for staff members than in previous years.

4. Could the Commission comment on this trend and explain this increase in control weaknesses?

Commission's answer:

The Commission notes that the Court's observation is based on the review of one file pointing to an error linked to allowances received in France. This finding is indicative of the inherently complex issue of allowances received from other sources.

First, it is important to recall that the responsibility to declare and update personal information, including on family allowances received from other sources, lies first and foremost with staff, in accordance with Article 67(2) of the Staff Regulations. To help ensure that staff members fulfil their obligation to declare all allowances received from other sources, the Commission systematically informs them of this obligation. In line with its commitments made in response to the European Court of Auditor's 2017 annual report, the Commission has put in place several measures to further improve the updating of the personal situation and the management of family allowances, notably:

-) General reminders are sent to staff via dedicated channels (e.g. Staff Matters Newsletter, PMO Info days and 'My IntraComm');
-) Individual reminders are made in all appointing authority decisions related to entitlements to allowances; and
-) Specific reminders are part of regular checks concerning family allowances received from other sources.

The institution recovers all the amounts declared as quickly as possible.

Second, recent changes in the French system of family allowances, and the regionalisation of the Belgian system of family allowances have increased the complexity of family allowance management by the PMO. In the case of Belgium, there are now three sources of family

allowances instead of one. It is important to stress that the Commission is not informed about such changes by the national authorities.

These structural changes, coupled with the increasingly heterogeneous composition of households, have made the environment more complex. In view of this the Commission is continuously reviewing and strengthening its internal control system, including through the measures described above.

Monitoring of personal files

ECA noted that in particular, the PMO did not sufficiently monitor the accurate and timely updating of personal files to ensure that the basis used to calculate salaries and allowances is correct.

5. Could the Commission explain these weaknesses in the monitoring? Is it a weakness in the method or can other factors explain this development? If so, which?

Commission's answer:

As stated above (response to Question 4), the responsibility to update personal information, including on family allowances received from other sources lies first and foremost with the staff members, in accordance with Article 67(2) of the Staff Regulations.

PMO strives to improve the monitoring of personal files, notably through reinforcing consistency checks of the declarations of allowances staff members receive from other sources. Moreover, it systematically reminds the staff members concerned of their obligation to declare allowances from other sources.

Nevertheless, monitoring of personal files remains challenging, as their update depends on the staff members' responsibility. Moreover, as described above, it is necessary to take account of changes in national and regional law, which may affect the amount of allowances received from other sources.

6. Could the Commission explain how the PMO monitors the updating of personal files?

Commission's answer:

Regular risk-based checks are carried out in order to identify all files that are not up-to-date, or where no declaration of the allowances received from other sources has been completed. In such cases, reminders are sent to the staff members to invite them to complete or correct information without delay.

Family allowances

ECA mentions that despite a well-publicised reform of the French family allowances system, the PMO did not update its records of family allowances paid by French authorities, which were to be deducted from allowances paid by EU institutions.

7. How could this happen? Was the Commission not aware of the reform in France or did it just not update its person records accordingly?

Commission's answer:

The Commission was aware of the reform to the French family allowances system. Since July 2015, the family allowances are granted on the basis of household revenue. Only the staff members concerned can inform the Commission of the amounts received.

Despite the Commission's requests to the French authorities, the latter only provide information directly to the individual beneficiaries. As it is not possible to determine the exact population of staff concerned, a specific request to update the situation could not be launched. However, the cases are covered by the regular follow up of allowances, as further explained in the replies to questions 8 and 9.

8. How does the Commission monitor the accurate and timely updating of personal files?

Commission's answer:

The PMO is working continuously to strengthen the monitoring of personal files, notably through reinforced consistency checks of the declarations of allowances staff members receive from other sources. Updates and controls are established on the basis of:

- Z Specific declarations made by the staff members;
- Z Declarations of any family event; and
- Z Regular risk-based checks based on the lists extracted from relevant databases (i.e. the information system 'SysPer Rights').

9. How does the Commission monitor changes in national legislation on allowance? Do the Member States inform the Commission on such changes? What is the process for this?

Commission's answer:

The Commission is not informed by the Member States of modifications to national legislation. However, the Commission monitors proactively any change in national legislation and rules. In addition, when a family event is declared, the Commission checks if there was any change in the applicable national legislation.

10. Where there other similar cases?

Commission's answer:

The Commission is not aware of similar cases.

11. When did the Commission update its personal records?

Commission's answer:

The Commission updates personal records when a staff member makes a declaration of a family event or a change of the family situation.

12. What was the total amount of allowances paid out in excess?

Commission's answer:

The Commission is not able to estimate amounts in excess that have not been declared by staff.

13. Did the Commission recover any of the allowances paid out in excess? If yes, what was the total amount? If not, why not?

Commission's answer:

Please see the answer to question 12: amounts in excess that have not been declared by staff cannot be estimated.

When amounts are declared by staff, the Commission takes action to recover the amounts in question. In 2018, the Commission received a total of EUR 23.01 million following declarations from staff, corresponding to the amount of allowances received from other sources. This figure includes both deductions when the amounts are declared in advance, and recoveries when the amounts had already been paid.

ECA found that where a household allowance is paid, the spouse's income is only checked every four years.

14. Why does the Commission not check spouse's income more often?

Commission's answer:

The Commission carries out the necessary checks to ensure appropriate and sufficient verification of the household allowances paid on behalf of a spouse and ensure the best balance between the cost and efficiency of these controls.

Regarding the checks of the spouse's income, the Court's conclusion that a household allowance is checked only once every four years is not accurate. The Commission verifies the household allowance paid on behalf of a spouse when the staff member declares the annual revenue of the spouse (in principle each year).

Staff members who do not complete these annual declarations as required by the Staff Regulations are requested to do so a maximum of 4 years after their last declaration. This guarantees that all the household allowances paid are verified at least once during the recuperation period as per article 85 of the Staff Regulations (i.e. 5 years).

15. Have you considered introducing annual checks?

Commission's answer:

The Commission carries out annual checks on staff who complete the declarations requested by the Staff Regulations. This concerns 60% of the staff receiving household allowances based on the spouse's income. In addition, the Commission checks those staff who have not filed a declaration for four years, which corresponds to an additional 10% of staff receiving

household allowances each year. This means that around 70% of staff receiving household allowances are checked each year, and all are checked at least once every four years. Taking into account the low risk level, a systematic annual control of all staff receiving household allowances on behalf of a spouse would not be cost-effective.

16. How are these income checks performed? What is the procedure for these checks?

Commission's answer:

The household allowance is granted provisionally for a maximum duration of four years.

The definitive right to the household allowance is granted on the basis of annual fiscal documents confirming the income of the spouse. Hence, for the majority of household allowance entitlements on behalf of a spouse, an annual check is carried out.

Moreover, before 31 December each year, the Commission checks all the files for which no annual declaration had been introduced in the past four years. This to ensure that staff who have not submitted an annual declaration, are also verified. In the event of a recovery we are within the period indicated in Article 85 of the Staff Regulations (5 years) and the totality of the amounts due (if any) is recovered.

17. If a spouse's income changed, does the Commission investigate when this income change happened? Does the Commission calculate and recover any allowances paid out in excess?

Commission's answer:

Around 60% of Commission staff receiving the household allowance on behalf of their spouse declare their spouse's annual revenue by means of fiscal documents. The Commission systematically checks and verifies these documents every year. If the staff member no longer meets the conditions for receiving the household allowance, the entitlement is closed and the Commission recovers any undue sums paid.

For those staff members not submitting their declarations on a regular annual basis, the Commission requests that they do so no later than four years from their last submitted declaration. If the staff member no longer meets the conditions for receiving the household allowance, the entitlement is closed and the Commission recovers any undue sums paid.

18. If yes, what is the total amount paid in excess and what is the total amount recovered?

Commission's answer:

In 2018, the amount paid in excess and fully recovered was EUR 780.763. This amount concerns all household allowances (i.e. not only spouse declarations).

Residency checks

ECA criticised that the PMO did not regularly verify the place of residence of retired staff benefitting from a correction coefficient on their pension.

19. How often does the Commission check the place of residence of retired staff benefitting from a correction coefficient?

Commission's answer:

Pensioners have the obligation to inform the Commission of all changes in their personal situation with an impact on their financial entitlements (marriage, divorce, school declaration for their children, etc.) and the Commission has put in place different means (paper, electronically, phone) to guarantee this communication.

In addition, the Commission sends every two years (every year after 80), a document called 'biennial declaration' where all basic information of the pensioners are displayed (such as address, civil status, contact person). The pensioner has to complete/correct/confirm the information and sends the form back to the Commission together with the "life certificate" of the pensioner.

The residence is checked in detail when the correction coefficient is granted and several documents are asked from the pensioner (ex: lease contract or copy of a notary deed, recent utility bill, certificate of new residence established by a competent authority, etc.).

After this initial detailed control, residence is implicitly checked with the mail sent to pensioners (pension slips, biennial declaration, etc.), if these documents are returned to the sender, a verification process is put in place to check why and if the pensioner has changed residence.

20. How are these checks performed? What is the procedure for these checks?

Commission's answer:

See the reply under question 19.

21. If a retired staff changed his/her place of residence, does the Commission investigate when this residence change happened? Does the Commission calculate and recover any allowances paid out in excess?

Commission's answer:

In case a retired staff member changes residence, he/she has to provide proof of the new residence with a document (ex: certificate of residence issued by local authority). On the basis of the date reported on this document the necessary corrections are performed of which the impact is reflected on the pension slip with the necessary corrections (overpayments/underpayments are possible).

When possible and necessary, the Commission requests even a document to verify that the person has actually left the previous residence. (e.g.: certificat de radiation/ certificate of deletion in Belgium).

22. If yes, what is the total amount paid in excess and what is the total amount recovered?

Commission's answer:

As soon as the Commission is informed of a change with a financial impact, the necessary modifications are made in the pensioner's file (this is true for all entitlements: school allowances, household allowances and correction coefficient). The files are treated individually with no possibility to aggregate the information on total amounts. However, all amounts known to PMO paid in excess are recovered.

Public procurement procedures to improve security of people and premises

ECA found two cases where the negotiation procedures did not meet the criteria of the Financial Regulation. In one case, the contract was split to allow the purchase of video surveillance equipment under the rules of procedure for middle-value contracts.

23. Why did the Commission split the contract? What was the total value of the contract before splitting?

24. What are the rules governing the splitting of contracts?

Commission's answer to questions 23 and 24:

Article 160 of the Financial Regulation sets out the general principle that the estimated value of a contract may not be established in such a way as to avoid the competitive tendering procedure or to circumvent the rules that apply to certain procurement procedures or above a certain threshold (e.g. open or restricted procedure). Nor may a contract be split for that purpose.

However, the Commission emphasises that the activities were carried out in a very specific context. As mentioned by the European Court of Auditors in its 2018 Annual Report, strengthening the protection of people and premises was found necessary as a matter of urgency.

Therefore, with the decision to raise the security alert level at the end of November 2015, the Commission considered it important to improve the security of its buildings in terms of Closed-Circuit Television (CCTV). Hence, a new negotiated procedure for low-value contracts was launched in June 2016, ensuring a faster acquisition of a limited number of cameras.

The total value of the original 4-year procurement procedure was EUR 1.780.000. From this total, an amount of EUR 55.980 was split, for a contract following a subsequent negotiated procedure for low-value, launched in June 2016.

25. Where there other similar cases?

Commission's answer:

No there were no other similar cases for security contracts.

In another case, the Commission invoked the "extreme urgency" clause. It took several months to launch the procedure and ECA concluded that the Commission failed to establish extreme urgency or the impossibility of compliance with the time limits applicable to standard procedures.

26. What kind of building works were the content of this contract? Which building(s) was/were concerned?

Commission's answer:

The construction of reinforced benches around the Berlaymont building in order to better protect the building from possible vehicle attacks. The reinforced benches physically prevent a vehicle from entering the perimeter around the Berlaymont building.

27. Why did the Commission invoke the "extreme urgency" clause in this case even though it took several months to launch the procedure?

Commission's answer:

In light of a number of devastating attacks that had taken place in European cities, including Brussels, there was an urgent need to improve protection of the Berlaymont esplanade.

28. What was the total value of the contract?

Commission's answer:

The total value of the contract for reinforced benches was EUR 123.234.

29. Why did the Commission not publish the contract notice and open the procedure for several applicants like a usual tender?

Commission's answer:

Because of the extreme urgency. An open/restricted call for tender takes a minimum of 9 months before a contract can be signed. The contract was signed in December 2017 whereas using an open / restricted procedure would have been signed by mid-2018.

30. While understanding the specific context of these cases, how do you intend to make sure that the criteria laid down in the Financial Regulation are followed and fully met, and that such cases do not reoccur in the future?

Commission's answer:

The Commission has officially replied to the Court of Auditors that it takes note of the observations encountered in the low-value procurement procedures while emphasising the very specific context in which the activities were carried out.

The Commission confirmed its commitment to analyse where adjustments to low and middle value procedures are necessary to improve the activity in the future. The amounts concerned by the errors were materially insignificant as these concerned a limited number of procurement procedures for very low values. Nevertheless, the Commission has taken the following actions to avoid such cases from occurring in the future:

- The development of an internal manual for low and very low value procurement for DG HR;

- The development of a systematic internal check on low value procurement in DG HR.

Fraud prevention, detection and correction

In its AAR the Secretariat-General mentions the development and implementation of its own anti-fraud strategy 2018-2021.

31. Could the Commission provide an overview of the most significant changes following the implementation of this new strategy?

Commission's answer:

As regards the new Anti-Fraud Strategy 2018-2021, the Secretariat-General concentrated its efforts on three strategic objectives, namely:

1. Assigning roles and responsibilities for anti-fraud issues within the Secretariat-General, taking the corporate and local level into account;
2. Enhancing detective controls to mitigate fraud risks with financial implications;
3. Developing an anti-fraud culture in the Secretariat-General.

In 2018, the emphasis was put on the prevention and detection of fraud in relation to non-statutory personnel. The conclusion of this work was that all impacted units had adequate control mechanisms to detect and prevent fraud.

More generally, the Secretariat-General has a low-risk profile in financial management as it has a small budget. To counteract potential reputational risks, the Secretariat-General will continue ethics-related training and awareness-raising activities to maintain the highest standards of professional integrity. Anti-fraud culture remains in focus and is promoted on a continual basis, most recently by a presentation of the new Commission and Secretariat-General anti-fraud strategies on 1 October 2019 in cooperation with the European Anti-Fraud Office.

32. What are the greatest successes so far?

Commission's answer:

The new Anti-Fraud Action Plan designed to implement the Secretariat-General's Anti-Fraud Strategy, will cover the period 2018–2021 (4 years).

In 2018, the action plan targeted the payments issued to intra-muros service providers for scrutiny, emphasising the control procedures put in place to check presence and work delivered. The conclusion was that all impacted units had adequate control mechanisms to detect and prevent fraud.

In 2019, before the launch of a public procurement procedure related to the European Citizens' Initiative Platform, the previous procedure was extensively analysed. No weaknesses or deficiencies were identified in the procedures applied.

33. Are there any obstacles to the implementation?

Commission's answer:

There is no obstacle regarding the anti-fraud strategy 2018-2021 implementation.

34. What impact did the new strategy have on developing an anti-fraud culture in the Secretariat-General (as stated in the objectives)?

Commission's answer:

Within the scope of developing an anti-fraud culture in the Secretariat-General, awareness raising sessions organised by OLAF were conducted in the Secretariat-General. The sessions targeted staff implementing the budget and newcomers, i.e. the most relevant population.

35. Did the strategy lead to any discoveries and reporting of fraudulent behaviour? If yes, what consequences were taken?

Commission's answer:

No fraudulent behaviour was identified.

Conflict of interest in staff moves involving agencies

Adam Farkas, Executive Director of EBA, has announced his resignation effective on 31 January 2020 to take a new position as Chief Executive at AFME stating 1 February 2020.

36. Could the Commission comment on this, particularly on the conditions set by the EBA board of supervisors when assessing the conflict of interest in this situation?
37. Could the Commission comment on its role in the supervisory board when the decision was taken not to apply a cooling-off period of one year as indicated in the EU Staff Regulation?

Commission's answer to questions 36 and 37:

The European Banking Authority's Board of Supervisors has the exclusive responsibility to establish and enforce the post-employment decisions it adopts. The Commission's role in this process is limited to making comments, through which it pleaded for the strictest possible conditions to be applied towards Mr. Farkas under the applicable staff rules.

38. Could the Commission explain its general procedures and provisions for situations like the above involving staff moves from an agency to a private entity or vice-versa, particularly when conflicts of interest may arise? How are decisions on conflicts of interest taken?

Commission's answer:

The Commission is bound by the Staff Regulations, which contain a comprehensive ethical framework, which was reinforced by the 2014 Staff Regulations reform. The reform introduced the obligation for new staff or staff coming back from leave on personal grounds, to declare any potential conflict that could arise at the occasion of their entry or return into

service. Furthermore, the revised Staff Regulations explicitly addressed the issue of lobbying and advocacy both during leave on personal grounds and after having left the Institution.

The Commission is the competent authority to take individual decisions on ethical matters vis-à-vis staff members working for the Commission.

As far as the agencies are concerned, they are, like all EU institutions, bound by the Staff Regulations' provisions on ethical matters. As regards rules implementing the Staff Regulations, the Commission ensures that harmonised ethical standards are in place in agencies by requiring them to apply the Commission's implementing rules by analogy, or to receive the Commission's prior approval to deviate from the Commission's rules in order to reflect the Agencies' specificities.

As they are independent, agencies are the competent Appointing Authorities to enforce these provisions vis-à-vis their own staff. Where a decision on post-employment restrictions is taken by an agency's management board, which is the case normally only for the Executive Director, the Commission representative(s) in the board defend an approach analogous to that of the Commission, and fully in line with the Staff Regulations. As a matter of fact, in the specific case of Mr Farkas' post-employment activities, the Commission representative (who does not vote in the Board of Supervisors of EBA) pleaded for the strictest possible conditions to be applied towards Mr. Farkas under the applicable staff rules.

39. What are the Commission's suggestions for how such situations of conflict of interest in staff moves to or from agencies can be avoided in the future?

Commission's answer:

The Commission requires agencies to apply its own implementing rules of the Staff Regulations by analogy, or to receive the Commission's prior approval to deviate from the Commission's rules in order to reflect the Agencies' specificities. It is the responsibility of the Appointing Authorities in the agencies, as separate legal entities, to determine and enforce the appropriate restrictions proceeding from this legal framework.

40. Is the Commission of the opinion that it would need further-reaching monitoring and control competences (for instance in the supervisory boards)?

Commission's answer:

As described above, the Commission requires agencies to apply its own implementing rules of the Staff Regulations by analogy, or to receive the Commission's prior approval to deviate from the Commission's rules in order to reflect the Agencies' specificities. More broadly, beyond staff covered by the Staff Regulations, the Common Approach on decentralised agencies underlines in several places the need to develop and apply a coherent policy on preventing and managing conflict of interests at various levels in the agencies. The Commission has accordingly prepared 'Guidelines on the prevention and management of conflicts of interest in EU decentralised agencies' to guide agencies in this work.

The Commission's representation in the Management Board is an important tool to ensure that the applicable rules are applied in specific cases where they are in the Board's

responsibility as was the case for Mr Farkas, but also more broadly to ensure that appropriate conflict of interest policies are in place.

Misconduct

The former Executive Director of EASO, José Carreira who stepped down following i.a. allegations of staff harassment and irregularities in employment procedures between 2002 to early 2016 held several senior management positions in many EU agencies in Spain, Germany, Greece, the UK, Poland and France.

41. What are the Commission's procedures and measures to prevent such situations involving misconduct by higher-level EU staff?

Commission's answer:

The agencies are, like all EU institutions, bound by the Staff Regulations which constitute a comprehensive and solid framework defining the rules and standards that all staff members have to abide by. Agencies are also bound to follow financial rules similar to those of the European institutions as set out in the Framework Financial Regulation applicable to them by virtue of the Financial Regulation. The new Framework Financial Regulation for agencies adopted in 2018 reinforces the governance of agencies via various instruments, for example in terms of reporting requirements.

As regards rules implementing the Staff Regulations, the Commission ensures that harmonised standards are in place in agencies by requiring them to apply the Commission's implementing rules by analogy, or to receive the Commission's prior approval to deviate from the Commission's rules in order to reflect the Agencies' specificities. A similar mechanism requiring the Commission's prior consent applies when an agency intends to adopt specific provisions in its financial rules.

The agencies are responsible for the implementation of the legal framework.

As far as the Commission is concerned, it is committed to ensuring that all its staff members, whatever their grade or position, always maintain the highest standards of conduct. The outreach programme provided for the Commission to all categories of its staff raises awareness of the rights and obligations laid down in the Staff Regulations, the implementing rules as well as the Financial Regulation. The Commission has also a well-developed disciplinary system in place, managed by the Commission's in-house Investigation and Disciplinary Office (IDOC) and comprising a broad range of possible sanctions applied through fair and equitable procedures, conducted with due regard for the rights of defence of the person concerned.

42. What are the Commission's procedures or mechanisms to share knowledge about misconduct or allegations thereof for consideration upon employment of staff with an employment history at an EU body, institution or agency?

Commission's answer:

In accordance with the Commission's rules on the conduct of administrative inquiries and disciplinary proceedings, information on the outcome of disciplinary proceedings is inserted in each active and former statutory staff member's personal file for a defined period of time commensurate to the seriousness of the case. These personal files are transferred with the staff member between each institution and agency, also in cases of interruption of contract and/or change in the statutory regime, in accordance with the Conclusion of the Heads of Administration No 259/12.

During each recruitment procedure, the Commission systematically requests a declaration from the candidate concerning any previous disciplinary sanctions or ongoing proceedings, informing candidates that any false declaration may lead to compulsory resignation pursuant to Article 49 of the Staff Regulations or to termination of the contract under Article 50 of the Conditions of Employment of Other Servants of the European Union. The accuracy of these declarations can be checked by referring to the abovementioned personal files.

43. Does the Commission intend to introduce any additional procedures and/or mechanisms as a consequence of the EASO case?

Commission's answer:

The Commission considers that the Staff Regulations, together with their implementing rules, constitute a solid and robust framework to ensure, at all steps of the career, compliance with the rules and standards they define.

ECA Special Reports

44. In its special report 15/2019 "Implementation of the 2014 staff reforms package at the Commission: big savings but not without consequences for staff", ECA identified a number of challenges. For example, raising the retirement age to 66 and cutting recruitment have left the Commission with an ageing workforce. How do you go about this phenomenon?

Commission's answer:

The Commission is well aware of the demographics of its organisation. In this respect, the Commission adopted a Diversity and Inclusion Strategy in 2017, whereby it committed to monitor the mobility, development and work patterns of older staff. Following the identification of a comprehensive list of age-related statistical indicators, an extended analysis was recently carried and the results will be published later this year.

In addition, practical guidance on good practices of inclusion irrespective of age is being finalised and will be issued in early 2020.

As provided for under this strategy, the Commission has also launched a reflection on specific measures that could be envisaged to address the specific health and wellbeing concerns of older staff.

All these elements will feed into the preparation of the upcoming HR strategy of the Commission.

45. Furthermore, the increasing use of staff on short-term contracts has longer-term implications for knowledge management and business continuity. Are there any measures in place to ensure that the institutional memories are not lost?

Commission's answer:

The reform of the Staff Regulation in 2014 has helped to address issues linked to the use of staff on short-term contracts, for example, the maximum duration for contract staff was increased from 3 to 6 years and contract staff are given the possibility to apply to internal competitions in order to become officials.

More generally, the Commission recognises the importance of good management of data, information and knowledge. At the local level, good document management practices and hand-over arrangements can contribute to maintaining the institutional memory within a service. At the corporate level, the Commission adopted in 2016 a data, information and knowledge management strategy, which sets out several areas of action. Two areas specifically address knowledge management and sharing: 'working together and sharing information and knowledge' and 'creating a culture of knowledge sharing and learning'. Senior managers from 19 DGs are members of a board in charge of steering the strategy and monitoring its implementation.

46. ECA also notes, that less favourable employment conditions have reduced job satisfaction and the attractiveness of working for the EU institutions. This comes at a time when the Commission is struggling to attract highly qualified, multilingual staff. How is the evolution of geographical balance of staff affected in particular? Which nationalities are the most affected?

Commission's answer:

In its report to the European Parliament and the Council pursuant to Article 27 Staff Regulations¹, the Commission found that nationals from 10 Member States were significantly underrepresented in the grades AD5-AD8 (which is the bracket where at least 80% of the appointments have to take place), excluding staff of linguistic services. The Member States concerned were: Denmark, Germany, Ireland, France, Luxembourg, the Netherlands, Austria, Portugal, Finland and Sweden. In absolute terms, the largest deficits concern Germany and France; in relative terms Luxembourg, Sweden and Denmark.

47. In the context of Special report 13/2019 "The ethical frameworks of the audited EU institutions: scope for improvement" ECA conducted a survey to obtain insight into ethical culture among EU staff. The results present a mixed picture of their awareness and perception of ethical matters. How could staff awareness and perception of the ethical framework and culture be strengthened, in your view? Do you plan any action to encourage staff to participate in trainings on ethics?

¹ COM(2018)377 final/2 of 24.8.2018.

Commission's answer:

The Commission has a highly developed ethical framework and notes that the Special Report found that this framework compares well with the frameworks in place in the other EU institutions. Moreover, while rules are essential, the Commission takes the view that they are not enough. It has therefore invested greater time and energy in training on ethics issues. The Commission has already taken extensive measures to increase staff awareness in relation to ethics and will continue to roll out these measures. This policy has been further reinforced in 2018. The Commission will continue building on these efforts and expects this policy to improve staff awareness levels. The survey of the ECA showed that the majority of Commission staff assess their knowledge of the ethical framework as "good or very good". 59.6% of Commission staff members are in this situation and it is expected that with the measures put in place this figure will rapidly increase.

Staff have access to training and outreach on their ethical obligations at key stages in their career. All new staff members must follow a basic ethics module as part of their initial welcome presentation. They then must follow an online or classroom ethics training course during their probation period. When they prepare to leave the institution to retire, staff are reminded about the obligations that continue to apply after leaving the service. In the course of their career, staff have access to courses and outreach programmes relating to ethics and behaviour organised at corporate level by DG HR, or through more specific arrangements in their places of work. Training courses are supplemented by information on ethical obligations, available on dedicated pages in MyIntracomm.

48. The value below which staff may accept gifts without first obtaining permission is different across EU institutions, even though the staff of these institutions are subject to the same employment rules. Does the Commission see a need to unify the threshold for acceptance of gifts?

Commission's answer:

The Communication to the Commission 'Guidelines on Gifts and Hospitality'² is a very detailed instrument which defines clearly the criteria to assess if a gift is acceptable or not, and provides thresholds (gifts with a value under EUR 50, are acceptable, i.e. a prior permission by the Appointing Authority is presumed to be guaranteed. Explicit prior permission is required for gifts between EUR 50 and EUR 150. Gifts with a value over EUR 150 are not permitted).

The Commission has underlined to the Court of Auditors that the implementation of the recommendation requesting audited institutions to harmonise their definitions of what constitutes a gift and the maximum acceptable value of such gift, does not depend on the Commission alone. The Commission accepts to continue to discuss with the other institutions ethical matters of common interest in the framework of existing interinstitutional forums, notably the CPQS (Comité pour les questions statutaires) or at service level and to share good practices.

² SEC(2012) 167 final

49. According to ECA Special report 34/2018 “Office accommodation of EU institutions – Some good management practices but also various weaknesses” financing mechanisms of the large construction projects were often complex and, in some cases, this affected budget transparency. Most projects suffered delays and some incurred substantial additional costs. The Court cites the JMO II project in Luxembourg, as an example. Did the Commission update its planning documents since the publication of the ECA special report? How could budgetary transparency of the use of financing mechanisms for construction projects be increased, in your view? How could the consistency of data and monitoring of the buildings portfolio be improved?

Commission’s answer:

Concerning the update of the planning documents, the Commission underlines that Multiannual Policy Frameworks and Working Documents on Buildings accompanying the Draft Budget are updated annually.

The latest document is Communication COM(2019)400 of June 2019 - Draft general budget of the European Union for the financial year 2020 Working Document Part VII - Commission buildings.

Concerning budgetary transparency, the Commission already stated that its budgetary procedure is transparent and would like to note that:

(i) The principle of specification means that appropriations may be used only for the purpose for which they have been provided. This requirement is satisfied by dividing the budget into chapters, the budget appropriations used were also earmarked for administrative expenditure;

(ii) The budgetary transfers at year-end are expressly authorised by the Treaty on the Functioning of the European Union (Article 317), under the conditions laid down in the Financial Regulation. It allows the final matching up of identified needs and expected surpluses with a view to achieving an optimum outturn. The Commission considers that by approving these transfers, the budgetary authority recognises the financial advantage of the advance payments.

Concerning consistency of data and monitoring of the buildings portfolio, an inter-institutional working group on the harmonisation of measurements of surface areas has been set up. Results are expected by the end of 2019 for the harmonisation part of the surface calculation. A new working group will be created for the common monitoring/indicators part in the coming months.

50. Has the Commission evaluated the New Ways of Working approach, which introduces collaborative working spaces and a more flexible working culture?

Commission’s answer:

The Communication to the Commission C(2019)7450 ‘The workplace of the Future in the European Commission’ and SWD(2019)675 were adopted on 16 October 2019 and provide principles and recommendations which can help in modernising the Commission’s working environment.

The Communication builds on more than two years of analysis and consultation. The Steering Committee for this project has delivered a thorough analysis of state-of-the-art practices in this area, providing relevant conclusions for the Commission. Based on this work, this Communication puts forward proposals to modernise the Commission's workplace, in order to make it more efficient and agile as well as more attractive and fulfilling for staff.

The Steering Committee did not take a position on a specific type of office set-up, but analysed the various office arrangements (individual offices, shared offices and collaborative spaces) and proposed in principle 6 of the Communication C(2019)7450 that *"A one-size-fits-all office set-up is not suitable in the Commission's highly diverse context. Various office arrangements should be available to match the demands of different types of work performed by Commission staff."*

Staff matter

51. What were the costs in 2018 respectively for away days, closed conferences or similar events for staff? How many staff members participated in the respective events? Where exactly did these events take place?

Commission's answer:

As a modern, future-oriented organisation that strives for excellence, the Commission remains committed to fostering teamwork and collaboration within and between its departments. Away days, participatory events and similar team-building measures are always work-focused and designed to have a direct and positive effect on staff in the medium and long term. They are addressed at teams at different organisational levels, often as part of larger change management processes. While such events are mostly aimed at giving staff the opportunity to discuss and reflect together on future challenges, strategies and working methods, they also improve the sense of belonging, team spirit, motivation and, ultimately, productivity.

Costs for individual events in 2018 amounted to some EUR 2 million. The Commission does not maintain a central record of the number of participants as these events are organised at Directorate-General, Directorate and/or Unit levels, but we estimate that over 12,000 staff were involved. The vast majority of these events were held on Commission premises while some took place at external conference venues.

52. What were the three most important actions taken by the institution in favour of disabled people?

Commission's answer:

The Commission adopted on 19 July 2017 a comprehensive Strategy on Diversity and Inclusion. The Strategy contains a set of new measures relevant for all groups and individuals but also targeted measures for some groups, including staff with a disability and staff with disabled dependents.

The Strategy identifies information and assistance to staff, accessibility to buildings and communication tools, measures for staff with caring responsibilities, and the review of support schemes as priority areas to create a more inclusive environment for persons with disabilities.

The three most important actions taken by the Institution in favour of disabled people are:

- Z The setting up of a central help and contact point for staff with disabilities, and the creation of a dedicated central portal on the Commission's intranet. This has led to an increase in requests of a general nature, administrative support (dealings with all aspects of PMO), financial support, support to other Institutions and Agencies, etc. This action, which serves to better address queries from staff, comes in addition to a revised information package on the possibility for assistance and reasonable accommodation proactively addressed to staff, in particular newcomers and newly appointed heads of units.
- Z The creation of a new Centre of Excellence dealing with disability, serious illness and dependence in the PMO's Unit in charge of the Joint Sickness Insurance Scheme. This Centre organises monthly sessions, which facilitate contacts with the Commission's relevant services but also with the Belgian authorities on practical issues (such as parking card, reduced transport cost, access to services, etc.). The Centre of Excellence is striving to offer a personalised and holistic service to staff, ensuring a coherent approach.
- Z The accessibility to the Commission buildings has been further improved, in particular by the installation of podo-tactile tiles, improvement of parking spots and enhanced accessibility inside.

Additional actions continue to be implemented in line with the orientations defined in the Strategy on Diversity and Inclusion as well as following the UNCRPD guidelines. These additional actions focus in particular on the support provided to pupils with special educational needs and on a more flexible approach for staff with disabled or seriously ill child when it comes to the 95% part-time formula without salary reduction.

53. Were there any suicides attempted by Commission staff in 2017. Please specify by gender and category of staff. What strategies is putting the Commission in place to address these situations?

Commission's answer:

The Commission is committed to providing a high level of psychosocial support to its staff and offers a wide range of services in this area. These include training in developing resilience, encouraging healthy living and working (fit@work programme), providing professional help and advice (psychosocial support team), as well as training and awareness-raising among management on the prevention of psychosocial risks. The Commission has not been made aware of any suicide attempts among its staff in 2017.

54. How many former MEPs, Commissioners or high officials (from AD 14) still receive money from the budget of your institution as advisors, contract agents or others? What are their tasks and their respective salaries?

Commission's answer:

In 2018, the Commission had contracts of employment with a total of 21 former MEPs, Commissioners or senior officials as unpaid Special Advisers under Articles 5, 123 and 124 of the Conditions of Employment of Other Servants of the European Union. They received no remuneration but were entitled to the reimbursement of travel expenses. In addition, one former Commissioner and one former senior official of another institution had contracts of employment as paid Special Advisers. One was paid 1/22 of a grade AD12/1 salary per day of work (for a maximum of 48 days) and the other was paid 1/22 of a grade AD16/1 salary per day of work (for a maximum of 35 days). They were also entitled to reimbursement of travel expenses. Complete information on the mandates of all the Commission's Special Advisers is publicly available on Europa³. In 2018, one former Commissioner was employed by the Commission as Director-General of the Article 50 Task Force. He had a contract as a temporary agent in grade AD16.

55. What were the costs in 2018 respectively for away days or team building events for the Commissioners' Cabinets? How many Cabinet Members participated in the respective events? Where exactly did these events take place?

Commission's answer:

In 2018, around EUR 54 000 was spent for away days or team building events for the Commissioners' Cabinets, in which 181 Cabinet members participated. Most of the events took place at different Belgian venues, the others in the Commissioners' Member States.

Whistleblowing

56. How many cases of whistleblowing were reported in 2018? What improvements have been made regarding procedures for whistleblowing? How many of these reports have been notified to OLAF? Could the Secretariat General provide an evaluation of the frauds reported?

Commission's answer:

Since 2015, OLAF received in total five cases of potential internal whistleblowing concerning staff members of the Commission (two in 2015, none in 2016, one in 2017 and two in 2018).

These five cases are cases where a person requested protection under Article 22a(3) of the Staff Regulations. This figure does not take into account the cases which were sent from the Commission to OLAF via normal administrative communication channels based on the obligation to report set out in Article 22a(1) of the Staff Regulations.

The rules on whistleblowing have been revised in 2014, on the occasion of the review of the Staff Regulations. The Guidelines on whistleblowing proved to provide a solid comprehension of the rules and their application. Moreover, the Commission will follow-up closely the

³ https://ec.europa.eu/info/about-european-commission/service-standards-and-principles/transparency/special-advisers_en

implementation, by the Member States, of the Directive on whistleblowing and assess whether good practices could be taken in accordingly.

Reporting on fraud, or more generally serious misconduct by staff, is done by OLAF and is published, within the limits imposed by confidentiality, in annual reports (the Commission's Annual Reports on the protection of the EU's financial interests ("PIF" Report) and OLAF's Annual Reports). The very small number of cases of whistleblowing does not lend itself to a general "evaluation".

Organisation chart

57. In the Annual activity report of 2018 the Commission Secretary General stated that in order to be better prepared for the new challenges ahead, the Secretariat-General's organisation chart underwent major changes during the reporting year. To which extend is this reorganisation tied with the achievement of the objectives defined by President Juncker? Is the new structure of the Secretariat-General supposed to be modified by the new Commission President?

Commission's answer:

The reorganisation of the Secretariat-General in October 2018 adjusted the structure of the Secretariat-General with the following objectives:

1. Aligning the structure to the mission statement of the Secretariat-General, especially as regards its role in serving the President and the Vice-Presidents, the College as such, and the Commission services;
2. Reflecting the priorities of the Commission and to work in a collaborative way across the policy areas and break silos;
3. Ensuring balanced distribution of workload across the Secretariat-General and between its staff members.

Prior to October 2018, the previous reorganisation of the Secretariat-General took effect on 1 January 2014.

To serve the President and the College and ensure efficient delivery of the political priorities of the Commission, the Secretariat-General will be constantly assessing the way its work is organised and in agreement with the President adjust its structure if needed.

Appointment of senior officials

58. Given the important functions of decision, coordination and initiative conferred to the Secretary General of the European Commission, does the Secretary General not consider that candidates for this position should be heard by the European Parliament prior the appointment decision? Will the next Commission Secretary General be appointed in conclusion of fair and open procedure?

Commission's answer:

By virtue of their administrative autonomy and in line with Article 335 of the Treaty on the Functioning of the European Union, it is for each institution to decide independently on the appointment of its managers, including its Secretary-General.

On this basis, and taking account of the Secretary-General's responsibilities in accordance with Article 20 of the Commission's Rules of Procedure, it is appropriate for the College of Commissioners to act autonomously to appoint its Secretary-General on a proposal put forward in agreement between the Commissioner responsible for Human Resources and the President.

A decision concerning the appointment of the new Secretary-General of the European Commission, including the procedure to be applied for the selection, will need to be taken by the incoming College once they start their mandate.

59. What is the current state of play of the revision of the Commission's administrative procedure for appointment of senior officials?

Commission's answer:

The European Parliament has requested that the Commission review its procedures for the appointment of senior officials. The other institutions are asked to do the same. On 30 August 2019, Commissioner Oettinger wrote to the Committee on Budgetary Control with an update on progress to date and included some proposals that he has put forward for consideration by the incoming Commission.

The Interinstitutional Roundtable held in September 2018 concluded that the procedures applied across the institutions are robust and fit for purpose. It comforted the Commission in its view that it is in many respects leading the way in applying modern, state-of-the-art selection procedures for senior officials, including the extensive use of independent assessment centres. Nonetheless, the current "Compilation document on Senior Officials' Policy" dates from 2004 and could be updated to incorporate a number of subsequent decisions that the College has taken in this domain and to ensure that there is full alignment with current operational guidelines.

Experts groups

60. To which extent has the expansive and bureaucratic practice of the experts groups replaced the consultation of the European Economic and Social Committee?

Commission's answer:

Although the Commission has considerable in-house expertise, it needs specialist advice from outside experts as a basis for sound policymaking. This may be provided by groups of experts or external consultants, or take the form of studies. Expert groups play an important role in enabling the Commission to collect advice and expertise from a variety of actors, such as Member States' authorities, scientists, professionals and stakeholders. The establishment of expert groups has not replaced in any way the consultation of the European Economic and Social Committee, which happens at a different stage of law making. Expert groups provide

the Commission with advice and expertise, inter alia, at the stage of the preparation of legislative proposals and policy initiatives or during the preparation of delegated acts, while the European Economic and Social Committee is consulted on the Commission's legislative proposals only once they are adopted by the Commission. Beside mandatory consultation on a range of policy areas, identified in the Treaty, the Commission regularly requests the Committee's opinions on its proposals on other policy areas, as well as on non-legislative acts, through the optional consultation. The Commission also cooperates with the Committee on a range of events and stakeholder platforms.

Relations with national parliaments

61. What has been the major achievement of the cooperation between the national parliaments and the Commission in 2018?

Commission's answer:

In 2018, the Commission continued to have a very intensive dialogue with national Parliaments. It received a high number of opinions (569, around the same as in 2017), and provided thorough replies, addressing the political as well as technical issues raised therein. Among those opinions, the relatively small proportion of 37 reasoned opinions (6.5%) and, conversely, the relatively high proportion of own-initiative opinions or opinions on non-legislative initiatives (38%) are worth noting. They show national Parliaments' interest in engaging on matters that go beyond the subsidiarity scrutiny of Commission initiatives and in providing valuable input as early as possible on the content of new initiatives.

Members of the Commission also continued to have regular visits or debates with national Parliaments (140 visits or meetings in 2018). These direct contacts play an important role in bringing the Union closer to its citizens and their representatives.

In July 2018, the Task Force on 'Subsidiarity, Proportionality and Doing less more efficiently' recommended different measures notably aimed at better involving national Parliaments, as well as regional and local authorities, in the preparation and the follow-up of Union legislation and policies. Subsequently, the Commission announced⁴ inter alia that it will facilitate the national Parliaments' work by discounting the Christmas/New Year period from the 8 weeks they have to submit reasoned opinions and by giving public aggregated responses when a significant number of national Parliaments send reasoned opinions, without reaching the yellow card threshold, thus giving improved visibility to national Parliaments' concerns. Positive reactions from national Parliaments – and also from Members of the European Parliament – are encouraging signals to continue on this path.

Comprehensive information on relations with national Parliaments is available in the Annual Report 2018 on the application of the principles of subsidiarity and of proportionality and on relations with national Parliaments (COM(2019) 333).

62. As to the follow-up of the national parliament's opinions, the results were poor in 2017 with 48 % of proper follow-up given within the self-imposed deadline of 3 months (56% in

⁴ COM (2018) 703 and COM (2019) 178).

2016). What is the state of play in 2018? Why was it not possible to reply to a national parliament within a delay of 3 months? How did the Commission Secretary General intend addressing this weakness in the future?

Commission's answer:

The Commission has set itself a deadline of responding to national Parliaments' Opinions within three months after their reception. In 2018, as in 2017, it faced a high number of opinions received from national Parliaments. Continuously striving to give comprehensive, high-quality replies, including detailed technical annexes where appropriate, it could meet this deadline in only 43% of cases in 2018, even if in the large majority of cases, the additional delay was only a few working days.

The Commission has reacted inter alia by thoroughly reviewing, adapting and streamlining its procedures for producing and adopting the replies – with some success. Preliminary figures for 2019 show a markedly improved situation with a ratio of timely replies over the whole year that could be as high as 80%, even if it true that in the transition year 2019, the Commission received much fewer opinions than normally. Further improvements will be implemented once the new Commission is in office.

Relations with the European Ombudsman

63. What is the added value of the inter institutional relations between the Commission and the European Ombudsman? Could you enumerate and depict the three main achievements of this relationship in 2018?

Commission's answer:

In 2018, interinstitutional relations between the European Commission and the European Ombudsman were again very constructive and benefitted individual citizens and the European Commission's efforts to ensure good administration. 58% of European Ombudsman inquiries (i.e. 285 inquiries, in 2018) concerned the Commission, as the institution with the most direct dealings with citizens. Thus, the Commission was in daily contact with the Ombudsman who examined complaints concerning perceived instances of maladministration by EU institutions and where necessary, conducted inquiries. Last year, the Commission agreed with around three quarters (i.e. 76% in 2017) of the Ombudsman's proposals (proposals for a solution, suggestions for improvement and recommendations). Only 5% of the cases ended with a finding of maladministration. 95% of cases were closed without further inquiry, because there was no instance of maladministration or because a satisfactory outcome was achieved. A third positive element to signal is the attribution of the second Ombudsman's 'European Award for Good Administration' to the Commission initiatives on plastics pollution reduction and awareness raising. The Award aims to recognise initiatives, projects and other types of work by different departments of the EU's institutions that have a visible and direct positive impact on the lives of people in Europe and beyond.

European Semester

64. How can the Secretary General explain that only 9 % of the Country Specific Recommendations have been fully addressed? To which extend is the terminology used in relation with the KPI “Degree of follow-up by Member States of country-specific recommendations AAR page 11 and in particular: “some progress” sufficiently precise?

Commission’s answer:

The European Semester is a valuable and effective tool to coordinate the economic and social policies of the Member States and provide guidance on national reforms. As such, its effectiveness and usefulness should not be assessed solely on the level of the implementation of country-specific recommendations.

While it is true that full implementation remains limited, Member States have made at least some progress with the implementation of two-thirds of the recommendations issued since 2011. The 2018 Annual Activity Report refers to this broader development when assessing the degree of follow-up by Member States of country-specific recommendations.

Reforms take time to design, consult upon, and implement and progress is very much dependent on national ownership and circumstances. Member States with many pressing challenges receive more detailed and demanding recommendations. Therefore, the assessment figures need to be interpreted in the context of individual countries.

Statistics

65. According to a report drafted by the Internal Audit Service in 2017, the framework in place in the Commission was not robust enough to ensure that the quality of the statistics that are not produced by Eurostat, and are used by the departments to support their key policies and report on their performance, was of a satisfactory quality overall. What has been done by the Secretary General in 2018 to redress the situation?

Commission’s answer:

In follow-up to the IAS audit, the Secretary-General together with Eurostat has instructed all Commission departments to cooperate very closely with Eurostat to ensure the production of high quality statistics by Commission departments and the full implementation of the audit recommendations.

As part of this work, Eurostat has prepared an inventory of statistics produced by other Commission departments (‘other statistics’), which is maintained on a regular basis following annual hearings between Eurostat and the various departments. This is part of a wider exercise under the Commission’s new data strategy (‘DataStrategy@EC’) to map all data assets in the Commission, including statistical data. Eurostat is also finalising an overall quality assessment framework to be used by the Commission services, so that the quality of the statistics they produce can be assessed. It refers to the statistics produced and covers quality aspects such as accuracy, comparability, accessibility, relevance and timeliness. Moreover, Eurostat has issued guidelines for the dissemination of statistics produced by other Commission departments (‘Guidelines for referencing statistical data and use of disclaimers

in Commission publications'). Eurostat has also created a network of statistical correspondents among the DGs, where issues related to quality are discussed.

As regards the data used in the Annual Activity Reports of the Commission departments, the Secretary-General and the Directorate-General for Budget have since 2017 instructed all Commission departments to assess the reliability of the performance data contained in those reports. Services were instructed to report systematically on the sources of data and, where concerns about the reliability of data exist, to either discontinue use of these data or provide the necessary explanations in their reports.

Cooperation and Verification Mechanism reports

66. According to the Secretary general annual activity report for 2018 (Specific objective B1 of the Secretariat-General's Strategic Plan 2016-2020, AAR page 17) ..., the situation in Romania had seen backtracking on past achievements, which has called into question the path towards the goal of being able to conclude the mechanism by the end of this Commission's mandate. The Secretariat-General plays an important role in proposing solutions in order to remove obstacles and maximise progress.

What has the Secretary General concretely done to redress the situation?

Commission's answer:

The Secretariat General has continued to be in the lead for the Cooperation and Verification Mechanism (CVM) and has been in constant contact with Romanian authorities and stakeholders, both in Brussels and in Bucharest (where it has a resident adviser). Since 2018 and until May 2019 the situation in Romania in relation to the CVM has continued to deteriorate and the Commission has had to raise rule of law-related concerns a number of times, specifically voicing concerns on backtracking from the progress made in previous years. For much of this period, there was little or no willingness on the part of Romanian authorities to engage with the recommendations from the CVM – or indeed with recommendations issued by the Venice Commission and the Council of Europe's Group of States against Corruption. In May 2019, the Commission addressed a letter to the Romanian authorities setting out how recent developments had further exacerbated the existing problems regarding the respect for the rule of law in general. It raised the prospect that if the situation did not improve, the Commission would have to take steps under the rule of law framework. In June 2019, in a meeting with President Juncker and First Vice-President Timmermans, the Romanian Prime Minister committed not to pursue the controversial judicial reforms and to immediately resume dialogue under the CVM in order to progress on judicial reforms and fight against corruption. This changed approach was also in tune with the results of a referendum in May 2019, called by the President of Romania, in which an overwhelming majority of Romanian citizens supported proposals to strengthen the safeguards against corruption and the arbitrary use of emergency ordinances. The new Romanian government has expressed its intention to resume progress under the CVM and the Commission, under the lead of the Secretariat-General, will offer the necessary assistance to this purpose.

Subsidiarity

67. In November 2017, President Juncker established the Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently'; this task force presented a report in July 2018. Is this task force still active? What will be the follow-up given to its report?

Commission's answer:

The Task Force on Subsidiarity, Proportionality and 'Doing Less More Efficiently' ended with the presentation of its report to President Juncker on 10 July 2018.

In the Communication "The principles of subsidiarity and proportionality: Strengthening their role in the EU's policymaking" (COM (2018)703 - 23.11.2018), the Commission described how it intends to follow up on the Task Force's recommendations:

- Promote a common understanding of subsidiarity and proportionality, in particular, by:
 - a) incorporating the grid for assessing subsidiarity and proportionality in its better regulation guidance and use the grid to present its findings in impact assessments, evaluations and explanatory memoranda;
 - b) using the grid as guidance in its communication with national Parliaments;
 - c) making more visible the feedback it receives about its proposals from local and regional authorities to the European Parliament and the Council in each legislative procedure.
- More active involvement of local and regional authorities. It will: a) amend its better regulation guidance to highlight the importance of capturing the views and experience of local and regional authorities; b) revise its public consultation questionnaires to include questions about issues relevant for local and regional authorities including regional assemblies.
- Improve assessment and presentation of relevant impacts. The Commission intends to: a) amend its better regulation guidance to highlight the importance of screening and assessing territorial impacts; b) present more clearly its assessments of subsidiarity, proportionality and information about who is affected (and how) in its impact assessments, evaluations and explanatory memoranda.
- Evaluate existing legislation from the perspective of subsidiarity. The Commission intends to: a) ensure that when evaluating the existing stock of legislation, evaluations look more closely at subsidiarity, proportionality, legislative density and the role of local and regional authorities; b) set out the changes in scope and composition of the REFIT Platform to reshape it and to address these issues in the stocktaking of better regulation; c) ensure that relevant delegated and implementing acts are addressed systematically as part of evaluations.
- Enable national Parliaments to scrutinise more effectively. The Commission will a) discount also the Christmas/New Year period, as requested repeatedly by national Parliaments; b) give greater visibility to the views expressed in national Parliaments' reasoned opinions by providing aggregated responses, where relevant, and targeting their concerns and identifying proposals raising most comments in its annual reports on subsidiarity.

Revision of the European Citizens' Initiative Regulation (Specific objective C2 of the SG Strategic Plan 2016-2020)

68. On 12 December 2018, the European Parliament and the Council reached a political agreement on the Commission's proposal to reform the Citizens' Initiative mechanism

How many citizen's initiative took place so far? Has the Secretary-General made a cost benefit analysis of this new tool introduced in the Treaty to close the gap between the citizen's and the institutions?

Commission's answer:

70 citizens' initiatives have been registered since the launch of the instrument in April 2012 (total number as at November 2019). The staff working document accompanying the proposal to revise the European Citizens' Initiative adopted by the Commission on 13 September 2017 includes details on the proposed improvements and related costs. These are also based on the findings of three different studies, as well as other relevant reports on the review of the ECI initiated in 2015.

Residual error rate

69. The Secretariat-General has a low-risk profile in financial management mainly because of the small size of its budget and because almost all contracts entered into are against framework contracts.
70. Why does the Secretariat-General use as indicator "residual Error Rate: below 2 %" (AAR page 30) and not "error rate at payment : below 2%;?"

Commission's answer:

There are two types of error rates which have to be disclosed in the AAR; the error rate at payment and the error rate at closure (residual error rate). The error rate at closure is the one recommended by DG Budget as the most relevant one because it takes on board possible corrections. However, for SG these are identical because no future corrections are brought to existing amounts further to recovery orders and ex-post controls. Therefore, error rate at payment below 2% can also be used as an indicator.

Special Advisers

71. How many Special Advisers the Commission had in 2018? How many Special Advisers each Commissioners had and how many the President had? What procedure is applied in the selection procedure leading to becoming a Special Adviser, what is the final decision based on? What is the length of a typical Special Adviser contract?

Commission's answer: DG HR, SG.C2

The Commission had 70 Special Advisers in 2018. The information is in a table, which will be transmitted as confidential under the provisions of Annex II 3.2.1 of the Framework Agreement between the European Parliament and the European Commission.

The table shows the repartition of the Special Advisers per Cabinet, including the President. The procedure applied for the designation and appointment of a Special Adviser is laid down in the Rules on Special Advisers in Commission Decision C(2007)6655 of 19/12/2007 as amended by Decision C(2014)541 of 6/02/2014. The Decisions are available on Europa⁵. Typically, Special Advisers work for less than 20 days per year; the contracts are concluded on an annual basis.

NGOs

72. What was the total amount in 2018 of NGO funding from the Commission's directly? How are expenditures controlled? Which NGO's are the 20 main beneficiaries of the EU funds? On what basis is the funding of NGO's decided?

Commission's answer:

While the term non-governmental organization (NGO) is widely used, it has no generally accepted definition at international or EU level.

The Commission has developed, on its own initiative, a system whereby organisations declare themselves as NGOs, under the pre-requisite that the legal entity concerned is flagged as both a private and not-for profit organisation, which are both objective and verifiable criteria.

Based on this approach, in 2018 the total amount in commitments of NGO funding from the Commission under direct management was around EUR 2.3 billion.

The Commission actively monitors the implementation of projects and conducts the necessary financial checks. In accordance with the relevant legal framework the Commission may: (1) request the beneficiaries to make available all financial information concerning a project; and (2) conduct checks, including on-the-spot checks, related to the EU-funded operations.

In 2018, the 20 main beneficiaries of the EU funds were (Direct Management):

- MAX-PLANCK-GESELLSCHAFT ZUR FORDERUNG DER WISSENSCHAFTEN EV
- STIFTELSEN FLYKTNINGHJELPEN / NORWEGIAN REFUGEE COUNCIL
- FRAUNHOFER GESELLSCHAFT ZUR FORDERUNG DER ANGEWANDTEN FORSCHUNG EV /FHG-
- DANSK FLYGTNINGEHJAELE FORENING / DANISH REFUGEE COUNCIL
- FORSCHUNGSZENTRUM JULICH GMBH / JULICH SUPERCOMPUTING CENTRE JSC
- ACTION CONTRE LA FAIM / ACF
- WEIZMANN INSTITUTE OF SCIENCE
- THE CHANCELLOR MASTERS AND SCHOLARS OF THE UNIVERSITY OF CAMBRIDGE
- DEUTSCHES ZENTRUM FUR LUFT - UND RAUMFAHRT EV
- FUNDACION ACCION CONTRA EL HAMBRE / ACTION CONTRE LA FAIM-ESPAGNE FACH
- CONCERN WORLDWIDE LBG
- STICHTING CARE NEDERLAND
- FUNDACION CIRCE CENTRO DE INVESTIGACION DE RECURSOS Y CONSUMOS ENERGETICOS

⁵ https://ec.europa.eu/info/about-european-commission/service-standards-and-principles/transparency/special-advisers_en

- INTERNATIONAL RESCUE COMMITTEE UK / IRC UK
- ACONDICIONAMIENTO TARRASENSE ASSOCIACION / LEITAT
- ACTED
- FUNDACIO INSTITUT DE CIENCIES FOTONIQUES FUNDACIO PRIVADA / ICFO
- WORLD VISION DEUTSCHLAND EV / WVD
- DEUTSCHE WELTHUNGERHILFE EV*GERMANAGRO ACTION
- CARE OSTERREICH VEREIN FUR ENTWICKLUNG SZUSAMMENARBEIT UND HUMANITARE HILFE.

The selection procedures are chosen depending on the form of financing (i.e. grants, service contract, etc.) which is in turn chosen depending on the objectives of the programme. For example, in the treatment of applications for funding through grants, provided the applicants – this does not include solely NGOs – satisfy the applicable eligibility and selection criteria, the focus of the Commission is on the project description and whether it matches the programme objectives and how it could contribute to their achievements (award criteria). Selection of entities for funding would unlikely target any particular type of entity (e.g. NGOs, SME, international organisation, etc.) but entities that have the technical capacity and the financial solidity to implement the projects that will support achievement of European policies.

Studies

73. What was the European Commission's spending on studies and consultations and other expenditures in 2018? What was the 20 biggest amounts paid and to which companies? Is there a transparent register with all the contracts? For what amount has the Commission and each DG purchased studies (both from private entities and from companies) during the 5 years term and which specialists or research institutions were the main beneficiaries? How were those companies and experts chosen? What is the total amount spent on studies and consultations?

Commission's answer:

Companies and experts are selected in accordance with the procurement rules and procedures established in the Financial Regulation which include inter alia an extensive publication of the services requested and the exclusion, selection and award criteria on the basis of which each tender is evaluated prior to the award of a contract. When awarding public contracts for studies, the Commission must comply with the principles of transparency, proportionality, equal treatment and non-discrimination, and sound financial management.

As far as the other questions are concerned, the Commission is currently conducting the necessary research in order to provide a detailed answer. It will be provided as soon as the research is finalised. The Commission is also considering how to make evidence underpinning the policy-making process, including studies, available more systematically in future through a possible interinstitutional register.

Conflict of interest of the Commissioners

There is possibility that the (former) Commissioners might use their privileged position to lobby the EU on behalf of private subjects. This might lead to influencing EU policy. The conflict of interest at the European Commission desperately needs to be addressed. Addressing this problem undoubtedly requires a reform of the powers, membership and tools available to ethics investigations within the Commission.

74. What was in 2018 done to improve it, how was it improved? What are the results of implemented measures?

Commission's answer:

The new Code of Conduct⁶ for the Members of the European Commission, approved by the Commission on 31 January 2018 after consultation of the European Parliament strengthened considerably the provisions applicable to former Commissioners' post mandate activities. Article 11(4) of the Code states that former Commissioners shall not lobby the Members of the Commission or their former staff on behalf of their own business, that of their employer or client, on matters for which they were responsible within their portfolio, for a period of two years after ceasing to hold office (three years in the case of former Presidents). Moreover, the mandatory notification period has been extended to two years (three years for former Presidents) and aligned to the maximum period for perceiving a transitional allowance set by the Council in 2016. These provisions have already been implemented in 2019 in the framework of the Commission's assessment of envisaged post-mandate activities notified by outgoing Members of the Juncker Commission.

75. What has been made in reforming ethics investigations within the Commission?

Commission's answer:

The new Code of Conduct for the Members of the European Commission also replaced the previous Ad hoc Ethical Committee with a strengthened body, the Independent Ethical Committee. The Code sets out clear criteria for the composition of the Committee with independent external personalities who can benefit from dedicated secretarial support. The new Committee has a broader mandate to advise the Commission on any ethical question related to the Code of Conduct. In case a negative opinion is considered, the Committee can hear the Commissioner or former Commissioner concerned. Moreover, the new Code allows the Commission to issue a reprimand in addition to the possibilities provided for in Articles 245 and 247 of the Treaty on the Functioning of the EU.

Revolving doors

The revolving door mechanism at the European Commission desperately needs to be addressed. In 2017, the European Ombudsman called on the European Commission to enforce a 1 year lobby and

⁶ OJ C65, p. 7

advocacy ban for their former employees. If necessary, the new activity should be forbidden by the European Commission. Considering the recent revolving door scandals, it is urgent to reinforce transitional allowances as an effective tool for preventing conflicts of interest.

76. Can former European Commission officials lobby their former workplace, former colleagues, when they have moved into a new job?

Commission's answer:

The Commission's rules and procedures are designed to avoid possible conflicts of interest and to protect the legitimate interests of the Institution.

The Commission assesses cases of post-employment activities in line with Article 16 of the Staff Regulations. As the assessment is made on a case- by- case basis, prohibitions or restrictions must be well reasoned and proportionate. As a general rule, all staff members, whatever their position, when their envisaged activity could entail potential lobbying and advocacy, are subject to a prohibition from lobbying and advocacy vis-à-vis their service(s) of origin at the Commission on matters for which they were responsible during the last three years in service for a period of up to two years.

This case-by-case assessment is without prejudice to the provision of the third paragraph of Article 16 of the Staff Regulations, that provides that the Appointing Authority shall, in principle, prohibit senior managers, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former Institution for their business, clients or employers on matters for which they were responsible during the last three years in the service.

In addition, staff members wishing to perform an outside activity during leave on personal grounds are subject to a ban on lobbying and advocacy vis-à-vis their institution when the activity could lead to the existence or possibility of a conflict with the legitimate interests of the institution.

77. What was in 2018 done to improve it, how was it improved? What are the results of implemented measures?

Commission's answer:

In 2016 the Ombudsman closed its inquiry on the so-called "revolving doors" phenomenon commending the cooperative approach taken by the Commission and the progress made on most aspects covered by its inquiry, while making a number of suggestions for improvement, and announced it intended to follow up on the Commission's implementation of the relevant rules by carrying out a second own initiative inquiry in 2017. The European Ombudsman closed that follow-up inquiry with a decision adopted 28 February 2019. In that decision, the European Ombudsman considers that the Commission has generally high standards in the areas of ethics and transparency, but nevertheless made suggestions in order, in its view, to render the rules more effective and therefore meaningful.

While improvement is of course possible, and the Commission welcomes the vast majority of the suggestions of the Ombudsman, the Commission considers that its rules and procedures have been designed to avoid possible conflicts of interest and to protect the legitimate

interests of the Institution. The Staff Regulations have been even further reinforced with the 2014 reform which introduced the obligation for new staff or staff coming back from leave on personal grounds (if more than six months), to declare any potential conflict that could arise at the occasion of their entry or return into service. Senior managers are now subject in principle to a "cooling off" period of one year in case they intend to engage in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients, or employers on matters for which they were responsible during the last three years in service.

Facebook/Analytica

The scandal over the misuse of Facebook data by Cambridge Analytica and the growing evidence of illegal interference in elections were described by the commission as a “wake-up call” to which national governments had to respond. Facebook showed commitment to more transparency and straight forward language in its terms of use. But still, we should join forces and fight against potential misuse of digital data.

78. What was in 2018 done to improve it, how was it improved? What are the results of implemented measures?

Commission's answer:

Without prejudice to the powers of the Commission as guardian of the Treaties, the monitoring and enforcement of the application of data protection legislation falls primarily under the competence of national authorities and courts.

The Information Commissioner's Office, the United Kingdom's data protection authority, has been conducting an investigation into this matter. On 24 October 2018, the Information Commissioner's Office issued a monetary penalty notice under section 55A of the Data Protection Act 1998 against Facebook Inc. and Facebook Ireland Limited to the sum of £500,000 for serious breaches of data protection law⁷. Facebook challenged this decision in Court. The Information Commissioner's Office reached an agreement on the dispute with Facebook on this matter in October 2019⁸.

The Irish data protection authority has also been following up with Facebook. The Chair of the Article 29 Working Party⁹ indicated on 21 March 2018 that all EU data protection authorities would work together in this process¹⁰. The Article 29 Working Party also established a Social Media Working Group to develop a long-term strategy on the issue¹¹.

⁷ <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2018/10/facebook-issued-with-maximum-500-000-fine/>

⁸ <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2019/10/statement-on-an-agreement-reached-between-facebook-and-the-ico/>

⁹ The advisory group set up under Article 29 of Directive 95/46/CE composed of all EU data protection authorities, the European Data Protection Supervisor, and the European Commission.

¹⁰ See statement of 21 March 2018 of the Chair of the Article 29 Working Party available at: http://ec.europa.eu/newsroom/article29/news.cfm?item_type=1307

¹¹ See press release of 11 April 2018 of the Article 29 Working Party available at: http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=621539

Following the revelations, Commissioner Jourova liaised with the Chair of the Article 29 Working Party and issued public statements fully supporting the investigation and encouraging the data protection authorities to prepare an EU-wide response and coordinate their actions in all the Member States. She has also met with the US Federal Trade Commission to understand the actions undertaken by the US. On 26 March 2018, the Commission sent a letter to Facebook asking for swift action and clarifications.

In September 2018, the Commission issued its package of measures on elections.

The Election Package includes a Commission Communication on securing free and fair European elections; a Commission Recommendation on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament; Commission Guidance on the application of Union data protection law in the electoral context; and a proposal to amend Regulation No 1141/2014 to introduce sanctions for the use of breaches of data protection rules to influence the outcome of elections to the European Parliament.

As part of its electoral package, the Commission has issued guidance on data protection in the electoral context: reminding national electoral authorities, political parties, data brokers and data analytics companies, social media platforms and online ad networks of the principles and obligations of the General Data Protection Regulation regarding the lawfulness of processing of personal data (including sensitive data such as political opinions), transparency requirements, automated decision-making and micro-targeting. The guidance also stresses that the national data protection authorities, as enforcers of the General Data Protection Regulation, have to make full use of their strengthened powers to address possible infringements.

Another key initiative to emerge from the electoral package were cooperation networks on elections established nationally and at European level, to enable the exchange of good practice and coordination of efforts to secure the elections among responsible authorities and between Member States. The European cooperation network met three times before the May European elections and once after the elections. Discussions were wide ranging, including on initiatives to raise awareness, including general communications campaigns to support citizens as well as specific training for particular groups. The network conducted an exercise with broad Member State participation on cyber-preparedness and cyber-resilience, and there is considerable appetite among Member States for such exercises to continue.

The amendment to Regulation 1141/2014 was also implemented in advance of the May elections and was in force for the elections.

The European Data Protection Board issued a statement on the use of personal data in the course of political campaigns in March 2019. National Data protection authorities are now considering issuing further guidance on this topic.

The Commission facilitated the elaboration of a Code of Practice on disinformation, which was signed in October 2018 by big online platforms, tech companies and associations from the advertising sector (Facebook, Google, Twitter, Microsoft [joined in May 2019], Mozilla and several trade associations). The Code contains a number of commitments to counter the spread of online disinformation and, in particular, to limit the malicious use of micro-targeting criteria in the context of political advertising. Another aim of the Code is to enable the

research community to better detect disinformation trends and patterns and, for this purpose, the platforms are committed to provide access to relevant privacy-protected datasets for research in the public interest.

79. What sanctions might be enforced?

Commission's answer:

It is the responsibility of companies to handle their customer's data in line with data protection rules, as now set forth in the General Data Protection Regulation. Failure to comply with the Regulation can be sanctioned by the competent national data protection supervisory authorities by an administrative fine up to EUR 20 million or to 4% of the total worldwide annual turnover of the company, whichever is higher.

In July 2018, the United Kingdom Information Commissioner's Office issued a Notice of Intent to fine Facebook £500,000 for serious breaches of data protection law. As the events took place prior to the entry into application of the General Data Protection Regulation, this fine was served under the Data Protection Act 1998 (the former UK Data Protection law). Facebook challenged this decision in Court. The Information Commissioner's Office reached an agreement on the dispute with Facebook on this matter in October 2019¹².

The Code of Practice on disinformation is voluntary by nature and, as such, does not include specific sanctions. The Commission is currently carrying out a comprehensive assessment of the Code's effectiveness after its first year of operation and will take further actions if necessary.

The amendment to Regulation 1141/2014 provided for sanctions for the use of data protection breaches to influence the outcome of the elections to the European Parliament. These provisions were in place for the elections, but it is too early to say whether there will be cause to enforce them at this time.

In the electoral package Recommendation, Member States were urged to implement appropriate sanctions on political parties and foundations at national and regional level for cases of infringements of rules on the protection of personal data being used to deliberately influencing or attempting to influence the elections to the European Parliament.

Member States were also asked to apply sanctions in the relevant electoral context when transparency of paid online political advertisements and communications is not provided, including of information on the political party, political campaign or political support group behind paid online political advertisements and communications, information on campaign expenditure for online activities, including paid online political advertisements and communications, as well as information on any targeting criteria used in the dissemination of such advertisements and communications.

It can take a long time for complete information to become available regarding the monitoring and enforcement of such rules.

¹² <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2019/10/statement-on-an-agreement-reached-between-facebook-and-the-ico/>

The Commission committed to reporting on the May European elections and the implementation of the electoral package, which is expected to be issued in the coming months.

Conflict of interests- Czech Republic

In a written reply to Transparency International Czech Republic, the Director-General for budget Gert Jaan Koopman stated that final audit report on the possible Conflict of Interests of the Czech Prime Minister Andrej Babiš in relation to the European Fund for Regional Development, the European Social Fund and the Cohesion Fund will be issued by the Commission no later than in December 2019.

80. Can you confirm the proposed schedule?

Commission's answer:

The Commission has received the Czech authorities' reply to the draft audit report in line with the deadline and is currently analysing it. From the moment of receiving a complete reply, the Commission has three months to send the audit report to the Czech authorities. The Commission can confirm that this will take place no later than December 2019.

It is important to respect due process and not to arrive at premature conclusions both concerning the analysis of the responses from the Czech authorities and the question of whether expenditure made would need to be corrected.

The Commission needs to take due account of the rights of the Member State authorities as auditees for a contradictory procedure on preliminary audit findings, as is the case for all Commission audits.

81. When does the Commission plan to present the results of investigation to the European Parliament?

Commission's answer:

The Commission has and will continue to keep the European Parliament informed on its action with respect to the alleged conflict of interests in the Czech Republic, taking due account of the confidentiality requirements.

The Commission is ready to come back to the European Parliament to give an update on the steps taken.

The above mentioned letter does not confirm any date for the publication of results of another ongoing Commission audit of the use of the European Agricultural Fund for Rural Development by companies related to PM Babiš.

82. What are the foreseen next steps in this audit procedure?

Commission's answer:

As concerns the ongoing audit related to the European Agriculture Fund for Rural Development, following the receipt of the Czech reply to the letter of findings in September 2019, the next step of the contradictory procedure is a bilateral meeting with the Czech authorities, to take place within five months from the deadline for the Czech reply.

After the bilateral meeting, the Member State has the possibility to provide additional information and request a hearing with the Conciliation Body in case it disagrees with the conclusions of the Commission services expressed in a conciliation letter.

Reference is also made to the written replies given by Commissioner Hogan in view of his hearing in the Committee on Budgetary Control on 17 October 2019.

83. Will the EC propose a revision of the staff regulations – or any other measure, such as, at a minimum a revision of internal guidelines – to make sure that whistleblower protection for EU staff fulfils the standards set by the recently adopted whistleblower Directive? If so, by when?

Commission's answer:

The rules on whistleblowing have been already revised in 2014, on the occasion of the review of the Staff Regulations. The Guidelines on whistleblowing have proved to provide for a solid understanding of the rules and their application. Moreover, the Commission will follow-up closely the implementation, by the Member States, of the Directive on whistleblowing and assess whether good practices could be taken in accordingly.

84. Can they tell us the exact timelines for when the EC expects to finish the investigations into the CAP and ERDF fraud in the Czech Republic? (And are they also investigating in SK and BG?) Will they already recommend to the Council to replace Babis during discussions on the CAP reform with, for example, the Czech PM

Commission's answer:

With respect to the alleged conflict of interests in the Czech Republic, the audits are following their course. The timeline is as indicated in the reply to questions 80 and 82 above. It is important to respect due process and not to arrive at premature conclusions until the contradictory procedure between the Commission and the Member State has been completed.

As regards Slovakia, the Commission understands that the Honourable Members are referring to the complaints from farmers in relation to their access to Direct Payments. The European Anti-Fraud Office (OLAF) is investigating allegations of misuse of EU funds for agriculture in Slovakia. Since investigative processes are ongoing, OLAF cannot issue any further comment at this stage. DG AGRI is auditing the Slovak management and control systems and following up on the Action Plans implemented by the Paying Agency. The Commission is also closely monitoring the rule of law aspects.

The Commission is also auditing the management and control systems in Bulgaria, as part of its audit programme and is cooperating closely with the Bulgarian audit bodies.

The Commission is closely following whether the judicial systems of the Member States act in case of rule of law issues. The Commission can assist the Member State, if necessary. The Commission has proposed a strengthened rule of law mechanism in 2019 in this respect; and has made a proposal for a regulation to protect the EU budget in case of generalised deficiencies with respect to the rule of law as part of the MFF package of proposals.

Reference is also made to the written replies given by Commissioners Hogan and Hahn in view of their hearing in the Committee on Budgetary Control on respectively 17 October and 11 November 2019.

85. Is there an evaluation of the work of the Ethical Committee? Will the Ethical Committee publish its work on a case by case basis?

Commission's answer:

Article 13(4) of the revised Code of Conduct for the Members of the European Commission provides that the Commission shall publish annually a report on the application of the Code of Conduct, including the work of the Independent Ethical Committee. The first annual report on the application of the Code of Conduct¹³ was published in June 2019 on the Commission's Europa website entitled 'Ethics and integrity for EU Commissioners'. The opinions delivered by the Independent Ethical Committee on former Commissioners' envisaged post-mandate activities are also published online, where necessary with due consideration to the protection of personal data, as well as the 2018 opinion of the Committee on the draft Guidelines for the participation of the Members of the European Commission in the 2019 European Election Campaign.

86. Were there any interns working for the European Commission with any type of contract with no salary?

Commission's answer:

The Commission runs one corporate internship scheme: the Blue Book traineeship, targeted at young or recent university graduates. In addition, the Joint Research Centre (JRC) runs a scheme applied in all its sites outside Brussels.

All of them are remunerated.

Besides the corporate scheme described above, Directorates-General are authorised to accept motivated requests for traineeships. The majority of them are persons in vocational training and students whose cursus requires a traineeship. Persons in vocational training receive remuneration from their employer while some students receive a grant from their educational institute.

Notification of professional activity after leaving the Commission

¹³ SEC(2019) 266

If a member of the EU staff wishes to leave his or her institution and begin a new job within two years, he or she must inform the Commission in order to obtain prior authorisation.

87. How many permanent and temporary staff members (including members of the Commissioner's cabinets and Director-Generals) have left the Commission in 2018 (for comparison: 2017)? How many of those were below retirement age when they left the Commission? How many have notified the Commission of their new employment after leaving office?

Commission's answer:

The total number of persons (officials, temporary and contract agents) who left the Commission (through retirement or otherwise) was as follows: in 2017: 1776 persons, in 2018: 1597 persons. Of these, 615 persons retired in 2017 and 616 retired in 2018. The situation of retirements for persons under 65 years of age was the following: In 2017: 441 persons, In 2018: 616.

Professional activities after leaving the Commission notified by officials, temporary staff and contract agents: 567 in 2017 and 506 in 2018.

88. How and by whom were these notifications checked? In how many cases were the notified activities found to constitute lobbying or other advocacy vis-à-vis the EU institutions? In how many cases was authorisation for the activity not granted?

Commission's answer:

The Commission assesses cases of post-employment activities in line with Article 16 of the Staff Regulations. The Commission may prohibit an activity or give its approval subject to conditions only when and if the envisaged activity would be in conflict with the legitimate interests of the Institution. The appointing authority balances the need to ensure integrity through temporary prohibitions and restrictions and the need to respect the former staff member's right to engage in work and to pursue a freely chosen or accepted occupation. As the assessment is made on a case-by-case basis, prohibitions or restrictions must be well reasoned and proportionate. In fact, it is common that decisions authorising an activity contain robust but proportionate restrictions, when some aspects of the declared activity could create a conflict of interest. When deemed necessary, the Commission has forbidden its former staff, including former senior officials, from undertaking certain activities.

This case-by-case assessment is without prejudice to the provision of the third paragraph of Article 16 of the Staff Regulations, that provides that the appointing authority shall, in principle, prohibit senior managers, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former Institution for their business, clients or employers on matters for which they were responsible during the last three years in the service.

The Directorate General for Human Resources and Security consults the service of origin, the Secretariat-General and the Legal Service as well as the Joint Committee in order to ensure that a legally sound, consistent and coherent approach is applied across Commission services.

The Commission publishes each year information on the implementation of the third paragraph of Article 16 of the Staff Regulations, including a list of cases assessed, in line with the requirements of the Staff Regulations. It should be mentioned that the Commission did not receive any notification from a former senior manager of an activity where the only or core purpose was that of lobbying or advocacy. The Commission has however received notifications concerning activities which, even if lobbying or advocacy was excluded at the time of the notification, could because of their nature, actually or potentially, give rise to, or entail, lobbying or advocacy. The 2018 report on the implementation of third paragraph of Article 16 of the Staff Regulations indicates that there were five cases analysed in this context in 2017, and for which a ban on lobbying and advocacy was imposed.

The Commission does not have a legal basis to keep record of the type of activities performed by staff members for the other categories of staff. However, as a general rule, all staff members, whatever their position, when their envisaged activity could entail potential lobbying and advocacy, are subject to a prohibition from lobbying and advocacy vis-à-vis their service(s) of origin at the Commission on matters for which they were responsible during the last three years in service for a period of up to two years.

Transparency of lobby meetings

Since 2014, Members of the College, members of their Cabinets and Directors-General of the Commission may only meet interest representatives that are registered on the Transparency Register, and must publish information on their meetings on the Commission's website.

89. Is there a mechanism in place to check whether Members, members of their Cabinets and Director-Generals adhere to these transparency rules?

Commission's answer:

At the start of its mandate, the Juncker Commission decided that decision-makers at the political level (Commissioners) and those directly responsible for advising them (Cabinet members and Directors-General) would only meet with interest representatives which feature in the Transparency Register. Information about such meetings is published proactively. These unprecedented commitments were set out in two Decisions¹⁴ and subsequently enshrined in the new Code of Conduct for Commissioners¹⁵. They represent a key element under the Democratic Change priority of this Commission. The transparency measures have led to a significant increase in the number of entities that have signed up to the Transparency Register and the associated Code of Conduct.

No specific internal monitoring mechanism beyond the regular provision of statistics has been established. It is the responsibility of the persons concerned by the rules to ensure that information on every encounter with interest representatives is duly published. The Secretariat-General provides policy assistance and IT support to Cabinets and DGs.

¹⁴ Commission decision on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals (2014/838/EU, Euratom) and Commission decision on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals (2014/839/EU, Euratom)

¹⁵ OJ C65, p. 7

90. Has the Commission become aware of any cases where lobby meetings were not published (correctly)? If yes, what action was taken in these cases?

Commission's answer:

According to the Decisions, the information on the meeting held should be published within two weeks. More than 20,000 meetings of Commissioners, their Cabinet members and Directors-General have been published on Europa since December 2014. In limited cases, administrative omissions may occur due to the large number of meetings with interest representatives held daily within the Commission. Each time, such possible omissions either identified by the Cabinets and Directorates-General themselves or brought to the Commission's attention by external parties are duly and swiftly rectified by publishing the relevant meeting. The Commission is developing strengthened internal capacity-building measures to ensure that the rules are adhered to as strictly as possible, including targeted trainings and awareness raising actions.

Tendering procedures

91. Public tenders for contracts for the purchase of goods and services by the European Commission: Were there single bidder tenders in 2018? What were the reasons? Were there tenders where the same company won two or more tenders?

Commission's answer:

The Commission is currently further developing the future eProcurement corporate solution, which will allow for this type of information to be extracted. Currently the Commission does not have such a reporting tool that would allow for information to be extracted on the total annual number of procedures launched for which only one bidder submitted an offer, or on contracts that were won at least twice in row by the same tenderer. For the time being the e-submission IT tool that could provide this type of information is developed only to be used for open procedures above the threshold of the Public procurement Directive (EUR 144.000 as of November 2019). Currently, all the steps after the opening of tenders are done outside the system.

Sustainability in the Commission

92. With regard to the Environmental management system (EMAS), what results have been achieved in 2018 in terms of reducing carbon dioxide emissions and reducing waste, especially plastic?

Commission's answer:

The Commission recently released its Environmental Statement covering environmental performance up to 2018 for its eight main sites in Europe. It contains the following information:

Reported carbon dioxide (CO₂) emissions (from buildings' operation, vehicle fleet operation, staff missions and commuting) have decreased steadily between 2014 and 2018 from 135 000 tonnes to 117 000 tonnes. In the same period, the Commission has already achieved a 24% reduction- for CO₂ emissions due to buildings' energy consumption and a 16% reduction for CO₂ emissions due to its vehicle fleet, according to manufacturer's specifications.

The Commission has achieved a 15% reduction in per capita non-hazardous waste consumption between 2014 and 2018. The Commission does not report separately for plastic as it is usually mixed with metal (drinks / food cans) and cartons, and known as 'PMC' waste. In Brussels, by far the largest Commission site, PMC waste generation reduced by 2% between 2017 and 2018.

93. How much electricity, water and heat was consumed in 2018 in the Commissions premises (for comparison: in 2017)?

Commission's answer:

The total energy consumption of Commission buildings at the eight main sites, comprising mostly gas, electricity and district heating was 11.5 MWh/person¹⁶ in 2017. This was reduced to 10.6 MWh/person in 2018, achieving the 2014-20 target of 11.0 MWh/person.

E.g. the Commission reduced its annual water use in Brussels from 11.7 m³/person in 2017 to 11.0 m³/person in 2018, achieving its 2014-20 target.

94. How many single-use plastic bottles were discarded in 2018 by the Commission? Which initiatives is the Commission pursuing to further reduce the use of single-use plastic bottles?

Commission's answer:

As indicated in Question 92, most Commission sites report plastic waste along with that for metal (often food and drink cans) and cartons, together known as PMC. Brussels, the largest site, generated 144 tonnes of PMC waste¹⁷ in 2018.

The Commission has implemented multiple actions to reduce the use of single use plastic, including making cold filtered water available at dispensers recently installed in several Commission buildings. Cold filtered tap water is also available in all staff canteens. Carafes and glasses can be used for events such as conferences and meetings.

Awareness campaigns and communication are important and include messages encouraging staff to refill their own bottles and make use of the new tap water facilities. This can be through regular staff environmental awareness sessions, or as part of local staff organised events and workshops, or through mixed media campaigns conducted throughout the year.

¹⁶ Total consumption in 2017 was 400 912 MWh, in 2018, 384 579 MWh

¹⁷ Supplier records indicate just over one million bottles sold in Brussels in 2018, approximately 38 bottles per person

Waste reduction and management are usually addressed by one major corporate awareness campaign per year.

95. Travel of staff members: What percentage of work-related travel of Commission staff members is done by which mode of transport (plane, train, car, etc.)? Are tickets for more sustainable transport modes (e.g. train) fully reimbursed even in cases where other less sustainable transport modes (e.g. plane) are available at a lower price?

Commission's answer:

The internal rules for staff travel encourage train travel when the journey is less than 400 km; of course, trains can also be used on longer journeys. The mission performer's manager takes into account multiple criteria (which can include environmental impact) when approving the mission itinerary. Some staff justify longer train trips because they can work and therefore use their time more efficiently than if traveling by plane.

The Commission reimburses train tickets even in certain cases where the plane is cheaper, especially over shorter distances, particularly up to 400 km.

The following table gives the breakdown of total missions based on the mode of transport used for departure, return and during missions in 2018:

Mode	% of total missions
Air	44.6
Rail	22.6
Car	29.8
Boat	0.1
Bus	2.8

96. In its Rapid Case Review on reporting on sustainability the Court of Auditors notes that the information collected on sustainability by EU institutions, including the Commission, mainly relates to running of the organisation, not to its operations. Does the Commission envisage integrating in the annual activity reports of directorate generals and in the Annual Management and Performance Report sustainability issues related to its strategic planning and implementation of its core tasks?

Commission's answer:

President-elect Ursula von der Leyen has made sustainability an overriding political priority for the future Commission. The Commission's work in this area will be guided by the 2030 Agenda. The Commission is mainstreaming sustainability into its policymaking and will refocus the European Semester into an instrument that integrates the Sustainable Development Goals. The Commission will also monitor progress on the Sustainable Development Goals and will consider proposing corrective action where progress is insufficient. It will reinforce the content and visibility of reporting on sustainability and has taken good note of the challenges identified by the European Court of Auditors in this regard in its rapid case review. As part of this effort, the Commission is currently assessing how to enhance reporting on progress towards the Sustainable Development Goals, on the contribution of the EU budget to these goals, and on the sustainability of its own operations in its future reports. For example,

reflections are ongoing as part of the preparation of the Commission's future strategic planning and programming cycle on the role of the Annual Activity Reports and the Annual Management and Performance Report in this context.

Annual activity reports

97. The Commission's internal instructions on the preparation of the annual reports has changed after 2018, and now require a statement, designed to support the DG's declaration by declaring that the information is fair and true, by a member of the senior management of the Director -General not only on annual activity reports, but also on performance data. Does the Commission envisage that such a requirement will continue to be applied for future reports?

Commission's answer:

The Commission Internal Control Framework (C(2017)2373) requires that each Annual Activity Report contains a statement from one member of the senior management of the Commission department in question on the completeness and reliability of the information reported (including the information related to the performance of the Commission department in question). This practice introduced since the 2018 Annual Activity Reports will continue for the future Annual Activity Reports.

Last year the Secretary General of the Commission informed the Parliament that the Commission's internal instructions on the preparation of the annual reports for 2018 give clear guidance for harmonised reporting with regard to error rates. In the AARs 2018, however, different terminology for error rates presented by the different directorate generals and by the Commission in the Annual Management and Performance Report (AMPR) is used:

-) DG REGIO: residual total error rate and error rate at payment (AAR pp:13-14)
-) DG EMPL: residual total error rate; total error rate (AAR p. 58), risk 'at payment' (p. 74), cumulative residual total error rate (p. 13),
-) DG AGRI: adjusted error rate (AAR p. 142) and error rate for payments (AAR p 144)
-) DG RTD: residual error rate
-) AMPR: two error rates ('risk at payment' and 'risk at closure'); (pp 153)

98. How does the Commission envisage overcoming this problem in future?

Commission's answer:

The Commission presents error rates for each of its departments in the Annual Activity reports and across policy area in its Annual Management and Performance Report.

As EU spending programmes are multiannual by design, the related control systems and management cycles also cover multiple years. This implies that while errors may be detected in any given year, they are corrected in the current or in subsequent year(s) until the very end of a programme's lifecycle. Consequently, the risk (both as % and in amount) is estimated at two key stages in the cycle: at payment and at closure, as per the terminology used in all AARs and in the AMPR.

The risk at payment quantifies those errors that might remain after preventive controls have been applied and payments have been made. It is estimated by each department in their annual activity report, typically based on the 'detected error rates' from their ex-post controls and audits.

As part of this common methodology, some departments may use more tailored terminology – especially to reflect the specifics of the control systems in shared management. Hence the 'adjusted error rates' and 'residual total error rates' disclosed by the shared management DGs in the particular context of the Commission's acceptance of expenditure after the controls performed in the first instance by the Member States.

To determine the risk at closure, the estimated future corrections are deducted from the risk at payment. These are the corrections that each department estimates they will implement as a result of controls in subsequent years. (see 2018 AMPR subsection 2.1 and Annex 2).

In addition, in the specific context of the overall assurance building process, the Commission's authorising officers by delegation qualify their declaration of assurance with a reservation when the so-called residual error rate (see 2018 AMPR subsection 2.5 and Annex 3) is above the materiality threshold. This rate takes into account corrections made up to the moment of reporting (i.e. March n+1).

99. According to the Treaty on European Union the Commission is a Union's institution. The Commission, however, refers to itself as a 'corporation', using the term 'corporate' instead of 'institutional' in many aspects: Commission's corporate governance structure, the Corporate Management Board, a range of corporate policies, such as the Commission's Better Regulation agenda, Corporate Communication, etc. Such a terminology is used not only in annual activity reports, including this of the Secretary General, but also in Union's legislation. Could the Commission explain what has required replacement of the term 'institutional' with the term 'corporate', which is usually used for business corporations, within the Commission's documents?

Commission's answer:

As set out in Commission Communication C(2018)7703 on Governance in the European Commission, 'European Commission' is used to denote both the institution – i.e. the College – formed by the Members of the Commission, and the administration that supports the institution. As clarified in Commission Decision C(2018)7706 on the Corporate Management Board, the term 'corporate management' is used to contrast the internal management of the Commission administration as a whole with the management of a specific Commission department. Likewise, 'corporate governance' refers to the structures and processes put in place to provide guidance and strategic direction to all Commission departments on cross-cutting management issues, and hence to support the institution in delivering efficiently and effectively on its objectives.

Away Days

100. Doesn't the Commission find disproportionate that the expenses for away days in 2017 amounted to 2.1 million euros while only approximately 12,000 employees benefited from those activities?

Commission's answer:

Away days, participatory events and similar team-building activities are always work-focused and designed to have a direct and positive effect on staff in the medium and long term. This investment is efficient, particularly in view of the high impact of team events on staff engagement, motivation and sense of purpose. It also permits to break down silos and enhances staff commitment to better collaborate in designing innovative solutions to issues.

101. Regarding the away days in 2017, the Commission states "the vast majority of these events were held at the Commission's facilities, while some took place at external conference venues". Therefore, how does the Commission explain the high cost of the away days held in its premises? Can you indicate the cost of away days in 2018 and distinct internal and external events

Commission's answer:

Concerning the costs of such events, see reply to question 51. The Commission does not have distinct figures for external and internal events.

102. Does the Commission agree that budgetary cuts in away days would be preferable to cuts in other sensitive areas such as human resources?

Commission's answer:

Away days and other team events have a very positive impact as highlighted in the reply to question 100 and the budget for these events is modest in the context of the overall human resources budget.

Burnout

103. How does the Commission address the prevention, detection and treatment of burn-out cases in its staff?

Commission's answer:

The European Commission is facing the same challenges as other organisations/companies (e.g. need to deliver more with limited resources). In response to such challenges, in 2017, the Commission launched a fully-fledged strategy in order to better address the needs of Commission staff as regards their health, promotion of physical activities, ergonomic

workplace and better work/life balance. The strategy covers the period 2017-2020. It is complemented by an action plan covering the same period.

The action plan includes regular training, for managers and staff, on stress management, psychosocial risks and detection of warning signs of burn out, as well as other awareness raising actions such as lunchtime debates, presentations and specific guides.

The Commission offers annual medical visits to its staff members. During these consultations, the doctors can detect burn out symptoms. Staff members concerned are then invited to contact the psychosocial sector of the Medical Service for support.

Staff suffering from burn out or having difficulties in their professional life that could lead to a burn out can ask for professional advice and support from psychiatrists, psychologists and social assistants.

In addition, a return to work support is offered to help staff members have a smooth reintegration at work after a long sick leave.

104. As the indication of pathologies is not required on sickness absence certificates, is the Commission developing any mechanism that, at least on a voluntary basis, allow to detect burn-out cases at any stage with the objective of finding solutions and helping the employees as soon as possible?

Commission's answer:

The psychiatrists, psychologists and social assistants of the psychosocial sector of the Medical services of the Commission can detect, during their consultations, burn out cases or potential burn out cases. They offer psychological support and professional advice and can refer staff members to external experts for treatment. The psychosocial sector also offers a return to work support during or after a long sick leave.

The doctors of the Commission in charge of the control of medical absences can also detect symptoms of burn out and can refer staff members to the psychosocial sector of the Medical Services for appropriate support with the objective of finding solutions and helping staff members as soon as possible.

105. Can the Commission indicate how many long-term leave (longer than three months) there have been in 2018 (broken down by gender and grade please)?

Commission's answer:

In 2018, the overall sick leave rate was 4.3% (5.4% for female and 2.9% for men). Regarding categories of staff, the situation was as follows: for AD grades the overall sick leave rate was 3% (4% for female and 2.3% for men), for AST grades the overall sick leave rate was 5.9% (6.5% for female and 4.7% for men) and for CA grades the overall sick leave rate was 4.6 % (5.8% for female and 2.8% for men).

Out of these figures, the sick leaves longer than three months represented 38.9% for AD (41% for female and 35.8% for men), 50.6% for ASTs (51.2% for female and 49.1% for men) and 43.2% for CA (45.8% for female and 35.3% for men).

EPSO

106. Can the Commission provide a table with the number of successful candidates (laureates) and those of which have managed to become officials in the general EPSO competitions (AD and AST) since 2016, each figure broken down by gender, age and nationality?

Commission's answer:

The information is in a table, which will be transmitted as confidential under the provisions of Annex II 3.2.1 of the Framework Agreement between the European Parliament and the European Commission.

5% Staff Cut

The 5% staff cut has led to a generalised increase of contract staff in every institution:

107. What has been the exact savings from hiring contract staff instead of permanent officials in the Commission and the Executive agencies

Commission's answer:

In accordance with the Conditions of Employment of Other Servants (CEOS) and types of duties defined thereof, contract agents do not carry out the same tasks as officials and work under the supervision of officials.

Subsequently, the Commission does not develop a policy of hiring contract staff instead of permanent officials.

The delegation of tasks to the Executive Agencies over the 2014-2020 period has brought savings to the EU budget. This is not solely linked to the type of staff employed, but also to the high level of specialisation in the Agencies, which has brought efficiency gains. The total savings for salary expenditure estimated over the period are EUR 6.77 million, due to a net difference of 137.7 full-time equivalents.

108. How many contract agents are carrying out core tasks of the institution that should be accomplished by permanent officials for reasons of continuity, specialisation or security?

Commission's answer:

In accordance with the conditions of employment of other servants (CEOS) and depending on their function groups, contract agents carry out duties varying from manual to administrative or advisory tasks but do not undertake core tasks performed by officials.

In any event, as provided by the CEOS, all contract agents irrespective of their function groups perform their tasks under the supervision of officials or temporary staff and are subject to the same security clearance procedure and statutory obligations as officials, thereby guaranteeing the continuity, specialisation or security of the service.

109. How many contract agents of the group III are actually carrying out tasks belonging to the group IV?

Commission's answer:

The tasks assigned to contract staff in each function group are defined in the Conditions of Employment of Other Servants (CEOS) and more in detail for each position in the job description in SysPer. While they are validated centrally by DG HR for each publication, it is however possible that some tasks allocated to a staff member are in part or for a limited time those of a higher function group.

The new implementing provisions for Contract Agents adopted by the Commission at the end of 2017 provide a new mechanism to resolve inconsistencies where the recurrent tasks executed are at variance on a structural basis with the function group of the staff members concerned.

110. How does the Commission assess in terms of cost/efficiency the loss of the experience accumulated by the contract agents once the six years contract have passed and having to re-fill those jobs with brand new staff that need to be trained nearly from scratch ?

Commission's answer:

Fixed-term contracts are necessary for the Institutions to be able to maintain the stability of the service and allow the Commission to cope with higher workloads and meet its changing policy requirements in a flexible way.

In any event, in accordance with the conditions of employment of other servants (CEOS), contract agents do not carry out core tasks and work under the supervision of permanent officials.

As a reference point, the Commission guidelines on mobility set a 5-year indicative period to remain on the same assignment. Mobility is encouraged and supported by several actions in the Commission Talent Management Strategy adopted in 2016 as a key element in favour of career development.

Harassment

111. How many harassment cases were there among the staff in 2018?

Commission's answer:

In 2018, there were 9 new cases of alleged harassment addressed to IDOC, in the framework of the formal procedure. Out of the 9 newly reported cases, 8 were closed as non-cases after the preliminary assessment. In the remaining case, an administrative inquiry was opened and is still ongoing.

Apart from the formal procedures, the Commission is also helping staff facing a difficult workplace situation, even if this cannot technically be considered as a formal harassment case. The confidential counsellors saw 169 staff members in 2018 under the informal procedure. These figures refer to any difficult workplace situation (be it a conflict, inappropriate behaviour or alleged harassment). When looking at the figures, the important point is, unless

harassment has been established by a disciplinary process, we can only speak of situations of alleged harassment.

112. Could you please provide a table with gender, age and professional grade of harassers and victims?

Commission's answer:

The Commission does not keep this type of statistics for formal procedures. The limited number of cases does not justify a statistical analysis and would not allow to draw reliable conclusions due to the small sample. With regard to the informal procedure, different kinds of situations, other than alleged harassment, are dealt with as well in this procedure, as explained in the reply to question 111. Therefore, a statistical analysis would also be misleading with regard to harassment.

113. In how many cases the victim has requested a long-term sick leave?

Commission's answer:

The Commission does not have this type of statistics inter alia for the reasons set out in reply to question 112.

114. How many harassment cases occurred in 2018 resulted in a disciplinary action? In those cases, what were the disciplinary measures applied?

Commission's answer:

Out of the 9 newly reported cases, 8 were closed as non-cases after the preliminary assessment. In the remaining case, an administrative inquiry was opened and is still ongoing.

Open spaces in the EU institutions

115. To what extent has the 5% staff cut influenced the increased establishment of open spaces by the Commission?

Commission's answer:

There is no direct link between the staff cut and establishment of collaborative spaces. Collaborative spaces are one of various types of existing office set-ups, which were introduced for the first time a few years ago. Currently, there are 17% of staff occupying this type of office set-up, while 45% are housed in individual offices and 38% in shared offices.

116. Has the Commission calculated how much money is saving thanks to the establishment of open spaces during the period 2014-2018?

Commission's answer:

The budgetary implications are important but must not take priority over what is good for the organisation and people. The possible gains are to be to a certain extent reinvested as foreseen in Communication to the Commission C(2019)7450 "The workplace of the Future in the European Commission" in principle 10 ("A substantial part of the cost savings resulting from space optimisation should be reinvested to create attractive and inspiring workspaces"). The goal is to create a working environment that helps staff work as effectively and efficiently as possible, where health and well-being of the staff is duly taken into account and contributes to the attractiveness of the Commission as an employer, taking into account the evolution in technology and working practices.

117. In addition to making savings and balancing out the teleworking, what is for the Commission the real added value of using open spaces nowadays, where more and more experts agree that this organizational system is detrimental to the employees' productivity and job satisfaction, especially in certain work sectors?

Commission's answer:

Each type of office set-up has benefits and disadvantages. Nevertheless, by tailoring the design to specific types of work, the advantages can be further improved. Typical benefits reported with collaborative spaces include: adapted workspaces to various tasks and activities, choice of working space based on individual or team needs, improved information flow, collaboration and communication among co-workers, and cost effectiveness.

A good practice in deciding what type of office set-up should be offered to employees is to base this decision on the nature of work undertaken. The objective should be to accurately match the demands of a specific work type with the features of the physical working environment. The ideal workspace reflects the needs of the service.

The Communication to the Commission C(2019)7450 "The workplace of the Future in the European Commission" states in principle 6 that "*A one-size-fits-all office set-up is not suitable in the Commission's highly diverse context. Various office arrangements should be available to match the demands of different types of work performed by Commission staff.*" and in recommendation 6 that "*After each substantial change in the work environment, ensure proper follow-up to assess satisfaction and well-being and make any necessary adjustment measures*".

118. Has the Commission carried out an impact assessment every time that has replaced traditional office models with open spaces? Prior to establishing an open space, does the Commission consult the staff, the staff representatives and the unions in each case?

Commission's answer:

Following the procedure for the implementation of the collaborative space, OIB launched, six months after the move in the building, a satisfaction survey, in order to map the staff's impressions and satisfaction level with the new environment. The results thereof were used

to plan and implement corrective measures, in particular concerning the acoustic environment.

The Communication to the Commission C(2019)7450 “The workplace of the Future in the European Commission” states in principle 9 that “*Staff affected should be involved throughout the process of conceptualising and implementing the new workspace*”.

Moreover, the Committee for prevention and protection at work in Brussels (CPPT) and to the Committee health and safety in Luxembourg (CSHT) are specifically involved when staff would move into collaborative spaces following the rules of Housing Conditions Manual for Commission DGs and Services (part 2).

119. Has the Commission taken into account in each case that open spaces cannot be used indiscriminately for all the services?

Commission’s answer:

The Communication to the Commission C(2019)7450 “The workplace of the Future in the European Commission” states in principle 6 that “A one-size-fits-all office set-up is not suitable in the Commission’s highly diverse context. Various office arrangements should be available to match the demands of different types of work performed by Commission staff”.

Finding the best arrangement for the workplace of staff, bearing in mind well-being and attractiveness, is at the heart of the policy of the Commission.

120. Does the Commission have a work risk-prevention service able to identify the risks arising from open spaces?

Commission’s answer:

The Commission has an internal service for prevention and protection at work in Brussels and an internal service for health and safety at work in Luxembourg. They are in charge of the implementation of the policy and the rules in the area of health, safety, prevention and protection at work.

Moreover, the medical service promotes the health (physical and psychosocial) of all active staff members and provides medical advice to the Institution.

121. Has the Commission monitored the impact of the increasing use of open spaces on the staff health and welfare?

Commission’s answer:

The Commission will continue to monitor the impacts of changing working arrangements, including possible issues such as discomfort, adaptation challenges and their potential consequences in terms of, for example, sickness, absence or loss of productivity and take appropriate measures to address problems identified. At present, the Commission does not have statistical data related to the impact of changes to the environment and the organisation of work.

The Communication to the Commission C(2019)7450 “The workplace of the Future in the European Commission” states in recommendation 6 that “After each substantial change in the work environment, ensure proper follow-up to assess satisfaction and well-being and make any necessary adjustment measures”.

122. Has the Commission monitored the impact of the increased establishment of open space on job productivity?

Commission’s answer:

Please refer to the reply provided under question 121.

123. - Has the Commission monitored the impact of the increased establishment of open spaces on the staff health and welfare versus job productivity?

Commission’s answer:

Please refer to the reply provided under question 121.

124. Once an open space has been established, staff satisfaction surveys have been carried out? Are the results available yet?

Commission’s answer:

Following the procedure established for the implementation of the collaborative space, OIB launched six months after the move into collaborative space a satisfaction survey, in order to assess the staff’s impressions and satisfaction level with regard to the new work environment.

The OIB launched surveys in the last quarter of 2017 to gauge the satisfaction level with the new collaborative work environment in DG DIGIT, OIB and PMO. The results showed a quite even distribution between dissatisfied (30%), neutral (33%) and satisfied (37%). Overall, satisfaction levels were significantly higher for employees who had prior experience with collaborative or open offices. Temperature and noise levels were identified as areas for improvement. The results thereof were used to plan and implement corrective measures, in particular concerning the acoustic environment.

These results were also taken into account in the context of the Communication to the Commission C(2019)7450 “The workplace of the Future in the European Commission” which aims to propose a framework for the Commission’s future work environment in terms of human resources, IT and office set-up.

125. Has the Commission monitored how many long-term sick leaves have occurred after establishing an open space?

Commission’s answer:

Changes in the working environment and the organisation of work can cause discomfort and other challenges linked to adaptation to the new arrangements. At present, the Commission

does not have data related to potential consequences in terms of, for example, sickness, absence or loss of productivity stemming from changes in the environment or the organisation of work. This is nonetheless closely monitored and measures are taken to address problems identified.

The Communication to the Commission C(2019)7450 'The workplace of the Future in the European Commission' in recommendation 6 (After each substantial change in the work environment, ensure proper follow-up to assess satisfaction and well-being and make any necessary adjustment measures).

126. For example, how many long-term sick leaves have occurred in the OIB since the establishment of open spaces?

Commission's answer:

Since the establishment of open space in OIB, the number of long-term sick leaves has remained stable and is being closely monitored.

127. Is the Commission taking into account the cost of medical expenses resulting from the establishment of open spaces when calculating costs and expenses of this system?

Commission's answer:

At present, the Commission does not have statistical data related to the cost of medical expenses resulting from establishment of collaborative spaces.

128. Concerning the current project of DG BUDG to transform the entire workspace of its staff (placing 626 employees into a system of open spaces):

) What is the overall cost of the operation?

Commission's answer:

It is not possible to provide an overall cost of the possible future transformation into collaborative space of DG BUDG's workspace at this time, as in-depth consultations with staff are still on-going and no decision has been taken.

) Is there going to be any savings in square meters?

Commission's answer:

The transformation of the 13th floor of the BRE2 building has increased by 15 (60%) the number of staff accommodated on this floor, which translates into 450 m² of rental surface (i.e. 15 x 30 m²/pp). The net office space for hierarchical positions has decreased by 154 m² (former net surface 248 m², new net surface 94 m²).

) Is there going to be any major savings in the budget in terms of DG BUDG's workspace cost?

Commission's answer:

It is not possible to provide an overall cost for the possible future transformation into collaborative space of DG BUDG's workspace at this time, as in-depth consultations with staff are still on-going and no decision has been taken. However, the transformation of the 13th floor has significantly increased the occupational capacity of this floor by 60% (15 staff members). This represents for this single floor savings of approximately EUR 155.000 per annum (15 x 30m² (ratio in building with partitioned offices x EUR 344 (rental and maintenance costs)). The return on investment will thus be reached after just four years (cost (works, furniture and fittings/ savings (rent))).

) What is the added value in opposition to the current situation?

Commission's answer:

Should a decision be taken to transform all DG BUDG workspace into collaborative space, the added value will come from being able to accommodate all DG BUDG staff in one building and by being able to provide all DG BUDG units with a layout tailored specifically to their tasks and work practices. Added value will also be brought through the aesthetics and quality of the physical environment and the increased quantity of, and improved, common facilities such as state-of-the-art equipped project spaces and meeting rooms, conviviality and well-being spaces.

) What are the pursued objectives?

Commission's answer:

In response to the problems identified through an initial staff survey, inter alia,

- insufficient and inflexible office space to house all colleagues appropriately in one building;
- insufficient and ill-equipped meeting room capacity;
- inadequate and outdated building design hampering new ways of working (such as project/team work);
- lack of conviviality/social spaces

The primary objectives are:

- (i) To provide all DG BUDG colleagues with a high quality work environment adapted to their needs and to the fast-evolving and increasingly complex and inter-linked world of work when it comes to digital/technological developments and information and knowledge flows;
- (ii) To provide DG BUDG colleagues with a work environment in which they can perform their tasks in a more effective and efficient manner. Through the optimisation of the space available, it will be possible to create meeting rooms and project spaces equipped with the latest technology in which formal and informal exchanges can take place and also to provide conviviality and well-being spaces;

In line with the principles of sound and efficient management of financial resources and the Commission's ambitions with regard to sustainability, to reduce DG BUDG's ecological footprint to the extent possible.

) Have impact studies on job welfare been carried out?

Commission's answer:

An impact study with regard to colleagues who have moved to the 13th floor has not yet been carried out in view of the fact that the move into collaborative working space is so recent (16 September 2019). It is important to underline nonetheless that all rules and guidelines laid down in the Commission's "Housing conditions manual" have been strictly adhered to, taking into account the interests of the service and the nature of the work undertaken by staff, with particular attention paid to staff well-being. All staff moving to the 13th floor were fully involved in the development of the project from the outset to ensure that their specificities and multi-disciplinary needs were respected. The 13th floor transformation is also fully aligned with the Commission's recently adopted policy to make the organisation fit-for-the-future by taking into account parallel behaviours, bytes and bricks.

) Has the Commission monitored the impact of the new open spaces in DG BUDG on the job productivity and the staff health and welfare?

Commission's answer:

Over the past 7 weeks since the transformation of the 13th floor of the BRE2 building into collaborative space, there has been no measureable impact on productivity or staff health and welfare. The general feeling of colleagues in Unit 03 however is that their new work environment facilitated the preparation of the transition to the new College (e.g. collegial work on the preparation of briefing book/hearings, etc.); two newcomers to Unit 03 have also indicated that coming to work in collaborative space has facilitated and speeded up their integration into the team.

) What are the results of the survey carried out in September among DG BUDG's staff about the establishment of the open space? How is DG BUDG going to undertake the results of the survey?

Commission's answer:

The survey launched by the Local Staff Committee on 15 July 2019 (which closed on 13 September) on a possible move to collaborative space, which was based on 9 (closed) questions and in which 60% of DG BUDG staff participated, appears to show that a majority of staff were not in favour of such a move. While one cannot ignore the results of this survey, the survey was launched at a time when in-depth consultations with staff had not yet started with regard to their specific needs (i.e. possible layout of floors, workstations, projects zones, quiet rooms, etc.) and when the 13th floor transformation had not yet finished. Intensive consultations which have since taken place with staff have helped to assure colleagues that collaborative space is not a "one-size fits all open space", but is adapted to suit team needs with a combination of different sized groups of work stations, project areas, quiet rooms, meeting rooms and conviviality spaces. Collaborative space also comes with technology; all colleagues benefitting from laptops and Skype for business, enhancing flexible and agile ways of working.

Miscellaneous

129. How many written parliamentary questions did the European Commission answer in 2018?
What was the average cost per replying a written question in 2018?

Commission's answer:

In 2018, the Commission replied to 6 436 written questions.

In its reply to P-006180/2015, the Commission estimated that, for the year 2015, the time spent by the Commission staff in preparing replies to parliamentary questions represented at least 76 full-time equivalents (FTE) which could be expressed as approximately EUR 490 per question.

For 2018, using the same methodology and given the lower number of parliamentary written questions compared to 2015, the Commission estimates that at least 29 full-time equivalents were dedicated to the preparation of replies to written parliamentary questions, with an approximate cost of EUR 535 per question. This is broadly the same as in 2015 (the slight increase reflects the change in the average cost of a full-time equivalent).

130. 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 2018, statistics of attendance at the 40 weekly meetings of the Commission are as follows:

	Attendance out of a total of 40 meetings	% of attendance
Mr. PRESIDENT	38	95
Mr. TIMMERMANS	36	90
Mrs MOGHERINI	28	70
Mr. ANSIP	36	90
Mr. ŠEF OVI	34	85
Mr. DOMBROVSKIS	36	90
Mr. KATAINEN	34	85
Mr. OETTINGER	35	88
Mr. HAHN	29	73
Mrs MALMSTRÖM	34	85
Mr. MIMICA	32	80
Mr. ARIAS CAÑETE	37	93
Mr. VELLA	36	90
Mr. ANDRIUKAITIS	34	85
Mr. AVRAMOPOULOS	33	83

Mrs THYSSEN	35	88
Mr. MOSCOVICI	30	75
Mr. STYLIANIDES	38	95
Mr. HOGAN	38	95
Mrs BULC	37	93
Mrs BIE KOWSKA	33	83
Mrs JOUROVÁ	34	85
Mr. NAVRACSICS	33	83
Mrs CRE U	30	75
Mrs VESTAGER	34	85
Mr. MOEDAS	31	78
Mr. KING	37	93
Mrs GABRIEL	30	75

Average attendance out of a total of 40 meetings

34

85

Information regarding College attendance is public via the minutes of the College meetings available on the Commission's register of documents since 2001.

The absence from the meetings of the College is agreed with the President and restricted to exceptional and justified circumstances such as interinstitutional obligations and the formal requirement of the external representation of the EU.

131. Is the Commission aware of any breaches of the Code of Conduct for Commissioners in 2018?

Commission's answer:

No, the Commission is not aware of any breach of the Code of Conduct for the Members of the Commission in 2018. Should it have been aware of any such situation, it would have taken the necessary measures, including the possibility of expressing a reprimand, as foreseen in Article 13(3) of the revised Code of Conduct for the Members of the Commission. More information on 2018 can be found in the first annual report on the application of the Code of Conduct (SEC(2019) 266) that was published in June 2019 on the Commission's Europa website entitled 'Ethics and integrity for EU Commissioners'.

132. 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?

Commission's answer:

According to the Annual Report on the application in 2018 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents, the European Commission received 6,912 initial applications for access to documents. It provided in response 7,257 initial replies, amongst which 6,117 were issued under Regulation (EC) No 1049/2001. (Depending on the contents of the requests or the status of the applicants, the remaining replies resulted in responses handled in accordance with other legal frameworks such as the Code of Good Administrative Behaviour or the Principle of Sincere Cooperation).

Full access was granted in 59.39% of the replies; partial access in 20.83% and access was refused in 15.84% of the cases. Moreover, the European Commission responded that it did not hold any relevant document in 3.94% of the cases.

At the initial stage, the protection of privacy and the integrity of the individual was the most frequently relied upon exception by the European Commission for (fully or partially) refusing access. In 2018, it was invoked in 34.50% of the refusals. A large amount of those refusals resulted from the need to redact the names of non-senior staff members or third-party representatives appearing in the requested documents, in accordance with the applicable data protection legislation.

The European Commission received 318 confirmatory applications requesting a review of initial replies fully or partially refusing access. The institution provided in response 326 replies, amongst which 288 were issued on the basis of Regulation (EC) No 1049/2001.

Full access was granted in 6.60% of the reviewed replies at confirmatory stage. Partial access was further granted in around 34.03% and access was refused in 41.67% of the cases. Moreover, the European Commission confirmed that it did not hold any relevant documents in 17.70% of the reviewed cases.

At the confirmatory stage, the protection of the purpose of inspections, investigations and audits was the main ground for confirming a (full or partial) refusal of access in 2018 (invoked in 30.60% of the refusals).

133. Last year the Parliament was alerted about the fact that in order to compensate more strict provisions inserted in the code of conduct regarding the cooling off period of the commissioners the Secretary general has considered the possibility to offer them new practical facilities (offices, IT, chauffeur) after the end of their mandate?

The Commission replied "these internal discussions did not, to date, result in any validated draft proposal which has been brought to the attention of the Commission".

What is the state of play today?

Commission's answer:

Former Members of the Commission, and in particular former Presidents, continue to be ambassadors of the EU, both in Europe and beyond. Most of them will continue to defend and promote the achievements of the EU after the end of their mandate, for example, when they are invited to speak at conferences or participate in public debates about Europe and the role of the Commission.

In line with similar arrangements in national administrations and other institutions, the Commission decided at its meeting on 30 October 2019 to enable former Commission Presidents to carry out representational functions in an appropriate manner after the end of their mandate. Therefore, former Presidents should have access to certain very limited resources, for example logistical support, such as an office, and certain other assistance. Former Commissioners will have logistical support in the form of a “bureau de passage” and will be provided with certain communication material from the Commission.

134. What is the extent and nature of the allocations of EU funding to construction and agricultural projects in Judea and Samaria (the West Bank)?

Commission’s answer:

The European Commission provides development and humanitarian assistance in the West Bank, part of the occupied Palestinian territory. As for development assistance, in 2018, the Commission committed 3.9 million out of the EU budget to implement social and public infrastructure projects (roads, public buildings, water and wastewater, energy health, education, and other public infrastructure) in the Area C of the West Bank. It also committed 1.5 million to secure the completion of the Tubas Tayasir Waste Water Treatment Plant.

135. What are the parameters used in these allocations that would qualify the projects in question as humanitarian aid?

Commission’s answer:

The European Union remains committed to protecting the rights of the Palestinians and to providing assistance to vulnerable populations in their current place of living in Area C as defined under the Oslo Accords of 1993. It therefore funds and supports humanitarian activities undertaken by partner organisations – namely UN agencies, the ICRC and international NGOs – that respond to humanitarian needs of the most vulnerable populations. In doing so, the EU acts in accordance with International Law, including universally binding norms of International Humanitarian Law, International Refugee Law and Human Rights Law. EU-funded humanitarian assistance is provided in line with the humanitarian imperative in situations where Israel does not fulfil its obligations, as the occupying power, to cater for humanitarian and other basic needs such as access to housing, water, education, health and the right to an adequate standard of living.

136. What mechanisms, if any, are in place to insure that funding for humanitarian aid is actually being used for this purpose, and not for other purposes?

Commission’s answer:

Projects funded by the Commission under its humanitarian and development budget have a strong control architecture and are subject to permanent monitoring and ex-ante and ex-post verification. The Commission adheres to very strict rules of screening of their grant

beneficiaries and implements its humanitarian and development aid via reliable partners, which include international organisations and international non-governmental organisations.
