



EU decentralised Agencies' report to the European Parliament on the follow-up to the 2018 budgetary discharge

September 2020

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1. Introduction

On 14 May 2020 the European Parliament voted on the *“Discharge 2018: performance, financial management and control of EU agencies, **European Parliament resolution of 14 May 2020 on discharge in respect of the implementation of the budget of the European Union agencies for the financial year 2018: performance, financial management and control (2019/2098(DEC))**”*.

The Discharge for the financial year 2018 was granted to all Agencies.

The final document consisted of 64 comments and recommendations. The EU Agencies Network (EUAN) drafted this follow-up report addressing a selected number of recommendations from the Parliaments document.

The report consists of two parts:

- Horizontal messages prepared by the EUAN Coordination on behalf of the Network.
- Individual EU Agencies fiches.

2. Follow up to the 2018 discharge recommendations

2.1 Main risks and recommendations identified by the Court

8. *Stresses that the necessity to have separate administrative structures and procedures for each agency constitutes an inherent risk to administrative inefficiency and urges agencies to strengthen thematic bundling and cooperation in accordance with their fields of policy to ensure harmonisation and efficient sharing of resources; calls on the agencies to make additional efforts towards widening the scope of their shared services thereby improving the efficiency and cost effectiveness of their procedures;*

The EUAN created the Network’s first multiannual strategy, “Dublin Strategy” in 2015. One of the four strategic pillars focused on “Shared Services and Capabilities”. The Network is now in the process of designing the next multiannual strategy 2021-2027. The area of “Shared Services and Capabilities” has been again identified as one of the key priorities of the Network members, in which they will continue to closely cooperate with each other as well as with other EU Institutions.

EUAN is determined to continue fostering the sharing of services in horizontal areas as well as within Agencies’ policy fields to ensure harmonisation and efficiency in the use of resources.

Some of the examples of services and the achieved savings as calculated in 2019 include¹:

- Sharing the services of Data protection officer – savings of 63.500 EUR;
- Sharing of Internal Audit services – savings of 257.000 EUR;
- Sharing of Data Centre Facilities for Disaster Recovery – savings of 390.000 EUR;

¹ The savings are calculated for the duration of a service

Moreover, EUAN members are collaborating in Joint Procurement procedures. In 2019 this collaboration, in addition to other synergies, has resulted in estimated FTE savings of about 163 000 EUR.

EUAN is further exploring how to increase the Sharing of services and the resulting savings from a long-term strategic perspective and encourage its implementation within the different governance structures of the Network. This would allow for an enhanced systemic embedding of Shared services within the Network and its Sub-networks.

2.2 Performance

18. Expresses its concern about the fact that only one Union agency, the European Union Intellectual Property Office, publishes a sustainability report; calls on all agencies to fully integrate sustainability in their reporting information, to publish sustainability reports covering both the running of the organisation and the operations carried out, and to ensure the reliability of sustainability reporting through auditing;

The Performance Development Subnetwork (PDN) of the EUAN is exploring different aspects of sustainability reporting. A Working Group within PDN specifically focusing on Sustainability reporting was created in 2020. The WG identified, through a survey, which Agencies are already environmentally certified and which are currently in an “exploration phase”, the work will continue with a gap analysis between the different requirements of the sustainability standards (e.g. EMAS, GRI) and the standard reporting requirements for agencies.

To support Agencies in environmental certification, the WG is currently working on guidelines for the Agencies on how they can best assess their status towards EMAS compliance and possible certification. A discussion with representatives from the European Commission is foreseen at the upcoming annual meeting of PDN on 1 October 2020.

2.3 Procurement

40. Notes with concern that, according to the Court’s report, shortcomings were found related to excessive dependency on contractors, external consultancy and interim workers, to the use of inadequate award criteria and to the conclusion of contracts with abnormally low tenderers without reasonable justification; notes that several agencies have outsourced, extensively, regular activities and, occasionally, core business activities, thereby weakening internal expertise and control over contract execution, with some weakening in the procurement process which may impair fair competition and the achievement of best value for money procurements; recommends an adequate ratio between price and quality when awarding contracts, an optimal design of framework contracts, justified intermediary services and the use of detailed framework contracts; notes that for six agencies the framework contract terms for the provision of IT maintenance and equipment were weak, as they allowed the purchase of items which were not specifically mentioned therein and were not subject to an initial competitive procedure, and they also allowed the contractor to charge uplifts on the prices of items purchased from other suppliers; notes that although agencies have no power to change the basic contractual arrangements, their related ex-ante controls did not check the accuracy of the up-lifts charged by the contractor; calls on all

agencies and bodies of the Union to strictly abide by public procurement rules; underlines that digitalisation is a great opportunity for agencies to increase efficiency and transparency, including in the field of procurement; calls, therefore, on all agencies and bodies to rapidly finalise and implement e-tendering, e-submission, e-invoicing and e-forms for public procurement; asks the Commission and the agencies to address necessary improvements in procurement teams as a matter of urgency, taking into account that the problem persists and needs to be addressed systemically;

The public procurement area requires a particular attention and adherence to controls and standards in procurement procedures. The EUAN has a “Network of Procurement Officers (NAPO)” which regularly exchanges best practices and latest information regarding procurement, by using forums on the EUAN extranet and through other communication channels.

The exchange of practices throughout 2019 took place in the form of online fora, out of which the most active ones were those related to “Technical Q&A” and “Questions to CFS”. Other areas where best practices were exchanged concerned procurement case law, e-procurement, process improvements, EDPS, e-signature and the Financial Regulation changes.

At the annual NAPO meeting 2019 the most relevant topics discussed and expertise shared concerned updates by DG BUDG (EDES, templates, Q&As), by DG-DIGIT (updates on e-procurement), and by the EC legal services (litigation in procurement and contractual matters), as well as a presentation of the ECA on:

- common audit findings in Agencies,
- procurement case law,
- market analysis and
- qualified e-signature.

Throughout 2019 the NAPO members continued collaborating in inter-agency calls, which promote closer cooperation between the Agencies and the harmonisation of their administrative and technical systems. In particular, there was increased liaising between Agencies grouped on geographical basis to launch calls, as well as between sister Agencies on suitable calls in the field of their respective remits.

EU Agencies increasingly continue the use of e-procurement tools. The most common e-PRIOR modules used by Agencies are e-tendering, e-submission and e-invoicing. NAPO participates in the User Group for evolution of e-Submission and e-Evaluation, and is closely following the Public Procurement Management Tool (PPMT) of JRC, which made a presentation at the annual meeting of the network, with a view to adopting the system when available for Agencies.

41. Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;

The majority of Agencies publish the annual list of contracts as per the provisions of the Financial Regulation, namely point 3.3. of Annex 1 to the Financial Regulation.

Principles arising from the case law of the Court of Justice of the European Union in the field of procurement and contracts are applicable to the Agencies. In view of case C-92/09 Volker und Markus Schecke GbR vs. Land Hessen, for contracts up to €15 000, it is forbidden to publish ex-post in order to protect personal data as there are many natural persons as contractors below this amount.

Some Agencies indicated that as a matter of transparency they will review their current practice and consider publishing contracts awarded below the EUR 15 000 threshold, however in this case such publication would be contrary to the rules and to the jurisdiction of the CJEU.

Annex I. Individual Agencies replies

ACER

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	Turnover rate: 1.87 Average no. of employees: 93	8 days / staff member / year
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: The Agency publishes the annual list of contracts as per the provisions of the Financial Regulation, namely point 3.3. of Annex 1 to the Financial Regulation. Further, principles arising from the case law of the Court of Justice of the European Union in the field of procurement and contracts are applicable to the Agency. In view of case C-92/09 Volker und Markus Schecke GbR vs. Land Hessen, for contracts up to €15 000, it is forbidden to publish ex-post in order to protect personal data as there are many natural persons as contractors below this amount.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: Yes.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	10.2%	7.48 days per person
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: BEREC Office already publishes full list of specific contracts signed under framework contracts even if the total value of these specific contracts is below EUR 15 000. Same practice can be applied to direct service and supply contracts. We do not publish and do not intend to publish the contracts signed with natural persons where the contract value is below EUR 15 000 due to the need to protect personal data.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: Regarding the cooling off period the BEREC Office applies directly the provisions of the Staff Regulations and provisions of Commission Decision C(2018) 4048 on outside activities and assignments and on occupational activities after leaving the Service.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	Officials 2.9%, Temporary staff 3.4%, Contract staff 6.4%	9.6 days per year
Comments	This also includes turnover of short term-contracts.	

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: No, since many of these contracts awarded whose value is below EUR15 000 are awarded to individual translators, whose personal details are to be protected under the data protection regulation. Furthermore, the number of these contracts is very important due to core activity of the Translation Centre.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: The Translation Centre applies the provisions of the Staff Regulations regarding the cooling off period. The cooling off period is also treated in the implementing rules on outside activities.

CEDEFOP

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...);*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	5.4%	Average of 11.7 days in 2019
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: The annual list of contracts is published on Cedefop website at <https://www.cedefop.europa.eu/en/about-cedefop/finance-and-budget/annual-contractors-list>

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: N/A

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	12.8%	7.9 days / staff member
Comments		The average absence from work due to sick leave in 2019 is negatively impacted by 3 staff members who were on long-term sick leave (2 for 1 month, 1 for 1 ½ month).

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold; Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?*

Reply: No; in our opinion the additional transparency of publishing a full list of contracts below the EUR 15 000 threshold would not outweigh the efforts/resources needed for the creation and publication of the list.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: CEPOL does not have in place comprehensive rules beyond the Implementing Rules on outside activities (27/2018/MB - which includes also occupational activities after leaving the service). For an agency as CEPOL – involved in organizing training for law enforcement officers – there is limited risk on conflict of interest as a consequence of revolving door issues.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	2.5% (including TAs and CAs)	8.9 days (9.6 including Medical Part-time), taking into account TAs, CAs and SNEs
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: In line with the Financial Regulation (FR), the Agency so far has not published a list of contracts below the legally required threshold of EUR 15 000. We understand the call for the publication of the full list in the context of transparency and will look into the matter and related workload. Should the full publication be feasible, also with reference to the administrative burden to exclude all contracts with natural persons so as to comply with the data protection rules, the Agency will consider the publication.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: Following the IAS Audit Report on Ethics, Fraud Prevention and Conflict of Interest performed at EASA end 2018, EASA further improved its mechanism in developing guidelines for staff members and managers aiming at harmonising across the Agency the mitigating measures to be implemented in similar situations, and in particular concerning the cooling-off periods duration. The Conflict of

Interest (CoI) measures put in place by EASA also address post-employment situations, including reference to the obligations of EASA staff under Art. 16 of the Staff Regulations and guidance for the assessment of such situations.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	Average number of employees: 243 Number of staff that left the agency : 16 Turnover: 6.58%	2%
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: EASO does not publish direct contracts below 15,000 EUR. Specific contracts under framework contracts are published regardless of the value, including those below 15.000 EUR.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply:

The agency has developed the internal guidelines on exit procedure.

EBA

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	9% turnover	Average of 7.43 days per person
Comments	Turnover rate due to resignation	Averagely 6.1 Full Time Equivalent (FTE)

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: No, EBA did not publish the contracts below EUR 15 000 in the past years and it was not planning to do so. However, EBA will take EP's point on this matter and shall consider publishing such information next year if its Management agrees to it.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: Yes, the EBA applies the requirements of Article 16 of the Staff Regulations and Article 21 of Commission Decision C(2018) 4048 final and on the basis of these requirements the EBA now has in place a policy on the application of cooling-off measures and other measures involving the restriction or prohibition of the occupational activities of former members of staff, and a policy on restricting the access of outgoing staff to confidential information.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	5.22%	5.06%
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply:

Yes: <https://www.ecdc.europa.eu/en/about-us/procurement-and-grants/ex-post-publicity>

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: ECDC has adopted Implementing Rule 17 which applies by analogy the COMMISSION DECISION of 29.06.2018 on outside activities and assignments and on occupational activities after leaving the Service, C(2018) 4048 final. It has adopted explanatory notes to these IR that set out ECDC’s policy on cooling-off periods for outgoing staff.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	Turnover rate of Temporary Agents 3.9%, Contract Agents 5.6% and turnover rate of all staff 5.4%	7.4 days
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: ECHA annually publishes the list of all its contracts above 15 000 Euros and of all the specific contracts and order forms under framework contracts, regardless of their value, as required by the EU Financial Regulation. This publication covers the large majority of the contracts of the Agency. ECHA will consider the publication of the relatively low number of contracts below 15 000 Euros outside framework contracts with due account to the related administrative overhead.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: ECHA has adopted comprehensive post-employment guidance in full compliance with the applicable regulatory framework. Guidance is separated between obligations that apply while still being employed, before entering the new job and thereafter. In addition, staff leaving the Agency are reminded of their obligations under Article 16 of the Staff Regulations. Any decision on post-employment that deals with a potential conflict of interest is consulted with the Joint Committee first, which adopts an opinion on the application to work after leaving the service at ECHA. For a period of two years all subsequent employment needs the authorisation of the Executive Director and conditions can be imposed. Confidentiality duties

continue to apply as well. All post-employment decisions regarding senior management posts are published on the website for full transparency.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...);*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	7.8 %	9.8 days
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: While very low value contracts are currently not published on the Agency's website, the Agency will include that information in the future, starting next year with the publication of contracts awarded in the course of 2020.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: Although the Agency did not adopt specific measures or guidelines, the Agency's policy on the prevention and management of conflict of interests adopted by the Management Board in June 2014, clearly draws staff members' attention on their statutory obligations (including Article 16 SR) and the options available to the Agency to either forbid or authorise subject to conditions the envisaged activity after the end of services.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	5.5%	12.1 days (long term sick leave included) 4.6 days (long term sick leave excluded)
Comments	4 staff left the agency	

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: No. EFCA publishes the annual aggregate volumes over EUR 15 000 of Specific Contracts concluded by EFCA for each provider and also publishes all awarded framework contracts over EUR 15 000.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: EFCA applies by analogy Commission Decision C(2018) 4048 of 29 June 2018 on outside activities and assignments and on occupational activities after leaving the Service. All staff members, including former staff members, must inform EFCA beforehand of their intention to engage in an occupational activity, whether gainful or not, by using a specific form. This obligation applies for two years after leaving the service. If that activity is related to the work carried out by the staff member during the last three years of service and could lead to a conflict of interest with the legitimate interests of the institution, the Appointing Authority

may, having regard to the interests of the service, either forbid him or her to undertake it or give its approval subject to any conditions it thinks fit. The referred specific form is provided to staff members before they leave the service.

All staff members must regularly follow a training on ethics and integrity. The obligations under article 16(2) of the Staff Regulations are covered at that training.

Before leaving the service, staff members are reminded of their obligations under article 16 of the Staff Regulations. In particular, on leaving the service, staff members must sign a confidentiality undertaking provided by the Appointing Authority, stating that they are aware of their continuing obligations to EFCA, in particular under Articles 16, 17 17a, 19 of the Staff Regulations and, as appropriate Articles 11 and 81 of the CEOS.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	2%	Average of 7.7 days per staff member spent in sick leave (certified & uncertified sick leave) Average duration of each instance: 2 days (certified & uncertified sick leave)
Comments	9 leavers in 2019, with a population of around 441	sick leave instances considered: certified and uncertified sick leave

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply:

EFSA publishes annually on its website the list of contracts awarded in accordance with para.2 of Annex 1 of the Financial Regulation. This list includes publication of:

- a) contracts below the thresholds referred to in Article 175(1);
- (b) contracts awarded in accordance with point (h) and points (j) to (m) of the second subparagraph of point 11.1 of Annex 1 FR;
- (c) modifications of contracts as set out in point (c) of the first subparagraph of Article 172(3);

- (d) modifications of contracts as set out in points (a) and (b) of the first subparagraph of Article 172(3) where the value of the modification is below the thresholds referred to in Article 175(1);
- (e) specific contracts under a framework contract (of any value).

EFSA does not currently publish a full list of contracts awarded below the legally required EUR 15 000 threshold.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: Yes. EFSA applies by analogy Commission Decision on outside activities whose Title Four is devoted to implement Article 16 of the SR. A dedicated process is in place allowing staff leaving the service to request authorisation to engage in new occupational activities and EFSA to assess case-by-case whether the notified activity could lead to a conflict with the legitimate interests of EFSA. Depending on the outcome of this assessment, the authorisation can be granted, with or without restrictions, or refused.

EIGE

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	Average turnover rate 2019 (number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100) = 33% ((16/49) x 100). This percentage includes seven	7.15 days per annum per FTE
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publish or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: Annual list of contracts awarded in 2019 with a value greater than €15,000 and less than or equal to Directive threshold (ref. Point 3 of Annex I to Regulation (EU, Euratom) 2018/1046) has been published. Considering transparency requirements, all contracts, including the ones less than €15,000 will be published from the following year.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: Yes. These are guided by the obligations resulting from Article 16, SR and applicable to former Temporary Agents under Article 11 of the Conditions of Employment of Other Agents (CEOS), in particular senior and middle management, as applicable.

EIOPA

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	8% turnover in 2019	6.2
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: So far, only specific contracts awarded under framework contracts regardless of their values have been published on EIOPA website. EIOPA does not publish information about contracts awarded through public procurement procedures, where value is below the legally required threshold. As a next step, EIOPA plans to publish the information of these contracts as well, starting with the list of contracts awarded during the year 2020.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: EIOPA regularly reviews and reassesses its relevant internal policies and procedures in light of legislative changes, case law of the Court of Justice of the European Union or other important legal or practical developments, such as Ombudsman's recommendations. Accordingly, EIOPA is in the process of reviewing its own rules and will provide its Board of Supervisors with a dedicated update. EIOPA's Conflict of Interests and Ethics (CoIE) policy applicable to EIOPA staff already includes stringent and clear rules ensuring very high standards of professional conduct, which are crucial for EIOPA's credibility as the EU regulator for insurance and occupational pensions sectors. The CoIE policy envisages specific requirements and obligations

vis-à-vis members of staff leaving the service. In particular, EIOPA has adopted Commission Decision C(2018) 4048 on outside activities and assignments and on occupational activities after leaving the service. The decision provides, inter alia, that if the contemplated activity is related to the work carried out by the staff member during the last three years of service and could lead to a conflict of interest with the legitimate interests of EIOPA, the latter can forbid him or her to undertake the contemplated activity or approve it subject to any conditions EIOPA considers appropriate.

Moreover, with particular reference to senior staff members, internal rules referred to above prohibit them during the first twelve months after leaving the service from engaging in lobbying or advocacy, vis-à-vis staff of EIOPA, on behalf of their business, clients or employers on matters for which they were responsible during the last three years in the service.

All members of staff are acquainted with the CoIE policy and their subsequent ethical obligations upon joining EIOPA at mandatory induction session. In addition, relevant info sessions are provided to all members of staff on a regular basis, while they are also asked to submit annually a declaration on their interests.

To enhance transparency about the CoIE rules already before taking up duties, EIOPA adjusted its practice with regard to providing suitable information in its vacancy notices to clarify obligations applicable upon joining EIOPA and after leaving. Such adjusted wording has been used for example in the vacancy notice for the post of EIOPA's Chairperson, published in the Official Journal of the European Union and on EIOPA's website on 15 July 2020.

Further to the legal obligation of professional secrecy of all staff members, EIOPA applies important precautionary measures, such as cutting-off access of a leaving senior staff member to information of relevance for their future occupational activity, and reminding leaving staff members of their secrecy obligation through making them sign a dedicated written undertaking.

EIT

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	Turnover rate 2019: 4.54%	16.09 days / 20.69 days*
Comments	In 2019: 3 leavers/66 total active staff	FTE per 2019, including illness without certificate * the figure 20.69 also includes long term sick leaves

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: The annual list of contracts awarded in 2019 with a value greater than €15,000 has been published. The EIT will consider for the future the publication on its website the contracts below the legally required EUR 15 000 threshold.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: The EIT has in place its own Code of Conduct which was adopted on 21.05.2010 by Decision No 14/2010 of the EIT Governing Board. This Code of Conduct applies to all staff.

In line with the EIT Code of Conduct, Article 4.5, after leaving the service, former staff

members are requested to behave with integrity and discretion, as stipulated in the Staff Regulations. Former staff members are bound not to accept any duties or professional activities after leaving the service that would be incompatible with the interests of the EIT or EU. Staff members must inform the EIT in case of taking up an occupational activity, paid or unpaid, within two years of leaving the service. If that activity is related to work carried out within the last three years of activity at the EIT and could lead to a conflict of interests, the Appointing Authority could forbid the staff member from undertaking it, or give its approval subject to any conditions it sees fit.

As regards additional measures, all EIT staff members participate in a compulsory anti-fraud and ethics and integrity training during their onboarding, which also reflects on conflict of interest. On an annual basis, training sessions are organised to refresh and update the staff knowledge on the related matters.

Furthermore, the EIT has also adopted a specific code of conduct for the EIT Governing Board members - Decision 13/2015 of the EIT Governing Board on the code of conduct on conflicts of interest for members of the EIT. This code of conduct identifies the potential sources and instances of conflicts of interest for its Board Members and establishes procedures for the declaration and evaluation thereof.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	TA: 6% (previous year: 3.9%) CA: 11.1% (previous year (6.8%))	During 2019 there was an average of 6.98 days of sick leave per staff member.
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: EMA publishes the list of contracts awarded above the 15.000 EUR threshold. This includes contract modifications. The Agency endeavours to ensure full transparency on the contracts. It is currently analysing the opportunity and the related constraints (due to volumes to manage) to expand the scope of publication to contracts below the 15.000 EUR threshold.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply:

In the interest of transparency and continuous improvement, The Agency has in place a best practice guidance for staff leaving the Agency, which is intended to raise awareness to all EMA staff members and to clarify and explain the procedures under Article 16 of the Staff Regulations:

https://www.ema.europa.eu/documents/other/best-practice-guide-staff-leaving-european-medicines-agency_en.pdf.

Staff are reminded at the start of their contract with the Agency and as soon as they notify the Agency that they are leaving (including staff retiring or staff whose contract is ending), that they have an obligation to inform EMA about their occupational activity during the first two years after leaving the service. Also, staff are informed that, in the event that they change employment in the two-year period, they must again inform the Agency.

A staff member who is leaving the Agency is required to complete a form with details about their future activities that must be sent to Administration at the latest 30 working days before the envisaged starting date of the new activity. The staff member must also inform his/her line manager about their intention to engage in another occupational activity. Administration reminds the line manager to review the current tasks of the staff member leaving the Agency with the aim to mitigate any potential conflict of interests.

After reviewing the staff member's application to engage in a future occupational activity through consultation with the Joint Committee, an opinion to the Executive Director will be issued as to whether the activity should be approved, forbidden or approved subject to specific conditions, having regard to the interests of the Agency. The staff member is informed within 30 working days, of the final decision and applicable restrictions. In its Annual Reports on Independence, published on the EMA website, the Agency reports on the number of staff cases reviewed in line with Article 16 of the Staff Regulations and the number and type of restrictions applied.

In 2019, staff made a total of 34 applications, resulting in 12 authorisations without restrictions, 18 staff authorisations with restrictions, 4 SNE cases had restrictions. Examples of restrictions (that are grade and role related) imposed include: a distance clause, whereby the former staff member may not contact individual Agency staff for a period of time, e.g. 6 - 12 months.

Additionally, staff members leaving the Agency are also immediately reminded of Article 17 of the Staff Regulations, which binds staff members to a general duty of confidentiality and a duty to exercise the greatest discretion even after leaving the service of the EMA. Also, under Article 76 of Regulation (EC) No 726/2004 (EMA's founding regulation), staff have a life-long duty of confidentiality even after they have ceased their relationship with the EMA. This covers all information of the kind covered by the obligation of professional secrecy.

All senior staff who are going to leave the Agency in the near future (e.g. due to retirement) are being reminded by the Joint Committee of the above requirements and they should not be involved in the drafting, discussion and approval of any document dealing with the procedure and the criteria followed by the Joint Committee to issue a recommendation under Article 16 SR.

EMCDDA

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	1.93	
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: Currently not/ To be foreseen

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply:

The EMCDDA has in place clear rules and procedures on this matter, in line with the relevant provisions of the EU Staff Regulations. These rules defines and governs the 'exit procedure' of outgoing staff and address the risk of conflict of interest that this situation may entail. They apply to all EMCDDA staff members leaving the agency, including middle and senior managers (Director), and define the obligations and conditions required to enable the appointing authority to identify, assess, prevent/forbid and/or control/manage actual or potential situations of conflict of interest ("revolving doors")

EMSA

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	8%	2.9%
Comments	Including retirements and resignations.	

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: EMSA currently publishes the information about awarded information as required by Financial Regulation i.e. information contracts awarded for values between EUR 15.000 - EUR 144.000, information about modification of contracts and information about specific contract and order forms under FWC). Up to now, EMSA has not been publishing information that has not been legally required, however, for the sake of transparency EMSA can take it into consideration for future years reporting.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: EMSA fully applies the applicable rules as foreseen in the SR. As regards the cooling-off period for the ED, controls are exercised by the Administrative Board.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	7%	3,36%
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: ENISA fully complies with the obligation to publish an annual list of all contracts awarded following a public procurement procedure. Contract award notices for procedures above the threshold are published in the OJEU and the list of contracts awarded is published on an annual basis on ENISA website (please see: <https://www.enisa.europa.eu/procurement/related>).

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: To comply with Articles 16, 17 and 19.1 of the Staff Regulation and to avoid potential future conflict of interest with former staff, all staff members leaving our Agency must complete the “leaving form” and “Request for Outside Activities”.

ERA

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	1,6%	6,5 days per staff member
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: the Agency does not currently publish contracts below EUR 15 000 threshold

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply:

Yes. ERA Management Board Decision 182 on outside activities and assignments and on occupational activities after leaving the service

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)* Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	5%	2.9%
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: ESMA publishes on its website the contracts awarded through public procurement procedures when their value is above EUR 15,000. Up to now, ESMA has not been publishing information that has not been legally required; however, for the sake of transparency ESMA can consider it in the future.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: ESMA Conflict of Interests and Ethics Policy establishes clear rules and obligations on cooling-off periods as well as revolving-doors related measures. In particular the Conflict of Interests and Ethics policy, among other things, envisages specific requirements and obligations with binding force vis-à-vis members of staff leaving the service. In particular, ESMA has adopted by analogy the Commission Decision C(2018) 4048 on outside activities and assignments and on occupational activities after leaving the service, which provides inter alia that if the contemplated activity is related to the work carried out by the staff member during the last three years of service and could lead to a conflict of interest with the legitimate interests of the institution, ESMA can either forbid him or her to undertake it or give its approval subject to any conditions it thinks fit. Moreover and with particular reference to senior staff members, internal rules referred to above prohibit them during the first 12 months after leaving the

service from engaging in lobbying or advocacy, vis-à-vis staff of ESMA, on behalf of their business, clients or employers on matters for which they were responsible during the last three years in the service.

ETF

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	4%	9.78 days
Comments	3 resignations 2 retirements at the maximum age for retirement	This figure includes absences related to medical part-time and is calculated on the total number of staff in the ETF (128 staff members). Without medical part-time the figure would be 9.33 days.

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: As per regulatory requirement, the ETF publishes a full list of contracts awarded above the legally required EUR 15000 threshold.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: N.A

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	3.14%	6.2 days per staff member
Comments	A level of turnover was within the KPI set for the Agency at 5%. The calculation does not include change of a contract following a successful passing of a selection process.	The calculation includes leave with and without a medical certificate and a long-term absence on medical grounds.

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold; Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?*

Reply: From a technical point of view, the Agency is in a position to publish the full list of beneficiaries. However, it should be noted that the disclosure procedures are set in law (namely article 38 of Regulation 2018/1046); it is therefore expected that a change in the requirement follows a legislative procedure. Such procedure would allow the weighting of public interest versus the administrative costs and effectiveness of publishing hundreds of new lines in the annual disclosure report.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: eu-LISA follows the rules for staff leaving the service, as set in Staff Regulations & CEOS, and in eu-LISA’s Rules on the Prevention and Management of Conflict of Interests Concerning eu-LISA Staff Members.

EU-OSHA

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	Turnover (statutory staff): 3.13%	7 days (excluding long sick leave- away for more than 20 consecutive days)
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: EU-OSHA does not publish contracts below 15,000 EUR. Specific contracts under framework contracts are published regardless of the value, including those below 15.000 EUR.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: Yes, EU-OSHA adopted on 23.01.2019 the application by analogy of the Commission Decision on outside activities and assignments and on occupational activities after leaving the service.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	$(4 / 100) * 100 = 4\%$	2.6 days
Comments	4 staff members left: 1x end of TA 2a contract; 1x TA retirement; 1x TA decease; 1x CA FG-IV.	

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: Every year Eurofound publishes on its website the list of contracts awarded in accordance with para.2 and 3 of Annex 1 of the Financial Regulation (2018/1046).

The same Financial Regulation continues in para 3(1) *“That obligation shall not apply to the negotiated procedure for very low value contracts”*. Eurofound does not publish information on such contracts in order to protect personal data since many of the contractors are natural persons.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: Eurofound does not work with industries. Due to the nature of our research work which is not regulatory but advice-driven there were no cases, neither now or in the past, for which a cooling-off period or a revolving-doors policy would have been applicable

EUROPOL

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	The turnover rate in 2019 was 11.7%. This was the result of the high number of resignations during the year as well as the number of second contracts coming to an end.	Not applicable
Comments	Europol could not monitor sick leave due to the technical limitations in the system managed by the external contractor. It is expected that with the insourcing of the medical service at Europol in 2020, respective sick leave reporting will be available for the year 2020 onwards. Despite the absence of a reporting tool by the external provider, Europol did not identify any structural issues with respect to sick leave.	-/-

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: Europol publishes on its website the list of contractors including all contracts legally required to be published. Very low contracts below 15.000 Euro are not published by Europol in accordance with the Financial Regulation (FR) and the Vademecum on Public Procurement of the European Commission:

- Vademecum on Public Procurement in the European Commission (page 139): “For contracts up to €15 000, it is forbidden to publish ex-post in order to protect personal

data as there are many natural persons as contractors below this amount” (in a footnote, reference is made to Case C-92/09 Volker und Markus Schecke GbR vs. Land Hessen).

- Article 38(3) FR: “The information ... shall not be published for:
... (b) very low value contracts awarded to experts selected pursuant to Article 237(2) as well as very low value contracts below the amount referred to in point 14.4 of Annex I;
...”

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: In 2019, the Europol Code of Conduct was updated by a cross-organisational team of the ‘Europol community’ (representing staff from various functions and levels, as well as the Liaison Bureaux of EU Member States), with a view to promoting a shared ownership of the Europol Code of Conduct, which is a precondition for delivering the objectives of the Europol Strategy 2020+ and to serve the security interests of all EU citizens on a day-to-day basis.

The Code of Conduct of Europol contains an own section on the aspect of independence and impartiality, highlighting that “everyone must prevent and avoid any potential conflict between their personal and work-related interests”, while emphasising that “no one shall exploit their authority or position at Europol to obtain any personal benefit or privilege, also after having left the organisation”.

As part of Europol’s ethics framework, guidance to all Europol staff on conflict of interest management, a ‘no gift culture’ and whistle-blowing arrangements are in place. A dedicated e-learning module on Europol’s ethics framework is part of the newcomers programme and internal communication activities about the expected behaviour under Europol’s ethics framework are continuously developed.

In relation to the duties arising from Article 16 of the EU Staff Regulations (EUSR), reference is made to Europol’s corresponding publication on the website, which includes the annual report as provided for in Article 16 of the EUSR. Europol follows defined criteria for ‘lobbying’ and ‘advocacy’ activities of former staff members.

When leaving the service of Europol, all staff members, including senior staff, sign a declaration confirming that they are aware of their obligations under Article 16 of the EUSR. If intending to engage in an occupational activity, staff members are obliged to notify Europol using a specific form, at least 30 working days before the envisaged start date. This notification (further details are available in the annual report published on Europol’s website), must include, inter alia, information on any relation between the occupational activity and the work carried out by the former staff member during the last three years of service, whether the occupational activity would involve working on specific files for which the former staff member was responsible during the last three years of service, and whether the envisaged activity would involve representing outside interests vis-à-vis Europol.

Afterwards, Europol assesses the intended activity based on the aforementioned notification, in line with the provisions foreseen under Article 16 of the EUSR.

Depending on the individual merits of the case, Europol prohibits former senior staff members, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis Europol staff for their business, clients or employers on matters for which they were responsible during the last three years in the service at Europol. In that context, it is noteworthy that Europol also applies a minimum of 36 months of absence period between the end of last Europol contract and the entry into force of a new Europol contract for its temporary agents.

In addition, access to the Europol's internal information systems ends on the day the staff member leaves the service of Europol. Europol's Security Rules determine an obligation of discretion and confidentiality, underlining in Article 16(3) of these rules that „the obligation of discretion and confidentiality shall apply even after leaving office or employment, or after termination of activities.”

To complement the governance arrangements, Europol has also established, since 2010 when Europol became an EU agency, an Internal Investigations Service (IIS), with a view to responding to any identified instance of misconduct in terms of a breach of professional obligations. To date, Europol has not identified any 'revolving door' issues in relation to former (senior) staff members, as it was the case reported by the European Ombudswoman in May 2020.

EUROJUST

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	In 2019 the turnover rate was 8.5%	5.76 (average sick leave days per staff member)
Comments	In 2019 15 staff members (TA) left Eurojust	

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: In line with the Eurojust Financial Regulation, Eurojust publishes an annual list of contracts which includes expenditure under its framework contracts. Eurojust currently does not publish and does not plan to publish contracts below the legally required €15,000 threshold.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: On 26 June 2018, EUROJUST adopted a Standard Operating Procedure (SOP) on the management of conflicts of interests applicable to staff members. This SOP establishes a workflow for the management of a (potential) conflict arising from the intention to engage in an occupational activity after leaving the service (Article 16 of the Staff Regulations).

According to the workflow, staff members leaving Eurojust shall be asked by the Human Resources Unit (HRU) to complete the ‘Engagement in an occupation after leaving Eurojust’

form. This declaration also states that they are aware of their continuing obligations to inform the Appointing Authority for two years after leaving the service, should they wish to engage in any occupational activity or assignment, whether gainful or not. If the envisaged activity or assignment is related to the work carried out by the (former) staff member during the last three years of service and could lead to a conflict with the legitimate interests of Eurojust, the Administrative Director may, having regard to the interests of the service and after consulting the Joint Committee, either forbid the (former) staff member from undertaking that activity or give its approval subject to any conditions.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	In general the staff turnover is constantly very low level at FRA, mainly due to the TA and CA posts being for long-term duration. During 2019 – departed: 2 TAs out of 72 = 2.7% 3 CAs out of 32 = 9.3%	3.94 days overall
Comments	In average 80% of the departures were due to new employment offered at another Agency/JU/Institution.	None

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: The Agency publishes on its website before the 30/06/N+1, the awarded contracts in accordance with Article 38 (Publication of information on recipients and other information) of the Financial Regulation 1046/2018 of 18/07/2018. This article provides under paragraph 3.b that very low value contracts (less than €15,000) do not have to be published in order to protect personal data as there are many natural persons as contractors below this amount. This is in line with the guidelines provided by DG Budget and with the case-law (see case C-92/09 *Volker und Markus Schecke GbR vs Land Hessen*).

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: FRA has currently in place the EB Decision 2018/06 on application by analogy of the Commission Decision C(2018)4048 on outside activities and assignments and on occupational activities after leaving the service, supplemented by specific declarations upon resignation.

FRONTEX

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	Leaving FRONTEX (external turnover) 4% Changing contracts (internal turnover) 12%	8.1 days
Comments		

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: All the awarded contracts above the 15 000 EUR threshold are published in line with the applicable provisions. The awarded contracts with a value below 15 000 EUR (very low value) are not ex-post published, since such publication is contrary to the rules and to the jurisdiction of the CJEU (case C-92/09 Volker und Markus Schecke GbR vs. Land Hessen) in terms of protection of Personal Data. Consideration of that decision is the protection of personal data.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: The Agency does not have any specific internal regulatory framework in this regard (policy on cooling-off periods or revolving-doors). However, Frontex applies:

- Title II of the EUSR on Rights and Obligations as well as the implementing rules on outside activities and assignments and on occupational activities after leaving the service.

- All newcomers sign the confidentiality and conflict of interest declaration upon entry into service. This requirement is as well applied to interim staff (as well as limitations on maximum duration of interim contracts (18 months) in line with the host nation labour law.
- Staff leaving Frontex are provided the Declaration of intention to engage in an occupational activity after leaving Frontex and the related guidance in application of Article 16 EUSR.

Staff policy

35. *Calls on all agencies to disclose their level of annual staff turnover and average levels of absence from work due to sick leave (...)*

Turnover rate in 2019

	Agency turnover rate in 2019 (turnover rate: number of staff that left the agency in the reference period, normally the year, vs. total number of staff that are employed by the agency in the same reference period x 100. The average nr of employees is the simple average between the nr of employees at the beginning and at the end of the monitored period)	Average level of absence from work due to sick leave.
Reply	5.91%	9.65%
Comments	Turnover decreasing compared to previous years (2017 and 2018).	Short-term sick leave considered

Procurement

41. *Considers that agencies, bodies and institutions of the Union must set an example in terms of transparency; calls therefore for the publication of the full lists of contracts awarded through public procurement procedures, including those below the legally required EUR 15 000 threshold;*

Does your Agency publishes or plans to publish a full lists of contracts awarded including those below the legally required EUR 15 000 threshold?

Reply: The Agency does not publish and it does not plan to publish a full list of contracts below EUR 15 000. As stated by the procurement vademecum of the Commission, such contracts should not be published in order to protect personal data as many of such contracts are concluded with natural persons. In addition, such publication would create an additional administrative burden for the Agency.

Prevention and management of conflicts of interests and transparency

47. *Does your Agency have in place comprehensive rules, better controls and clear guidelines on cooling-off periods for outgoing staff, as well as other revolving-doors related measures?*

Reply: Summary of activities performed by the GSA to anticipate risk of conflict of interest by staff entering and leaving the agency:

- At the recruitment phase, the selected candidate is made aware and acknowledges the implications of the Article 16 (of the Staff Regulations) by signing a declaration which is part of the declaration of absence of conflict of interest and of confidentiality.

2. End of service - If there's a risk of potential conflict of interest, the access to certain type of information is to be cut immediately. The leaving staff is requested to sign a Declaration of intention to engage in an occupational activity after leaving the European GNSS Agency (GSA) where he/she has to explain the future tasks and responsibilities and any possible links with the GSA/EU. This Declaration is assessed by a special internal board prior to the decision of the Appointing Authority.
3. Post-service phase (during 2 years from the termination) – former agent is obliged to declare any new employment, if the activity is related to the work carried out by the agent during the last 3 years of service and could lead to a conflict with the legitimate interests of the institution

