

Ombudsman: Commission guilty of 'maladministration' in Selmayr appointment

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News

European Ombudsman Emily O'Reilly has found four instances of "maladministration" in the appointment of the European Commission's Secretary General Martin Selmayr.



Martin Selmayr | *Photo credit: European Commission audiovisual*

The appointment of the German lawyer to the top civil service job in the Commission in February caused an outcry, with some MEPs calling for the decision to be scrapped.

It was claimed that Selmayr had been "shoe horned" into the post by Commission President Jean-Claude Juncker, Selmayr's former boss.

But the 'jobs for the boys' allegations were strongly refuted by Juncker and the Commission, with both

claiming Selmayr, who was Juncker's former head of cabinet, had been appointed purely on grounds of ability and experience.

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Even so, the Ombudsman agreed to requests from MEPs and others to launch an investigation into the controversial appointment.

A report published on Tuesday the Strasbourg-based official was scathing of the executive's role in the affair, saying that it "jeopardised" public trust in the EU.

After an exhaustive probe she concluded that the Commission was guilty of maladministration.

The report said, "The maladministration arose due to the Commission not following the relevant rules correctly either in letter or in spirit. The Commission created an artificial sense of urgency to fill the post of secretary general in order to justify not publishing a vacancy notice. It also organised a deputy secretary general selection procedure, not to fill that role, but rather to make Selmayr secretary general in a rapid two-step appointment."

The Irish-born Ombudsman noted that the Commission's communications on this issue, which she said had raised "valid concerns", have been "defensive, evasive and at times combative."

"Our inquiry was based on an inspection of thousands of pages of Commission internal documents, and it shows the precise steps the Commission took in order to make the appointment process appear normal.

"All of this risked jeopardising the hard-won record of high EU administrative standards and consequently, the public trust.

"The college of Commissioners collectively is responsible for the maladministration in this case. It is extraordinary that no Commissioner seemed to question the secretary-general appointment procedure, which in the end raised valid widespread concerns," said O'Reilly.

The Ombudsman, in her report, said she is now calling on the Commission to develop a specific and separate appointment procedure for its secretary general to prevent a repeat of this happening.

She said, "The procedure should include publishing a vacancy notice, placing it on the agenda of the weekly Commissioners' meeting and also including external experts in the consultative committee for the appointment."

The Ombudsman stresses that her investigation did not concern any assessment of Selmayr, who she "understands is both a competent EU official and committed to the European Union."

No one from the Commission was immediately available for comment.

Her inquiry was based on two complaints, from two separate delegations of MEPs.

O'Reilly opened the inquiry in May following a Parliament resolution on the same matter. She put seven questions to the Commission, including on what lessons it had learned and how to ensure the same situation would not be repeated in future.

She said the Commission was guilty of a failure to take appropriate measures to avoid the risk of a conflict of interests arising from the involvement of Selmayr.

The Commission had also held a selection procedure for deputy Secretary-General which "did not serve its stated purpose" to fill the vacancy. Rather, it served merely to ensure that Selmayr would be eligible for reassignment as Secretary-General.

She also condemned the Commission over the retirement of Selmayr's successor in the role, saying this was "kept secret" and that "a situation of urgency to fill the post of Secretary General was created artificially.

"Even then, this should not have prevented the Commission from launching a procedure to identify and evaluate possible candidates for Secretary General," she said.

About the author

Martin Banks is a senior reporter for the Parliament Magazine

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