

EU Ombudsman flags up Selmayr conflict of interest risk

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News

European Ombudsman Emily O'Reilly has told MEPs that the appointment of German lawyer Martin Selmayr as European Commission Secretary General created a "risk of a conflict of interest."



Martin Selmayr | *Photo credit: Press Association*

O'Reilly told a special meeting of three European Parliament committees - PETI, JURI and CONT - that she had now concluded her "extensive" probe, and said that Selmayr's appointment created a "negative perception of how the EU makes important decisions."

The appointment earlier this year of Selmayr, formerly Jean-Claude Juncker's chief of staff, to the top civil service post in the commission caused an outcry and accusations of favouritism.

O'Reilly was subsequently asked to launch an inquiry into the procedure that led to his appointment as head of the commission's 32,000 civil servants.

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One of the key questions, she noted, was whether the commission had “learnt any lessons” from the affair.

“The Commission’s written response in June did not outline any,” she told deputies.

O’Reilly’s probe started in April and took several weeks of “extensive inspection” of some 8,500 pages of relevant commission documents.

“This failure to recuse himself [Selmayr] and his subordinates from these procedures created a risk of a conflict of interest”

This, she told the meeting, was a very difficult inspection, but added, “We did need to press the commission to ensure the full scope of our request to inspect all relevant documents was respected.”

When we did then get access to the documents, it was clear very few were produced before the date of the appointment, with the vast majority produced afterwards to deal with questions from Parliament.”

She reminded the committee that in January of this year, Selmayr was involved in a procedure that created a vacancy of a deputy secretary general post, despite the fact that he would later apply for the same post.

Once the vacancy was created, he was also involved in the approval of the vacancy notice “despite the fact again that he would later apply for that post.”

She told the committee, “He should have recused himself, and his subordinates within the president’s cabinet, from these two procedures. “

“This failure to recuse himself and his subordinates from these procedures created a risk of a conflict of interest.”

Once Selmayr applied for the post of deputy secretary general, he did then recuse himself from taking part in the Consultative Committee on Appointments (CCA), which would later interview and evaluate the two candidates for that post.

“It [the European Commission spokesperson service] was at times evasive and defensive. Of course, that was somewhat understandable given what was later discovered about the sequence of events leading to the appointment”

“The rules required, however, that a replacement be appointed from amongst a list of senior managers. No replacement was appointed. This meant that the CCA had fewer members than it should have had involved in the process,” O’Reilly told the committee.

The procedure leading to the proposal of a new secretary general was launched at lunchtime on 20 February, when, O’Reilly said, instructions were given to propose Selmayr for that post. However, the procedure for the appointment of a deputy secretary general was only finished later that day.

“This indicates that the deputy secretary general appointment procedure did not serve the stated purpose - to actually fill a vacancy - but rather only served to ensure that Selmayr would be eligible to be reassigned, the next day, as secretary general.”

She told the meeting that the commission, as the appointing authority, “therefore did not use the powers with which it is entrusted correctly.”

“By not notifying the impending retirement of the deputy secretary general at an appropriate time, with his announcement being made only at the same College of Commissioners meeting on the Wednesday, an artificial urgency was created.”

“The fact is that he had privately signalled his intention to retire some months earlier, and a normal selection procedure could have been launched.”

She said another “concern” was the manner in which the commission spokesperson service reacted to media querying of the appointment.

“It was at times evasive and defensive. Of course, that was somewhat understandable given what was later discovered about the sequence of events leading to the appointment,” O’Reilly added.

She told members she was now recommending that the commission should develop a specific appointment procedure for its secretary general, separate from other senior appointments.

“Such a procedure should include the publication of a vacancy notice and the placing of the appointment on the agenda of the College of Commissioners in a timely manner.”

O’Reilly stressed that an assessment of Selmayr himself “did not form any part of our inquiry.”

About the author

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