

APPOINTMENT OF SENIOR OFFICIALS IN THE EUROPEAN UNION; THEORY, LAW AND PRACTICE; CASE-STUDY OF MARTIN SELMAYR'S APPOINTMENT AS THE SECRETARY GENERAL OF THE EUROPEAN COMMISSION

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INTRODUCTION

- The study of the European administrative framework, compared to the legal aspects of the European public administration, is very popular among others these days.
- My research was based on the legal administrative framework and its procedures regarding the appointment of senior officials in the European Union.
- This topic was chosen, as the European Institutions are often criticized about their transparency, legality and their non-democratic methods in decision-making as well as the appointments of officials that may be subject to personal benefits.
- For these purposes, this project examined theory, analyzing organizational behavior theories; law, by focusing on the European Union's law regarding officials; and finally practice, by studying the case of the fast-track appointment of Martin Selmayr to the highest rank of the European Civil service, the post of the Secretary-General of the European Commission.
- For this thesis, the methodology used was data analysis by from articles, books, legal texts and online sources, as due to the Pandemic primary research via interviews was extremely difficult.

Organizational Behaviour Theories

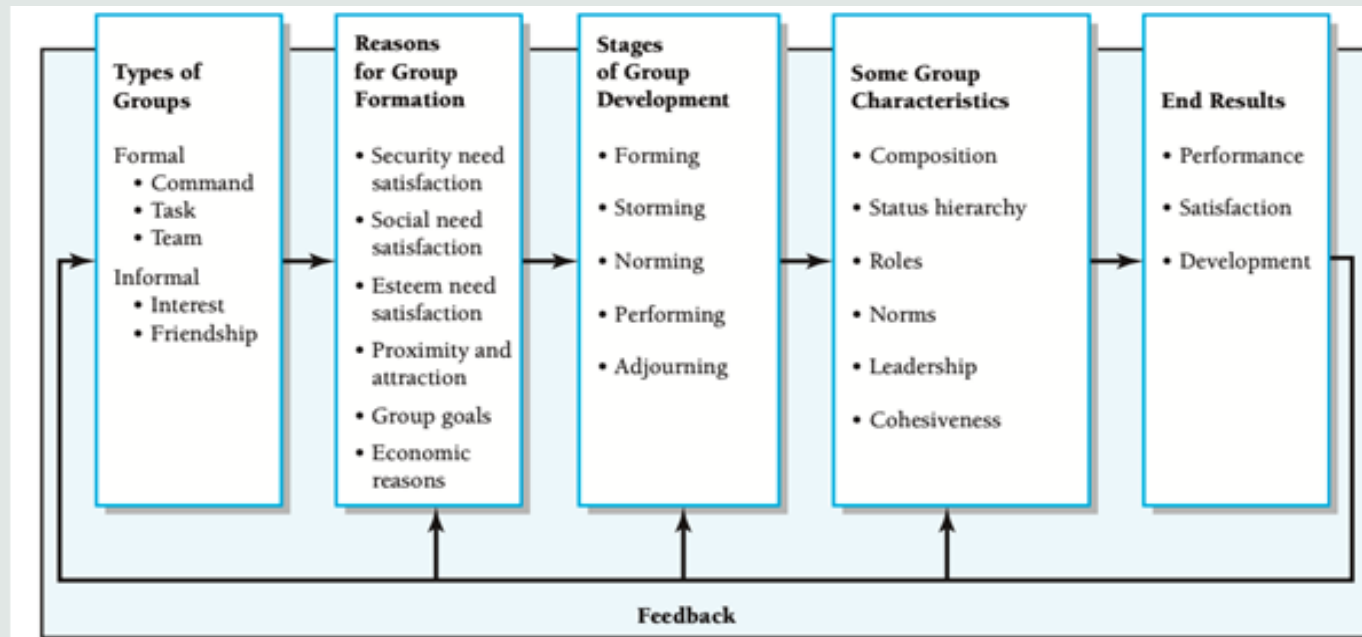
- Organizational behaviour theory is considered to be a scientific field, a social science discipline, as theorists of organization behaviour use the scientific method to examine their theories.
- Based on bibliography, Organizational Behaviour Theory could be divided into three dimensions; The individual, Groups and Teams and the Organizations themselves.
- This field of study applies the data collected by individuals, groups and organizations in order to make the latter more efficient and productive.
- Also the field deals with habits and norms related to the every-day actions of the components of the organizations, the people, the teams they form etc.

The First Dimension: The individual

- What forms the Organizations are the people. So it is important to understand their actions and patterns.
- Analysing this dimension we come across many characteristics of the individual
 - Biographical Characteristics
 - Skills/Abilities
 - Personality
 - Values, Attitudes,
 - Decision-Making

The Second Dimension : Groups And Teams

- Groups are two or more people that work together in order to achieve a certain goal.
- Formal and Informal groups



Third Dimension : The Organizations

- Organizations are groups of people working together in an organized way for a shared purpose.
- Organizations have their organizational structure.
- Organizational Culture.
- Organizational Change.
- Training And Development.

Human Resources Management in The European Union

- Practises regarding recruitment
- The careers of the officials
- Their benefits
- Obligations

European Personnel Selection Office (EPSO)

- Interinstitutional body that is responsible for the selection of officials for various EU agencies and institutions.
- EPSO is considered as a large-scaled institution
- Eligibility
- Procedure

The Staff Regulations of Officials

- Rights and Obligations
- Officials' Career
 - Administrative Status
 - Pensions and Salaries
 - Promotions and Termination of Service
- Working Conditions
 - Working Hours
 - Leave
 - Social Security Benefits
- Disciplinary Measures

Rights and Obligations

- Every employee shall act for the Union's best interests. From the beginning the appointing authority must check for any conflicts of interests.
- Every official shall act without any racial, ethical and sexual discrimination and harassment
- The officials are restricted of sharing data and information during and after their service.
- Hierarchy
- Officials' personal record

Officials' Career

- Administrative Status, depending on the officials current state.
- Reports and advancement to a higher step
 - Annual reports that evaluate skills, abilities and conduct
 - The employees advance to the next step of their grade unless their report is unsatisfactory
- Promotions
 - The appointing authorities decide to promote their officials on a basis of competencies and reports
- Promotions to Senior Grades
 - Most AD employees gain 5-6 promotions from AD 5 to AD 14
 - Promotions to senior grades is today altered to a point system.

Salaries and Pensions

- Wages in the European Civil Service are considered to be the highest and the most attractive among others.
- Many allowances such as expatriate and children benefits.
- Normal age for Pensions is 65
- Mandatory retirement age is 67

Termination of Service

- 7 causes for termination
 - 1. resignation
 - 2. compulsory resignation
 - 3. retirement in the interests of the service
 - 4. dismissal for incompetence
 - 5. removal from post
 - 6. retirement
 - 7. death

Working Conditions

- 40-42 working hours per week
- Annual leave, special leave, pregnancy leave, sick leave
- Social security benefits

Disciplinary Measures

- Appointing authorities and OLAF
- Each institution must form a disciplinary board
- Penalties
 - • Written warning or reprimand
 - • Postponement of the promotion to a higher step for a period of one to twenty-three months
 - • Temporary downgrade for a period of fifteen days to one year
 - • Downgrading but in the same function group
 - • Placement in a lower function group
 - • Removal from their posts
 - • When appropriate, pension reduction

Ethics And Deontology

- Key terms
- Good administrative behaviour in the European Union
- The European Ombudsman
- Comments

Key Terms

- Conflict of Interests
- Lobbying
- Whistleblowing



Good Administrative Behaviour in the European Union.

- Code of good administrative behaviour for staff of the European Commission in their relations with the public
- Code of Conduct for the members of the European Commission
- The European Ombudsman's Office
 - The European Code of Good Administration

Comments on Ethics and Deontology

- The European Union tries to deal with maladministration and misconduct of its officials
- Multiple documents were released
- But the need of more actions is required as we see that many cases arise.

The Appointment Of Martin Selmayr as the Secretary-General of the European Commission

- The Department of the Secretariat-General
- The compilation document on senior officials policy
- The «Selmayrgate»
- The reactions to the appointment
- Conclusions

The Department of the Secretariat-General

- This department is responsible for the whole functioning of the Commission.
- Oversees the political priorities of the EC and coordinates its functions
- Provides assistant to the college of the Commissioners and to the President.

The compilation document on senior officials policy

- Defines Senior officials
- Selection of Senior officials procedure
 - Vacancy Publication
 - Appointment procedure
- Various Actors for the Procedures

Appointment Procedure

- Acknowledgment of future vacancies
- Vacancy Notice
- Information to applicants
- First CCA Phase
- Second CCA Phase
- Interviews by the members of the EC
- Appointment with a probationary period
- Annual Career development review

The «Selmayrgate»

- Martin Selmayr
 - EU official since 2004
 - President Junker's Head of Cabinet in 2014
- Former Secretary-General Alexander Italianer expressed his intention to retire, and that he would like that Martin Selmayr fulfil his post.
- After the official retirement of Secretary General Italianer in March 2018, Selmayr was approved by the College to occupy the position.
- Crisis occurred as many MEPs stated that German influence has taken over the Commission and that Selmayr was fast-tracked promoted in favor of president Junker.

Following the Appointment

- The EC claimed that the appointment was fully complied with the regulations.
- 195 questions from the Budgetary Control Committee
- There was the question of how did Martin Selmayr got promoted twice in .a week and within a single college meeting.
- The appointment was in fact legal. But the trust to the EC was compromised due to Selmayr's previous positions.

Reactions to the Appointment

- Martin Selmayr and President Juncker were accused of a coup in Brussels
- «Monster of EU» , «top uncivil servant»
- The European Parliament adopted a resolution that stated its disappointment for the appointment and called Selmayr to resign with a majority of 71% of votes.
- The European Ombudsman was involved after a series of complaints.

The Ombudsman's findings (A)

- Mrs Emily O'Reilly found four instances of maladministration
- The EC replied to the Ombudsman stating that the procedure was under all legal compliances and described the procedure that was followed.
- Following the reply the Ombudsman made her assessment that again found instances of maladministration.

The Ombudsman's findings (B)

- Failure to comply with regulation 11a of the staff regulations
- The Composition of the CCA was not formed as the regulations state.
- Moreover, the recommendation of the Ombudsman to broaden the CCA with external actors did not satisfy the EC which disagreed.

Comments on the Appointment (A)

- The Ombudsman stated that the whole situation risked to jeopardise the administrative trust to the EU.
- MEPs and international actors were talking about an inside coup in the EU.
- President Juncker after the reactions stated that Selmayr is the right person for the post, and that if he was forced to resign, he would resign himself.

General Comments

- The European Union works as a fully and a well-organized organizational structure.
- European Law covers the careers of the officials from beginning to end.
- European Law strictly refers to ethics and deontology with codes of conduct and ways to report fraud, maladministration, and actions that do not refer to the European Union's values.

Proposals

- The involvement of OLAF and other ad-hoc committees to investigate potential maladministration and conflicts of interests before the appointment, and issue reports regarding the applicants.
- The introduction of a cooling-off period for a number of years for people serving in posts that may relate to conflict of interests and intent to apply for senior posts.
- All the decisions made by the appointing authorities as well as meetings held must be minuted to ensure the transparency and fairness of the decisions held
- The CCA should include external members from outside of the Commission for appointments of senior posts to ensure that the best candidate is selected under all legal rules.