

R&D DEFEND

- ⇒ THE DIGNITY OF THE STAFF
- ⇒ THE MAGE OF OUR INSTITUTION
- ⇒ THE BASIC PRINCIPLE OF THE EUROPEAN CIVIL SERVICE
- ⇒ THE ESSENTIAL SERVICES OF OUR INSTITUTION

**On 24, 25 & 26
Octobre 2018,
VOTE R&D**



PARACHUTING

We have...

The progress achieved...

With your support, we will continue to...



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Dear colleagues,

R&D has always denounced the unacceptable nature of the practice of parachuting, particularly at the end of each college term, highlighting its harmful consequences with regard to:

- ⇒ the politicization of the public service and the questioning of its independence
- ⇒ the non-respect of the principles of ethics and integrity
- ⇒ the imposition of a policy of inequality of opportunities
- ⇒ staff demotivation
- ⇒ the system of unfair career progression.

We have...

- ⇒ denounced to the administration and then, faced with its inaction, to the other institutions and the European Ombudsman, these detestable practices and every proven parachuting case, namely the recent one concerning the appointment of our Secretary-General
- ⇒ asked for a reform of the appointment procedures of senior management in order to put an end once and for all to these detestable practices.

The progress achieved...

While DG HR has always denied any merits in our criticism, Mr Selmayr and Mr Italianer, in their statements at the meeting of the College on 30 January 2017 and later on... said for their part that:

"Shall not be allowed":

- "the appointment of Cabinet members to management positions in the Directorate-General operating under their portfolio and placed under their direct supervision."

As well as the nomination of Cabinet members in a DG in order to obtain promotion and their reintegration in a Cabinet as soon as the promotion is granted.

These practices are demotivating for the rest of the staff who does not get promoted as fast as the Cabinet members."

Unfortunately, these statements and the recognition of the merits of our critical analyses have not been followed by any effect... quite the opposite...

With your support, we will continue to...

- ⇒ claim the end of these practices
- ⇒ request the reform of appointment procedures
- ⇒ remain vigilant and denounce any new slippage
- ⇒ oppose with the utmost determination the organization of new "adapted" internal competitions that DG HR will not fail to propose in order to guarantee a more than easy appointment of the cabinet members

Brussels, 1 June 2018

Note to the attention of Mr Günther OETTINGER
Commissioner in charge of Budget and Human Resources

Subject: Inquiry of the European Ombudsman regarding the appointment of the new Secretary-General

Parachuting, politicization of our civil service and urgent need to reform senior management appointment procedures in our institution

Ref.: Letter of 8 May 2018 from Ms O'Reilly to the attention of Mr Juncker ([read](#))

Background

In a number of notes to you and Mr Selmayr (see [our parachuting dossier](#)), we have already drawn your attention to the deep perplexity of the staff of the Commission and the other institutions as well as the outraged reactions, notably from the press and the European Parliament, about the procedure for the appointment of the new Secretary-General of the Commission.

It is undeniable that, after the Barroso and Kroes cases (see [our dossier Barroso – Kroes](#)), this new controversy is “damaging the credibility of the EU as a whole”, as all observers agree and as it is noted in the resolution of the European Parliament adopted by an overwhelming majority.

Therefore, it is imperative and urgent that our institution takes all necessary measures to dissipate this harmful feeling of distrust by implementing a profound reform of its appointment procedures that we have been clamouring for so long.

It is clear in this respect that we are still awaiting your response to our note of 29 March.

We therefore take the liberty to draw your attention once again to these outstanding issues, while we are being approached by a number of colleagues who wait for your clarifications.

Indeed, I would like to confirm that following our communications, we continue to record an unprecedented amount of support and encouragement to continue our efforts in serving the general interest.

These reactions are all the more appreciable given the overwhelming atmosphere and the widespread fear that have gradually settled in our services and to which the recent brutal dismissal of three Directors General has certainly contributed (cf. infra).

May we remind once again that the staff witnessed with dismay the avalanche of articles

from an outraged press (see [the press review attached to our notes](#)) and the stormy atmosphere during your hearing at the EP (Commission's Integrity Policy, in particular the appointment of the Secretary General of the Commission ... [see the video](#)), the over 200 questions that COCOBU ([read](#)) addressed to the Commission, the devastating resolution adopted by the European Parliament Plenary on 18 April ([read](#)) and, last but not least, the recent opening of an inquiry by the Ombudsman Ms O'Reilly ([read The European Commission's Appointment of a new Secretary-General](#)).

All this, in such a short period of time and with such intensity, is unprecedented!

Ombudsman opens inquiry into the procedure for appointment of the new SG and the politicization of our civil service

In particular, in her letter informing you of the opening of the inquiry, the European Ombudsman did not confine herself to announcing her decision to scrutinize the procedure for appointing the new Secretary-General or to request access to all relevant documents and legal opinions; she also raised more general questions and asked to be informed of the Commission's proposals for guaranteeing the independence of our civil service and avoiding the politicization of the procedures for appointment to management posts through the outrageous « parachuting » practice we have experienced.

In particular, R&D wishes to highlight the questions which have been put forward by the Ombudsman and whose effective follow-up by the Commission we will scrutinise with particular attention:

"In that context, I would be grateful if you could provide written replies to the following questions before 15 June 2018:

1. The Parliament resolution states that the appointment "could be viewed as a coup-like action which stretched and possibly even overstretched the limits of the law". How has the Commission reflected on this characterisation of the manner in which the appointment was made and what, if any, lessons has it learned from the affair overall?

2. The Commission did not answer several of Parliament's questions on how this appointment may have damaged the trust in the EU as a whole. Would the Commission now, in hindsight, like to reflect on and set out its view on whether it has damaged trust in the EU? Does it consider that the widespread criticism of the manner in which the appointment was made was justified?

3. While it is important that senior Commission management positions are not the object of negotiations between Member States or political parties, but rather decisions for the College of Commissioners, how will the Commission in future ensure these decisions are based on the principles of transparency, equality, qualifications and merit?

4. Does the Commission agree with the statement in the Parliament resolution that "appointments to high-level posts such as that of Secretary-General should be made independently of other appointments, thereby avoiding any suspicion of non-transparent package deals or trade-offs based on privileged information"? Can the Commission comment on this statement?

5. The Juncker Commission is a political executive, deriving its legitimacy from the European parliament elections, and is supported by an independent civil service. While this is comparable to how many EU Member States governments are structured, can the Com-

mission comment on how it manages the working relationship between the political (that is, the Commissioners and their cabinets) and civil service sides at senior levels?

6. Citizens would expect that the EU civil service gives independent advice, while being necessarily aware of the political environment in which it works. How does the Commission ensure that, when somebody switches from a senior political role to senior management of the independent civil service, that citizens can be reassured about the impartiality of the permanent civil service?

7. The Commission has acknowledged failures in communications in relation to this appointment. What actions does the Commission intend to take in the future in order to improve its handling of valid and legitimate questions from the media, mindful that such exchanges are frequently the only way that citizens get answers to their concerns.”

As part of the inquiry, she also requests access to the following documents:

«Inspection of documents

In addition, I have decided that it is necessary under Article 3.2 of the Ombudsman Statute to inspect the following documents held by the Commission:

All documents, whether in electronic or paper format, including correspondence, notes, memos, emails, and all legal advice, from 1 September 2017 until 18 April 2018, relating to the appointment of the new Secretary-General. This should include documents sent from Commissioners to their cabinets, documents within and between cabinets, as well as documents between Commissioners/cabinets and the Commission services. This should include all documents relating to the retirement of the previous Secretary-General, the appointment of the new Deputy Secretary-General and subsequently new Secretary-General, and the minutes of the meeting of the Heads of Cabinet of 19 February 2018.”

In particular, the request for access to legal opinions will once and for all clarify the division of roles between the Legal Service and DG HR in the validation of this appointment procedure.

A disastrous communication strategy that cannot last anymore

As the Ombudsman rightly points out, and as was already the case in the Barroso affair, the political and media crisis has been further aggravated by the adoption of a disastrous communication strategy that has already fuelled and will continue to fuel Eurosceptic sentiment.

Indeed, the absence of a genuine political will to recognize the problems and profoundly transform the outrageous practices was accompanied by an utterly incomprehensible communication strategy, a toxic mixture of complacency over the adopted decisions and arrogant denial, sweeping aside criticisms coming from all sides, while they were and proved to be justified and perfectly convergent.

This heart-breaking communication will only have the effect of further exasperating the spirits and increasing the anger of all observers and also of your staff.

In the context of this political, institutional and media crisis where the “Move along, there is nothing to see here” was the only answer repeated in every tone by the Spokesperson’s

service, the provocation reached its climax when, as the Ombudsman rightly reminds, the Commission has had no alternative but to publicly distance itself from certain untenable and obviously inconsiderate statements transmitted to the press.

It is therefore imperative, as the Ombudsman requests, to put in place mechanisms to prevent such abuses from happening again in the future.

R&D's analysis: we must start by thoroughly reforming the procedures for appointing senior management

We will recall that, in this unfortunate case, there has never been a question for R&D to focus on or to question the merits of the new SG, but above all to ask the Commission to recognize the need and urgency of carrying out a profound reform of the internal procedures for the appointment of senior management that we have been clamouring for years and for which we have already provided many reasons and ways of working.

Thus, we can only note, not without displeasure, that both the COCOBU and the European Parliament, and now the European Ombudsman, do not, in their turn, confine themselves to analysing and criticizing the appointment of the new Secretary-General, but also look forward to political impetus and sincere support at the highest level for the process of reform of these procedures at which the citizens, the press and the other European institutions look with perplexity today and which your staff expects to evolve towards more transparency, justice and exemplarity.

The Commission must resolutely tackle the reform of its appointment procedures in order to be able to recover its credibility and set a good example for the other institutions

In this respect, within the EP, both the COCOBU and the JURE committee have already asked for your participation and your collaboration with a view to presenting concrete proposals for reform next autumn, as requested by the resolution voted on 18 April.

We ask you to approach these discussions in the context of social dialogue with the greatest openness and to show real willingness to change, by avoiding any attempts to unnecessarily defend absolutely indefensible practices.

On our part, faithful to our commitment to always accompany our critical analyses with proposals to overcome the problems observed, we are at your disposal to explain again, in a constructive and collaborative spirit, what we mean by an urgent, fair and necessary reform of these procedures. Therefore, we would take the liberty to submit again, below, concrete proposals to constitute the starting point of a real change.

We must end once and for all the “parachuting” and the “lift” practices...

In this sense, we recall the absolute necessity to put an end, once and for all, to the outrageous « parachuting » and « lift » practices which too often allow « prospective candidates », naturally cabinet members, to advance a number of grades in a few hours while the rest of the staff must wait for very long years.

In this respect, we share in all respects the analysis of Ms Grässle, President of COCOBU ([read](#)):

"(...) The big losers of these "parachuting" practises will therefore be the "normal" career civil servants with no political proximity (...) This is unfortunately true in the Commission, but also in the Parliament, whose talent to promote certain candidates to the detriment of rest of the civil service is no longer to prove. These practices lead to increasing frustration within the bureaucracy, which feels that careers depend more on arbitrariness than rationality."

Again, for R&D, there has never been a question to cast doubt on the merits of the colleagues assigned to cabinets but, as the Ombudsman rightly points out: "to avoid the politicization of our civil service, reassure citizens of its ability to defend the general interest and independence of political pressure and also to defend the legitimate career expectations of our staff as well as the transparency and credibility of our appointment procedures".

... we must put an end to the massive use of transfers in "the interest of the service"

As stated by the EP Legal Service with exemplary clarity during your hearing before the COCOPU, recalling the basic principles of our Staff Regulations and the lessons learned from the case law, as the EP resolution calls for and as we have always asked for, most recently in our notes to your attention, we must put a definitive end to the massive use of all these "true-false" transfers under Article 7, said "in the interest of the service", which all too often are in fact only in the "interest of the prospective candidate", the administration thus abstaining, contrary to its obligation, to publish the posts and to make a real comparative analysis of the candidatures.

... we must end the practice of the "blunt dismissal of management", as was the case on 21 February with the assignment as special advisers of three Directors General: Unum castigabis, centum emendabis?

Just as we must put an end to the "transfers-dismissals" organized and announced to the interested parties only a few hours before the formal decision to abruptly dismiss colleagues, as was the case on 21 February for our three former colleagues Directors-General for the obvious purpose to install within the services a climate of generalized fear and forced loyalty.

Such practices are not worthy of the European civil service we have chosen to serve with pride!

The Commission could start by implementing the first very significant statements of Messrs Selmayr and Italianer against "parachuting"...

Beyond the denial of these abuses, there are statements of fact like those of Messrs Selmayr and Italianer ([read](#)) proclaiming, more than a year ago, that from now on the « parachuting » and 'lift' practices would no longer be admitted and finally recognizing that, as R&D had always denounced, "these practices are demotivating for the rest of the staff who are not promoted with the same speed as the cabinet members".

... statements that to our utmost regret have evolved afterwards, that no one has taken seriously and have not been followed by any useful effect...

Needless to say here that these initial statements, absolutely appreciated, which we had rejoiced but to which obviously no one had believed, have then “evolved” thanks to the “authentic” interpretation of their authors and eventually have been deprived of any real useful effect.

Worse still, the real (un)useful effect of the latest evolution of these statements seems to have been that of recognizing the acceptability of appointments that until then had always been considered as indisputable cases of « parachuting ».

In this regard, we are still awaiting your reply to our notes aimed at understanding the ultimate political meaning of the decision to make very significant statements against the « parachuting » of cabinet members, to acknowledge the harmful effects of these practices on staff motivation, to send very precise instructions to the services, to promise to guarantee their implementation... and to take a step backwards in a more than spectacular way (read our notes [28/02/2018](#), [09/01/2018](#), [02/06/2017](#), [16/05/2017](#), [22/03/2017](#), [06/02/2017](#)).

Pending a response or at least an explanation from Mr Selmayr on the hesitation waltz of his positions against « parachuting », all the more necessary in the context of his new responsibilities as Secretary-General in charge of coordinating all services of our institution, we also ask you to take a clear political position.

Landing strips released ?

It is all the more urgent to deny the allegations, as many colleagues tell us, that as we approach the end of the College's term, and in order to smoothly accompany future « parachuting », posts have already been frozen for this purpose, at the level of the organization charts and ad hoc reorganisations already scheduled.

Internal 'tailor-made' competitions in preparation ?

Just as we ask you to deny that in order to allow the appointment of temporary staff assigned to the Commissioners' cabinets, our administration – of which you are the political manager – is already concocting new 'internal competitions' with 'adapted' selection once again, not guaranteeing in any way the transparency of the procedure and a real equality of treatment among the candidates.

Should we remind you the shameful management of pseudo internal competitions at the end of the Barroso Commission's mandate in 2014? ([read](#)).

Should we remember that it would be absolutely unacceptable for internal competitions to be diverted from their original purpose once again?

Do we need to reiterate that the much-needed internal competitions are designed to meet the ever more legitimate expectations of redressing the damage done to post-2004 hiring of civil servants and to offer career prospects to contract agents rather than ensuring the 'easy' appointment of the temporary staff of the cabinets, at that to very high grades, that the civil servants who are the winners of a general competition can hope to achieve after a variety of promotions and many years of career?

Conclusion

In view of the above, we are hopeful that both in this dossier and in the answers expected by the Ombudsman by 6 June on the case of the former President of the European Commission Barroso concerning the reform of the code of good conduct for the former members of the College, our institution will approach the discussions with lucidity and courage by finally getting out of the 'mental bunker' where it has been walled up in order to deny incontestable problems.

The Commission must come out once and for all of this obsessive reflex which makes any criticism, even constructive, perceived as manoeuvres of malicious political partisan attacks even though they come from your staff and its representatives whose European commitment cannot, certainly, be called into question.

No, Commissioner, all is not well!

We ask that after so many mistakes, the Commission now shows a sincere desire to work with the other institutions, the press, the staff and their representatives, and to finally provide credible and detailed answers to the legitimate questions that arise to it putting an end to the usual refrain ... "Everything is going very well, ladies and gentlemen MEPs, Madam Ombudsman, ladies and gentlemen journalists, ladies and gentlemen staff representatives... everything's fine, I tell you, everything's fine!"

A radical change of attitude is the only useful and dignified way for our institution today, while the European project is rolling and pitching, threatening at any moment to run aground on the reefs of populism that surround it a little more each day.

Cristiano Sebastiani

President

CC :

Mr J-C Juncker, President
Ladies and Gentlemen College Members
Mr M. Selmayr, Secretary general
Mr L. Romero Requena, DG SJ
Ms I. Souka, DG HR
Ms O'Reilly, Ombudsman
Ms Gräsle, President of COCOBU
Mr Svoboda, President of JURE
European institution staff

Brussels, 23 March 2018

NOTE TO MR GÜNTHER OETTINGER
COMMISSIONER IN CHARGE OF BUDGET AND HUMAN RESOURCES

Subject : Your reply of 9 March to our note of 28 February concerning the College's decisions of 21 February on the appointment of Mr Selmayr as the new Secretary-General and on several other appointments of Directors-General and Deputy Directors-General.

In our note dated 28 February ([link](#)) we had drawn your attention to the deep perplexity voiced by the staff of the Commission and other institutions vis-à-vis these appointments, and we had relayed various questions to you.

As part of the frank and open dialogue with staff representatives that you wished to establish, we would like to express our disappointment on the clarifications put forward in your reply of 9 March ([link](#)). Unfortunately, these do not meet the questions we are entitled to ask ourselves and, above all, they remain surprisingly silent on some of them.

Regarding the massive support reactions of our colleagues to our approach

As a starting point, I would like to inform you that, after the circulation of our notes on this hot topic to your attention as well as to Mr Selmayr's (who still hasn't answered to this day...), we recorded **unprecedented support and strong encouragement** to relentlessly continue our efforts for the general interest, and we would like to sincerely thank the hundreds of colleagues who have shown their support to the difficult task of calling you to greater lucidity on the events and on their potential consequences.

These reactions are all the more significant given the heavy climate of fear and forced loyalty that broke out within the services to which the brutal dismissal of our three colleagues Directors-General has undoubtedly contributed. This is how most of our colleagues confirmed the informal nature of their signs of support.

The message we are sending you, on behalf of our colleagues, is very clear: in the name of the general interest, your staff is not willing to pay the consequences of the political and media crisis triggered by the appointment of the new Secretary-General, and even less keen to be imposed a new reform of the Staff Regulations.

A major political crisis that severely damages the reputation of our institution

It is with consternation that the staff became aware of the spate of articles from an indig-

nant press ([see press review in annex](#)) of the stormy climate of your hearing at the EP (*Commission's Integrity Policy, in particular the appointment of the Secretary-General of the Commission ... see the video*), and of the 140 questions that COCOBU ([link](#)) has just sent to the Commission as part of the ongoing investigation in view of the vote of the plenary of the EP, planned for 18 April.

This is purely and simply a first!

However, we note that, about the appointment of the new Secretary-General, your answer firmly resumes the same arguments you put forward during your hearing of 12 March at the European Parliament — hearing which did trigger major outcry —, immediately relayed by a press, as indignant as the MEPs, unanimously highlighting the Commission's lack of awareness of the seriousness of the situation.

Your attempt to convince your political and media interlocutors that the criticisms they expressed against this appointment would be unfounded, that the Commission had, in this case, "religiously respected the letter and the spirit of the Staff Regulations" in a gesture worthy of the "2018 Ideal Procedure Award", proved to be perfectly vain, if not counter-productive.

The clearly predictable consequence of your speaking in Parliament will have been — as MEP Verhofstadt, who is certainly not a Eurosceptic or an enemy of our institution, confirmed to President Juncker ([link](#)) — that, **for the first time of this legislature, ALL the deputies**, regardless of their political orientation or the strength of their commitment to the European project, rebelled against and totally rejected your explanations.

Everybody accused the Commission of "treating them as children" or "as fools" or that "you had to be blind, deaf and stupid" to believe your words.

And to highlight the seriousness of the crisis of confidence, Mr Verhofstadt openly said that the Juncker Commission was taking the risk of following the fate of the Santer Commission.

Yesterday it was the turn of the delegations in the Council to express their criticism by inviting the Commission to cooperate loyally with the EP.

No, Commissioner, the Staff Regulations has nothing to do with it, and it is out of the question that the staff will undergo yet another punitive reform, as in 2004.

Worse still: by trying at all costs to convince that, in proceeding with this appointment, the Commission had simply religiously respected the Staff Regulations, you suggested that the Commission could soon do it again with other jobs / officials.

It was therefore inevitable that the only possible political response to your defense tactics was to urgently demand you... a change in Staff Regulations! This is exactly what several members told you during your hearing.

However, in your reply, it was with great surprise that we took note of your response to the MEPs about a possible reform of our Staff Regulations: "*if you want to change it, we will have to talk about it*" and that "*(...) the Staff Regulations can be changed.*"

However, in this controversy, the Staff Regulations have nothing to do with it: the general principles of equal treatment of potential candidates, publicity and transparency of the selection procedures of officials within the Union's institutions are well stated in our Staff Regulations and are fundamental rules to which the institution cannot derogate.

This is what we are asking you to strongly reaffirm during your hearing on March 27 before the COCOBU.

The Commission's implementation decisions need to be improved in-depth

The internal decisions and procedures of the Commission implementing these provisions must be amended to meet the expectations of the press, the EP, the European Ombudsman, the public opinion but also and above all, of your staff, who has the right to ensure that the vocation of staff to pursue a career within the institution is taken into account, in order to avoid the massive use of transfers in the interest of the service, so as to not publish the posts and to not make a real comparative analysis of the applications, or to abruptly dismiss colleagues and totally politicize the nominations, etc.

Similarly, we must put an end once and for all to **the hateful practice of the "elevator"**, namely the appointment, sometimes even through an "external" procedure, of a cabinet member to a managerial position that s/he will actually never hold, to be seconded right after to a cabinet, sometimes the same, having thus acquired the grade and level of a job never practiced, and to **the "parachuting"** of which Mr Selmayr himself — with very clear and praiseworthy remarks — so well recognized the harmful consequences, subsequently denied by the facts and that we obviously were the only ones to take seriously (*read our notes of [28/02/2018](#), [09/01/2018](#), [02/06/2017](#), [16/05/2017](#), [22/03/2017](#), [06/02/2017](#)*).

In addition, it is also necessary that the Administration commits to fully assuming its role of guardian of our Staff Regulations and ceases to appear as a simple and docile linchpin!

This commitment is all the more urgent as many more "parachuting" have already been announced before the end of the Juncker Commission.

As to the rest, we believe it is appropriate to deal, without further delay though with humility and lucidity, with the reservations expressed towards this appointment and to provide the explanations, which the Commission must communicate, in a transparent manner.

We must start by immediately correcting a disastrous communication strategy that has largely contributed to the outbreak of the current political crisis.

Procedures "à la carte"?

In the Commission's first press statements, it was quite inappropriate to let believe that in our institution the choice of the procedure for filling the posts would be left to the candidate's discretion (but obviously not just any...), like a menu of the day.

Instead of contributing to the confusion, the Commission should have clarified the basic difference between the grade of a staff member and the level of her/his employment as a result of her/his normal career progression, and those which can to be attributed to her/him during a temporary secondment to a cabinet.

Articles 37 and 38 of the Staff Regulations are unambiguous in this respect: the level of the job held within a cabinet and the corresponding grade are, by nature, only temporary.

At the end of such secondment, the officer resumes her/his career at the grade and level of employment s/he held before her/his secondment.

Insofar as Article 29 of the Staff Regulations strictly regulates the way the institution can pro-

vide for the employment of Deputy-SG, the explanations initially given, claiming that Mr Selmayr would have chosen the "*most difficult*" procedure, not only lack any legal basis, but they have undeniably added legal controversy to political polemics, suggesting that, in our institution and with regard to our Staff Regulations, the choice of procedure would be left to the discretion of the candidate (but obviously not just any...), à la carte!

How many applications for the post of Deputy Secretary-General? "Several", then "Less than four", then "only two" and finally "only one"... Will anyone go lower?

Likewise, it is inconceivable to have surrendered as the Commission did, to contradictory successive statements as to the number of candidates for the post of Deputy Secretary-General, varying (depending on the outside temperature?) from "several" to "less than four", to "only two"... to end up admitting that "only one", that of Mr Selmayr, remained in competition after the other candidature was withdrawn just before the beginning of the evaluation procedure.

During your hearing at the EP, we noted that you have not denied the statements made by the press or contradicted those of the Members on this issue. They all tended to say that, during the selection procedure for the filling of the post of Deputy Secretary-General, no comparative analysis of the candidatures had been possible, since the only other application submitted by the President's deputy head of cabinet had been withdrawn before the start of the evaluation procedure and that only Mr Selmayr was a candidate for the post.

Without waiting for this to be revealed and thus sparing our institution the suspicion of non-transparency, which has hung over it ever since in the international press, the Commission should have therefore confirmed in all sincerity and from the outset how the procedure had unfolded.

To that end, why did you try to trivialize the process of appointing the Deputy Secretary-General, stating as you do in your reply, that it is normal, in the context of a nomination procedure, that "*certain applications are withdrawn*"?

You forgot that, in the present case, not only were there only two applications, but the second was almost immediately withdrawn and came from a colleague who was subject to the direct authority of the successful candidate and who, once the appointment was decided, took the place that had remained free!

To cut short and to appreciate the so-called banal character of such a situation, can you tell us if such a situation has already been verified, even just once, in the history of our institution?

Rather than trying to claim that Mr Selmayr's choice was made following the comparative analysis of several candidates, the Commission would have done better to assume its political responsibility by waiving its right to re-publish the call for applications to create new ones.

It is now urgent to provide the appropriate explanations in relation to aspects that it is useless to continue to deny and the Commission must assume the political responsibility for its decisions.

It is perfectly useless to deny the unique nature of the concomitance between the appointment of Mr Selmayr as Deputy Secretary-General and his transfer, the next

minute, to the Secretary-General's seat, which was still warm by the incumbent who had just resigned.

The Commission can at most try to defend the full legality of this unique phenomenon of perforation of the administrative space-time on the grounds that there is no legal provision expressly prohibiting it, according to a model stating that it would be "forbidden to forbid what is not".

To cut short and in order to appreciate the supposedly ordinary nature of the approach that the Commission is trying to defend, can you tell us in how many other cases this double procedure has been followed in such a small space-time?

It is equally useless to deny the unprecedented nature of the choice of a Secretary-General who has never previously exercised responsibility for an operational service. Just as it is futile to refuse to assume the political responsibility for such a choice, which undoubtedly constitutes a profound break with the usual practice in this area ever since the creation of our institution.

To date, the secretaries-general who succeeded Mr Emile Noel had come from the ranks of colleagues, all of whom had actually held senior management positions, even Director-General in a DG.

Our aim is not to question the professional qualities of Mr Selmayr or the formal legitimacy of the President to appoint the Secretary-General of an institution he presides.

Nevertheless, it is impossible to deny that, in this case and for the first time in the history of our institution, the choice fell on a colleague who had no experience of supervising a European operational service.

Explaining and assuming the political responsibility for such a surprising break with past practices: this is what your interlocutors have kept asking you, tirelessly, without ever getting an answer.

Blunt dismissal of management of three Directors-General: Unum castigabis, centum emendabis?

We also note that in your reply you did not feel it was necessary to answer our questions concerning the treatment, for the least expeditious, reserved to three of our colleagues Directors-General who were informed, within a few minutes of interview and without prior notification, of the irrevocable decision to terminate their duties immediately, a decision to be ratified the morning after by the College.

We had, however, pointed out that your explanations on this issue were all the more necessary because an imaginative press was already fantasizing about the possibility that these decisions actually came from the future-ex-head of cabinet of the president / future-new Secretary-General, who would have begun to shape the Commission "by dismissing Directors-General he did not like".

Should we regard your silence on this aspect of the case as a benevolent guarantee of the method used?

Did the Commission also "religiously respect the spirit and the letter of the Staff Regulations" since they contain no written provision prohibiting such a procedure — quickly and informally implemented, in half an hour, from 6pm to 6:30pm — and they

do not establish any specific format for the composition of the high-level delegation responsible for announcing the “good news”?

Why bother with these brief interviews the day before when a tweet would have done the deal, especially because “it is not prohibited”?

From the Commission “is not the Montessori School” to the set of “The Apprentice” (“You are fired!”): Is this the first application of a new management culture?

To stay with the television metaphor introduced by the press, which considers that the Commission suddenly became the set of “House of Cards”, we are more tempted here by the scenario of “The Apprentice: “You are fired!”.

As several members asked you during your hearing, it is necessary to deny unambiguously that it would actually be a question of implementing a new managerial style based on fear and no longer on loyal collaboration, definitely favouring blind obedience to the detriment of initiative and the collective independence of its staff. This would be a direct attack on the interests of the Union, its institutions and its public service.

This is also what we are asking you to strongly deny.

It is necessary to deny as clearly and equally, any political will to question the independence of our Legal Service, a real pride of our institution!

In the same vein, the staff was particularly shocked by the press articles and the questions raised by the deputies, reporting an alleged will to question the independence of our Legal Service, which carries out every day, as Politico says, a “sanity check” of our institution, and to place it under the authority of the Secretary-General.

Such a dismantling of the service responsible for ensuring respect for the rule of law in the Commission since 1958 would further aggravate the crisis of confidence between officials and the public vis-à-vis the institution.

We must not forget that the independence and excellence of our Legal Service is also a fundamental guarantee for European citizens who are entitled to be reassured that all the decisions adopted by our institution are fully respectful of the legal framework in force.

The rather timid and very vague denials, so far pronounced, are far from being able to allay these fears.

We are therefore asking you to reassure the staff and external observers **by formally confirming that the Commission, all throughout the duration of its mandate**, has no intention to:

- ⇒ modify the organizational chart of the Legal Service;
- ⇒ transfer it under the authority of the Secretary-General;
- ⇒ change the structure, functioning and tasks of the Legal Service as they currently exist;

- ⇒ take any action whatsoever that would undermine the independence of the Legal Service, or prevent it from providing the College with frank, objective and complete legal advice;
- ⇒ prevent the Legal Service from continuing to file written submissions in all the prejudicial questions referred to the Court of Justice for a preliminary ruling.

In addition, in order to dispel the information reported in the press, announcing that this post will be subject to a further “parachuting” by simple transfer in the interest of the service, it is urgent to also confirm that, in the event that the current Director-General of the Legal Service would retire before the end of the term of office of this Commission, the choice of his successor will be the subject of the publication of an open and transparent selection procedure, since the appointment for the post of Head of the Legal Service is one of the most sensitive.

Conclusion

In view of the foregoing, we would be grateful if you could answer our questions, so that we could actually answer the questions of our colleagues, in the collective interest, and to safeguard the reputation of the whole institution already weakened by the unfortunate management of the Barroso case, and now undermined by this new political and media crisis that should have been carefully avoided while the European project is being challenged and subjected to populist attacks from all sides.

Cristiano Sebastiani,

President

CC:

Mr J-C Juncker, President

Ladies and Gentlemen College Members

Mr M. Selmayr, Secretary General

Mr L. Romero Requena, DG SJ

Ms I. Souka, DG DGHR

Mr C. Roques, Mr L. Duluc DG HR

Mr Verhofstadt, MEP

Staff of the European institutions

Brussels, 28 February 2018

NOTE TO M. GÜNTHER OETTINGER
COMMISSIONER IN CHARGE OF BUDGET AND HUMAN RESOURCES

Subject : College decisions of 21 February concerning the senior management of our institution

As part of the frank and open dialogue with the staff representation that you have established, we would like to bring to your attention the following questions and requests for clarification regarding the recent appointments to senior management.

First of all, it is reassuring to note the absence of any external appointment: almost all of the colleagues who were appointed have consolidated experience within our institution and had already assumed important management responsibilities within a Directorate-General. Indeed, in the past, appointments by external procedure to the positions of Director-General of persons with no experience and internal knowledge of our institution had disastrous effects for the proper functioning of services, against the legitimate career expectations of our colleagues.

Secondly, we appreciated that, for the first time, Bulgarian and Cypriot colleagues were appointed to posts of major responsibility.

Thirdly, we take good note of the efforts made to achieve a better gender balance in senior management posts.

However, there are critical aspects that need to be clarified.

The decisions of February 21 have raised many questions that we are submitting to you to have your clarifications and answers.

1. Why were these appointments handled in the greatest secrecy?

Indeed, as confirmed by numerous articles published in the press, as well as by information that was transmitted to us by colleagues including cabinet members, the whole process behind these appointments would have been managed in the biggest secret, putting the members of the college and their cabinets before the fait accompli. We cannot believe that, as it was told by several journalists, despite your responsibilities, even you would have been involved only in the very last phase of the process.

2. Why, to one exception, have these Director-General posts been filled without prior publication of a vacancy notice and therefore without a comparative analysis of potential candidates?

In your press statement on these appointments, you emphasized that *"By appointing the best people to the right jobs, we are determined to use the window of opportunity that now opens for us to act according to our policy agenda"*.

Without doubting the merits of the newly appointed colleagues, it is nevertheless important to remember that, in view of our Staff Regulations and the basic principles of our public service, only the publication of a vacancy notice and the procedures therein related guarantees the comparative analysis of the merits of the candidates.

We want to make sure that this is not again a new approach that will systematically aim at not publishing the posts of Director-General, thus avoiding the usual selection procedures, advertising and possible jurisdictional control.

3. What are the exact details of the procedure that led to the appointment of the new Secretary-General?

With regard to the most important administrative appointment within our institution, it is imperative and urgent to ensure absolute clarity and to dispel all criticism, including statements reported in the press, suggesting that it was a real *"coup d'état"* carried out with a small group of *"plotters"* and with the complicit silence of others. In particular, according to this same press and its sources, the internal rules were *"abused or deliberately violated"*. According to the same information, though he was not eligible for the post, Mr Selmayr would have been appointed Deputy Secretary-General following a selection procedure in the same day and then transferred to the post of Secretary General following the concomitant departure of Mr. Italianer who wished to retire.

Should this information be founded, you would agree with us that this is a completely new and quite surprising procedure that requires an explanation going beyond the usual clarifications previously transmitted by the spokesman's service, in reaction to press reports and questions from members of the European Parliament who have come to ask for a parliamentary committee of inquiry to shed light on this appointment.

4. Is it true that the three former Directors-General appointed to senior advisers were informed of the decision to discharge them from their responsibilities only on the eve of the college meeting, without any prior notice?

It would be unacceptable that these colleagues would have had to undergo such brutal and disrespectful treatment when, for years, they had accomplished their missions to the full satisfaction of our institution. No doubt that such procedure is likely to call into question these three colleagues' respectability, which must therefore be restored without delay.

Unum castigabis, centum emendabis ?

Under these circumstances, your clarifications become all the more necessary as the press has already imagined that these decisions would actually come from the former Head of the President's cabinet / new Secretary-General, who would have begun to shape the Commission *to his idea "by dismissing general managers he did not like", a very clear signal to create a climate of generalized fear that is absolutely unacceptable within our institution.*

Clarifying the processes underlying these decisions, restoring the respectability of our colleagues, denying with the utmost firmness such interpretations, this is what we are urgently asking you, so can be confirmed the commitment to the values of our public service and can thus be protected the credibility of our institution and its appointment procedures.

To this end, we kindly ask for an answer on all the items raised, as soon as possible. At stake is the credibility of the institution, both internal and external.

Cristiano Sebastiani,

President

CC:

Mr J-C Juncker, President

Ladies and Gentlemen College Members

Mr. M. Selmayr, Secretary General

Ms I. Souka, DG DGHR

Messrs. C. Roques, L. Duluc DG HR

Commission staff

Brussels, 28 February 2018

NOTE TO MR. MARTIN SELMAYR
SECRETARY GENERAL OF THE EUROPEAN COMMISSION

Subject : Your successive positions against "parachuting" and your own "parachuting" on the post of Secretary General

The announcement of your appointment, as new Secretary-General, has prompted many reactions and questions from both colleagues and the outside world.

According to the information reported by the press, though you were not eligible for Deputy Secretary-General, you would have been, in the same day, appointed to this post following a selection procedure and then transferred to the post of Secretary-General following Mr. Italianer's retirement on the same day again!

Should this information prove to be true, you would agree with us that this is an entirely new and quite surprising procedure, which requires explanations from Mr Oettinger — Commissioner in charge of Human Resources within our institution — whom we just asked.

Indeed, according to all observers, your appointment is the most spectacular case of "parachuting" of a cabinet member: for the first time in the history of our institution, a cabinet member becomes Secretary-General without ever having been responsible for a directorate-general or any other department. Moreover, this appointment as Secretary-General was made without any publication of the post.

In these circumstances, the ironic and sarcastic reactions of colleagues suggesting that we should not take seriously your commitments and your successive positions against "parachuting" would actually be founded!

Your statements against the hateful practice of "parachuting"

It must be remembered that, in January 2017, together with Mr Italianer, you stated that:

"Shall not be allowed":

- "the appointment of Cabinet members to management positions in the Directorate-General operating under their portfolio and placed under their direct supervision."

In support to these same instructions you stated that:

"These practices are demotivating for the rest of the staff who doesn't get promoted as fast as the Cabinet members."

And, always with Mr. Italianer, you have said that you intended to ensure the strict respect of these so well inspired instructions.

You will agree with us that, in accordance with your instructions, which we had supported with the greatest conviction — being obviously the only ones to have taken you seriously (please read our notes to you dated [6/2](#), [22/3](#), [16/5](#) and [2/6/2017](#)) — we had the right to expect that you would never have tolerated the double appointment, in "flash sequence", of a same cabinet member to the envied positions of Deputy Secretary General and Secretary General.

It is true that, subsequently, by your new declarations of October 2017, you had already seemed to drastically wish to reduce the scope of your initial declarations, thereby depriving them of any useful effect.

Only a few weeks ago, on [9 January 2018](#), we asked you to reconsider these "derogations" so that we could respond to the many questions raised at the time by staff members who had become both worried and suspicious.

We were therefore waiting for a clear answer from you: this answer seems to have been buried with your appointment.

In view of the above, please kindly let us submit to your attention, in your quality of Secretary General of the Commission, the following questions:

- 1. How to reconcile your exemplary declarations as Head of the cabinet of the President of the Commission, aimed at putting (finally) an end to the unjustifiable and deleterious practice of "parachuting", with your own "parachuting" to the post of Deputy Secretary General and then Secretary General of our institution?**
- 2. In your new role as Secretary-General, starting in a few hours, could you please let us know, once and for all, the instructions you intend to enforce regarding "parachuting"?**

Having a clear answer from you has become all the more urgent that "parachuting" has already been announced in several services.

Above all, we cannot forget that, as it was the case with the end of the mandate of the Barroso Commission, the administration (still faithful to its mission as a single linchpin), which you are now responsible of *in fine*, would apparently already be preparing new carefully designed appointment procedures ...

In this regard, we wish to confirm that our actions never aimed at denying the merits of our colleagues in the cabinets, but only at defending the credibility of our institution and its appointment procedures, as well as taking into account the de-

vastating effects of these practices on the motivation of the rest of the staff, effects that you have so well recalled in your successive declarations.

In the framework of the open and frank dialogue that we wish to establish with the new Secretary General of the Commission, and in accordance with the well-known practice of many of your predecessors, we would like to propose a meeting with the Staff Representation in order to address, among other things, all the aspects mentioned above, but also to allow you to present the priorities and the orientations in the accomplishment of your new functions.

Cristiano Sebastiani,

President

CC:

Mr J-C Juncker, President

Mr G. Oettinger, Commissioner in charge of Budget and Human Resources

Ladies and Gentlemen College Members

Ms I. Souka, DG DGHR

Messrs. C. Roques, L. Duluc DG HR

Commission staff

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Brussels, 9 January 2018

Note to :

M. Selmayr, Head of Cabinet to the President of the Commission, Mr Juncker

M. Italianer, Secretary-General of the Commission

Subject: « Parachuting » of cabinet members at the end of the College's term of office and your statements under item 7.5 of the minutes of the meeting of Heads of Cabinets on 23 November.

Ref : Our notes to your attention dated 6 February , 22 March, 16 May and 2 June 2017

Your statements under item 7.12 of the minutes of the meeting of Heads of cabinets of 30 January 2017

1. Reminder of the facts

R&D has always fought "parachuting" by cabinet members at the end of each College's term of office and denounced its serious consequences, not only for the motivation of the staff and the credibility of our institution but also for its appointment procedures.

Likewise, **R&D** has always denounced the detestable practice of the "Geyser-parachuting", namely the appointment of a cabinet member to a management position in a Directorate-General followed by an immediate reinstatement in a cabinet.

Without contesting the merits of our colleagues assigned to the Members' cabinets, **R&D** has always advocated the setting up of clear instructions prohibiting in particular the appointment of cabinet members to management positions in the Directorate-General operating under their portfolio.

In this respect, it is indisputable that the Barroso Commission had already overstepped the limits ([please read our file on the topic](#)).

We had hoped so much that the Juncker Commission would not engage in such practices.

2. An administration reduced to the role of simple "linchpin"...

Whenever we asked to put an end to these slippages, denouncing the devastating effects of these practices, we received only bureaucratic reactions denying any problem, ensuring that all appointment procedures had been put in place, implemented with the greatest transparency... In short, that all was fine in the best of all worlds!

Regrettably, we had to face that our administration has been completely unable to oppose such practices or, worse yet, that it has used its skills for deleterious actions as was the case

in 2014, when organizing internal competitions for the benefit of colleagues from the Cabinets, by misusing the legitimate expectations of post-2004 colleagues.

3. Your statements under item 7.12 of the minutes of the meeting of Heads of cabinets of 30 January 2017

Given the above, we had surely taken note, with the greatest satisfaction, of your statements at the meeting of Heads of Cabinet on 30 January 2017 (please see point 7.12 of the minutes of this meeting).

On this occasion, you had confirmed that:

"Shall not be allowed:

- the appointment of cabinet members to management posts in the Directorate-General operating under their portfolio and placed under their direct supervision.

- as well as appointments of cabinet members in a Directorate-General to obtain promotion and reinstatement in a cabinet as soon as this promotion is obtained."

In support to these instructions, you had indicated:

"These practices are demotivating for the rest of the staff who are not promoted with the same speed as the cabinet members"

While warmly welcoming your position, we had nevertheless pointed out to you, by our note of [22 March](#) 2017, the **deep scepticism** of our colleagues as to the actual scope of your statements: who could really believe that things would actually change in practice?

The first decisions seemed to confirm the legitimacy of this scepticism

By our notes of [16 May](#) and [2 June](#) 2017, we had regretfully been compelled to note that your instructions did not seem to have been taken into account for two appointments in the Moscovici Cabinet and Jourová.

4. Your new statements under item 7.5 of the minutes of the meeting of Heads of Cabinet of 23 November, which seem to aiming at drastically reduce the scope and useful effect of your statements of 30 January 2017

On that occasion, while formally declaring you wanted to confirm your statements of 30 January, and though your position against the practice of the "Geyser-parachuting" remains very clear and unequivocal, you seemed to have wanted to drastically reduce the scope and the useful effect of your instructions of 30 January 2017 on "parachuting", on two essential aspects (see below).

4.1 Non-application of your instructions for appointments of members of President and Vice-Presidents Cabinets

You said that your instructions did not concern *"the members of the President and Vice-Presidents Cabinets as they do not have the direct responsibility of a general direction but a horizontal responsibility of coordination, covering several portfolios and general directorates"*.

It is obvious that your position did not fail to arouse sharply negative reactions from

colleagues and, in particular, from several members of the other Cabinets who have approached R&D to denounce the discrimination brought in to favour certain “parachuting” compared to others.

It is also surprising that the very broad nature of the Vice Presidents' responsibilities is invoked to remove the members of their Cabinets from your instructions on “parachuting”, while it has not been taken into account in the proposal for a new code of good conduct for the Members of the College, in order to assess the increased risk of conflict of interest after the end of their mandate, by applying to the Vice-Presidents the same cooling-off period of 3 years, which will however be restricted to the President only.

As we already had the opportunity to mention, the application to the Vice-Presidents of the same cooling-off period now only foreseen for the President is also necessary to better take into account the positions of both the European Ombudsman and the European Parliament.

4.2 Restricting your instructions solely to appointing procedures of senior management

Worse still, the minutes of last 23 November meeting stipulate that ***"as a general rule¹ members should not be promoted to senior management posts¹ in the Directorate-general under the direct authority of their supervisory commissioner (the so-called "parachuting")."***

This, while on this same point of the minutes of the 30 January 2017 meeting, it is indicated that ***"Appointments of cabinet members to management posts¹ in the Directorate-General operating under their portfolio and placed under their direct supervision will not be accepted¹"***, thus in no way limiting the scope of the instructions to senior management appointments only.

On the one hand, the fact that your instructions of 30 January 2017 were unquestionably also applicable to middle management appointments, is confirmed by the strong reactions we received from candidates for posts of this kind, which expressed their irritation and strongly reproached us of having supported and welcomed your positions.

On the other hand, no one can doubt that, if, by chance, your instructions on “parachuting” should now only apply to appointments to senior management posts in the Directorates General under the tutelage of the members of Commissioners' cabinets and that, in addition, they would not be applicable to appointments to senior management posts in the Directorates General under the tutelage of the members of the cabinets of the President and Vice Presidents, all the scepticism with which your initial statements were welcomed would prove to be absolutely justified.

5. Irony, sarcasm and... increased demotivation of staff...

In this respect, it is all the more useless to confirm that, since your statement of 23 November, we have been overwhelmed by ironic and sarcastic reactions from colleagues who reminded us that they had warned us not to take your commitments of 30 January 2017 seriously.

6. *“Everything changes so that nothing changes”... or even worst?*

While understanding these reactions and the dismay of colleagues, we have continued to confirm that we could not believe that the highest political and administrative authorities of our institution could actually engage in political statements against "parachuting", establish clear instructions against it, confirm the harmful effects of these practice as to the motivation of our staff, solemnly declare to engage in those statements, ensure the greatest respect of them,... and, in the end, a few months later, reconsider their positions and drastically limit their scope, while formally confirming their initial statements.

6.1 Rather than restraining “parachuting”, it seems to be more about legalizing it

To appreciate the extent of the possible effects of such a change in approach, suffice it to say that only a dozen colleagues would now potentially be affected by the instructions in your statements of 23 November, while **several dozens more of cabinet members**, which were the subject of your instructions of 30 January 2017, **would now be freely "parachutable"**.

Under these circumstances, the true effect of all your statements would have been to recognize the acceptability of appointments, which until then had been considered - also by you last January - as indisputable cases of “parachuting”.

It is even unnecessary to point out the detrimental effects of such an approach on the demotivation of staff to which you have claimed you wanted to give an answer.

Conclusion

Given the above, we would be grateful if you would:

- 1) Reconsider your position to remove members of the President and Vice Presidents' Cabinet from the effects of your instructions
- 2) Clarify that your instructions apply to all management appointments and not only to senior management ones, as mentioned in your statements of 30 January 2017.

In order to respond to the many questions we have received from our colleagues, we look forward to receiving a clear answer from you.

Cristiano Sebastiani,

President

Copie:

Members of the Collège

General Directors

European Ombudsman

Commission Staff

Brusselles, le 7 juin 2017

**NOTE À L'ATTENTION DE M. SELMAYR, CHEF DE CABINET DU PRÉSIDENT JUNCKER,
ET M. ITALIANER, SECRÉTAIRE GÉNÉRAL DE LA COMMISSION**

Objet : Vos déclarations lors de la réunion du 22 mai dernier sur la nécessité des Chefs de cabinets de respecter l'engagement et le travail de nos collègues du Secrétariat général (cfr PV du 23 mai RCC (2017) 2213 – [lien](#))

Réf: Nos notes à votre attention en date du 06 février ([lien](#)) et 22 mars ([lien](#)) derniers

R&D tient à vous féliciter pour avoir rappelé aux Chefs de Cabinets que le personnel du secrétariat général « n'est pas corvéable à merci! »

Dans vos déclarations citées en objet vous avez tenu à confirmer respectivement que :

" Le secrétaire général attire l'attention sur le fait que le greffe met régulièrement à la disposition des chefs de cabinet des documents confidentiels protégés pendant le week-end pour leur donner le temps de préparer correctement la réunion hebdomadaire des chefs de cabinet. Or il constate qu'un grand nombre de cabinets ne se déplacent pas pour récupérer ces documents et que ce week-end encore, ils étaient 13 cabinets dans ce cas.

Il regrette cette attitude qui démontre un certain manque d'intérêt pour les travaux de l'institution et a aussi pour incidence de démotiver les équipes du secrétariat général régulièrement mobilisées."

Et que :

"Le chef de cabinet de M. le PRÉSIDENT confirme pour sa part que la diffusion de documents protégés le week-end est un service que le secrétariat général offre aux chefs de cabinet pour leur permettre d'informer leurs commissaires et de présenter leur position lors de la réunion hebdomadaire des chefs de cabinet afin de mieux préparer la réunion du Collège.

Il ajoute que le secrétariat général n'est pas corvéable à merci.

C'est pourquoi il propose de maintenir jusqu'à l'été la diffusion de documents le week-end

et de dresser un bilan à ce moment-là pour voir si ce service continue à se justifier au vu de l'utilisation qu'en font les cabinets. Il note également que les chefs de cabinet qui ne se déplacent pas et qui, par conséquent, ne disposent pas des documents nécessaires pour la réunion hebdomadaire ne devraient pas être en mesure de se prononcer pendant cette réunion sur le fond du dossier concerné".

Il faut maintenant rappeler aux chefs de cabinet que le personnel des autres Directions Générales n'est pas corvéable à merci non plus !

Nous souhaitons vous faire savoir que, dès que vos déclarations ont été connues par le personnel du Secrétariat général mais aussi des autres Directions générales et Services, les collègues ont tenu à nous faire part qu'ils appréciaient votre position notamment sur la nécessité de respecter le travail et l'engagement du personnel et d'éviter la démotivation déjà profonde au sein des services.

Il y a lieu de poursuivre vos démarches en rappelant aux Chefs et autres membres des Cabinets le besoin de respecter le travail et l'engagement de tous les autres collègues affectés auprès des Directions générales et Services de notre institution.

En effet, trop souvent les collègues nous font état d'attitudes peu respectueuses, voire purement capricieuses, de l'imposition de délais risibles, de prétentions déraisonnables... de la part des membres des cabinets.

Et trop souvent les Directeurs généraux et les autres membres de l'encadrement ne semblent pas être capables d'assurer une défense efficace du travail de leurs services et d'imposer le respect des collègues placés sous leur autorité. Ceci alors qu'elles/ils ne semblent pas ménager leurs efforts pour libérer les places/pistes d'atterrissages dans leurs organigrammes pour la pratique détestable des parachutages de fin de mandat.

Tout comme les parachutages de fin de mandat de telles attitudes augmentent la démotivation du reste du personnel qui comme vous l'avez rappelé à très juste titre « n'est pas promu avec la même rapidité que les membres de cabinet » ...

Comme vous l'avez si bien rappelé à l'occasion de vos déclarations concernant la pratique détestable des parachutages de fin de mandat ***"ces pratiques sont démotivantes pour le reste du personnel qui n'est pas promu avec la même rapidité que les membres de cabinet"***.

Néanmoins, vous conviendrez avec nous que la seule démarche encore plus démotivante des pratiques, que vous stigmatisez à très juste titre, serait celle de se livrer à des prises de positions très claires mais qui resteraient sans effet.

Ceci serait d'autant plus inacceptable que ces déclarations émanent des plus hautes autorités de notre institution.

Or, nous demeurons encore et toujours dans l'attente de votre réponse à nos notes du 16 mai ([lien](#)) et du 02 juin 2017 ([lien](#)) attirant votre attention sur la nomination sur deux postes d'encadrement au sein de la DG TAXUD et DG JUST de deux membres des deux cabinets responsables de deux Directions générales mettant en cause la crédibilité de vos déclarations faites lors de la réunion hebdomadaire des Chefs de cabinet du 30 janvier 2017 visant à confirmer que :

"ne seront pas admises :

- les nominations des membres de cabinet à des postes d'encadrement dans la direction générale dépendant de leur portefeuille et placés sous leur supervision directe"

Cristiano Sebastiani

Président

CC : M. Oettinger, Commissaire en charge du budget et des ressources humaines
Mme Souka, MM. Levasseur, Roques DG HR
M. Quest DG TAXUD , Mme Astola, DG JUST
Personnel de la Commission

Brussels, 2 June 2017

**NOTE TO THE ATTENTION OF MR SELMAYR, HEAD OF PRESIDENT JUNCKER'S CABINET ,
AND MR ITALIANER, SECRETARY-GENERAL OF THE COMMISSION**

Subject : Appointment of a member of Mrs Jourová's Cabinet to a management post
at DG Justice, Freedom and Security (DG JLS)

Ref: Our notes to your attention of 06 February and 22 March

Your statements under item 7.12 of the minutes of the Heads of Cabinet's
meeting held on 30 January 2017 concerning the appointment of Cabinet
members to management positions

By our above mentioned notes, we wished to thank you for your statements, which aimed
at highlighting the unacceptable nature of the "parachuting" by members of cabinets, which
R&D has always denounced, and we have asked you not to stop there.

Despite your commitments made at the weekly meetings of Heads of Cabinets of 30 January 2017 in which you confirmed that :

"Shall not be allowed":

"the appointment of Cabinet members to management positions in the Directorate-General operating under their portfolio and placed under their direct supervision."

In support to these instructions, you pointed out that:

"These practices are demotivating for the rest of the staff who doesn't get promoted as fast as the Cabinet members."

Despite the more than sceptical staff's reactions

We had told you about the deep scepticism of our colleagues as to the effective scope of
your statements: their reactions allowed us to gather a fairly complete collection of pro-
verbs on the credulity topic... *"we no longer believe in Santa Claus", "promises are only
valid for those who want to believe it" ...*

In other words, nobody could believe that things were actually going to change..

And despite the R&D response

In response to this lack confidence from the staff, R&D had indicated that we could not imagine that the Head of President's Cabinet and the Secretary General could engage in such clear positions which would not be implemented.

Moreover, in our note of 27 March 2017, we reported that staff was not confined to expressing scepticism: many colleagues had told us that the inability to believe in your commitment and the extent of this "**parachuting**" was confirmed by the fact that "landing posts" were already blocked or released for this purpose, sometimes very expeditiously, in the flow charts.

It should be noted that, to date, TWO APPOINTMENTS of Cabinet members on management posts of the DG operating under the Commissioner's portfolio have been approved...

In our note of 16 May 2017 ([link](#)), we had already asked you to explain how the appointment of a member of the Moscovici's Cabinet on a management post in DG TAXUD could be compatible with your abovementioned instructions.

As we were waiting for your response , it was now up to a member of Jourová's Cabinet to be appointed to a management post of DG JUST!

Mrs Jourová is the Commissioner responsible for DG JUST ([link](#)), whose services operate on her portfolio and are under her direct supervision.

I should like to remind you once again that in your abovementioned statements you indicated that **"the appointment of Cabinet members to management positions in the Directorate-General operating under their portfolio and placed under their direct supervision" were not allowed.**

Needless to mention that this decision once again undermined the confidence of staff in the highest authorities of our institution who are engaged in establishing very clear instructions to put an end to practices which they acknowledge to be **"demotivating for the rest of the staff who doesn't get promoted as fast as the Cabinet members"** while thereafter everything continues as if nothing had happened.

A demotivating "Double standards" staff policy?

On the one hand, the administration continues to engage in vague promises, without the slightest practical effect, aimed at setting up a "Talent management" policy guaranteeing each staff member a career development equal to his merits and skills.

On the other hand, as you can see, cabinet members are initially promoted at a much higher speed than the rest of the staff and then propelled to management posts also in a DG depending on their Commissioner portfolio.

Conclusion

In view of the above, and in order to answer the more than pertinent questions of our colleagues, we would be grateful if you could inform us as to whether you feel that this appointment would be in any way compatible with your statements.

We would like to remind you once again that for **R&D** , as in the present case, it was never about doubting the merits of our Cabinet colleagues, but about defending the credibility of our institution and its procedures, as well as taking into account the devastating effects of these practices on the motivation of the rest of the staff as you have so clearly highlighted in your statements.

Cristiano Sebastiani

President

CC : Mr Oettinger, member of the Commission
Mrs Souka, Mr Levasseur, Mr Roques DG HR
Mrs ASTOLA, DG JUST
Commission staff

Brussels, 16 May 2017

**NOTE TO THE ATTENTION OF MR MARTIN SELMAYR, HEAD OF PRESIDENT JUNCKER'S CABINET,
AND MR ALEXANDER ITALIANER, SECRETARY-GENERAL OF THE COMMISSION**

Subject : Appointment of a member of Mr Moscovici's cabinet to a management position at DG TAXUD

Ref: Our notes to your attention, dated 06 February and 22 March 2017

Your statements under item 7.12 of the minutes of the Heads of Cabinet's meeting held on 30 January 2017 concerning the appointment of Cabinet members to management positions

By our abovementioned notes, we wished to thank you for your statements, which aimed at highlighting the unacceptable nature of the "parachuting" by members of cabinets, which **R&D** has always denounced, and we have asked you to further pursue on this right track.

Your statements at the weekly meeting of Heads of Cabinet held on 30 January 2017

On this occasion, you confirmed that:

"Shall not be allowed":

- "the appointment of Cabinet members to management positions in the Directorate-General operating under their portfolio and placed under their direct supervision."

In support to these instructions, you rightly pointed out that:

"These practices are demotivating for the rest of the staff who doesn't get promoted as fast as the Cabinet members."

The staff's reactions, more than sceptical

We told you about the deep scepticism of our colleagues as to the effective scope of your statements: their reactions allowed us to gather a fairly complete collection of proverbs on the credulity topic... "we no longer believe in Santa Claus", "promises are only valid for those who want to believe it" ... "staff is not a fool!"

In other words, no one believes that things are actually going to change...

The R&D response

In response to the staff's lack of confidence, R&D had indicated that we could not imagine that such clear positions coming from the Head of the President's Cabinet and the Secretary-General would not be subsequently implemented.

Moreover, in our note of 22 March 2017, we reported that staff was expressing way more than its scepticism: many colleagues had told us that the difficulty to believe in your commitment and the extent of these "parachuting" were actually supported by the fact that "landing posts" were already blocked or released for this purpose, sometimes very expeditiously, in the organisation charts.

And we had indicated that this would concern DG TAXUD. This is how Mr Quest ended up being among the recipients in copy to our note.

In this respect, given the certainty that this management position would have been reserved for a member of the Moscovici's Cabinet, and also for fear of being accused of "disturbing" the smooth running of the proceedings, many colleagues had reported us their decision not to even submit their application though they had all the skills required.

The appointment of a member of the Moscovici's Cabinet to a management post in DG TAXUD

As we indicated, a member of the Moscovici's Cabinet was appointed to the post of DG TAXUD on 16 April.

Mr Moscovici is the Commissioner responsible for DG TAXUD ([link](#)), whose services depend on his portfolio and are placed under his direct supervision.

It should be reminded thus, once again, that in your abovementioned declarations you indicated that ***"the appointment of Cabinet members to management positions in the Directorate-General operating under their portfolio and placed under their direct supervision" was not allowed.***

Needless to say that, at the announcement of this appointment, we were flooded with countless reactions and requests for explanations: we were accused of having been incredibly naïve for believing that your statements would actually be followed by action...

Moreover, in view of the abovementioned context in which this procedure was published, it would not be surprising if the cabinet member approached and then appointed to that post would in reality have been the only candidate to apply. In such a case there can be no doubt that it would then be up to the Appointing Authority to check the reasons for the absence of any other candidature for that post.

Conclusion

Given the above, and in order to be able to answer to the undeniably pertinent questions of our colleagues, we would much appreciate if you could let us know whether you believe that this appointment could be in any way compatible with your statements.

We would like to remind you once again that for **R&D**, as in the present case, it was never about doubting or questioning the merits of our Cabinet colleagues. It was about defending the credibility of our institution and its procedures, as well as taking into account the devastating effects of these practices on the motivation of the rest of the staff, as you have so clearly highlighted in your statements.

Cristiano Sebastiani

President

CC : Mr Oettinger Vice-President of the Commission

Mrs Souka, Mr C. Levasseur, Mr C. Roques DG HR

Mr S. Quest, DG TAXUD

Commission Staff

Brussels, 27 March 2017

**NOTE TO THE ATTENTION OF M. SELMAYR, HEAD OF CABINET OF PRESIDENT JUNCKER,
AND OF M. ITALIANER, SECRETARY-GENERAL OF THE COMMISSION**

Subject : Cabinet members' «Parachuting» at the end of the College's term of office

Ref: Our note to your attention, dated 6 February 2017

**Your statements under item 7.12 of the minutes of the Heads of Cabinet's
meeting held on 30 January 2017**

By [our note](#) above mentioned, we wished to thank you for your statements expressed during the meeting of the Heads of Cabinet held on 30 January 2017, which aimed at highlighting the unacceptable nature of the "parachuting" mechanism that occurs at the end of a term of office, and which **R&D** has always denounced.

Your statements at the meeting of the Heads of Cabinet held on 30 January 2017 (cf. item 7.12)

In particular, on this occasion, you confirmed that:

"Shall not be allowed":

- ***"the appointment of Cabinet members to management positions in the Directorate-General operating under their portfolio and placed under their direct supervision."***
- ***"as well as appointments of Cabinet members in a Directorate-General to get promotion and reintegration in a Cabinet as soon as this promotion is obtained."***

In support to these instructions, you pointed out that:

"These practices are demotivating for the rest of the staff who doesn't get promoted as fast as the Cabinet members."

Although we had welcomed your statements that are a very good start, they are not enough.

Following the circulation of our above-mentioned note, we received a great many reactions that need to be brought to your attention.

The staff's reactions, more than sceptical

It must be noted at the outset that colleagues expressed us their deep scepticism as to the effective scope of your statements; no one believes that things are actually going to change.

The reactions of our colleagues allowed us to gather a fairly complete collection of proverbs on the credulity topic... *"we no longer believe in Santa Claus", "promises are only valid for those who want to believe it" ... staff is not a fool!*

Some colleagues even congratulated us for the ironic and sarcastic tone used in our letter, though being well aware that we didn't believe for a second that your commitments could have had even the slightest impact on this 'parachuting' scourge.

In particular, everyone thinks that:

- the administration will certainly come forward with some bright idea and interpretation that will keep on allowing some "parachuting" in the DG subordinate to the Cabinet portfolio, claiming in particular that the interested member did not have direct responsibility for the dossier which he will have to manage in the planned Unit/Directorate airstrip service; which is obviously laughable because that would drain your statements of any useful effect.

- **a forum exchange for 'parachuting' beneficiaries** between College members / Cabinet members would already be organized, each taking care to ensure the good landing of paratroopers assigned to the Cabinets of others, within the Directorate-General depending on his portfolio.

Many have told us that the extent and spreading of this "parachuting" practice were confirmed by the fact that **many "airstrip posts" were already blocked or were being released for this purpose in the organization charts sometimes in a very expeditious manner, causing profound demotivation of colleagues.**

Having regard to the information provided to us by colleagues, this would primarily concern DG TAXUD.

Similarly, it seems that many "external" procedures with regard to Article 29(2)* of the Staff Regulations would be in preparation to the benefit of internal candidates assigned to a Cabinet, and who would not be eligible for internal appointment, to appoint / nominate TA 3c), or to appoint / promote, with jump of several grades, civil service colleagues.

Moreover, everyone seems to be sure that our administration is totally incapable of putting an end to such practices or, even worse, that it would be ready to use its competences for deleterious manoeuvres as was the case with internal competitions organized in 2014 for the benefit of Cabinet colleagues by using and abusing the legitimate expectations of post-2004 colleagues.

In this respect, many colleagues informed us that a new **internal competition for establishment** would be currently under consideration, within the administration, with modalities just as questionable as those applied at the end of the Barroso Commission.

R&D kindly invites you to respond to staff concerns and to dispel their fears

In response to colleagues' scepticism, we confirmed **that it is undeniable that your statements are a step in the right direction that R&D has always defended**, since you finally recognize the existence of these slippages, their disastrous effects on staff motivation and that you are announcing concrete measures to limit them.

Moreover, we emphasized that it was unimaginable that the Head of the President's cabinet and the Secretary-General of our institution should be able to make such statements and not backing them up with genuine action.

In this regard, we recalled that the former Secretary General had purely and simply dared to deny the existence of "parachuting", what has angered the staff and imposed a very strong reaction from our side ([link](#)).

Similarly, it cannot be denied that, through your statements, you confirm the rightness of our positions towards the despicable practice of the **"parachuting-geyser"**, namely the appointment of a Cabinet member to a management post in a Directorate-General, followed by immediate reintegration in a Cabinet.

Nevertheless, given the practices of the past and the absence of any political will from your predecessors to limit them, as well as the inability of the administration to oppose them, we fully understand the scepticism of colleagues and kindly invite you to please give them an answer that would help them restore their trust and motivation.

No one can doubt that it would be really unacceptable to see that we would be facing an approach in line with the novel *"The Leopard"*: *"If we want things to stay as they are, things will have to change."*

Your statements are a very good start, but that's not enough

In light of the above, once again, we kindly appeal to you to:

- **ensure that your statements are not voided of any useful effect by the fanciful interpretations of the administration and services:**
- **continue the undertaken efforts to establish a clear and comprehensive framework concerning the management of the end of the secondment of Cabinet members at the end of the term of office of the College.**

In this context, we reiterate our request that, at the end of each mandate, taking of course into account the rules on the protection of personal data, the Commission undertakes to draw up a summary of career developments and appointments of Cabinet members, in particular with regard to the career evolutions established by "external" procedure, in light of Article 29(2) of the Staff Regulations.

Once again, we would like to remind that **R&D** never meant to doubt in any way the skills of our Cabinet colleagues. **R&D** always wanted to defend the credibility of our institution and

of its appointment procedures, as well as to take into consideration the devastating effects of such practices on the motivation of the rest of the staff which you acknowledged in your statements, which we thank you for.

From our side, we will keep on collecting the information from colleagues who report the foreseen and/or proven “parachuting” practices within a Directorate-General and we will systematically keep on submitting them to your attention.

To put an end once and for all to the slippages and “parachuting” practices occurring every time a term of office comes to its end, this is what the Commission of the last chance must do.

Cristiano Sebastiani

President

CC: Mr G. OETTINGER, Vice-President of the Commission

Mrs I. SOUKA, Mr C. LEVASSEUR, Mr C. ROQUES (DG HR)

Mr Quest TAXUD

Commission Staff

Article 29(2): A procedure other than the competition procedure may be adopted by the Appointing Authority for the recruitment of senior officials (Directors-General or their equivalent in grade AD 16 or AD 15 and Directors or their equivalent in grade AD 15 or AD 14) and, in exceptional cases, also for recruitment to **Les réactions plus que sceptiques du personnel*

Brussels, 6 February 2017

**Note to the attention of Mr. Selmayr, President Juncker's Head of Cabinet
And Mr. Italianer, Secretray-General of the Commission**

SUBJECT: « Parachuting » of cabinet members at the end of the College's term of office

REF.: Your declarations under item 7.12 of the minutes of the heads of Cabinets' meeting held on 30 January

R&D would like to start by thanking you for outlining the principles which govern appointments and promotions of cabinet members at the weekly meeting of the Heads of Cabinet that took place on 30 January 2017, and which are in line with the positions that R&D has always put forward and defended.

This is a very good start but it is not enough.

1. A brief reminder of the facts

R&D has always fought parachuting of Cabinet members at the end of each College's term of office and de-nounced its serious consequences, not only for the image and credibility of our institution and its appointment procedures, but also for the motivation of the staff.

In this respect, it is indisputable that the Barroso Commission exceeded all the limits (read our file) .

Without contesting the merits of our colleagues assigned to the Members' cabinets, **R&D** has always advocated the setting up of clear instructions prohibiting in particular the appointment of cabinet members to management positions in the Directorate-General operating under their portfolio.

Likewise, **R&D** has always denounced the detestable practice of the "Geyser-parachuting", namely the appointment of a cabinet member to a management position in a Directorate-General followed by an immediate reins-tatement in a cabinet.

For way too long has the staff been aware, with deep disappointment, not to say true revulsion, of such practices, of acrobatic and fanciful management of the organizational charts aiming at vacating the runway for the smooth landing of the concerned "paratrooper"... often with mimicry efforts within the framework of "The exchange of services" between cabinets...

In particular, all too often the "external" procedures organized under Article 29(2)1 of the Staff Regulations are used for the benefit of "internal-external" candidates assigned to a

cabinet, who are not eligible in the internal phase for the purpose of appointing TA 2c) or of appointing/promoting civil servant colleagues with the rise of several grades.

The discouragement of other colleagues in relation to these practices is all the more understandable. On several occasions, R&D was able to announce the name of the prospective candidate, well ahead the publication of the procedure!

Whenever we asked to end these slippages, each time we denounced the devastating effects on the credibility of our institution and on the motivation of the staff, we received only bureaucratic answers denying any problems and assuring us that all appointment procedures had been implemented with the utmost transparency ... in short, everything was going to be fine!

We noted with regret that our administration was absolutely unable to end to such practices or, even worse, that it was using its skills for detrimental manoeuvres, as was the case with internal competitions organized in 2014 for the benefit of cabinets by instrumentalising the legitimate expectations of post-2004 colleagues.

2. Your statements on the occasion of the meeting of the College held on 30 January (cf. item 7.12).

In view of the above, you can be sure that we took note with great satisfaction of your statements at the meeting of the Chefs de cabinet held on 30 January (cf. item 7.12) and we would like to thank you very sincerely for that.

Indeed, on this occasion you confirmed that:

- "Shall not be allowed:
- the appointment of cabinet members to management positions in the Directorate-General operating under their portfolio and placed under their direct supervision.
- as well as appointments of cabinet members in a Directorate-General to obtain promotion and reinstatement in a cabinet as soon as this promotion is obtained. "

In support to these instructions, you pointed out that:

"These practices are demotivating for the rest of the staff who are not promoted with the same speed as the cabinet members"

This is a very clear position and those are instructions that we have been waiting for, for way too long.

This is a very good start but it is not enough.

It actually calls for further reflection on the proliferation of appointments of cabinet members on the occasion of the end of each term of office and also outside the directorates-general

under their direct supervision, in particular within the framework of "the exchange of services" between cabinets.

In this regard, we reiterate our request that at the end of each term, taking account of the rules on the protection of personal data, the Commission undertakes to draw up a summary of career developments and appointments of cabinet members in particular as regards "external" procedure in light of Article 29 (2)1 of the Staff Regulations.

For **R&D** it has never been about challenging the merits of our cabinet colleagues but about defending the credibility of our institution and its appointment procedures, as well as about taking into account the devastating effects of these practices on the motivation of the rest of the staff...

Putting an end once and for all to the slippages and parachuting of each term of office, that is what the last-chance Commission must do.

We are counting on you to continue with the process undertaken through your abovementioned statements, and for which we would like thank you again.

Cristiano Sebastiani

President

CC : Mr. Oettinger Vice-President of the Commission

Mrs Souka, MM. Levasseur, Roques DG HR

Commission Staff

