

# European Commission confirms: Appointment of Mr Selmayr as Secretary-General decided in full compliance with all legal rules – Questions and Answers

On 21 February, following the notification of then Secretary-General Mr Italianer of his wish to retire, the College of Commissioners, on the proposal of President Juncker, in agreement with Commissioner Oettinger and after consulting First Vice-President Timmermans, unanimously decided to [appoint Mr Selmayr](#) as its new Secretary-General. In doing so, the Commission acted in full compliance with the EU Staff regulations and its Rules of Procedure. The key questions and answers relating to this appointment are summarised below.

## **1. What are the conditions for appointment as Director-General/Secretary-General or Deputy Director-General/Deputy Secretary-General of the European Commission?**

There are two formal requirements for that post: having the grade of AD14 or above (with a minimum of two years in the grade for AD14 officials) and a minimum of two years of management experience as a senior manager at Director level or above. The chart below reflects Annex I of the Staff Regulations.

### **Criteria for appointment as Director-General (or Deputy Director-General)**

<b>Current function:</b>	<b>Current grade:</b>	<b>Seniority required:</b>
<b>Director-General / Deputy Director-General</b>	<b>AD16</b>	No additional requirements
	<b>AD15</b>	No additional requirements
	<b>AD15</b>	2 years in Senior Management function
<b>Director / Principal Adviser</b>	<b>AD14</b>	2 years in Senior Management function AND 2 years in grade
	<b>AD16</b>	No additional requirements
<b>Head of Cabinet</b>	<b>AD15</b>	2 years in Senior Management / Head of Cabinet function
	<b>AD14</b>	2 years in Senior Management / Head of Cabinet function AND 2 years in grade

Beyond these formal requirements, the candidate needs to demonstrate European commitment, have an excellent knowledge of the Commission's policies and

priorities as well as of its administrative practices and procedures, have a strong background as a manager and communicator with professional experience in leading and motivating teams as well as strong analytical skills and the ability to communicate efficiently with internal and external stakeholders. Also, the Secretary-General must have the full trust of the President and of the whole College of Commissioners.

## **2. What is the procedure for the appointment of the Secretary-General?**

The EU's [Staff Regulations](#) adopted by the European Parliament and the Council provide for two ways of being appointed Director-General/Deputy Director-General, both of which are the same type of post (graded at either AD15 or AD16, in accordance with Annex I to the Staff Regulations). The two ways are: (1) appointment by the College following publication of the post and selection procedure under Article 29 of the Staff Regulations or (2) transfer in the interest of the service pursuant to Article 7 of the Staff Regulations.

**1. Appointment by the College following publication** of the post and selection procedure (**Article 29** of the [Staff Regulations](#)). This selection procedure includes a full day Assessment Centre (run by an external consultancy) and an interview, assessment and opinion by the Commission's high-level Consultative Committee on Appointments (CCA). For Mr Selmayr's appointment, this Committee was chaired by the Commission's Secretary-General (who was the Director-General recruiting), the Director-General of Human Resources and Security, a high-ranking official from the Directorate-General Human Resources and Security (the Permanent Rapporteur) and a Director-General selected from a list that is adopted periodically by the Commission (the Rapporteur). The candidate has then to pass an interview with the responsible Member of the Commission and with the Commissioner responsible for Budget and Human Resources. In a final step, the College of Commissioners appoints Directors-General/Deputy Directors-General<sup>[1]</sup>.

**2. Transfer in the interest of the service (Article 7 of the [Staff Regulations](#))**. Officials in grades AD15 or AD16 who hold a post or carry out a function at senior management level, are eligible for transfer to another function at senior management level in the Commission in the interest of the service. This does not require the official to undergo the selection procedure outlined in point 1, neither does it require prior publication of the post.

In accordance with the Staff Regulations, the Article 7 procedure was used for the appointment of Mr Selmayr as Secretary-General of the Commission. The College took the decision unanimously on a proposal from the President, in agreement with the Commissioner responsible for Budget and Human Resources and after consultation of the First Vice-President.

## **3. How did the Commission appoint Mr Selmayr as its Secretary-General?**

In accordance with normal Commission practice, and in order to safeguard the necessary degree of confidentiality, senior management appointments at Director-General or Deputy Director-General level are always presented

directly to the College on the same day that the College decides on them (in this case on 21 February). The Commissioner responsible for Budget and Human Resources presented a set of proposals for [appointments of senior managers](#) in agreement with the President and after consulting the recruiting Commissioner and the relevant Vice-President(s). Among them was the decision to appoint Mr Selmayr as Deputy Secretary-General of the European Commission. Mr Selmayr had applied for this post (which had been published on 31 January 2018) and underwent the procedure foreseen in Article 29 of the Staff Regulations, including a full day Assessment Centre, an interview, assessment and opinion by the Consultative Committee on Appointments (CCA), an interview with Commissioner Oettinger in charge of Budget and Human Resources and an interview with President Juncker.

On 20 February, Commissioner Oettinger was informed by President Juncker about the decision of Mr Italianer to submit his retirement letter the next morning (21 February) and that, consequently, he would propose that Mr Selmayr be transferred (in line with Article 7 of the Staff Regulations) to the post of Secretary-General. Commissioner Oettinger expressed his full agreement, and the proposal was then unanimously agreed by the College on 21 February.

Also on 20 February, the President consulted First Vice-President Timmermans who gave his agreement. The President consulted the First Vice-President, as he consults him on all important decisions of the Commission, in view of the special role he plays in the set-up of the Juncker Commission. In addition, the First Vice-President has a special relationship with the Secretary-General in view of his responsibility, notably for institutional matters, better regulation and the Commission's Work Programme.

When President Juncker then proposed, during the College meeting on 21 February, to appoint Mr Selmayr Secretary-General in line with Article 7 of the Staff Regulations, all Members of the College agreed unanimously.

#### **4 How was it possible that Mr Selmayr was promoted twice within one College meeting?**

There was no promotion. Mr Selmayr was an AD15 official before the Commission meeting of 21 February 2018, and he still is an AD15 official today.

#### **5. Did Mr Selmayr have the necessary qualifications to be appointed Deputy Secretary-General and Secretary-General? Does he have management experience?**

There is no doubt that Mr Selmayr, an AD15 official (since January 2017) with 8 years senior management experience in the Commission (as Head of Cabinet of former Vice-President Viviane Reding, Principal Adviser in DG ECFIN and then as Head of Cabinet of President Juncker), has all the necessary qualifications for the performance of the function of Deputy Secretary-General or Secretary-General (both being the same grade as can be seen from the table on page 1).

#### **Mr Selmayr's Commission career record in detail:**

Mr Selmayr has in fact undergone several selection procedures in his career in the European Commission:

– In 2002/2003, under the Prodi Commission, he was one of the 4,557 eligible candidates in an AD Competition COM/A/10/01 (Law). 156 candidates (3,4% rate) passed the competition, including Mr Selmayr. He was chosen from the 156 laureates reserve list published in the Official Journal (OJ 8.3.2003 C 54/5) and joined the European Commission in November 2004.

– In April/May 2014, Mr Selmayr was one of 91 candidates for the post of Principal Adviser to the European Bank for Reconstruction and Development (a position at the level of a Director in DG ECFIN) and successfully went through the entire selection procedure (Article 29 of the Staff Regulations), including a full day Assessment Centre, interview, assessment and opinion by the Consultative Committee on Appointments and interview by Olli Rehn, the Vice-President for Economic and Monetary Affairs and the Euro. Subsequently, he was appointed Principal Adviser (a position at the level of Director) by the College of Commissioners under the Barroso Commission.

– In February 2018, Mr Selmayr applied for the position of Deputy Secretary-General and underwent again the procedure foreseen in Article 29 of the Staff Regulations, including a full day Assessment Centre, an interview, assessment and opinion by the Consultative Committee on Appointments, an interview with Commissioner Oettinger in charge of Budget and Human Resources and with President Juncker. He was appointed by unanimous decision of the College of Commissioners.

**6. Could Mr Selmayr have been appointed to the position of Secretary-General without having been appointed to the position of Deputy Secretary-General before?**

Yes. As an AD15 official holding a senior management function and with 8 years of senior management experience, Mr Selmayr was eligible for the post of Secretary-General and could have been directly transferred by a decision of the College using the Article 7 procedure. In this case, he would not have been required to go through an Assessment Centre and an interview, assessment and opinion by the Consultative Committee on Appointments.

**7. How were the previous three Secretaries-General appointed?**

They were appointed exactly in the same way as Mr Selmayr. David O'Sullivan, Catherine Day and Alexander Italianer were all transferred to the function of Secretary-General in the interest of the service in accordance with Article 7 of the Staff Regulations. In each case, the appointment was put directly to the College for decision at the very same day of its meeting.

**8. Is it true that the post of Secretary-General was offered to him already in 2017? When did Mr Selmayr know what?**

This is not true. The option for Mr Selmayr to become Secretary-General only became concrete for him on 20 February 2018 – after his interview with Commissioner Oettinger and after the President had consulted Commissioner

Oettinger and First Vice-President Timmermans.

President Juncker explained during his press conference on 21 February that when agreeing to become Secretary-General in 2015, Mr Italianer had told the President that he intended to retire soon after 1 March 2018. The President discussed this information with his Head of Cabinet, like he does with all important senior management matters. The President did not share this information further in order not to undermine Mr Italianer's authority while he was in office.

The President and his Head of Cabinet also kept the hope to be able to convince Mr Italianer to stay on as Secretary-General beyond 1 March 2018. However, in early 2018, Mr Italianer confirmed that he would stick to his decision. Mr Italianer sent the President a formal letter stating his intention to retire on 31 March 2018 on the morning of 21 February 2018. After having sent this letter in the morning, he subsequently informed the College of Commissioners during their meeting on 21 February.

**9. Why were the other 25 Commissioners not informed beforehand?**

In accordance with normal practice, and in order to safeguard the necessary degree of confidentiality, senior management appointments at Director-General or Deputy Director-General level are always presented directly to the College on the same day that the College decides on them.

The involvement of the Commissioners depends on their respective portfolios. All Members of the Commission concerned are consulted on decisions on senior staff and organisational matters in their respective areas of responsibility before they are submitted to the Commission for approval.

This was the procedure applied for all senior management appointments and transfers proposed to the College on 21 February 2018.

**10. Is it true that Commissioners agreed to Mr Selmayr's appointment as Secretary-General only because they had been promised additional "sweeteners", like increased pension allowances or financial benefits after the term of office?**

This is not true. The Commission neither had nor has such plans. It does not have the legal competence to change the allowances of Commissioners.

Allowances for Commissioners fall under Council Regulation (EU) 2016/300 of 29 February 2016 determining the emoluments of EU high-level public office holders. The Regulation is based on Articles 243 and 286(7) of the Treaty on the Functioning of the European Union. Both Articles do not foresee a right of initiative for the Commission.

**11. Should the EU institutions change the way they appoint their senior managers?**

The Commission fully shares the goal of a European Public Administration of excellence. The Commission therefore stands ready to discuss with the other EU institutions whether and how the application of the EU Staff Regulations,

which apply to all EU institutions, can be further developed and strengthened. The need to recruit, appoint and promote talented officials on the basis of qualifications, skills and experience has to be as prominent in this discussion as the imperative to preserve the autonomy of each EU institution in its personnel decisions, the independence of decision-making processes from external influences as well as the supranational spirit of the European Public Administration.

While enhanced transparency is an important principle, it must not lead to senior management decisions becoming the object of negotiations between Member States and/or political parties, as this could call into question, notably with regard to the Commission, both the supranational spirit of the European Public Administration and the goal of having highly qualified senior managers. The Commission stands ready to pursue a constructive dialogue on these matters with the European Parliament, the Council and other EU institutions. In this dialogue, the Commission will explain that it has made good experience with the use of Assessment Centres and of external experts in our senior management selection procedures; they provide helpful objective input to assess qualifications, skills and experience of senior managers.

[\[1\]](#) Commission Decision C(2016)1881 of 4/4/2016 on the exercise of powers conferred by the Staff Regulations on the Appointing Authority (AIPN).