



Brussels, 13 September 2024
(OR. en)

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GAF 40

'I' ITEM NOTE

From: Working Party on Combating Fraud
To: Permanent Representatives Committee

Subject: Consultation on the Commission's vacancy notice for the function of
Director-General of OLAF
– *Approval of a letter*

1. On 5 September 2024, the Secretary-General of the Commission, addressed a letter to the Council concerning the launch of the selection procedure for the new Director-General of the European Anti-Fraud Office (OLAF), asking for the Council's opinion on the draft of the vacancy notice (see ANNEX 1).
2. At its meeting on 13 September 2024, the Working Party on Combating Fraud finalised the draft reply to the Secretary-General's letter.
3. The Permanent Representatives Committee is invited to approve the letter recorded in ANNEX 2, in accordance with Article 19(7)(k) of the Council's Rules of Procedure.

MAIL



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary-General

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HR.02

NOTE FOR THE ATTENTION OF MS THÉRÈSE BLANCHET
SECRETARY-GENERAL OF THE COUNCIL

Subject: Selection procedure for the function of Director-General of the European Anti-Fraud Office – consultation on the vacancy notice

Having completed his non-renewable seven-year term of office, the mandate of Mr Ville ITÄLÄ as Director-General of the European Anti-Fraud Office (OLAF) will expire on 31 July 2025.

In line with article 17, paragraph 2, of Regulation n° 883/2013¹, the Commission intends to publish a vacancy notice and to select and appoint a new Director-General, after having received a favourable opinion from the Supervisory Committee of OLAF on the selection procedure and after consultation with the European Parliament and the Council on the shortlist of candidates to be considered for the position.

The specific nature of the appointment procedure requires close cooperation of all actors involved. To this end, the Commission wishes to proceed as it did in the previous selection procedure for the Director-General of OLAF and consult the European Parliament, the Council and the Supervisory Committee on the proposed vacancy notice.

You will find attached the draft vacancy notice for your comments. I would like to invite you to provide the Commission with the Council's input at your earliest convenience, but not later than 20 September 2024, putting in copy Mr Mihai-Șerban Dumitrache, Head of unit HR.02, in view of respecting the terms of the aforementioned regulation and ensuring publication at the latest six months before the end of the term of office of the Director-General. The Commission will publish the vacancy notice in the Official Journal and provide for adequate publicity. I have written in similar terms to the European Parliament and to the Supervisory Committee.

Ilze JUHANSONE

c.c.: Mihai-Șerban Dumitrache, Head of unit HR.02

¹ Regulation (EC) No 883/2013 of the European Parliament and of the Council of 11 September 2013 on the investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) no 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) no 1074/1999. [EUR-Lex - \(2013\)883-20210117 - EN - EUR-Lex](https://eur-lex.europa.eu/eli/reg/2013/883/20210117) (<https://eur-lex.europa.eu/eli/reg/2013/883/20210117>)

Enclosure: Draft vacancy notice

European Anti-Fraud Office (OLAF)

Publication of a vacancy for the function of Director-General of OLAF (grade AD15)

Engagement of a Temporary Agent
(Article 2(a) of the Conditions of Employment of Other Servants)

COM/2024/XXXXX

(Official Journal C XXX A of XX/XX/2024)

We are

The fight against fraud and other illegal activities affecting the European Union's financial interests is central to the credibility of the European project.

To this end, OLAF, which is a Directorate-General of the European Commission, investigates allegations of fraud and other illegal activities with financial consequences for the European Budget, and more generally exercises the Commission's operational competencies in the area of protection of the European Union's financial interests, provides assistance to the Member States in the fight against fraud and prepares the Commission's legislative and regulatory initiatives in this domain.

The Director-General of OLAF has statutory independence in the conduct of investigations. OLAF's independent investigative powers extend to all EU Institutions and bodies, as well as to economic operators with a relationship with the European Union budget both in Member States and in third countries.

Outside the investigative activities for which OLAF has full independence, the Office acts like other Commission Directorates-General in designing and delivering policies within its area of competence, under the political direction of the Commission.

The implementation of its investigative function is monitored by a Supervisory Committee composed of five independent members external to the Commission.

The legal framework laying down the objectives and tasks of OLAF as well as its functioning may be found in Regulation (EU, Euratom) No 883/2013 of the European Parliament and the Council of 11 September 2013, as amended by Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020¹.

We propose

The European Commission is seeking to engage the Director-General of the European Anti-Fraud Office (OLAF) as a Temporary Agent for a duration of seven years non-renewable, in compliance with the terms of Article 17(1) of Regulation (EU, Euratom) No 883/2013, as amended by Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020.

The Director-General is responsible, in full independence, for the investigative activity of OLAF.

¹ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF), as amended by Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020
<https://eur-lex.europa.eu/eli/reg/2013/883/oj/17>

The Director-General shall report regularly to the European Parliament, the Council, the Commission and the Court of Auditors on the findings of investigations carried out by the Office, the action taken and the problems encountered, whilst respecting the confidentiality of the investigations, the legitimate rights of the persons concerned and of informants, and, where appropriate, national law applicable to judicial proceedings.

The Director-General shall each year determine, within the context of the annual management plan, the investigation policy priorities of the Office and shall, prior to their publication, forward them to the Supervisory Committee.

The Director-General shall keep the Supervisory Committee periodically informed of the Office's activities, the implementation of its investigative function and the action taken by way of follow-up to investigations in order to enable the Supervisory Committee to fulfil its functions and assess performance in this area.

In addition, and under the supervision of the Commissioner responsible for the protection of the European Union's financial interests, the Director-General manages OLAF's contribution to the design of the Commission's anti-fraud strategy. The Director-General is also responsible for OLAF's assistance to Member States by organising close and regular co-operation between their competent authorities in order to co-ordinate activities aimed at protecting the European Union's financial interests by designing and developing methods to prevent and combat fraud.

The Director-General manages OLAF in accordance with its mission statement and the annual operational work programme established under their authority.

The Director-General will be responsible for a Directorate-General comprising four Directorates and some 480 staff. They will manage an administrative budget of around € 67 million, as well as an operational budget of around € 180 million in the context of the Union Anti-Fraud Programme (UAFP). They will prepare and submit an independent preliminary draft budget for which they will be authorising officer.

We look for (selection criteria)

Candidates should:

Personal qualities:

- Be an outstanding and dynamic professional with sound judgement and excellent decision-making ability;
- Have excellent interpersonal and negotiating skills, as well as excellent capacity to communicate effectively and efficiently with all stakeholders inside or outside the Commission and to build trusted working relationships with them.

Specialist skills and experience:

- Have significant professional experience and proven success in the areas linked to the activities of OLAF; proven expertise or experience in a senior judicial or an executive investigative position would be an advantage, while experience at international level will be considered an asset;
- Have an excellent knowledge of the principal legal and practical issues which can occur in the fight against fraud and criminal proceedings in this area;

- Demonstrate their understanding of and commitment to the independence and guardianship of fundamental rights required in the investigative role;
- Have an excellent knowledge of the institutional and legal framework of the Union.

Management skills:

- Demonstrate proven senior management experience and strong leadership skills, having the capacity to lead, inspire and motivate large teams of highly competent professionals operating in a specialist domain;
- Have the ability to work in a complex multicultural environment and to motivate and develop teams to the best of their potential;
- Have the capacity to think creatively and strategically in order to generate a clear vision and policy for achieving OLAF's objectives, while ensuring consistency with the overall objectives of the Commission;
- Demonstrate proven experience in effective planning and management of human, budgetary and financial resources at senior management level.

Candidates must (eligibility requirements)

Candidates will only be considered for the selection phase on the basis of the following formal requirements to be fulfilled by the deadline for applications:

- Nationality: candidates must be a citizen of one of the Member States of the European Union.
- University degree or diploma: candidates must have:
 - either a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is 4 years or more;
 - or a level of education which corresponds to completed university studies attested by a diploma and appropriate professional experience of at least 1 year when the normal period of university education is at least 3 years (this one year's professional experience cannot be included in the postgraduate professional experience required below).
- Professional experience: candidates must have at least 15 years postgraduate professional experience² at a level to which the qualifications referred to above give admission.
- Management experience: at least 5 years of the post-graduate professional experience must have been gained in a high-level management function.³

² Professional experience is only taken into consideration if it represents an actual work relationship defined as real, genuine work, on a paid basis and as employee (any type of contract) or provider of a service. Professional activities pursued part-time shall be calculated pro rata, on the basis of the certified percentage of full-time hours worked. Maternity leave + parental leave + leave for adoption is taken into consideration if it is in the framework of a work contract. PhDs are assimilated to professional experience, even when unpaid, but for a duration of three years maximum, provided that the PhD has been successfully completed. A given period may be counted only once.

³ In their curriculum vitae, candidates should clearly indicate for all years during which management experience has been acquired: (1) title and role of management positions held; (2) numbers of staff overseen in these positions; (3) the size of budgets managed; (4) numbers of hierarchical layers above and below; and (5) number of peers.

- **Languages:** candidates must have a thorough knowledge of one of the official languages of the European Union⁴ and a satisfactory knowledge of another of these official languages. Selection panels will verify during the interview(s) whether candidates comply with the requirement of a satisfactory knowledge of another official EU language. This may include (part of) the interview being conducted in this other language.
- **Age limit:** candidates must not have reached regular retirement age, which for officials of the European Union is defined as being the end of the month in which the person reaches the age of 66 years (see Article 52 lit (a) of the Staff Regulations⁵).

Selection and appointment

The selection will be conducted according to the European Commission's selection and recruitment procedures (see: Document on Senior Officials Policy⁶).

As part of this selection procedure, the European Commission sets up a pre-selection panel. This panel analyses all applications, proceeds with a first eligibility verification and identifies candidates having the best profile in view of the selection criteria mentioned above, and who may be invited for an interview with the pre-selection panel.

Following these interviews, the pre-selection panel draws up its conclusions and proposes a list of candidates for further interviews with the European Commission's Consultative Committee on Appointments (CCA). The CCA, taking into consideration the conclusions of the pre-selection panel, will decide on the candidates to be invited for an interview.

Candidates who are called for an interview with the CCA participate in a full-day management assessment centre run by external recruitment consultants. Taking account of the results of the interview and the report of the assessment centre, the CCA establishes a shortlist of candidates it considers suitable for the function.

Candidates on the CCA shortlist will be interviewed by the relevant Member(s) of the Commission.

Following these interviews, the Commission shall draw up a list of suitably qualified candidates. After a favourable opinion has been given by the Supervisory Committee on the selection procedure applied by the Commission, the European Parliament and the Council shall in due time agree on a shortlist of three candidates from the list of suitable candidates drawn up by the Commission. Applicants may be required to present themselves before the competent committee(s) in the European Parliament and / or before the Council and answer questions they may be asked at those occasions. Finally, the Commission shall appoint the Director-General from the shortlist adopted by the European Parliament and the Council.

The selected candidate must have fulfilled any obligations imposed by law concerning military service, produce appropriate character references as to their suitability for the performance of their duties and be physically fit to perform their duties.

The selected candidate should hold, or be in the position to obtain, a valid security clearance certificate from their national security authority. A personal security clearance is an administrative decision following completion of a security screening conducted by the individual's competent national security

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01958R0001-20130701&qid=1408533709461&from=ENhttp://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01958R0001-20130701>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140701>

⁶ https://commission.europa.eu/policies-and-communications/job-opportunities-management-commission_en/documents/only-exists-in-english

authority in accordance with applicable national security laws and regulations, and certifying that an individual may be allowed to access classified information up to a specified level. (Note that the necessary procedure for obtaining a security clearance can be initiated on request of the employer only, and not by the individual candidate).

Until the personal security clearance has been granted by the Member State concerned and the clearance procedure completed with the legally required briefing from the European Commission's Security Directorate, the candidate will not be able to access EU Classified Information (EUCI) at the level of CONFIDENTIEL UE/EU CONFIDENTIAL or above, nor attend any meetings at which such EUCI is discussed.

Equal opportunities

In accordance with Article 1d of the Staff Regulations, the European Commission pursues a strategic objective of achieving gender equality at all management levels and applies an equal opportunities policy encouraging applications that could contribute towards more diversity, gender equality and overall geographical balance.

Conditions of employment

The salaries and conditions of employment are laid down in the Conditions of Employment of Other Servants.

The selected candidate will be engaged as a Temporary Agent of grade AD15 under Article 2(a) of Conditions of Employment of Other Servants for a 7 years-non-renewable mandate. They will be classified depending on the length of their previous professional experience in step 1 or step 2 within that grade.

Applicants should note the requirement under the Conditions of Employment of Other Servants for all new staff to complete successfully a nine-month probationary period.

The place of employment is Brussels.

It is expected that the selected applicant will take up duties in August 2025.

Independence and declaration of interests

Candidates will be required to make a declaration of commitment to act independently in the public interest and to declare any interests which might be considered prejudicial to their independence.

Important information for candidates

Candidates are reminded that the work of the selection panels is confidential. It is forbidden for candidates to make direct or indirect contact with their individual members or for anybody to do so on their behalf. Any query has to be addressed to the secretariat of the respective panel.

Protection of personal data

DRAFT LETTER

From: Mr Bálint ÓDOR, Chairman of the Permanent Representatives Committee

To: Ms Ilze JUHANSONE, Secretary-General of the Commission

Copy to: Mr Niclas HERBST, Chair of the Committee on Budgetary Control of the European
Parliament
Ms Teresa ANJINHO, Chair of the Supervisory Committee of OLAF

Subject: Selection procedure for the function of Director-General of the European Anti-Fraud
Office - consultation on the vacancy notice

With reference to your letter of 5 September 2024 regarding the draft of the vacancy notice for the recruitment of the Director-General of the European Anti-Fraud Office (OLAF), the Council has no specific comments on the text of this draft.

The Council recalls in this context the importance it attaches to the independence of the Director-General of OLAF in accordance with Article 17(3) of Regulation No 883/2013 of the European Parliament and the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF).

(Complimentary close)
