



Brussels, 22 May 2017
(OR. en)

9398/17

GAF 19

'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 – <i>Approval of a letter</i>

1. On 25 April 2017, Commissioner OETTINGER, 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 19 May 2017, the Working Party on Combating Fraud finalised the draft reply to Mr OETTINGER'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.



IM 04449 2017
27.04.2017

Günther H. OETTINGER
Member of the European Commission

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Mr Edward Scicluna
Chair of the Economic and Financial Affairs Council (ECOFIN)
of the European Union
Rue de la Loi 175
1048 BRUSSELS

Brussels, 25.04.2017
MH/ab Ares(2017)s2099160

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

Dear Mr Scicluna, *very low few holes!*

Having completed his seven year term of office, the mandate of Mr Giovanni KESSLER as Director-General of the European Anti-Fraud Office (OLAF) will expire on 13 February 2018.

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.

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 22 May 2017 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 in the national and international press. I have written in similar terms to the European Parliament and to the Supervisory Committee.

Yours sincerely,

Enclosure: 1

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.

European Anti-Fraud Office (OLAF)

Publication of a Vacancy for a Director-General Function (grade AD15) - Brussels

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

COM/2017/XXX

The 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.

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 EC budget both in Member States and in third countries.

Outside the operational 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 made up of five independent persons 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 2013¹.

¹ Regulation (EU, Euratom) No 883/2013 of the European Parliament and the Council of 11 September 2013 concerning 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, OJ L 248 of 18 September 2013.

We propose

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

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 addition, and under the supervision of the Commissioner responsible for 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; he 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 taking preventive measures against fraud.

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

The Director-General will be responsible for a Directorate-General comprising four Directorates and some 500 staff. He/she will manage a budget of around € 50 million. He/she will prepare and submit an independent preliminary draft budget for which he/she will be authorising officer.

Under the terms of Article 17, paragraph 1 of Regulation (EU, Euratom) No 883/2013, the mandate of the Director-General of OLAF is for seven years non-renewable.

We look for

Applicants should:

- 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;
- Show strong achievements as a leader, manager and communicator, at strategic and internal management levels, involving the management of large teams and financial resources;
- 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;
- Be an outstanding and dynamic professional of sound judgement and high conceptual ability with the capacity to develop a clear strategic vision for achieving OLAF's objectives;

- Have excellent interpersonal, decision-making, communication and negotiating skills and be able to build trusted working relationships with stakeholders;
- Have the ability to work in a complex multicultural environment and to motivate and develop teams to the best of their potential;
- Demonstrate their understanding of and commitment to the independence and guardianship of fundamental rights required in the investigative role.

Applicants must

1. Be a citizen of one of the EU Member States.
2. Have:
 - (i) either a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is four years or more.
 - (ii) or a level of education which corresponds to completed university studies attested by a diploma and appropriate professional experience of at least one year when the normal period of university education is at least three years.
3. Have at least 15 years postgraduate professional experience obtained subsequent to the completion of the qualifications and any necessary experience referred to in point 2 above, preferably in a field relevant to the mission of OLAF. At least 5 years of that professional experience must have been gained in a management function at high level² and should include some direct experience in a field related to this post.
4. Have a thorough knowledge of one of the official languages of the European Union and an adequate knowledge of another of these official languages³. Selection panels will verify during the interview(s) whether applicants 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.
5. Be able to complete the full seven-year mandate before retirement age, which for temporary agents 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 47 of the Conditions of Employment of other Servants and Art. 52 lit (a) of the Staff Regulations), which may, exceptionally, be prolonged until the age of 70 years.

Independence and declaration of interests

Applicants are required to declare their commitment to act independently in the public interest and to declare any interests which might be considered prejudicial to their independence.

² In their CVs applicants should indicate at least for these 5 years during which high-level 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, and (4) numbers of hierarchical layers above and below and number of peers.

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1958R0001:20070101:EN:PDF>

Selection and conditions of employment

The Director-General will be engaged by the European Commission as a Temporary Agent following a selection procedure carried out as described in the Compilation Document on Senior Officials Policy⁴, after the OLAF Supervisory Committee has given a favourable opinion on the selection procedure applied by the European Commission and following consultations with the European Parliament and Council.

During this selection process, applicants who have been invited for an interview with the European Commission's Consultative Committee on Appointments have to participate, before this interview, in a full day assessment centre run by external recruitment consultants.

For functional reasons and to complete the selection procedure as quickly as possible in the interest of the applicants as well as that of the institution, the European Commission carries out this selection procedure in English and/or French only⁵.

Following the selection process, the OLAF Supervisory Committee shall be requested to give its opinion on the applied selection procedure. After a favourable opinion has been given, the Commission draws up a list of names of applicants it considers most suitable to exercise the function of Director-General of OLAF. This list is transmitted to the European Parliament and the Council for consultation. 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.

The successful applicant will be engaged by the European Commission as a Temporary Agent under Article 2(a) of Conditions of Employment of Other Servants. Salaries and conditions of employment are those a Temporary Agent at grade AD15 occupying a function corresponding to the basic post of Director-General.

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.

This appointment will be made in Brussels. It is expected that the selected applicant will take up duties in February 2018.

Equal opportunities

The European Commission applies an equal opportunities policy. Given the low representation of women in management functions, the European Commission would particularly welcome applications from women.

⁴ http://ec.europa.eu/civil_service/docs/official_policy_en.pdf

⁵ Selection panels will ensure that no undue advantage is given to native speakers of these two languages.

Application procedure

This post might be published in parallel with other senior official posts. If you want to apply for more than one post, you must submit a separate application for each post. Please be careful when applying and choose the correct vacancy. It is not possible to request a change of your application from one vacancy to another.

Before submitting your application, you should carefully check whether you meet all the eligibility criteria ("applicants must"), particularly concerning the required types of diploma and professional experience as well as your linguistic capacity. Failure to possess any of these eligibility requirements means an automatic exclusion from the selection procedure.

If you want to apply, you must **register via the Internet** by going to the website

https://ec.europa.eu/dgs/personnel_administration/seniormanagementvacancies/CV_Encadext/index.cfm

and follow the instructions there concerning the various stages of the procedure.

You need a valid e-mail address. This is used to confirm your registration as well as to remain in contact with you during the different stages of the selection process. Therefore, please keep the European Commission informed about any change in your e-mail address.

To complete your application, you need to upload a CV in PDF format **and** to fill out, online, a letter of motivation (maximum 8 000 characters).

Once you have finished your online registration, you receive an electronic mail confirming that your application has been registered. The mail also contains a registration number which is your reference number in all matters concerning your application. When you receive this number, the registration process is finished - it is confirmation that we have registered the data you entered.

If you do not receive a confirmation mail, your application has not been registered!

Please note that it is **not** possible to monitor the progress of your application on-line. You will be contacted directly by the European Commission regarding the status of your application.

If you have a disability that prevents you from registering online, you may submit your application (CV and letter of motivation) on paper by registered mail to the following address: **European Commission, Directorate-General for Human Resources and Security, Unit for senior Management and CCA, SC11 8/59, B - 1049 Brussels**, indicating clearly as a reference: **Vacancy for the function of Director-General OLAF (COM/2017/XXX)**, postmarked no later than the closing date for registration. All subsequent communication between the Commission and you will be by post. In this case, you must enclose with your application a certificate attesting your disability, issued by a recognised body. You should also set out on a separate sheet of paper any special arrangements you think are needed to make it easier for you to take part in the selection.

If you require more information and/or encounter technical problems, please send an e-mail to HR-MANAGEMENT-ONLINE@ec.europa.eu

Closing date

The closing date for registration is XXXX. **Registration will not be possible after 12.00 noon Brussels time.**

It is your responsibility to complete your online registration in time. We strongly advise you not to wait until the last few days before applying, since heavy Internet traffic or a fault with your Internet connection could lead to the online registration being terminated before you complete it, thereby obliging you to repeat the whole process. Once the deadline for the submission of registrations has passed, you will not be able to do so. Late registrations are not accepted.

Important information for applicants

Applicants are reminded that the work of the selection committees is confidential. It is forbidden for applicants to make direct or indirect contact with members of these committees, or for anybody to do so, on their behalf. Any request for information must be addressed to HR-MANAGEMENT-ONLINE@ec.europa.eu.

Protection of personal data

The European Commission ensures that candidates' personal data are processed as required by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies and on the free movement of such data⁶.

⁶ OJ L 8, 12.1.2001, p. 1.

DRAFT LETTER

From: Ms Marlene BONNICI, Chairman of the Permanent Representatives Committee

To: Mr Günther OETTINGER, Commissioner

Copy to: Ms Ingeborg GRÄBLE, Chair of the Committee on Budgetary Control of the European Parliament
Mr Jan MULDER, 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 25 April 2017 regarding the draft of the vacancy notice for the recruitment of the Director-General of the European Anti-Fraud Office (OLAF), the Council invites the Commission to take into account that international experience could be considered as an asset.

Moreover, the Council also invites the Commission to strictly respect the principle of non-discrimination as regards linguistic capacities of the candidates.

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)

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ANNEX 2

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