



**Reply to written question E-007475/2013 to the Commission by MEP Ingeborg Gräßle (PPE) and MEP Monica Luisa Macovei (PPE)**

**Subject: Conflict of interest - Danish Institute of Human Rights**

Question 2 (a) and (b):

The Agency adopted provisional rules governing conflict of interest of members of the Management Board (MB) and the Scientific Committee (SC) of FRA on the 24 May 2013. In agreement with those rules the Agency performs a screening of the declarations of interest and the CVs of members of the MB and provides a written report to the MB.

The MB examined cases of potential conflict of interest for members having dual capacity as members of human rights institutions, as foreseen in the basic regulation of FRA, and members of the MB of FRA. During this procedure members of the MB concerned had confirmed that they would abstain from the issues where their situation as members of the national institution may impair their independence. Considering the specificity of the Agency, the mere fact that a member of the MB has a function in an entity which has contractual relationships with the Agency might not per se be regarded as a conflict of interest situation that would exclude the member concerned serving on the MB or the SC. Proactively FRA performed a screening in December 2012 before the adoption of the provisional rules. Moreover, no grants have been awarded until today by FRA to any institution.

The Management Board is not involved in the procurement procedure. FRA introduced a procurement procedure with clear roles and responsibilities mitigating possible conflict of interest. The IAS audited the procedure and made nine recommendations in May 2012. All nine recommendations have been introduced.

Question 3 (d) and (e):

FRA developed further its already elaborated anti-harassment policy by introducing continuous training of the confidential counsellors and compulsory training courses for all staff members. Moreover, following the European Parliament's recommendation, FRA applied the principle of anonymity in administrative inquiries. All allegations of harassment have been carefully examined and preventive measures (reassignment to another department) implemented. However, it should be noted that no cases of harassment were established.

Question 4 and 5:

In July 2013, FRA had two cases pending at the European Union Civil Service Tribunal, i.e. Case T-107/13 P (Trentea v FRA) and F-38/12 (BP v FRA). The latter Case F-38/12 was closed on 30 September 2013. The Court dismissed the complaint concerning non-renewal of a fixed-term contract and declared that BP shall bear all her own costs and orders her to pay all costs incurred by FRA. Currently there is only one case pending (i.e. Case T-107/13 P), which represents an appeal by

the applicant of the Case F-112/10 submitted in November 2010 by the member of the staff concerning alleged irregularities in the recruitment procedure. The complaint has been dismissed in December 2012 with Court's order declaring that the applicant must bear her own costs and pay the costs incurred by FRA.

FRA has not incurred any costs of legal representation for its staff members before the courts, except for Case F-58/10 (*Allgeier v FRA*) in which the Court ordered FRA to bear its own costs and to pay the costs incurred by the applicant.

Question 6:

The poem competition in 2010 concerning Charter of Fundamental Rights was cancelled thus had no financial implications.