



EUROPEAN CENTRAL BANK

EUROSYSTEM

Christine LAGARDE

President

Mr Ernest Urtasun  
Member of the European Parliament  
European Parliament  
60, rue Wiertz  
B-1047 Brussels

Frankfurt am Main, 28 May 2021

L/CL/21/116

**Re: Your letter (QZ-016)**

Honourable Member of the European Parliament, dear Mr Urtasun,

Thank you for your letter, which was passed on to me by Ms Irene Tinagli, Chair of the Committee on Economic and Monetary Affairs, accompanied by a cover letter dated 31 March 2021.

The framework contract for the ECB's "Leadership Assessment and Development Services" programme has a limited and specific scope. The contractor, in this case Deloitte, is requested to provide an assessment of the behavioural leadership competencies, as defined by the ECB in its own capability framework, of candidates applying for managerial or leadership positions using tools that have been confirmed as having a high validity by studies and impartial organisations. The outcome of the assessment is not binding but is one piece of information provided by the service provider to the ECB recruitment panel members. In other words, the assessment conducted by the service provider constitutes only one element of the recruitment process and neither guarantees nor precludes the appointment of a candidate to a managerial or leadership position. It is for the Executive Board to take the appointment decision based on the advice of the ECB recruitment panel, whose role is to judge the suitability of a candidate for the specific position against several criteria.

The framework contract was awarded to Deloitte following a competitive tender procedure conducted in full compliance with the ECB's procurement rules.<sup>1</sup> The ECB has to comply with its underlying rules and contractual frameworks. In its procurement procedures, the ECB does not usually add requirements to

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<sup>1</sup> For more information, see Decision (EU) 2016/245 of the European Central Bank of 9 February 2016 laying down the rules on procurement (ECB/2016/2) (OJ L 45, 20.2.2016, p. 15), available at: <https://eur-lex.europa.eu/eli/dec/2016/245/oj/eng>.

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assess conflict of interest situations and other possible reasons for ineligibility beyond those already laid down in the procurement rules with regard to the eligibility of candidates.<sup>2</sup> While it is possible to exclude certain suppliers from competitive tender procedures, the ECB must have a valid and justified reason to do so. Otherwise this might be construed as an undue obstruction of access to its public procurement. Moreover, owing to the nature of the services as explained above, the ECB's assessment did not take into account whether the tendering companies provided auditing and/or legal advice services, as this was not deemed relevant in that context.

In accordance with its procurement rules, and after having conducted market research, the ECB published a formal call for expressions of interest in the Official Journal of the European Union.<sup>3</sup> Thereafter, the ECB performed a pre-qualification exercise and invited the shortlisted companies to submit a proposal taking into account the ECB's published requirements, including on the submission process and the contract award criteria. The eight written submissions received were evaluated against those requirements, and the ECB entered into negotiations with the best-ranked tenderers. The contract was ultimately awarded to Deloitte, whose offer best met the requirements.

Finally, let me also emphasise that the ECB's general and specific contractual terms for the tender procedure in question included requirements on confidentiality, standards of behaviour and conflicts of interest. The framework contract provides for strict professional secrecy rules and specifies that the contractor must treat confidential information in the strictest confidence and, in particular, must not disclose it to unauthorised persons. Moreover, the contractor and its staff members must avoid any situation that would generate conflicts of interest. In fact, the ECB has the explicit right to ask the contractor to take appropriate measures to avoid or resolve conflicts of interest. If it is not possible to resolve or mitigate a conflict of interest, the ECB is entitled – as a last resort – to terminate the contract. In any event, the framework contract contains additional safeguards that can be invoked by the ECB to ensure full compliance of the contractor with its obligations under the contract, including those in respect of confidentiality, data protection and standards of behaviour.

Yours sincerely,

[signed]

Christine Lagarde

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<sup>2</sup> See Article 30 of Decision (EU) 2016/245 of the European Central Bank.

<sup>3</sup> See [https://www.ecb.europa.eu/ecb/jobsproc/proc/pdf/contract\\_notice\\_31.12.2019.pdf](https://www.ecb.europa.eu/ecb/jobsproc/proc/pdf/contract_notice_31.12.2019.pdf).

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