

Letter to the European Commission concerning the proactive publication of decisions on post term-of-office activities of former Commissioners, as well as opinions of the Ad Hoc Ethical Committee

Correspondence - 24/07/2015

Case 297/2013/FOR - Opened on 12/03/2013 - Decision on 19/12/2013 - Institutions concerned European Commission (Settled by the institution) | European Commission (No further inquiries justified) |

Mr Jean-Claude Juncker President European Commission sent by electronic means

Re: Proactive publication of decisions on post term-of-office activities of former Commissioners, as well as opinions of the Ad Hoc Ethical Committee

Dear Mr President,

Since your Commission took office, I have had occasion to welcome several initiatives you have taken to increase transparency. One of the steps that I welcomed related to the work of the Ad Hoc Ethical Committee, in line with my decision of December 2013. [1]

The end of this month will mark the half-way point in the compulsory 18 month notification period for post term-of-office activities of Members of the Commission who completed their mandate on 31 October 2014. [2]

I understand from published minutes of Commission College meetings that 38 decisions have been adopted by the Commission, since 1 November 2014, in relation to former Commissioners' post term-of-office activities. These minutes refer to only two instances in which the Commission sought the opinion of the Ad Hoc Ethical Committee, [3] although I understand from documents released in response to public access requests that an opinion was requested from the Committee on at least two other occasions.

In my recommendations concerning post-employment rules for senior Commission officials, I noted that transparency empowers citizens to contribute to the enforcement of the Commission's conflict of interest rules. [4] The fact that a number of requests have been made,



and granted, for public access to the full versions of the Commission's decisions authorising the post term-of-office activities of former Commissioners confirms that this is a role that certain members of the public, notably civil society organisations, are keen to play.

In the interest of public trust and good administration, I would thus invite the Commission to consider facilitating this activity further by proactively publishing its decisions on the authorization of post term-of-office activities of former Commissioners, [5] as well as the opinions of the Ad Hoc Ethical Committee. [6] This could be done from the date your Commission took office, namely 1 November 2014.

Should your staff have any queries concerning this matter, they may contact Ms Rosita Agnew (+ 32 2 284 25 42), who is co-ordinator for own-initiative inquiries in the European Ombudsman's Office.

Yours sincerely,

Emily O'Reilly

Strasbourg, 24/07/2015

[1] See the Ombudsman's decision in case 297/2013/FOR, as well as the follow-up provided by the Commission in that case.

[2] Point 1.2 of the Code of Conduct for Commissioners provides that: "*[w]henever former Commissioners intend to engage in an occupation during the eighteen months after they have ceased to hold office (...) they shall inform the Commission in good time (...). The Commission shall examine the nature of the planned occupation.*" See the Code of Conduct for Commissioners, C (2011) 2904, available at: http://ec.europa.eu/commission_2010-2014/pdf/code_conduct_en.pdf [Link]

[3] Point 1.2 of the Code further provides that: "*[i]f the planned occupation is related to the content of the portfolio of the Commissioner, the Commission shall seek the opinion of the Ad Hoc Ethical Committee. In the light of the Committee's findings it shall decide whether the planned occupation is compatible with Article 245 of the Treaty (TFEU).*"

[4] The Ombudsman's draft recommendation in cases 2077/2012/TN and 1853/2013/TN is available at: <http://www.ombudsman.europa.eu/en/cases/draftrecommendation.faces/en/56216/html.bookmark> [Link]

[5] Although these decisions are registered in the Commission's public register of documents and may be made available to the public upon request, they are not published proactively.



[6] In its follow-up to the Ombudsman's further remark in case 297/2013/FOR, the Commission made a webpage available about its Ad Hoc Ethical Committee. The opinions issued by the Committee are, however, not posted on that webpage. See http://ec.europa.eu/about/ethics-transparency/index_en.htm [Link]