

Compliance with the Commission's rules on conflicts of interest prior to the appointment of a Special Adviser to the Commission President

Case opened

Case 1408/2015/OV - **Opened on** 15/09/2015 - **Decision on** 26/05/2016 - **Institution concerned** European Commission (Critical remark) |

Allegation(s)

The Commission failed to comply with its *Rules on Special Advisers to the Commission* (in particular points 5) and 6) when appointing Mr Stoiber as Special Adviser to the Commission President.

Supporting arguments :

- i) In support of their allegation, the complainants argue that the Commission on 18 December 2014 publicly announced the appointment of Mr Stoiber as Special Adviser before examining, as prescribed by points 5 and 6 of the Rules, whether there was a possible conflict of interest. In doing so, the Commission pre-empted its services from carrying out an unbiased and critical examination as to whether there was a possible conflict of interest.
- ii) The complainants further point out that, even though Mr Stoiber had referred to it in his Declaration of activities, his positions in a German insurance company were not mentioned in the Commission's Statement of Assurance of 9 February 2015 as constituting a potential risk, and that the Statement did not state that Mr Stoiber should not deal with matters concerning that company.

Claim(s)

- 1) The Commission should acknowledge that its inactions amounted to maladministration and put measures in place to ensure that breaches of its Rules on Special Advisers do not occur again.
- 2) The Commission should clarify how it will minimise any possible conflict of interest arising



from Mr Stoiber's current positions in the German insurance company.

The Ombudsman invited the Commission to submit an opinion by 29 February 2016.