



Reply from the European Ombudsman to President Juncker's response on the proactive publication of Ad hoc Ethical Committee opinions

Correspondence - 21/11/2015

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

Strasbourg, 21/11/2015

Re: Proactive publication of Ad hoc Ethical Committee opinions

Dear Mr President,

Thank you for your letter, dated 21 September 2015, in which you replied to my letter on the proactive publication of documents relating to the post term-of-office activities of former Commissioners.

I would like, first, to welcome the Commission's move to facilitate access to decisions taken by the College of Commissioners, by including a link on the Ethics and Transparency website to a webpage [1] containing the relevant minutes of Commission college meetings. This is a helpful first step.

Second, I note and welcome from the minutes of Commission college meetings published since I last wrote to you, that reference was made to the fact that the Ad hoc Ethical Committee was consulted. I trust that this information will now be included in these meeting minutes in a systematic way [2] .

As regards the other points raised in my letter, I think it is important to clarify certain elements. The Ombudsman is not asking for the "*full and automatic publication*" of the relevant Commission decisions and Ad hoc Ethical Committee opinions, as was mentioned in your reply. Nor did I suggest "*the full disclosure of every detail of their new professional activities and employment conditions*". What I encourage is the proactive disclosure of the documents in question. In other words, rather than waiting for requests for public access, the Commission should carry out the "*careful assessment of each document*" proactively, redact whatever personal data or commercial information is necessary, and publish what it can.



Your reply suggests that the Commission is going to receive requests for access to these documents in any event and will thus have to analyse the documents in question at some stage. The approach I have recommended simply involves the relevant analysis being done at an earlier stage. This approach is more citizen-friendly, not any more resource intensive, and means that the documents will be available to a wider public.

Therefore, I maintain my request that the Commission consider proactively publishing the (redacted) opinions of the Ad hoc Ethical Committee. This Committee performs a vital role in ensuring public trust and the assessment it has carried out should be available for public scrutiny in order to demonstrate that the system the Commission has put in place is robust and working well.

Should your staff have any queries concerning this matter, they may contact Ms Rosita Agnew (+ 32 2 284 25 42), Head of Strategic Inquiries in the European Ombudsman's Office

Kind regards,

Emily O'Reilly

[1] http://ec.europa.eu/transparency/ethics-for-commissioners/decisions_en.htm

[2] A review by my services of the minutes of Commission college meetings from 1 November 2014 to mid-July 2015 noted only two instances in which the Commission stated that it had sought the Committee's opinion. In your letter of 21 September, however, you note that out of 41 decisions adopted, 21 were adopted following opinions delivered by the Ad Hoc Ethical Committee.