

Ombudsman calls for strengthened ethics rules for ex-Commissioners

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The European Ombudsman, **Emily O'Reilly**, has called on the European Commission to strengthen the rules that govern work that Commission Presidents and former Commissioners undertake after leaving office. She notes the latest controversy, and the most recent relevant [case \[Link\]](#) dealt with by her office.

Referencing the recent appointment to a major bank of a former President of the Commission shortly after the 'cooling-off' period stipulated in the Code of Conduct for Commissioners, the Ombudsman asks whether the rules are sufficient to protect the public interest.

"Former Commissioners technically need to notify the Commission only if they plan to engage in an occupation within 18 months after their term of office so that potential conflicts of interests can be assessed. But technical adherence to rules drawn up and implemented by the Commission itself may or may not fully conform to Treaty Article 245 which deals with the need for Commissioners to behave with integrity, including after leaving office. The Article makes no reference to a timescale in this regard." said Ms O'Reilly.

Ms O'Reilly continued : *"Any suggestion that the spirit of the law is being ignored risks undermining public trust in the EU. It also undermines the positive steps the Commission has taken so far on ethical issues and does a great disservice to every conscientious and hard working EU official. The 'right to work' has to be balanced with the public's right to an ethical administration and particularly when it comes to those holding, or having held, very senior positions."*

"The EU treaty states that former Commissioners should behave with integrity and discretion when it comes to certain appointments or benefits. Just as citizens expect the highest standards when it comes to the conduct of public officials, they need clarity on what precisely this means in practice."

"I have recently called on the Commission to revise the Code of Conduct to so that it reflects the Treaty rules on how former Commissioners should behave. I have also said there should be sanctions for breaches of the Code."

The Ombudsman has conducted several inquiries into the post office activity of Commissioners



and senior EU officials.

The most recent [case \[Link\]](#) concerns a paid position held by a former EU Commissioner. Ms O'Reilly found that the Barroso Commission had failed adequately to deal with the former Commissioner's breach of the Code of Conduct and had not properly investigated the compatibility of the Commissioner's contract with the EU treaty, despite concerns raised by the advisory committee that deals with these matters.

Ms O'Reilly therefore proposed that the Juncker Commission revise its Code of Conduct, making its rules more explicit and more easily implementable. The Ombudsman also proposed that a revised Code include sanctions for any breach of obligations by a serving or former Commissioner.

"It is worth noting that the Code of Conduct was drawn up by the Commission. It would now seem appropriate that the Code be re-assessed in light of recent events," said the Ombudsman.

The Ombudsman will continue to monitor these matters and will revert with further possible proposals.

Editors' Note

Article 245 TFEU requires Commissioners to *"behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits."*

The Code of Conduct for Commissioners states that *"former Commissioners who intend to engage in an occupation during the 18 months after they have ceased to hold office, shall inform the Commission in good time."*