

Letter to the President of the European Commission on decision of the European Ombudsman closing her own initiative inquiry into the European Commission's handling of a former Commissioner's occupational activities after leaving office (OI/2/2014/PD)

Correspondence - 30/06/2016

Case OI/2/2014/PD - **Opened on** 10/04/2014 - **Decision on** 30/06/2016 - **Institution concerned** European Commission (Critical remark) |

Mr Jean-Claude Juncker President European Commission

Strasbourg, 30/06/2016

Decision of the European Ombudsman closing her own initiative inquiry into the European Commission's handling of a former Commissioner's occupational activities after leaving office (OI/2/2014/PD)

Dear Mr President,

Please find enclosed a copy of my above decision, of which I will also inform the former Commissioner.

On the basis of my inquiry I have decided to close it with the following findings and suggestions:

(1) The Ombudsman finds that the Barroso Commission failed adequately to deal with the former Commissioner's breach of paragraph 1.1.1 of the 2004 Code of Conduct for Commissioners. This constituted maladministration by the Commission.

(2) The Ombudsman finds that the Barroso Commission's decision, regarding the compatibility of the former Commissioner's contract with Article 245 TFEU, was not



based on an adequate investigation of the facts and thus amounted to maladministration.

The Ombudsman suggests that where, in the future, the Commission must deal with the failure of a former Commissioner to inform it, in good time, of an occupational activity it should ensure that its actions in relation to that former Commissioner reflect the gravity of the failure in question. In particular, it should ensure that its actions will re-assure EU citizens that the Commission is prepared to take all appropriate steps to uphold Article 245 TFEU.

The Ombudsman suggests to the Commission that it should revise its Code of Conduct for Commissioners with a view to making the rules more explicit. In order to improve implementation, a revised Code could include a range of sanctions to be imposed, at the administrative level, where there has been a breach of obligations either by a serving or a former Commissioner. A revised Code could also clarify the type of circumstances in which the Commission will apply those sanctions.

I would be grateful if the Commission could inform me by 31 December 2016 of any action it has taken in relation to my findings and suggestions. I will take account of these responses to my critical remarks and suggestions for improvement when carrying out my annual assessment on how institutions and bodies have reacted to my conclusions.

Yours sincerely,

Emily O'Reilly

European Ombudsman

Enclosure

- Decision in own initiative inquiry OI/2/2014/PD