

## Ombudsman calls on President Juncker to clarify position on Barroso appointment

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The European Ombudsman, **Emily O'Reilly**, has called on President Juncker to clarify the Commission's position on former Commission President Barroso's appointment as non-executive chairman and adviser at Goldman Sachs.

In a [letter \[Link\]](#) to Commission President Juncker, Ms O'Reilly asks the Commission to explain what measures it has taken to check whether the appointment conforms with ethics obligations in the Treaty, whether he has, or will, request an opinion of the Ad Hoc Ethical Committee and whether the Commission is considering reforming the Commissioners' Code of Conduct.

Ms O'Reilly also asked whether, given Mr Barroso's statements that he will be advising on the UK's decision to leave the EU, the Commission is considering issuing guidance to Chief Negotiator Barnier and to staff on how to engage with Mr Barroso should the former President request such engagement.

Ms O'Reilly stated: *"Mr Barroso's move has generated concern at a very challenging time for the EU and particularly in relation to citizen trust in its institutions. This is a significant public interest issue and must be openly and comprehensively addressed by the Commission.*

*"The appointment, which the Commission has argued is in compliance with the Code of Conduct, raises question marks over the adequacy of the Code itself. It is not enough to say that no rules were broken without looking at the underlying spirit and intent of the relevant Treaty article and amending the Code to reflect precisely that. Decisions on breaches of the Code cannot be made solely through a crude calculation of an arbitrary cut-off point for the notification of new positions by former Commissioners. Decisions should more properly be made on a case-by-case basis taking all elements of a particular appointment into account.*

*"Given the widespread concern expressed about Mr Barroso's appointment, including via parliamentary questions and a petition by EU staff, it is important that the Commission attempts to allay those concerns as soon as possible. The 'right to work' is not an unqualified one and must be balanced by the public right to an ethical administration."*

The Ombudsman recently asked the Commission to revise its Code of Conduct in order fully to implement the rules and provide for a range of explicit sanctions for breach of obligations by a



serving or former Commissioner. This followed an [inquiry \[Link\]](#) in which the Ombudsman found that the investigation into whether a former Commissioner's paid position was compatible with the EU Treaty was inadequate.

Given the public interest in this issue, Ms O'Reilly has asked the Commission to respond to the points raised in that case by 14 October 2016.

### **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.*"

The European Ombudsman's letter is available [here \[Link\]](#).