



Request for an inspection in case 194/2017/EA on the European Commission's alleged insufficient action with respect to its former President's compliance with Treaty obligations

Mr Jean Claude Juncker

President

European Commission

Strasbourg, 24/02/2017

Complaint 194/2017/EA

Dear Mr President,

On 3 February 2017, I received a complaint from a group of current and former EU employees (the complainant). It launched an online petition in July 2016 asking for action to be taken in relation to former Commission President Barroso's decision to join an investment bank. [1] It handed this petition to the Commission, with a cover letter, on 12 October 2016.

The complainant makes the following two allegations:

- a) The Commission has not answered its letter of 12 October 2016 relating to its online petition;
- b) The Commission has failed to take a formal decision regarding former Commission President Barroso's new activity.

I will inform the complainant that its complaint is admissible and that I have decided to inquire into it.

Regarding the complainant's first allegation, I would request that you reply to the complainant's correspondence of 12 October 2016 relating to its petition and address the points raised therein.

Regarding the complainant's second allegation, as far as I am aware the Commission has not, to date, issued a reasoned decision following the provision of an opinion by its Ad Hoc Ethical



Committee (AHEC), dated 26 October 2016 [2] . Relevant Commission College minutes do not contain any indication that this case was discussed by the College following the AHEC opinion.

I would therefore invite you to inform the complainant in your reply (i) of whether the matter was discussed by the College after the AHEC adopted its opinion; (ii) of whether the Commission has taken a reasoned decision in this case; and (iii) if no decision has been taken, why the Commission did not consider it necessary or appropriate to make a reasoned decision in this case. If the Commission has, in fact, made a reasoned decision in this case, I would be grateful to receive a copy of that decision from the Commission.

I would be grateful also to receive a copy of your reply to the complainant. Given that the complainant's correspondence concerns an issue of public interest, I would be grateful to receive your reply at your earliest convenience and in any event by 31 March 2017 .

It is clear that, in considering issues relating to the occupational activities of Commissioners (including Presidents) after they leave office, the Commission has regard to opinions provided, at the request of the Commission, by the AHEC. Any understanding of the approach adopted by the Commission in such cases will necessarily require an understanding of the role of the AHEC and of how it conducts its assessments. For this reason, I consider it important that my inquiry in this case should be informed by relevant information on the role of the AHEC and of how it conducts its work.

Accordingly, I would be grateful if the Commission would facilitate an inspection [3] by my Office of any file held by the Commission relating to the AHEC opinion on the case of the former Commission President. In order to understand, more generally, how the AHEC conducts its work, I would be grateful for the Commission's cooperation also in inspecting the files on the other five most recent opinions adopted by the AHEC. I believe it would be helpful also, in conjunction with our inspection of these files, for my representatives to meet with relevant Commission officials to discuss issues arising.

Please note that, in accordance with Article 4(8) of the Implementing Provisions of the European Ombudsman, my Office will not disclose to the public any information that the Commission identifies as confidential during the inspection/meeting, without the prior agreement of the Commission.

I should be grateful if the Commission would contact Ms Elpida Apostolidou (+32 2 284 18 76), from my Office in order to agree on a convenient date for the meeting/inspection. Depending on the Commission's availability, I would envisage the meeting taking place in the final week of March 2017.

Attached to this e-mail, please find a copy of the complaint.

Yours sincerely,



[1] The petition is shared on Change.org and is available at the following link:
<https://www.change.org/p/for-strong-exemplary-measures-to-be-taken-against-jm-barroso-for-joining-g>

[2] I am aware of the answers given in reply to MEP questions:
<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2016-005629&language=EN>

[3] In accordance with Article 3(2) of the Statute of the European Ombudsman.