

Letter to the European Commission in case 334/2017/EA on the Commission's alleged insufficient action with respect to its former President's compliance with Treaty obligations (merged with case 194/2017/EA)

Correspondence - 20/03/2017

Case 334/2017/EA - Opened on 20/03/2017 - Recommendation on 06/03/2018 - Decision on 20/07/2018 - Institution concerned European Commission (Maladministration found) |

Mr Jean Claude Juncker President European Commission

Strasbourg, 20/03/2017

Complaints 334/2017/EA and 194/2017/EA

Dear Mr President,

On 28 February 2017, I received a complaint from two complainants, 334/2017/EA. The complaint concerns the European Commission's failure to take action on the alleged incompatibility with Article 245 TFEU of former Commission President Barroso's employment with an international investment bank. The complainants wrote to the Commission about this matter on 31 December 2016.

The complainants raise three matters in their complaint:

1. They say that the Commission has not yet answered their correspondence of 31 December 2016.
2. The complainants believe that, in preparing its opinion of 26 October 2016 on the former Commission President's new activity, the Ad Hoc Ethical Committee (AHEC) failed to take evidence and failed to interpret the law correctly and, as a result, reached the wrong conclusion.
3. The complainants believe that, following the provision by the AHEC of its opinion, the Commission should have taken action on that opinion one way or the other. The complainants believe that the Commission is required to take a formal decision on the matter and that its actions in this regard to date have been insufficient.



This complaint raises similar concerns to the complaint submitted by a group of current and former EU employees in case 194/2017/EA, in which I opened an inquiry on 24 February 2017. I have therefore decided to incorporate the present complaint into the ongoing inquiry and to include the arguments made by the complainants in this complaint. In particular, I have decided to add the second matter raised by the complainants, regarding the opinion of the AHEC, to the ongoing inquiry.

I have informed the complainants accordingly.

Regarding the first matter raised by the complainants, I would be grateful if the Commission would reply to the complainants' correspondence of 31 December 2016 by no later than 14 April 2017. I would be grateful to receive a copy of your reply to the complainants.

In view of the above, the deadline for your reply to the complainants' correspondence in case 194/2017/EA may also be deferred to 14 April 2017.

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

Yours sincerely,

Emily O'Reilly

European Ombudsman

Enclosure: Complaint 334/2017/EA