



Letter of 22 January 2018 from the Ombudsman to the former Commission President

Correspondence - 22/01/2018

Case 194/2017/EA - **Opened on** 24/02/2017 - **Recommendation on** 06/03/2018 - **Decision on** 20/07/2018 - **Institution concerned** European Commission (Maladministration found)

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Mr José Manuel Durão Barroso

Strasbourg, 22/01/2018

Joint inquiry into complaints 194/2017/EA, 334/2017/EA and 543/2017/EA

Dear Mr Barroso,

I am writing to you in the context of my joint inquiry into complaints 194/2017/EA, 334/2017/EA and 543/2017/EA. The inquiry was opened to examine the European Commission's handling of your post-mandate activity in Goldman Sachs and, more generally, how the Commission handles post-mandate activities of former Commissioners, as well as the role of the Ad Hoc Ethics Committee.

On 3 March 2017, I wrote to you to inform you about the processing of your personal data in the context of the above inquiry. On 16 June 2017, following your request, I provided you with a list and copies of all personal data concerning you provided to my Office in connection with the above complaints.

While my inquiry is nearing its conclusion, at this stage I have not yet decided on the position I should adopt. However, my inquiry team has made a proposal to me on how to proceed. Since part of that proposal takes a position on your actions, I consider it appropriate and fair to give you the opportunity to provide me with your views before I reach any conclusions. My inquiry team takes the view that:

- It is understandable that EU citizens were concerned by your decision to take up a position at Goldman Sachs International, a high-profile investment bank which has been criticised for its central role in the financial crisis.
- As your actions generated significant public disquiet, they could have a severe effect on public trust in the European Commission and in the EU.
- It was entirely predictable, for any reasonable person, that those actions would be



understood in that way and would have such effects. The fact that you had been the President of the European Commission, the highest ranking Commission representative, for ten years reinforces that view.

- It is reasonable for the ordinary citizen to conclude that your actions cannot be considered as complying with a Commissioner's duty to behave with discretion.

If you wish to make any comments on the views of my inquiry team, please send me your comments within two weeks, by 5 February 2018. I expect to conclude my inquiry shortly thereafter and, in doing so, will be happy to have regard to any comments you send me by that date.

Yours sincerely,

Emily O'Reilly

European Ombudsman