



European Ombudsman

Emily O'Reilly
European Ombudsman

Ms Ursula von der Leyen
President
European Commission

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Strasbourg, 14/07/2020

Decisions of the European Ombudsman on complaints 1141/2020/MIG and 1143/2020/MIG against the European Commission concerning statements by its President and its Vice-President for Democracy and Demography in the run up to the Croatian elections

Dear President,

On 5 and 6 July 2020, two civil society organisations – GONG and the Good Lobby – submitted complaints to my Office concerning the participation of you and Vice-President Suica in a video clip supporting the election campaign of a Croatian political party. The complainants questioned whether this was in line with the Commission's Code of Conduct for its Members. One of the complainants expressed scepticism about the explanation that this had been done in a personal capacity and also raised the concern that there are shortcomings in the oversight system regarding the Code. The complainants' concerns are well-founded.

I note that the Commission, during its midday press briefing of 6 July 2020, acknowledged that mistakes had been made and stated that procedures would be put in place to ensure that such mistakes would not be made again. Thus, the Commission is already looking into how best to address this matter.

In addition, one of the main issues the complainants raise is whether, generally, Commissioners should get involved in national politics. This is largely a political matter. It is, however, understandable that the public asks to what extent Members of the Commission can or should be involved in political campaigns, bearing in mind the diversity and reach of the Commission's roles, which are political, legal, executive, regulatory and more.

There can be confusion in the public mind about the respective roles and competences of the main EU institutions and I think you would agree that citizen trust can be strengthened through clarity in this regard.



I have therefore concluded that the most appropriate way to deal with the matters raised, at this stage, is to signal them to you and to the appropriate body within the European Parliament, to take the necessary measures. I wrote to you already last month about a separate complaint to ask how the Commission ensures in practice that Commissioners are made aware of their obligations under the Code.¹

The complainants have raised legitimate concerns about the Code, which echo some of the shortcomings that I have identified in the past². These include the Code not being sufficiently clear, in parts, and the need to strengthen independent oversight.

For example, it is unclear to whom you, as President, would have to declare your intention to participate in a national election campaign. This suggests that there may be a need for a separate code of conduct for you as President.

In light of the disquiet and concerns raised, including by the wider public, I consider it important that the Commission clarifies these issues. I have therefore decided to forward the two complaints to you so that you can take the complainants' concerns into account when considering possible measures.

Given that the European Parliament was asked to give its opinion on the current version of the Code when it was drafted, I also consider it important to signal these issues to Parliament's Committee on Budgetary Control. I will therefore send a copy of this letter and its enclosures to the Parliament.

I would appreciate it if you could inform me, within three months, about the measures you intend to take to follow-up on the concerns raised.

Please find enclosed copies of the two complaints as well as my decisions on them.

Yours sincerely,

Emily O'Reilly
European Ombudsman

Enclosures:

- Complaint 1141/2020/MIG
- Complaint 1143/2020/MIG
- Decision on complaint 1141/2020/MIG
- Decision on complaint 1143/2020/MIG
- Letter to the European Parliament

¹ See <https://www.ombudsman.europa.eu/en/correspondence/en/129654>

² See, for example, my decisions: <https://www.ombudsman.europa.eu/en/decision/en/68762> and <https://www.ombudsman.europa.eu/en/decision/en/99946>.