

**José Manuel Durão Barroso**

Emily O'Reilly  
European Ombudsman  
1 avenue du Président Robert Schuman  
CS 30403  
F-67001 Strasbourg Cedex  
France

14 March 2018

Dear Ms O'Reilly,

**Re: Recommendations of the European Ombudsman in joint inquiry into complaints 194/2017EA, 334/2017/EA and 543/2017/EA.**

Thank you for your letter of 13 March in which you respond to the concerns raised in my letter of 12 March in relation to your Recommendations.

I appreciate in particular your confirmation that your Recommendations to the European Commission do not reach any legal conclusions with respect to my actions or express a view on your part as to whether my acceptance of employment with Goldman Sachs complied with my obligation, under Article 245 TFEU, to act with discretion. I note in this regard your confirmation that you have not accepted the proposal from your inquiry team referred to in your letter to me dated 22 January 2018, which I explained in previous correspondence would be unfair and unjustified.

It remains my view, however, that the Recommendations, as currently drafted, do not clearly reflect the position as you have explained it in your letter, and that there is a real risk of the Recommendations being misinterpreted in this regard.

Whilst I am also grateful for your confirmation that you have not, in the Recommendations, concluded that my meeting with Vice-President Katainen involved lobbying, I note that in concluding that the exact nature of the meeting is not clear, you have not taken into account either my statements that I have not and will not lobby EU institutions or the clear explanations given by Mr Katainen to the European Parliament and in interview. I appreciate the clarification provided in your letter that you see no objection to a former Commissioner having private social meetings with friends and former colleagues, which was not clear from the Recommendations themselves.

Whilst I have not sought to address each of the numbered points raised your letter, the central point I take from your Recommendations and your recent letter is that you consider that the Commission should have taken a formal decision based on the assessment of the Ethics Committee and you are recommending that it now do so. Whilst it is my view that the Commission implicitly endorsed the views of the Ethics Committee and proposed no follow up action on that basis, I certainly have no objection to your recommendation that the Commission now takes a formal decision on the matter, based on the view of the Ethics Committee.

Finally, I welcome and accept your offer to publish our correspondence on your website at the same time as publishing the Recommendations and indeed I think this is necessary for the sake of transparency.

Yours sincerely,

**José Manuel Durão Barroso**

cc. Jean-Claude Juncker, President of the European Commission