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President of the European Commission

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Ares (2016) 3563726

Dear Honourable Members,

Thank you for your letter of 15 July 2016, also addressed to Vice-President Timmermans, on behalf of the Greens/EFA Group, concerning the appointment of former President Mr Barroso as adviser and non-executive chairman of Goldman Sachs. Please accept my apologies for the delay in replying to you.

In line with the Code of Conduct for Commissioners, the existing rules and notification obligations of former Commissioners' post-employment activities are designed to avoid risks of conflict of interest with those of the European Union, while preserving the fundamental right of employment freedom. If a certain type of employment might seemingly create a conflict of interest immediately after leaving the Commission, it cannot be maintained that such a conflict of interest can last forever, even though certain restrictions such as the non-disclosure of commercially sensitive information are indefinite.

The Ad Hoc Ethical Committee is consulted on activities notified by former Commissioners related to their portfolio during the 18-month period foreseen in the Code of Conduct for Commissioners. This 18-month period is in line with the best existing standards for public office holders in the European Union and in the world. More generally, the Treaty provisions and the Code of Conduct of Commissioners set ethical standards for the Commission in line with international requirements and higher than the rules applicable in Member States and other EU Institutions.

Ms Rebecca HARMS, MEP
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Under the Code of Conduct, Mr Barroso was not obliged to notify his appointment at Goldman Sachs that took place twenty months after his term of office.

I would like to underline that no rule, even the strictest, can replace the individual responsibility of former public office holders. Any extension of the obligations set out in the Code of Conduct would not prevent former Commissioners making their choice, as regards their future professional activities.

In this specific case which concerns Mr Barroso, and in view of your request, I have decided to seek the advice of the Ad Hoc Ethical Committee to assess his conduct under the general obligation of integrity, as laid down by Article 245 of the Treaty on the Functioning of the European Union. After receiving its opinion, the Commission will discuss and decide on the follow-up to be given and will keep the European Parliament informed.

As regards your request to obtain a list of the meetings held between the Commission staff and ex-Commissioners since the beginning of this term, I refer you to the Europa sites of the relevant Directors General and Cabinets. Any meetings between Commissioners, their cabinet members and Directors General with former Commissioners and other high-level officials in a new professional capacity, as representatives of private interests, should be listed according to the current rules governing relations with interest representatives¹.

Yours faithfully,

A handwritten signature in blue ink, consisting of a horizontal line with a small loop at the end.

¹ The reporting obligations derive from Commission Decisions C(2014) 9048 and C(2014) 9051
http://ec.europa.eu/news/2014/docs/c_2014_9048_en.pdf
http://ec.europa.eu/news/2014/docs/c_2014_9051_en.pdf