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Jean-Claude JUNCKER
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Brussels, 18. 10. 2016
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Dear Honourable Member,

I would like to thank you and the co-signatories for your letter of 20 July 2016 concerning the appointment of Mr Barroso, former President of the Commission, as adviser and non-executive chairman to Goldman Sachs International.

I have taken note of your concerns and your suggestions as regards the application of Article 245 of the Treaty on the Functioning of the European Union and the Code of Conduct for Commissioners.

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.

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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.

Yours faithfully,

A handwritten signature consisting of a long horizontal line that curves upwards at the right end and has a small loop at the left end.

