



European Ombudsman

Emily O'Reilly
European Ombudsman

Mr Fabien FLUES
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Strasbourg, 15/09/2015

Complaint 1408/2015/OV

Dear Mr Flues,

On 3 September 2015, you submitted, on behalf of Friends of the Earth Europe (FoEE) and Corporate Europe Observatory (CEO) ("the complainants"), a complaint to the European Ombudsman against the European Commission concerning the appointment of Mr Edmund Stoiber as Special Adviser for Better Regulation.

In summary, you make the following allegation and claims.

Allegation:

The Commission failed to comply with its *Rules on Special Advisers to the Commission* (in particular points 5 and 6) when appointing Mr Stoiber as Special Adviser to the Commission President.

Supporting arguments:

i) In support of your allegation, you argue that the Commission on 18 December 2014 publicly announced the appointment of Mr Stoiber as Special Adviser before examining, as prescribed by points 5 and 6 of the Rules, whether there was a possible conflict of interest. The Commission thereby pre-empted its conduct of an unbiased and critical examination of whether there was a possible conflict of interest.

ii) The complainants further point out that, even though Mr Stoiber had



referred to it in his Declaration of activities, his positions in a German insurance company were not mentioned in the Commission's Statement of Assurance of 9 February 2015 as constituting a potential risk, and the Statement did not state that Mr Stoiber should not deal with matters concerning that company.

Claims:

- 1) The Commission should acknowledge that its inactions amounted to maladministration and put measures in place to ensure that breaches of its Rules on Special Advisers do not occur again.
- 2) The Commission should clarify how it will minimise any possible conflict of interest arising from Mr Stoiber's current positions in the German insurance company.

In accordance with Articles 2(2) and 3(1) of the Statute of the European Ombudsman, I informed the President of the Commission of your complaint and of my decision to inquire into it.

After a careful analysis of your complaint and the evidence in the file, I concluded that it would be appropriate, as a first step of the inquiry, to inspect the Commission's file on the appointment of Mr Stoiber as Special Adviser, including the documents concerning the assessment by DG ADMIN, the opinion of the Legal Service, and the documents relating to the press release issued on 18 December 2014. I have therefore asked the Commission to facilitate my services in inspecting the file.

A copy of the inspection report will be forwarded to you for observations. On the basis of the inspection and your observations, I will then decide whether it is necessary for the Commission to submit an opinion on the above allegation and claims.

Once my office receives your observations, or the deadline has passed, the Legal Officer responsible for your case, Mr Olivier Verheecke (tel: + 32 2 284 20 03) will then examine your file I will inform you if I need to inquire further into your complaint before making a decision on it.

While every effort is made to deal with cases as quickly as possible, it is not always possible to say how long any individual complaint may take to finalise.

Yours sincerely,

Emily O'Reilly