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## Complaint about maladministration

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**On behalf of (if applicable):** Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU)

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## 2. Against which European Union (EU) institution or body do you wish to complain?

European Commission

## 3. What is the decision or matter about which you complain? When did you become aware of it?

The Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) would like to raise a complaint on the European Commission's handling of the potential conflicts of interest arising from the new roles of former commissioners following the end of the notification period for the Barroso II Commission.

Firstly, we argue that the Commission's handling of the new roles of former president Barroso (Goldman Sachs), former commissioners Kroes (Uber and Salesforce) and De Gucht (ArcelorMittal) show the ineffectiveness of the Code of Conduct for Commissioners to prevent potential conflicts of interest and properly implement the provisions of Treaty article 245.

Specifically, in the case of former Commission President Barroso, the delay and limited remit of the Ad Hoc Ethical Committee's (AHEC) investigation, plus the Commission's unwillingness to investigate the cases of Kroes and Barroso, constitute maladministration by the Commission.

We further recognise that in November the Commission proposed to reform the Code of Conduct; however, the proposal is far too inadequate to address the problems highlighted by the aforementioned cases.

We welcome the news that the Ombudsman's office has launched an inquiry into the functioning of the AHEC<sup>1</sup> and we use this complaint to provide you with further evidence<sup>2</sup>, regarding how the limited remit of the AHEC prevents it from starting its own investigations in a proactive manner, and limits the extent and power of its investigations and conclusions.

We would also like to formally raise a complaint of maladministration concerning the appointment of two Commission special advisers to the AHEC.

<sup>1</sup> <https://www.ombudsman.europa.eu/cases/caseopened.faces/en/76369/html.bookmark>

<sup>2</sup> <https://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/76363/html.bookmark>

As an organisation campaigning for transparency and ethics regulation in the EU, ALTER-EU<sup>3</sup> routinely monitors the issue of revolving doors in the EU institutions. We have also gathered further evidence by tabling several access to documents requests.

#### **4. What do you consider that the EU institution or body has done wrong?**

ALTER-EU is very concerned that the European Commission has not correctly handled the revolving doors moves of former commissioners and that the rules in place do not adequately implement article 245 TFEU, namely that commissioners shall respect “their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits”<sup>4</sup>.

Specifically, the Commission failed to uphold its duty to properly implement article 245 TFEU because:

- In the case of Mr Barroso, the Commission took far too long to act; the AHEC’s investigation was too superficial to adequately assess if there were any potential conflicts of interest; and the College has failed to follow the Code of Conduct for Commissioners by not discussing the matter or taking a formal decision;
- In the cases of Mr De Gucht and Ms Kroes the Commission has failed to properly implement article 245 TFEU by not referring the cases to the AHEC.
- Overall, the Commission’s handling of these cases seems to have been motivated solely by public pressure instead of an adequate proactive handling of ethics and integrity issues.

Mr José Manuel Barroso

As you will know, there has been criticism voiced far and wide across Europe regarding the appointment of Mr Barroso as chairman and adviser at Goldman Sachs International. The French President<sup>5</sup>, various MEPs<sup>6</sup>, EU staff members<sup>7</sup>, and thousands of European citizens and EU employees<sup>8</sup> have expressed their concern.

ALTER-EU is disappointed that it took two months for the European Commission to seek further information from Mr Barroso and to refer this matter to the AHEC. In our view, this action was insufficient and came too late for it to be an adequate response to the Commission’s duty to uphold article 245 TFEU which requires all former commissioners to act with “integrity and discretion” regarding future employment. It is important that the Commission is seen to be proactive in investigating matters of ethics and integrity, and not pushed into belated action by political and public opinion.

In October, the AHEC finally published its opinion<sup>9</sup> on Mr Barroso’s new role noting that even though he “has not shown the considerate judgment one may expect from someone having held the high office he occupied for so many years” there were “not sufficient grounds to establish a violation of the duty of integrity and discretion, as imposed by Article 245 (2) TFEU” and that Mr Barroso’s commitment “not to lobby on behalf of Goldman Sachs responds to the duty of integrity and discretion imposed by the Treaty”.

ALTER-EU firmly disagrees that there were not sufficient grounds to establish a violation of article 245 TFEU, but above all would like to highlight the extremely limited remit of this investigation and of the AHEC mandate.

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<sup>3</sup> <https://www.alter-eu.org/block-the-revolving-door>

<sup>4</sup> <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A12012E%2FTXT>

<sup>5</sup> <http://www.bloomberg.com/news/articles/2016-07-14/hollande-calls-barroso-s-goldman-sachs-job-morally-unacceptable>

<sup>6</sup> [https://www.sinnfein.ie/files/2016/LetterJuncker\\_20\\_07\\_16.pdf](https://www.sinnfein.ie/files/2016/LetterJuncker_20_07_16.pdf)

<sup>7</sup> <https://www.change.org/p/for-strong-exemplary-measures-to-be-taken-against-jm-barroso-for-joining-goldman-sachs-international>

<sup>8</sup> [https://act.wemove.eu/campaigns/eu-revolving-doors?utm\\_source=partner&utm\\_medium=mail&utm\\_campaign=en\\_20160810](https://act.wemove.eu/campaigns/eu-revolving-doors?utm_source=partner&utm_medium=mail&utm_campaign=en_20160810)

<sup>9</sup> [https://ec.europa.eu/info/about-european-union/principles-and-values/ethics-and-integrity/ethics-and-integrity-eu-commissioners/ad-hoc-ethical-committee\\_en#documents](https://ec.europa.eu/info/about-european-union/principles-and-values/ethics-and-integrity/ethics-and-integrity-eu-commissioners/ad-hoc-ethical-committee_en#documents)

According to the published opinion, the committee merely took into consideration three documents that were already publicly available – a letter from President Juncker to former president Barroso (9 September 2016), President Juncker’s note to the AHEC requesting its opinion (15 September 2016) and Mr Barroso’s reply to President Juncker (13 September 2016)<sup>10</sup>.

We believe that the information in these three documents is far too limited to adequately assess potential conflicts of interest as there was no analysis of the role’s terms of reference or contract, no direct interview with Mr Barroso or any other apparent follow up. However, such follow-up was clearly needed in several areas, including on his commitment not to lobby on behalf of Goldman Sachs International as, to this point, there is no clarity about which activities Mr Barroso considers to count as lobbying. It was further necessary to directly clarify what involvement Mr Barroso is likely to have in Goldman Sachs International’s Brexit work. As you will remember, it was originally reported that Mr Barroso had declared that in his new role he would attempt to “mitigate the negative effects” of the Brexit decision<sup>11</sup>. However, in his letter to President Juncker, Mr Barroso rejected the idea that he had been hired to lobby on Brexit on behalf of Goldman Sachs International<sup>12</sup>. We believe this letter needed follow-up to resolve the inconsistencies with Mr Barroso’s original comments.

Following the publishing of the AHEC opinion, the Commission has yet to announce its own final opinion on the case. Even more concerning, a Commission spokesperson has claimed that the College was not under the obligation to discuss the issue because it claimed that “on legality grounds there was no infringement” of the Code of Conduct<sup>13</sup>. Such a statement is baffling as per the Commission decision establishing the AHEC<sup>14</sup>, the AHEC’s role is simply advisory which means that ultimate decisions must always fall to the College of Commissioners.

ALTER-EU argues that former President Barroso’s ongoing duty to act with “integrity and discretion” is not compatible with his new roles at Goldman Sachs International. Goldman Sachs is a major lobby player in Brussels. It declared spending between €1,000,000 and €1,249,999 on EU lobbying in 2015 and has had at least 31 high level meetings with the Commission since December 2014<sup>15</sup>.

It is also essential to highlight that Mr Barroso held the presidency of the Commission in the aftermath of the financial crisis, at a time when the Commission discussed, proposed and enforced a series of measures to regulate the financial markets, regulations where Goldman Sachs had an active interest in (for instance, Markets in Financial Instruments Directive and rules for credit default swaps<sup>16</sup> or the Capital Requirements Directive<sup>17</sup>). Documents released under Access to Documents requests further showed the overlap between Mr Barroso’s activities and the lobbying interests of Goldman Sachs<sup>18</sup> and that Goldman Sachs had often attempted to lobby him and his cabinet directly during his presidency<sup>19</sup>.

Goldman Sachs’ intense lobbying of EU policy-making<sup>20</sup>, the overlap between its lobbying activities and Mr

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<sup>10</sup> [https://ec.europa.eu/info/sites/info/files/opinion-comite-adhoc-2016-10-26\\_en.pdf](https://ec.europa.eu/info/sites/info/files/opinion-comite-adhoc-2016-10-26_en.pdf)

<sup>11</sup> <https://www.ft.com/content/9d29a55c-44f1-11e6-b22f-79eb4891c97d>

<sup>12</sup> [http://www.politico.eu/wp-content/uploads/2016/09/Letter-to-Juncker\\_13Sept20161.pdf](http://www.politico.eu/wp-content/uploads/2016/09/Letter-to-Juncker_13Sept20161.pdf)

<sup>13</sup> <http://ec.europa.eu/avservices/video/player.cfm?sitelang=en&ref=1132730>

<sup>14</sup> [https://ec.europa.eu/info/sites/info/files/decision-adhoc-committee\\_21october2003\\_en.pdf](https://ec.europa.eu/info/sites/info/files/decision-adhoc-committee_21october2003_en.pdf)

<sup>15</sup> <https://lobbyfacts.eu/representative/56609f25b7784e3f993a2e2140eadcd5/the-goldman-sachs-group-inc> Checked 31 March 2017

<sup>16</sup> [http://spinwatch.org/images/stories/SpinWatch\\_Goldman%20Sachs\\_March2011.pdf](http://spinwatch.org/images/stories/SpinWatch_Goldman%20Sachs_March2011.pdf)

<sup>17</sup>

[https://circabc.europa.eu/webdav/CircaBC/FISMA/markt\\_consultations/Library/financial\\_services/requirements\\_directive\\_1/organisations\\_contributi/g\\_s\\_en.pdf](https://circabc.europa.eu/webdav/CircaBC/FISMA/markt_consultations/Library/financial_services/requirements_directive_1/organisations_contributi/g_s_en.pdf)

<sup>18</sup> <https://www.publico.pt/2016/09/24/politica/noticia/arquivos-da-comissao-europeia-revelam-que-havia-proximidade-entre-barroso-e-goldman-sachs-1745035>

<sup>19</sup> [https://www.asktheeu.org/en/request/goldman\\_sachs\\_correspondence#incoming-11181](https://www.asktheeu.org/en/request/goldman_sachs_correspondence#incoming-11181)

<sup>20</sup> <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=701266814986-18>

Barroso's work while President<sup>21</sup>, imply a serious risk of a conflict of interest which is incompatible with the duty to act with "integrity and discretion" as per article 245 TFEU. Such a risk means it is not appropriate for Mr Barroso to take paid employment there.

**To properly fulfill its duties per article 245 TFEU, the European Commission should have acted swiftly and clearly by seeking advice, gathering all relevant information and holding an informed College discussion.** ALTER-EU believes that if it had done so, the weight of the evidence would have prompted the Commission to proceed with a case at the Court of Justice with the purpose of revoking Mr Barroso's pension entitlement.

Mr Barroso is not the only former commissioner to have taken a controversial new role once the 18-month notification period for ex-commissioners expired last 30 April 2016. In our view, Commission action is urgently required to implement article 245 TFEU in relation to the following cases:

Ms Neelie Kroes

In May 2016, Ms Neelie Kroes joined the public policy advisory board of Uber<sup>22</sup> and the board of directors of Salesforce<sup>23</sup>. These are remunerated roles and both corporations are major players in the tech world; both are high-spending active EU lobbyists; and it is not hard to comprehend why either firm would wish to recruit the services of the former Digital agenda commissioner. Specifically, Salesforce has more than doubled its EU lobby spending to €700,000+ in the past year<sup>24</sup>, while Uber has had 50 lobby meetings with senior Commission officials since December 2014<sup>25</sup>. Both companies clearly have an agenda to promote to the EU institutions, especially at a time when digital matters are centre-stage for the Commission.

During her time in office as Digital agenda commissioner, Ms Kroes was vocal in her support for Uber. In a blog<sup>26</sup>, hosted by the European Commission and published in Ms Kroes' name in April 2014 three years ago, Ms Kroes wrote: "I am outraged at the decision today by a Brussels court to ban Uber, the taxi-service app." She went on: "I've met the founders and investors in Uber. My staff have used the service around the world to stay safe and save taxpayers money. Uber is 100% welcome in Brussels and everywhere else as far as I am concerned." She even announced via Twitter that she wanted to "start a new # tag ... #UberIsWelcome in Brussels and everywhere"<sup>27</sup>.

We consider that as a former Digital agenda commissioner, Ms Kroes' moves to Uber and Salesforce, active lobbyists in the same policy area that Ms Kroes had been responsible for, cannot be compatible with her ongoing duty to act with "integrity and discretion".

Mr Karel De Gucht

In May 2016, Mr Karel De Gucht joined the board of ArcelorMittal.<sup>28</sup> This steel and mining company is a major EU lobbyist<sup>29</sup>, spending over €1,500,000 a year on EU lobbying, and holding 45 high-level meetings with the Commission since December 2014. The corporation is a global actor when it comes to steel and this gives it an

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<sup>21</sup> <https://www.publico.pt/2016/09/24/politica/noticia/arquivos-da-comissao-europeia-revelam-que-havia-proximidade-entre-barroso-e-goldman-sachs-1745035>

<sup>22</sup> <https://medium.com/uber-under-the-hood/announcing-ubers-public-policy-advisory-board-f7e6758ba9bd#.z2wgnps1x>

<sup>23</sup> <http://www.salesforce.com/uk/company/news-press/press-releases/2016/03/160322.jsp>

<sup>24</sup> <https://lobbyfacts.eu/representative/32eca1959dc0481b96deadbd381d2ffe/salesforce> Checked 31 March 2017

<sup>25</sup> <https://lobbyfacts.eu/representative/d7380c54e2704c88b49b17b0b16590da/uber> Checked 31 March 2017

<sup>26</sup> [http://ec.europa.eu/archives/commission\\_2010-2014/kroes/en/content/crazy-court-decision-ban-uber-brussels-show-your-anger.html](http://ec.europa.eu/archives/commission_2010-2014/kroes/en/content/crazy-court-decision-ban-uber-brussels-show-your-anger.html)

<sup>27</sup> <https://storify.com/Twiplomacy/neelie-kroes-outraged-by-uber-taxi-ban-in-belgium>

<sup>28</sup> <http://corporate.arcelormittal.com/news-and-media/press-releases/2016/may/04-05-2016>

<sup>29</sup> <https://lobbyfacts.eu/representative/4191e581f6024bce83cd1f63625c5be0/arcelormittal> Checked 31 March 2017

important foothold in the automotive, construction and other sectors. As a former trade commissioner who led DG Trade during negotiations with the US, Canada, India, and others. During his time in office, Mr De Gucht was the target of ArcelorMittal's lobbying, particularly in issues surrounding trade deals, climate policy and the EU's Emission Trading Scheme<sup>30</sup>. It seems clear that Mr De Gucht's insights would be of great value to such a major global corporation.

We consider that as a former Trade commissioner, Mr De Gucht's move to ArcelorMittal cannot be compatible with his duty to act with "integrity and discretion".

**ALTER-EU considers that it is maladministration that the Commission has not taken any action on these important revolving door cases.** All three of the above appointments started within days of the 18 month notification period in the present Code ending and, 6 months later, the Commission has yet to undertake any investigations, let alone wider action. In fact, a Commission spokesperson has even implied that no action had been taken specifically on the Ms Kroes case because of the lack of public interest.<sup>31</sup> This surely is a failure to uphold article 245 TFEU, which applies in all cases, and not just when there is a public petition on a job move.

The Barroso, Kroes and De Gucht cases all illustrate the problem with the Code of Conduct for Commissioners, namely that it does not adequately implement article 245 TFEU. The current Code's specific obligations to require authorisation for new roles and not to undertake any lobbying related to their former portfolio only extend for 18 months. The Code's reference to Article 245 TFEU and how it applies beyond the 18 months after leaving office is clearly insufficient as it is not backed by any concrete rule and thus is, apparently, meaningless.

In reply to ALTER-EU's complaint<sup>32</sup> (attached) and in public statements<sup>33</sup>, the Commission argued that these issues have been dealt with by President Juncker's proposal to reform the current Code of Conduct for Commissioners<sup>34</sup>. ALTER-EU welcomed the Commission's proposal to extend the so-called cooling off period to 24 months for ex-commissioners and 36 for ex-presidents of the Commission; however, we see such a limited revision of the Code of Conduct as too limited to adequately address the current flaws.

Further cracks in the way the Commission enforces its ethics rules, and the limited remit of the AHEC, became clear when last year's BahamasLeaks revelations about Ms Kroes' failure to declare her directorship of an offshore company to the Commission<sup>35</sup>, and the latter announcement that she had also failed to disclose her new income after leaving the Commission.

ALTER-EU believes these breaches of the Code add weight to the argument to reform commissioners' ethics rules and the procedures to enforce them. The Commission does not appear to have the capacity to properly scrutinise and verify the risk of conflicts of interest of commissioners on an ongoing basis.

The AHEC opinion – which has not been made public - was followed by a subsequent Commission decision<sup>36</sup> that while Ms Kroes had indeed violated several rules of the Code of Conduct and the TFEU, it would not apply any sanctions, is indicative of the wider ethics problems in the Commission.

All of these scandals undermine trust in the Commission's ability to manage ethical matters.  
**A full review of commissioners' ethics rules and procedures is the only effective response to the**

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<sup>30</sup> [https://www.asktheeu.org/en/request/arcelormittal\\_correspondence#incoming-12426](https://www.asktheeu.org/en/request/arcelormittal_correspondence#incoming-12426)

<sup>31</sup> <http://ec.europa.eu/avservices/video/player.cfm?ref=I125993>

<sup>32</sup> <https://www.alter-eu.org/sites/default/files/documents/R%C3%A9p%20AI%20%C3%A0%20lettres%20Alter%20EU%20%20.pdf>

<sup>33</sup> <http://ec.europa.eu/avservices/video/player.cfm?sitelang=en&ref=I132730>

<sup>34</sup> [http://europa.eu/rapid/press-release\\_IP-16-3929\\_en.htm](http://europa.eu/rapid/press-release_IP-16-3929_en.htm)

<sup>35</sup> <https://www.icij.org/blog/2016/09/icij-publishes-leaked-bahamas-info-offshore-database>

<sup>36</sup> [http://www.renouveau-democratie.eu/wp-content/uploads/2017/01/pv-decision-finale-kroes\\_en.pdf](http://www.renouveau-democratie.eu/wp-content/uploads/2017/01/pv-decision-finale-kroes_en.pdf)



**widespread political and public concern.**

## **Conflicts of interest in the AHEC**

Finally, we would like to make a formal complaint about the decision of the Commission on 13 July 2016<sup>37</sup> to appoint two Commission special advisers (Mr Zourek and Ms Roth-Behrendt) to the AHEC.

Ms Roth-Behrendt is a special adviser to Commissioner Andriukaitis (Health & Food Safety), focusing on “assessing the situation of executive agencies of DG SANTE”.<sup>38</sup> Additionally, Ms Roth-Behrendt’s husband is Horst Reichenbach who, among his other roles, is a special adviser to Commissioner Moscovici.<sup>39</sup> Meanwhile, Heinz Zourek was also a special adviser (on the financial transactions tax) to Commissioner Moscovici<sup>40</sup> (until 31 July 2016), was director-general at DG Taxud until December 2015, and previously director-general at DG Enterprise, roles which would have brought him into considerable contact with members of the Barroso II Commission and the Juncker Commission.

Special advisers (and recent ex-directors-general) can be expected to owe a duty of loyalty to the commissioners they work for; and perhaps the wider College too. By contrast, surely the role of members of the AHEC requires clear independence from all 28 individual commissioners, and indeed from the Commission itself, as set out in Commission decision SEC(2003) 3750.<sup>41</sup> This would mean not appointing to the committee either special advisers or former directors-general who have left the Commission only recently. Additionally, we note that the Commission’s own rules for special advisers say, “Throughout the period of their appointment, [special advisers] may not have direct or indirect contractual links with the Commission other than those arising from their appointment as special advisers.”<sup>42</sup> It would appear to us that this rule has been breached.

Moreover, appointments to the AHEC last for three years and it is highly conceivable that members of this committee will need to advise the Commission on the career moves of other Barroso II commissioners; recently departed Juncker Commission members; or indeed current members of the Juncker Commission, who could decide to leave in the coming years. These committee members could have long-standing professional or even social relationships with many of these commissioners. And in the hypothetical scenario that Commissioner Moscovici were to leave, under the current set-up, any proposed career moves would be assessed by his former special adviser and the wife of another of his special advisers.

Considering the uproar caused by the re-appointment of Michel Petite as chairman of the AHEC in 2012 and the subsequent critical opinion of the European Ombudsman on that appointment<sup>43</sup>, it seems especially careless that the college should appoint such close colleagues to this sensitive role. **We consider the decision to appoint these advisers to the AHEC constitutes maladministration.**

## **5. What, in your view, should the institution or body do to put things right?**

To fully address the risks created by these revolving doors moves, ALTER-EU believes the European Commission should undertake the following actions:

- The College of Commissioners must demand far more clarity about Mr Barroso’s new role roles at Goldman Sachs International, including the terms of reference, his likely contacts with decision-makers

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<sup>37</sup> [http://ec.europa.eu/transparency/ethics-for-commissioners/pdf/decision\\_2016\\_4507\\_en.pdf](http://ec.europa.eu/transparency/ethics-for-commissioners/pdf/decision_2016_4507_en.pdf)

<sup>38</sup> [http://ec.europa.eu/civil\\_service/about/who/sa\\_en.htm](http://ec.europa.eu/civil_service/about/who/sa_en.htm)

<sup>39</sup> [http://ec.europa.eu/civil\\_service/about/who/sa\\_en.htm](http://ec.europa.eu/civil_service/about/who/sa_en.htm)

<sup>40</sup> [http://ec.europa.eu/civil\\_service/about/who/sa\\_en.htm](http://ec.europa.eu/civil_service/about/who/sa_en.htm)

<sup>41</sup> [http://ec.europa.eu/transparency/ethics-for-commissioners/pdf/decision-comite-adhoc2003\\_en.pdf](http://ec.europa.eu/transparency/ethics-for-commissioners/pdf/decision-comite-adhoc2003_en.pdf)

<sup>42</sup> [http://ec.europa.eu/civil\\_service/docs/special\\_advisers/comm\\_c\\_2007\\_6655\\_1\\_en.pdf](http://ec.europa.eu/civil_service/docs/special_advisers/comm_c_2007_6655_1_en.pdf)

<sup>43</sup> <http://www.ombudsman.europa.eu/en/cases/decision.faces/en/52934/html.bookmark>

and other matters. It should then formally discuss the evidence and possible referral to the European Court of Justice as a violation of article 245 TFEU;

- The Commission must refer the new roles of Mr De Gucht at ArcelorMittal and Ms Neelie Kroes roles at Uber and Salesforce to the AHEC;
- These three cases show the need for a wholesale reform of the Code of Conduct, which go far further than the Commission's current proposal, to properly implement article 245 TFEU. This would include longer notification periods (3 years for ex-commissioners and 5 for ex-Presidents) with explicit lobbying bans. We further recommend the replacement of the current AHEC with a permanent, professional, transparent and fully independent ethics body
- The AHEC must be reformed and not include any members who are not fully independent from the College of Commissioners.

**6. Have you already contacted the EU institution or body concerned in order to obtain redress?**

**- Yes (please specify)**

Yes, we submitted an official complaint to President Juncker highlighting the problems listed above<sup>44</sup>, followed by a public petition signed by over 63.000 citizens across Europe<sup>45</sup>.

The complaint was forwarded to the Secretary General, who six months after receiving the original request replied<sup>46</sup> arguing that it had adequately handled the Barroso case simply by referring it to the AHEC and the extension of the cooling off period would adequately reform the Code of Conduct.

Further, the Commission reply focused on restating the independence of AHEC members, relying on the members' own assessment of the situation, rather than directly responding to our concerns.

The Secretary General's reply also failed to adequately address the points raised regarding the loopholes in the current Code of Conduct and the functioning of the AHEC.

**7. If the complaint concerns work relationships with the EU institutions and bodies: have you used all the possibilities for internal administrative requests and complaints provided for in the Staff Regulations? If so, have the time limits for replies by the institutions already expired.**

No.

**8. Has the object of your complaint already been settled by a court or is it pending before a court?**

No.

**9. Do you agree that your complaint may be passed on to another institution or body (European or national), if the European Ombudsman decides that he is not entitled to deal with it?**

Yes.

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<sup>44</sup> <https://www.alter-eu.org/sites/default/files/documents/ALTER-EU%20Barroso%20Complaint%20Sep%202016.pdf>

<sup>45</sup> <https://www.alter-eu.org/will-the-commission-listen-to-criticism-and-finally-block-the-revolving-door>

<sup>46</sup> <https://www.alter-eu.org/sites/default/files/documents/R%C3%A9p%20AI%20%C3%A0%20lettres%20Alter%20EU%20%20.pdf>