



Jean-Claude JUNCKER
President of the European Commission

Rue de la Loi, 200
B-1049 Brussels
T. +32 2 295 50 33
jean-claude.juncker@ec.europa.eu

Brussels, 28. 11. 2014
Ares (2014) 3712431

*Dear Mr De Jong,
Dear Honourable Members,*

Thank you for your letter of 1 November 2014 and for your message of congratulation on my appointment.

I take note of your positive appreciation of the Commission's intention to introduce a mandatory Transparency Register. The Commission will lead by example in this respect. Therefore, as a rule, Members of the Commission will not meet professional organisations or self-employed individuals who are not registered in the Transparency Register.

With regard to the Code of Conduct for Commissioners¹, I share your view that the Code should meet the highest ethical standards and I appreciate your proposals which contribute to the constant reflexion on the issue of professional ethics in an evolving world.

However, any modification has to be assessed with due consideration to the issue at stake and the proportionality or feasibility of the means envisaged.

With regard to post mandate activities, Article 245 of the TFEU states that the Commissioners shall continue to abide by their duty to behave with integrity and

¹ C(2011)2904

*Mr Dennis De Jong
Member of the European Parliament*

By email

discretion regarding the acceptance, after they have ceased to hold office, of certain appointments or benefits. This obligation is not limited in time.

The Code of Conduct for Commissioners establishes the obligation to notify planned occupations for a period of eighteen months after the Commissioners have ceased to hold office. The objective of the notification of post mandate activities is to avoid situations which would not be compatible with Article 245 of the TFEU. It does not aim to prohibit professional activities nor the use of professional experience. The notifications of post mandate activities are therefore analysed on a case by case basis, taking into account the former responsibilities of the Commissioner and the planned activity in order to avoid risks of conflict of interest and undue influence.

The Commission's ad hoc ethical committee is composed of three members (one former MEP, one former Judge, and one former Director-General), who work on an unpaid basis and are completely independent. The European Ombudsman acknowledged that the criteria used by the Commission for selecting the members of the Committee are unobjectionable and welcomed the Commission's decision not to appoint former Commissioners as members of the Committee². The role of the Committee is to issue independent opinions on the planned activities of former Commissioners, but is still up to the Commission to take the final decision.

The Commission considers that further changes regarding the extension of the notification period or major changes in the composition of the Ethical Committee would entail unnecessary costs and administrative burden without real added value. I would recall that former Commissioners are very well informed of their obligations under the Treaties and the Code of Conduct and that they are themselves responsible for avoiding any situation which could be contrary to their obligations.

I would also like to reassure you that the Commission will carefully analyse all notifications of post mandate activities of former Commissioners and will assume its responsibilities when deciding on those activities.

Regarding your question concerning the publication of the decisions on former Commissioners' new professional activities, the Commission's weekly meetings minutes will indicate, in a transparent way, the name of the Commissioner concerned, the activity envisaged, the decision adopted and any condition or limitation where appropriate.

Finally, I would like to underline that the Commission is fully committed to observing the ethical obligations enshrined in the Treaties and in the Code of Conduct for Commissioners. Vice-President Georgieva will certainly be pleased to present our

² <http://www.ombudsman.europa.eu/en/cases/decision.faces/en/51850/html.bookmark>

position in more detail during the special hearing on the EU integrity system that the European Parliament's Budgetary Control Committee intends to organise.

Yours sincerely,

A handwritten signature consisting of a horizontal line with a small flourish at the end.

*Copy: Mr Martin Schulz, President of the European Parliament
Mr Frans Timmermans, First Vice-President of the Commission
Ms Kristalina Georgieva, Vice-President of the Commission*