



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

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Mr Paul de Clerck
ALTER-EU Steering Committee
Mundo-B building,
Rue d'Edimbourg, 26
B-1050 Brussels
[By e-mail to: paul@milieudefensie.nl]

Dear Mr de Clerck,

President Barroso asked me to thank you for your letter dated 10 May 2011, whereby you and other Members of the ALTER-EU Steering Committee conveyed ALTER-EU's views on the revised Code of Conduct for Commissioners recently approved by the Commission.

The revision of the Code of Conduct reflects best practice in Europe and in the world. Due account has been taken of the comments made by the European Parliament and other stakeholders during its preparation.

Concerning restrictions on professional activities of former Commissioners after leaving the College, former Commissioners are bound by article 245 of the TFEU, which stipulates that they shall continue to abide by their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. This obligation is not limited in time. The duration of the obligation of notification to the Commission is without prejudice to compliance with the obligations arising from the Treaty.

The length of the notification period and possible "cooling-off period" is in line with a recent OECD report on this subject¹. A "cooling-off period" should not prevent former holders of public office from continuing their professional careers after their term of office. The aim is to avoid situations of potential conflict of interests. Therefore any restrictions should be fair, proportionate to the risks and reasonable in the light of the seriousness of the potential conflict of interest. The provisions of the Code of Conduct meet these criteria.

¹ « Post-public employment – good practices for preventing conflict of interest », OECD, 2010, as from page 67.

As far as the composition of the Ad hoc Ethical Committee is concerned, we thank you for your suggestions. The Commission is also aware of your interest in decisions related to activities of former Commissioners. We are committed to ensuring full transparency of these decisions, whether approving, rejecting or imposing possible restrictions and/or conditions. We intend to publish these decisions on the Europa web site, so that there will be no need to request such documents under provisions of the Regulation 1049/2001.

Finally, and as concerns the rules applicable to European Commission staff, please note that the Staff Regulations apply to the staff of all European institutions. It is for each Institution to appreciate if the activity envisaged by a former member of staff is in line with the obligation to "behave with integrity and discretion", as stipulated in the Staff Regulations (Article 16). When the future activity is directly related to the work previously carried out by the official, the compatibility with the interests of the Institution and in particular the risk of conflict of interest, are given a particular attention. In this respect, each institution has the possibility to give its approval subject to any conditions it sees fit to impose

Yours sincerely,

A handwritten signature in black ink, appearing to read "Catherine Day". The signature is fluid and cursive, with a checkmark-like flourish at the end.

Catherine Day

C.c.: Mr Johannes Laitenberger (Head of President Barroso's Cabinet)
Mr Juraj Nociar (Head of Vice President Šefčovič's Cabinet)