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TEXTE EN

**ACTIVITES APRES CESSATION DE FONCTION
D'UN MEMBRE DE LA COMMISSION**

Communication de M. le PRESIDENT

Cette question est inscrite à l'ordre du jour de la 1922^{ème} réunion de la Commission le 15 juin 2010.

Destinataires : Membres de la Commission
Directeurs généraux et chefs de service

MEMORANDUM FROM THE PRESIDENT TO THE COMMISSION

According to Article 245(2) of the Treaty on the Functioning of the European Union, the members of the Commission, when taking up their duties, shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and, in particular, their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.

Further to this Treaty provision, the Code of Conduct for Commissioners adopted on 24 November 2004 (SEC (2004) 1487/2) enacted a specific procedure for the assessment of the activities to be performed by former Commissioners. Under the Code, when Commissioners intend to engage in an occupation during the year after they have ceased to hold office, whether at the end of their term or upon resignation, they shall inform the Commission in good time. The Commission shall, then, examine the nature of the planned occupation and if the activity is related to the content of the Commissioner's portfolio during his or her full term of office, it shall seek the opinion of an *ad hoc* ethical committee.

Mr Joe Borg notified the Commission, on 23 May 2010, about his intention to join, as an independent part time Special Adviser, the FIPRA network, an extensive public affairs consultancy network specialised in public policy and regulatory issues. The network is composed of top level public affairs advisers known for their seniority and expertise who are expected to perform their duties under FIPRA's code of conduct. This code foresees in particular that Special advisers operate in line with the principles of honesty, accuracy and transparency.

Mr Borg added that he is in principle not going to advise clients on matters related to his former Commission portfolio. However, should FIPRA ask him to work on any matters that might be linked to his mandate, he has committed himself to inform the Commission and, where necessary and appropriate, to abstain from accepting such tasks.

In view of the fact that Mr Borg's envisaged activity falls outside the scope of his portfolio during his term of office, the assessment of the compatibility of the envisaged activity with article 245(2) of the TFEU does not require the consultation of the Ad hoc Ethical Committee.

On 4 May 2010, Mr Borg also notified to the Commission his intention to resume, with effect as from October 2010, his lecturing duties with the University of Malta, which he had interrupted as from the beginning of his mandate as member of the European Commission.

Further to the consultation of the competent Commission services, it has been concluded that :

- Mr Borg's envisaged activity with FIPRA is compatible with article 245(2) of the TFEU, subject to the following conditions: (1) Mr Borg shall abstain from providing advice on matters related to the European Union's integrated maritime policy and common fisheries policy; and (2) on all other matters, Mr Borg shall ensure full discretion with regard to the sensitive and confidential information acquired within the context of his functions as member of the Commission.

- Mr Borg's envisaged academic activity with the University of Malta is compatible with article 245(2) of the TFEU

The Commission is requested to endorse this view.