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TEXTE EN

ACTIVITES APRES CESSATION DE FONCTION
DE MME FERRERO-WALDNER

Communication de M. le PRESIDENT

Cette question est inscrite à l'ordre du jour de la 1902^{ème} réunion de la Commission le 19 janvier 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, members of the Commission, when taking 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.

In a first letter to the President, dated 29 October 2009, Commissioner Ferrero-Waldner informed the Commission that she intended to accept, as from the start of 2010 [assuming this will be after her term of mandate], a remunerated position as member of the supervisory board of the German re-insurance company Munich RE (Münchener Rück).

In a second letter to the President, dated 15 December 2009, Commissioner Ferrero-Waldner informed the Commission that she intends to accept, following the end of the mandate of the present Commission, two remunerated positions, one as member of the supervisory board of the Spanish company Gamesa Corporación Tecnológica and the other as member of the International Advisory Board of Norman Foster Associates, and one non-remunerated position, as member of the Advisory Committee of the Spanish-based international relations Foundation Fride.

The competent Commission services considered that the above referred occupations might present a link with Commissioner Ferrero-Waldner's portfolio and consulted the Ad Hoc Ethical Committee thereon. The Ad Hoc Ethical Committee delivered its opinions on the four above mentioned occupations on 14 January 2010, which were all deemed compatible with article 245(2) of the TFUE.

The Ad hoc Ethical Committee considers that the three remunerated functions appear to have no link with Commissioner Ferrero-Waldner's former portfolio and do not entail any executive power. Concerning Commissioner Ferrero-Waldner's participation in the advisory board of Munich RE, the Committee underlined nonetheless that should Commissioner Ferrero-Waldner come across subjects related to her previous functions as Commissioner, she should ensure the confidentiality of the sensitive and confidential information acquired during her mandate, such as concerning political risks related to certain countries.

As concerns the Fride Foundation, the Committee considers that although the nature of the envisaged activities is clearly linked with Commissioner Ferrero-Waldner's portfolio, the not-for-profit character of the Foundation, its humanistic objectives and transparent way of operating make it highly appropriate for the Commissioner to participate.

The Commission is requested to examine the nature of the above mentioned envisaged occupations and to conclude that they are compatible with Article 245(2) of the TFEU.