

**THEMUDO BARATA Joao (SG)**

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**From:** SZLASZEWSKI Hubert (SG)  
**Sent:** jeudi 22 avril 2010 18:15  
**To:** 'Mr Guenter Verheugen'  
**Subject:** Code of conduct

**Importance:** High  
**Sensitivity:** Confidential

**Attachments:** notification activités post mandat note.doc

BY TELEFAX Nr: +49 331 581 77 67

Dear Mr Verheugen,

following our telephone conversation on Friday, I have looked again at the rules and consulted with the Commission's Legal Service.

Please find below the brief note, setting-out the logic of the notification obligations. What may have induced a misunderstanding is the fact, that there are two different types of notifications, based on distinct underlying principles.

You are correct in saying, that as a pensioner, and not receiving a transitional allowance, you are not required to declare your sources of earning to the Paymaster's Office (PMO). This notification requirement is related only to the financial entitlements by the PMO and does not apply to you, since there is no situation that could lead to receiving overlapping benefits.

The second type of the notification is the one that I was referring to, and relates to the Code of Conduct for Commissioners ([http://ec.europa.eu/commission\\_2010-2014/pdf/code\\_conduct\\_en.pdf](http://ec.europa.eu/commission_2010-2014/pdf/code_conduct_en.pdf)) and concern the respect of standards of non pecuniary nature set by the Treaty. The Code of Conduct (end of art. 1.1.1.) requires all former members of the College to inform the Commission in good time of their intention to engage in an occupation during the year after they have ceased office. This should allow the Commission to examine the nature of that activity from the perspective of its compatibility with the Treaty. If necessary, an independent Committee (Ad-hoc Ethical Committee) advises the Commission.

Whenever Commissioners intend to engage in an occupation during the year after they have ceased to hold office, whether this be at the end of their term or upon resignation, they shall inform the Commission in good time. The Commission shall examine the nature of the planned occupation. If it is related to the content of the portfolio of the Commissioner during his/her full term of office, the Commission shall seek the opinion of an ad hoc ethical committee. In the light of the committee's findings it will decide whether the planned occupation is compatible with the last paragraph of Article 213(2) of the Treaty.

Within the Commission, my directorate is handling these requests from former Commissioners, liaising with the Ad-hoc Committee and preparing decisions for the College.

You have mentioned on the phone, that the planned activities are compatible with the Treaty and will not create any conflict of interest. No doubt, this is the case, but the Commission needs to be in the position to ascertain it from its side; it is an element of the responsibility that the Commission carries and is held accountable for. The European Parliament and its Commission for Budgetary Control in particular is closely monitoring the application by the Commission of the Code of Conduct.

We would be grateful if you could please inform the Commission at your earliest convenience of various activities that you may consider within the year, adding information that will allow the College

to form an opinion about their nature and limits.

Please don't hesitate to contact me if you require any additional information,

Yours sincerely,

**Hubert Szlaszewski**

Director

Secretariat General

European Commission

☎ +32 2 29 95 171 📠 : +32 2 29 20 763

[hubert.szlaszewski@ec.europa.eu](mailto:hubert.szlaszewski@ec.europa.eu)



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