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## TEXTE EN

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

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Communication de M. le PRESIDENT

Cette question est inscrite à l'ordre du jour de la 1925<sup>ème</sup> réunion de la Commission le 6 juillet 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.

In his letter to the Secretariat General of the Commission dated 29 April 2010, Mr Günter Verheugen informed the Commission about four planned post-office occupations, namely: (1) Political Adviser to the *Bundesverband der Deutschen Volksbanken und Raiffeisenbanken* (BVR - Federation of German Co-operative Banks); (2) Senior Adviser/Vice Chairman of the Royal Bank of Scotland (German Branch); (3) Member of the International Advisory Board of the Fleishman Hillard International Communications; (4) Advisor to the President of the Union of Chambers and Commodity Exchanges of Turkey (TOBB), to advise on international and bilateral Turkish German business relations.

The Ad hoc Ethical Committee was requested on 7 May 2010 to deliver its opinion on the compatibility of these four occupations with the Code of Conduct for Commissioners. Upon the Committee's request, Mr Verheugen provided, on 3 June 2010, additional information on each of the four above mentioned occupations. In addition to the specific information provided, Mr Verheugen stressed that he is fully conscious and subscribes to the Code of Conduct for Commissioners. He underlined that all his post-office activities above mentioned exclude any type of lobby, any direct involvement in business activities and build upon his professional and political life-time experience rather than on his previous responsibility as a Vice-President of the Commission and Commissioner in charge of Enterprise and Industry.

The Ad hoc Ethical Committee delivered its opinion on 28 June 2010. The Committee underlined the following elements:

- On Mr Verheugen's activity as Political Adviser to the Federation of German Co-operative Banks (BVR), the Committee underlined that BVR is not a bank but the federal representation of about 1200 local Co-operative banks in Germany and that Mr Verheugen's role will not include any lobbying, nor sitting on any executive organs of the BVR, but participating in seminars, giving speeches and providing opinions about the international political situation and global economic developments.
- On Mr Verheugen's activity as Senior Adviser/Vice Chairman of the German Branch of the Royal Bank of Scotland (RBS), the Committee noted that Mr Verheugen's role will be strictly advisory, with no executive functions or lobbying. The Vice-Chairman

title is purely ceremonial and this position does not demand sitting on the executive organs of the RBS.

- On Mr Verheugen's assignment with the International Advisory Board of Fleishman Hillard International Communications, the Committee noted that this US company is doing business in public relations and publicity and that its International Advisory Board is not a formal body or organ of the company, does not hold separate meetings and its role is strictly advisory and excludes lobbying of any kind.
- On Mr Verheugen's role as Adviser to the President of the Union of Chambers and Commodity Exchanges of Turkey (TOBB), the Committee noted that his role is to meet with the President to give advice, to attend international events and give speeches and not to sit on any executive organs of the institution.

The Committee concluded that, in its view, Mr Verheugen's four above mentioned planned occupations do not conflict with the Code of Conduct for Commissioners and that they are in conformity with article 245 (2) of the Treaty on the Functioning of the Union.

The competent Commission services analysed the information provided by Mr Verheugen and the opinion delivered by the Ad hoc Ethical Committee. They concluded that Mr Verheugen's four above mentioned post-office occupations, such as described by Mr Verheugen, do not entail any risk of conflict of interests with regard to his former responsibilities as Vice-President of the Commission in charge of Enterprise and Industry and will not infringe Mr Verheugen's duty to behave with integrity and discretion.

Therefore, taking into account the fact that the scope of the four entities in which Mr Verheugen will be active does not directly fall within the remit of DG ENTR and that Mr Verheugen explicitly excluded any type of lobby or direct involvement in business activities, the Commission can decide that the four above mentioned post-office occupations are compatible with the Code of Conduct for Commissioners and in conformity with article 245 (2) of the Treaty on the Functioning of the Union.

The Commission is requested to endorse this view.