



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Annex 5

Brussels, 11 NOV. 2010
SG/B.4 DCB Ares(2010)

Mr Günter Verheugen

[REDACTED]

Dear Mr Verheugen,

Following the information sent by you by fax on 1 September 2010, the ad hoc ethical committee of the Commission has been asked to deliver an opinion on your activity in the European Experience Company GmbH

The Committee delivered its opinion on 2 November 2010. Taking into consideration the broad description of the services covered, it considered that it is unable to assess in an appropriate manner the scope of services offered which could unduly overlap with your previous functions as Commissioner. In addition, the Committee is of the view that, such a wide activity could at some point directly intersect with the scope of your former activity, *'in a manner which could not be dealt with by abstaining on a case-by-case basis'*. In conclusion, the Committee expressed the opinion that, *'as presently so indiscriminately described'*, the considered activity cannot be viewed as in conformity with article 245 (2) of the TFEU.

It seems therefore that additional information is required in order for the Committee to assess in an appropriate manner the compatibility of the envisaged activity, on the basis of a more complete and accurate description of the activity.

To this end, I would ask you to specify if possible, the scope of the envisaged activity and in particular the possible exclusion of any file related to companies with which you have had contact during your mandate, in particular in relation to individual decisions prepared by your former services. You could possibly also clarify how in practice you will ensure that any kind of lobbying would be excluded, as already announced in your previous fax dated 1st September 2010.

I trust that this additional information will allow the Committee to deliver an opinion, and the Commission to adopt its decision on the matter.

Please do not hesitate to contact me for any additional information you might need.

Yours sincerely,

Catherine Day