

(SG)

From: (SJ)
Sent: Tuesday 28 October 2014 17:35
To: DAY Catherine (SG); Donatienne (SG)
Cc: ROMERO REQUENA Luis (SJ); AYET PUIGARNAU Jordi (SG); TA
(SG)
Subject: RE: NF- Istituto Aff Internaz -SIMESTdraft decision 141028 .doc

We agree as well with the decision concerning Mr Nelli Feroci.

Regards,

From: DAY Catherine (SG)
Sent: Tuesday, October 28, 2014 12:59 PM
To: (SG)
Cc: ROMERO REQUENA Luis (SJ); (SJ); AYET PUIGARNAU Jordi (SG);
(SG)
Subject: RE: NF- Istituto Aff Internaz -SIMESTdraft decision 141028 .doc

OK for me

Thanks

C

From: (SG)
Sent: Tuesday, October 28, 2014 12:44 PM
To: DAY Catherine (SG)
Cc: ROMERO REQUENA Luis (SJ); (SJ); AYET PUIGARNAU Jordi
(SG); (SG)
Subject: NF- Istituto Aff Internaz -SIMESTdraft decision 141028 .doc
Importance: High

<<...>>

Catherine

En vue de la saisine de la Commission demain, voici pour votre accord et celui du SJ, le projet de décision concernant les deux activités envisagées par M. Nelli Feroci (qui devra s'abstenir de participer à ce point de la réunion)

Nous préparons cette après-midi un projet de PV succinct pour les décisions REDING et NELLI FEROCI.

financière qui a comme mission le soutien aux entreprises italiennes qui investissent à l'étranger, moyennant l'achat de participations minoritaires dans les capitaux desdites entreprises.

Le 15 octobre 2014, la Commission a sollicité l'avis du Comité éthique ad hoc sur la compatibilité avec l'article 245(2) du TFUE de l'activité envisagée par Monsieur Nelli Feroci auprès de SIMEST, en vue du lien qui pourrait apparaître entre les objectifs de SIMEST et le portefeuille de Monsieur Nelli Feroci.

Le 21 octobre 2014, le Comité éthique ad hoc a demandé des précisions complémentaires sur la manière dont Monsieur Nelli Feroci comptait respecter le Code de Conduite des Commissaires, dans le cadre des futures décisions que le Conseil d'Administration de SIMEST prendrait envers des entreprises spécifiques. Le Comité a considéré qu'il était important d'éviter toute critique à l'occasion de futures décisions impliquant des entreprises bénéficiaires du support de SIMEST, notamment à l'égard de l'application du droit de la concurrence et du risque d'abus d'informations privilégiées.

Par lettre du 24 octobre 2014 à la Secrétaire générale, M Nelli Feroci a répondu aux questions soulevées par le Comité éthique ad hoc en précisant le cadre et la nature des activités de l'entreprise SIMEST et l'articulation entre celles-ci et la Commission. Il a confirmé son engagement de respecter toutes les obligations dérivant du Traité et du Code de Conduite des Commissaires. En ce qui concerne l'interdiction de lobbying auprès des Membres de la Commission ou de son personnel, il a précisé qu'il respecterait ses obligations non seulement en ce qui concerne la société SIMEST, mais également en ce qui concerne les entreprises concernées par les interventions de cette société. En outre, Monsieur Nelli Feroci s'est engagé à ne pas intervenir auprès de la Commission ou de ses services dans le cadre d'éventuels litiges qui pourraient opposer la Commission à SIMEST et/ou aux entreprises concernées par l'action de celle-ci. Cette lettre a été transmise au Comité éthique ad hoc.

Le Comité éthique ad hoc a communiqué son avis à la Commission le 27 octobre 2014. Après examen des informations et engagements communiqués par Monsieur Nelli Feroci dans ses lettres du 30 septembre et du 24 octobre 2014, et compte tenu de la très courte durée de son mandat au sein de la Commission, le Comité a considéré que l'activité envisagée est compatible avec les exigences du Traité et du Code de conduite des Commissaires.

La Commission est invitée à examiner la nature des deux activités envisagées par Monsieur Nelli Feroci en tant que Président de l'*Istituto Affari Internazionali* et en tant que Président du Conseil d'Administration de la société SIMEST, et à conclure que ces activités sont compatibles avec l'article 245(2) du TFUE, compte tenu des engagements formulés par Monsieur Nelli Feroci dans ses lettres du 30 septembre et du 24 octobre 2014.

COMMUNICATION DU PRESIDENT A LA COMMISSION

Conformément à l'Article 245(2) du Traité sur le Fonctionnement de l'Union européenne (TFUE), les membres de la Commission prennent l'engagement solennel de respecter, pendant la durée de leurs fonctions et après la cessation de celles-ci, les obligations découlant de leur charge, notamment les devoirs d'honnêteté et de délicatesse quant à l'acceptation, après la cessation de leurs fonctions, de certaines fonctions ou de certains avantages.

Par ailleurs, le Code de Conduite des Commissaires (C(2011) 2904 final) a institué une procédure spécifique pour l'appréciation des activités que les anciens Commissaires envisagent d'exercer dans les dix-huit mois qui suivent la cessation de leurs fonctions. La Commission examine la nature des activités envisagées. Si l'activité envisagée présente un lien avec le portefeuille du membre de la Commission, la Commission demande l'avis du Comité éthique ad hoc.

Par lettre du 30 septembre 2014, le Commissaire Ferdinando Nelli Feroci, Commissaire en charge de l'industrie et de l'entrepreneuriat, a informé la Commission de son intention de renouer avec deux activités auxquelles il avait mis un terme pendant son mandat en tant que membre de la Commission, à savoir en tant que Président de *Istituto Affari Internazionali* (IAI) et en tant que Président du Conseil d'Administration de la société SIMEST.

Dans cette lettre, M. Nelli Feroci s'est déclaré parfaitement conscient de ses obligations concernant la protection de la collégialité et des informations confidentielles et l'interdiction d'activités de lobbying auprès des membres de la Commission ou de son personnel pendant les 18 mois suivant la cessation de ses fonctions.

L'Istituto Affari Internazionali est un organisme de droit privé ayant pour mission de développer des activités de recherche et d'organiser des conférences et séminaires dans le domaine de la politique internationale et de la politique européenne.

La société SIMEST est une société financière qui a comme mission principale le soutien aux entreprises italiennes qui investissent à l'étranger, moyennant l'achat de participations minoritaires dans les capitaux desdites entreprises.

Istituto Affari Internazionali (IAI)

Après examen des services compétents, il est apparu que les activités de cet organisme n'ont pas de lien avec le portefeuille dont Monsieur Nelli Feroci est responsable au sein de la Commission et l'avis du Comité éthique ad hoc n'a donc pas été demandé.

Quant au fond, cette activité exercée par Monsieur Nelli Feroci jusqu'à sa prise de fonction au sein de la Commission en juillet 2014 ne semble pas poser de problème de compatibilité avec les devoirs d'honnêteté et de délicatesse qui s'imposent aux anciens membres de la Commission quant à l'acceptation de certaines fonctions.

Conseil d'administration de la société SIMEST

Dans sa lettre susmentionnée, M. Nelli Feroci a indiqué que SIMEST est une société

(SG)

To: I (SJ)
Cc: (SG)
Subject: FW: activité post mandat NF- Istituto Affari Internazionali- consultation SJ

On behalf of

ARES(2014) 35 33 942

Chère :

Je te prie de bien vouloir trouver ici la notification d'une activité post mandat de M. Nelli Feroci, en date du 30 septembre 2014 (ARES (2014) 3221004, ainsi que d'un projet de décision positive .

Merci d'avance de bien vouloir l'examiner et nous donner l'accord ou les observations et modifications que le SJ estimera utiles d'y apporter.

Bien à toi

Donatienne



Lettre de M. Nelli
Feroci au P...



draft Decision
141023 Istituto...



European Commission
Secretariat General
B.3 Ethics

B-1049 Brussels/Belgium

COMMUNICATION DU PRESIDENT A LA COMMISSION

Conformément à l'Article 245(2) du Traité sur le Fonctionnement de l'Union européenne (TFUE), les membres de la Commission prennent l'engagement solennel de respecter, pendant la durée de leurs fonctions et après la cessation de celles-ci, les obligations découlant de leur charge, notamment les devoirs d'honnêteté et de délicatesse quant à l'acceptation, après la cessation de leurs fonctions, de certaines fonctions ou de certains avantages.

Par ailleurs, le Code de Conduite des Commissaires (C(2011) 2904 final) a institué une procédure spécifique pour l'appréciation des activités que les anciens Commissaires envisagent d'exercer dans les dix-huit mois qui suivent la cessation de leurs fonctions. La Commission examine la nature des activités envisagées. Si l'activité envisagée présente un lien avec le portefeuille du membre de la Commission, la Commission demande l'avis du Comité éthique ad hoc.

Par lettre du 30 septembre 2014, le Commissaire Ferdinando Nelli Feroci a informé la Commission de son intention de renouer avec deux activités auxquelles il avait mis un terme pendant son mandat en tant que membre de la Commission, à savoir en tant que Président de *l'Istituto Affari Internazionali* (IAI) et en tant que Président du Conseil d'Administration de la société SIMEST.

Dans sa lettre susmentionnée, M. Nelli Feroci s'est déclaré parfaitement conscient de ses obligations concernant la protection de la collégialité et des informations confidentielles et l'interdiction d'activités de lobbying auprès des membres de la Commission ou de son personnel pendant les 18 mois suivant la cessation de ses fonctions.

La présente décision porte sur l'activité de M. Nelli Feroci au sein de *l'Istituto Affari Internazionali*. En effet, la Commission a sollicité l'avis du Comité éthique ad hoc sur l'activité envisagée par M. Nelli Feroci auprès de SIMEST et celle-ci fera donc l'objet d'une décision ultérieure.

Les services de la Commission ont examiné l'activité envisagée par M. Nelli Feroci en tant que Président de *l'Istituto Affari Internazionali*, organisme de droit privé ayant pour mission de développer des activités de recherche et d'organiser des conférences et séminaires dans le domaine de la politique internationale et de la politique européenne.

Comme suite à la consultation des services compétents de la Commission, et sur base des engagements pris par M. Nelli Feroci dans sa lettre du 30 septembre, il a été conclu que la reprise de l'activité qu'il exerçait, jusqu'à sa prise de fonction au sein de la Commission en juillet 2014, en tant que président de *l'Istituto Affari Internazionali*, est compatible avec l'article 245(2) du TFUE.

La Commission est invitée à entériner cette position.

DOCUMENT 14

(SG)

From: (SG)
Sent: Thursday 20 November 2014 12:35
To: (SJ)
Cc: DAY Catherine (SG); (SG); (SG);
Subject: URGENT: Projet de décision de la Commission sur une activité après cessation de fonctions de M. Semeta
Attachments: E-mail du 13.11.2014 de M. Semeta a CD Ukrainian Business Ombudsman.pdf; MoU Anti Corruption Initiative in Ukraine 2014-05-12.pdf; Avis Cadhoc Ukrainian Business Ombudsman.docx; Decision K Semeta Ukrainian Business Ombudsman.doc
Importance: High

On behalf of _____

ARES(2014) 3869715

Je te prie de bien vouloir trouver ci-joint le projet de décision concernant l'activité notifiée par M. Semeta en tant que '*Ukrainien Business Ombudsman*', dans le cadre du '*MoU of the Anti-Corruption Initiative for Ukraine*', signé le 12 mai 2014 par le gouvernement Ukrainien, la BERD, l'OECD etc... M. Semeta a demandé un traitement urgent et confidentiel jusqu'à l'adoption de la décision de la Commission et la Secrétaire générale a marqué son accord pour que le projet de décision soit soumis à la prochaine réunion du Collège.
La réunion hebdomadaire se tenant ce samedi, l'avis du SJ devrait nous être communiqué **au plus tard ce vendredi 21 novembre avant 13 H**

Je me permets de mettre simultanément la Secrétaire générale en copie pour éventuelles observations/ corrections.

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 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 (C (2011) 2904 final) establishes a specific procedure for the assessment of planned occupations which former Commissioners intend to take up during the eighteen months after they have ceased to hold office. The Commission shall examine the nature of the planned occupation and, if the activity is related to the content of the Commissioner's portfolio, it shall seek the opinion of the Ad hoc Ethical Committee.

With his notification of 13 November 2014 to the Secretary-General of the Commission, former Commissioner Algirdas Semeta informed the Commission that he had been selected to become the holder of the function of "Business Ombudsman Institution" (hereafter Ukrainian Business Ombudsman) and that he had accepted this offer subject to the European Commission's clearance. He underlined in his request that this position would enable him to contribute practically to the improvement of business climate, to combatting corruption and to the promotion of European values in Ukraine.

The Business Ombudsman Institution was created within the Memorandum of Understanding (signed on 12 May 2014) of the Anti-Corruption Initiative for Ukraine, whose contracting parties are the Government of Ukraine, the European Bank for Reconstruction and Development, the Organisation for Economic Co-Operation and Development, the American Chamber of Commerce in Ukraine, the European Business Association, the Federation of Ukrainian Employers, the Ukrainian Chamber of Commerce and Industry and the Ukrainian League of Industrialists and Entrepreneurs.

The mandate of the Business Ombudsman Institution is to "(a) receive, examine, and facilitate the resolution of complaints by business of unfair treatment including corruption; and (b) ascertain the systemic causes of the unfair treatment of business and corruption, and shares its findings with the public and the appropriate public authorities."

In view of the link between this activity and former Commissioner Semeta's responsibilities in the field of "Taxation and Customs Union, Audit and Anti-Fraud", the opinion of the Ad hoc Ethical Committee was requested on 14 November 2014, in line with paragraph 1.2 of the Code of Conduct for Commissioners.

The Ad hoc Ethical Committee delivered its opinion on 18 November 2014.

The Committee noted that the "Group of Parties" foreseen in the Memorandum of Understanding acts as governing body of the Business Ombudsman Institution and is therefore the Ombudsman's employer. It also noted that the Business Ombudsman Institution is independent of Government and all other stakeholders.

The Committee stated that *"it can be argued that the main motivation for Mr Semeta to accept the nomination, and for the Contracting Parties of the Anti-Corruption Initiative*

for Ukraine to offer it, is Mr Semeta's privileged knowledge, experience and insight" obtained during his time as Commissioner in charge of Taxation and Customs Union, Audit and Anti-Fraud. The Committee also noted that "the business community is one of the "Parties" and could expect to gain specific benefits from Mr Semeta's former insider position".

The Ad-hoc Ethical Committee noted however that the considerations stated above should be weighed against the selection procedure, the independence and the transparency of the function; the overall framework of the position of the EU and wide international community in support of the strengthening of Ukraine's democratic development and integrity in which the fight against corruption is recognized as an essential element; and finally the challenging conditions in Ukraine under which the position and the institution of the Ombudsman must be created, fulfilled and operated.

The Ad-hoc Ethical Committee concluded that (a) the position of Ukraine Business Ombudsman is essentially one of independent service in the public interest and that (b), by accepting his selection and nomination, if confirmed; former Commissioner Semeta acts in conformity with the Code of Conduct for Commissioners.

The assessment carried out at service level concluded that the activity envisaged is in line with the EU's support to the *Anti-Corruption Initiative for Ukraine* and that the selection of Mr. Semeta's for this function is a recognition of his competence, experience and independence in the field of anti-fraud and anti-corruption.

The Commission is invited:

- to examine the nature of former Commissioner Algirdas Semeta's envisaged activity as holder of the function of Business Ombudsman Institution created by the Memorandum of Understanding of the Anti-Corruption Initiative for Ukraine;
- to take note of the favourable opinion of the Ad hoc Ethical Committee;
- to decide that former Commissioner Semeta's occupation as Ukrainian Business Ombudsman is compatible with Article 245(2) of the TFEU and fully in line with the EU's support to the Anti-Corruption Initiative for Ukraine.

ARES (2014) 39-29 396

(SG)

From: I (SJ)
Sent: Friday 21 November 2014 12:57
To: (SG)
Cc: DAY Catherine (SG); (SG); (SG);
Subject: RE: URGENT: Projet de décision de la Commission sur une activité après cessation de fonctions de M. Semeta
Attachments: Decision K Semeta Ukrainian Business Ombudsman.doc

Voici mes remarques. J'ai supprimé la dernière phrase à la fin parce-que l'objet de la décision est la compatibilité avec le Code. J'ai laissé toutefois ce point dans la partie explicative.

Bien à toi,

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 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.

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Further to this Treaty provision, the Code of Conduct for Commissioners (C (2011) 2904 final) establishes a specific procedure for the assessment of planned occupations which former Commissioners intend to take up during the eighteen months after they have ceased to hold office. The Commission shall examine the nature of the planned occupation and, if the activity is related to the content of the Commissioner's portfolio, it shall seek the opinion of the Ad hoc Ethical Committee.

With his notification of 13 November 2014 to the Secretary-General of the Commission, former Commissioner Algirdas Semeta informed the Commission that he had been selected to become the holder of the function of "Business Ombudsman Institution" in Ukraine (hereafter Business Ombudsman) and that he had accepted this offer subject to the European Commission's clearance. He underlined in his request that this position would enable him to contribute practically to the improvement of business climate, to combating corruption and to the promotion of European values in Ukraine.

Deleted: Ukrainian

The Business Ombudsman Institution was created within[in the context of?] the Memorandum of Understanding (signed on 12 May 2014) of the Anti-Corruption Initiative for Ukraine, whose contracting parties are the Government of Ukraine, the European Bank for Reconstruction and Development, the Organisation for Economic Co-Operation and Development, the American Chamber of Commerce in Ukraine, the European Business Association, the Federation of Ukrainian Employers, the Ukrainian Chamber of Commerce and Industry and the Ukrainian League of Industrialists and Entrepreneurs.

Formatted: Highlight

The mandate of the Business Ombudsman Institution is to "(a) receive, examine, and facilitate the resolution of complaints by business of unfair treatment including corruption; and (b) ascertain the systemic causes of the unfair treatment of business and corruption, and share its findings with the public and the appropriate public authorities."

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Deleted: paragraph

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The Committee stated that *"it can be argued that the main motivation for Mr Semeta to accept the nomination, and for the Contracting Parties of the Anti-Corruption Initiative*

for Ukraine to offer it, is Mr Semeta's privileged knowledge, experience and insight" obtained during his time as Commissioner in charge of Taxation and Customs Union, Audit and Anti-Fraud. The Committee also noted that "the business community is one of the "Parties" and could expect to gain specific benefits from Mr Semeta's former insider position".

The Ad-hoc Ethical Committee noted however that the considerations stated above should be weighed against the selection and nomination procedures, which require the unanimous agreement of all parties to the Memorandum of Understanding; the independence and the transparency of the function; the overall framework of the position of the EU and a wide international community in support of the strengthening of Ukraine's democratic development and integrity in which the fight against corruption is recognized as an essential element; and finally the challenging conditions in Ukraine under which the position and the institution of the Ombudsman must be created, fulfilled and operated.

The Ad-hoc Ethical Committee concluded that (a) the position of Ukraine Business Ombudsman is essentially one of independent service in the public interest and that (b), by accepting his selection and nomination, if confirmed; former Commissioner Semeta acts in conformity with the Code of Conduct for Commissioners.

The assessment carried out at service level concluded that the activity envisaged is in line with the EU's support to the *Anti-Corruption Initiative for Ukraine* and that the selection of Mr. Semeta's for this function is a recognition of his competence, experience and independence in the field of anti-fraud and anti-corruption.

The Commission is invited:

- to examine the nature of former Commissioner Algirdas Semeta's envisaged activity as holder of the function of Business Ombudsman Institution created by the Memorandum of Understanding of the Anti-Corruption Initiative for Ukraine;
- to take note of the favourable opinion of the Ad hoc Ethical Committee;
- to decide that former Commissioner Semeta's occupation as Ukrainian Business Ombudsman is compatible with Article 245(2) of the TFEU.

Deleted: and fully in line with the EU's support to the Anti-Corruption Initiative for Ukraine

DOCUMENT 15

(SG)

From: EC-NOTIS-SERVICE-NOREPLY@ec.europa.eu
Sent: Thursday 4 December 2014 11:21
To: (SG)
Subject: Ares: New Document - sg.dsg2.b.3(2014)4473849/Title: Projet de décision de la Commission concernant les activités après cessation de M. Piebalgs

You received a new document:	My Documents
Title	<u>Projet de décision de la Commission concernant les activités après cessation de M. Piebalgs</u>
Recipient(s)	
Sent by	DSG2.B.3)
Save number	sg.dsg2.b.3(2014)4473849
Registration number	Ares(2014)4062395
Document date	04/12/2014
Registration date	04/12/2014
Sensitivity level	Handling restriction
Marking information	Limited
Comment(s)	
Attachment(s)	Projet de décision de la Commission concernant les activités après cessation de M. Piebalgs.msg

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The EEAS staff located in the KO buildings will have to connect to ARES by using the following link:<http://intracomm.ec.testa.eu/Ares>

Please click on 'Preferences' in Notis Web interface <http://www.cc.cec/notis> to set your notification options, including preferred language.

From: (SG)
Sent: Thursday 4 December 2014 10:26
To: I (SJ)
Cc: (SG)
Subject: Projet de décision de la Commission concernant les activités après cessation de M. Piebalgs
Attachments: Note CD au Cadhoc 25.11.2014 (texte) Consultation Friends of the Global Fund Europe.pdf; Note CD au Cadhoc 25.11.2014 (annexes) Consultation Friends of the Global Fund Europe.pdf; Avis (texte) Cadhoc M. Piebalgs Friends of the Global Fund Europe.pdf; Draft Décision Piebalgs Friends of the Global Fund Europe.doc

Chère

Tu trouveras ci-joint un projet de Décision sur les activités après cessation de fonctions de M. Piebalgs, également à inscrire à l'OJ de la prochaine réunion de la Commission (10 décembre) – cfr dernière pièce jointe.

Je joins également (dans l'ordre):

- la note de la Secrétaire générale au Comité éthique ad hoc demandant l'avis de ce dernier
- les annexes à cette note (notamment l'échange de correspondance entre M. Piebalgs et le SG) -
- l'avis du Comité éthique ad hoc

Merci d'avance de ta coopération.

(j'enverrai également la consultation via ARES)

NB:

Nous attendons toujours l'avis du SJ sur l'activité de Mme Reding au sein de Agfa Gevaert (avis demandé vendredi dernier)

Lors de la réunion de la Commission du 10 décembre, il est envisagé de proposer à la Commission de décider sur les activités de Mme Reding, M. Piebalgs et M. Potocnik dont tu recevras le projet de décision encore ce matin.

Je te remercie d'avance de bien vouloir nous donner l'avis du SJ sur ces 3 activités si possible avant 16 H.

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 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 (C (2011) 2904 final) establishes a specific procedure for the assessment of planned occupations which former Commissioners intend to take up during the eighteen months after they have ceased to hold office. The Commission shall examine the nature of the planned occupation and, if the activity is related to the content of the Commissioner's portfolio, it shall seek the opinion of the Ad hoc Ethical Committee.

With his e-mail of 19 November 2014 to the Secretary General of the Commission, former Commissioner Andris Piebalgs informed the Commission of his intention (1) to be a guest lecturer at the University of Latvia to deliver 6 lectures and (2) to join, for a non-remunerated activity, *"Friends of the Global Fund Europe as a Board Member to help in fight against AIDS, tuberculosis and malaria"*.

Mr Piebalgs' activity with the Global Fund

The Secretariat General addressed Mr Piebalgs on 20 November to confirm if his envisaged activity was as Member of the International Board of the Global Fund and/or as Friend of the Global Fund Europe. Mr Piebalgs replied on 21 November that his envisaged activity was as Friend of the Global Fund Europe.

In view of the Global Fund's activity in Developing Countries, it was nonetheless considered that Mr Piebalgs' envisaged activity with this organisation presents a possible link with his former Commission portfolio (Development). For this reason, the Ad hoc Ethical Committee was requested to provide the Commission with its opinion about this envisaged activity against the background of article 245(2) of the TFEU.

The Ad hoc Ethical Committee delivered its opinion on 28 November 2014. The Committee noted that Mr Piebalgs' envisaged activity will be non-remunerated and that it will contribute to raise awareness of the Global Fund among a broad range of stakeholders, promoting a good understanding of the Global Fund mission and mobilizing both political and financial support, the mission being to fight AIDS, tuberculosis and malaria worldwide.

The Committee concluded that the link between Mr Piebalgs' envisaged activity and his former Commission portfolio is only nominal and that, in the absence of remuneration and any managerial link with the Global Fund's governing body (its International Board), this activity is compatible with the Code of Conduct for Commissioners and in conformity with Article 245(2) of the TFEU.

The Services of the Commission considered that, in view of the nature of the activity envisaged, its link with the former Commissioner's portfolio is not contrary either to his duties of integrity and discretion or to the interests of the European Union.

Guest lecturer at the University of Latvia (6 lectures)

As regards this academic activity, the Services of the Commission considered that the envisaged six lectures mentioned by Mr Piebalgs do not present any risk of incompatibility either with his former function as Commissioner or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was informed of this activity but its opinion was not requested.

The Commission is invited:

- (1) to decide that former Commissioner Andris Piebalgs' envisaged activities as "Friend of the Global Fund Europe" and guest lecturer at the University of Latvia are compatible with Article 245(2) of the TFEU;
- (2) to charge the Secretary General to inform Mr Piebalgs about the present decision, yet drawing his attention on the respect of his obligations arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the collegiality and the confidentiality of the matters dealt by the Commission during his mandates.

(SG)

From: EC-NOTIS-SERVICE-NOREPLY@ec.europa.eu
Sent: Friday 5 December 2014 11:03
To: (SG)
Subject: Ares: New Document - sj.f(2014)4495125/Title: Avis du SJ - Projet de décision de la Commission concernant les activités après cessation de M. Piebalgs

You received a new document:	My Documents
Title	<u>Avis du SJ - Projet de décision de la Commission concernant les activités après cessation de M. Piebalgs</u>
Recipient(s)	
Sent by	J.(SJ.F)
Save number	sj.f(2014)4495125
Registration number	Ares(2014)4079975
Document date	04/12/2014
Registration date	05/12/2014
Sensitivity level	Handling restriction
Marking information	Opinion of the Legal Service
Comment(s)	Agreement from the Legal Service. I have just suggested some linguistic changes.
Attachment(s)	Draft Décision Piebalgs Friends of the Global Fund Europe.doc

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The EEAS staff located in the KO buildings will have to connect to ARES by using the following link:<http://intracomm.ec.testa.eu/Ares>

Please click on 'Preferences' in Notis Web interface <http://www.cc.cec/notis> to set your notification options, including preferred language.

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 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 (C (2011) 2904 final) establishes a specific procedure for the assessment of planned occupations which former Commissioners intend to take up during the eighteen months after they have ceased to hold office. The Commission shall examine the nature of the planned occupation and, if the activity is related to the content of the Commissioner's portfolio, it shall seek the opinion of the Ad hoc Ethical Committee.

With his e-mail of 19 November 2014 to the Secretary General of the Commission, former Commissioner Andris Piebalgs informed the Commission of his intention (1) to be a guest lecturer at the University of Latvia to deliver 6 lectures and (2) to join, for a non-remunerated activity, *"Friends of the Global Fund Europe as a Board Member to help in fight against AIDS, tuberculosis and malaria"*.

Mr Piebalgs' activity with the Global Fund

The Secretariat General addressed Mr Piebalgs on 20 November to confirm if his envisaged activity was as Member of the International Board of the Global Fund and/or as Friend of the Global Fund Europe. Mr Piebalgs replied on 21 November that his envisaged activity was as Friend of the Global Fund Europe.

In view of the Global Fund's activity in Developing Countries, it was nonetheless considered that Mr Piebalgs' envisaged activity with this organisation presents a possible link with his former Commission portfolio (Development). For this reason, the Ad hoc Ethical Committee was requested to provide the Commission with its opinion about this envisaged activity against the background of article 245(2) of the TFEU.

The Ad hoc Ethical Committee delivered its opinion on 28 November 2014. The Committee noted that Mr Piebalgs' envisaged activity will be non-remunerated and that it will contribute to raise awareness of the Global Fund among a broad range of stakeholders, promoting a good understanding of the Global Fund mission and mobilizing both political and financial support, the mission being to fight AIDS, tuberculosis and malaria worldwide.

The Committee concluded that the link between Mr Piebalgs' envisaged activity and his former Commission portfolio is only nominal and that, in the absence of remuneration and any managerial link with the Global Fund's governing body (its International Board), this activity is compatible with the Code of Conduct for Commissioners and in conformity with Article 245(2) of the TFEU.

The Services of the Commission considered that, in view of the nature of the activity envisaged, its link with the former Commissioner's portfolio is not contrary to his duties of integrity and discretion or to the interests of the European Union.

Guest lecturer at the University of Latvia (6 lectures)

As regards this academic activity, the Services of the Commission considered that the envisaged six lectures mentioned by Mr Piebalgs do not present any risk of incompatibility either with his former function as Commissioner or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was informed of this activity but its opinion was not requested.

The Commission is invited:

- (1) to decide that former Commissioner Andris Piebalgs' envisaged activities as "Friend of the Global Fund Europe" and guest lecturer at the University of Latvia are compatible with Article 245(2) of the TFEU;
- (2) to charge the Secretary General to inform Mr Piebalgs about the present decision, yet drawing his attention to his duty to respect his obligations arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandates.

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The Commission is invited:

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DOCUMENT 16

o (SG)

From: EC-NOTIS-SERVICE-NOREPLY@ec.europa.eu
Sent: Thursday 4 December 2014 12:28
To: (SG)
Subject: Ares: New Document - sg.dsg2.b.3(2014)4476916/Title: Projet de décision de la commission concernant les activités après cessation de fonctions de M. Potocnik

You received a new document:	My Documents
Title	Projet de décision de la commission concernant les activités après cessation de fonctions de M. Potocnik
Recipient(s)	
Sent by	(SG.DSG2.B.3)
Save number	sg.dsg2.b.3(2014)4476916
Registration number	Ares(2014)4064479
Document date	04/12/2014
Registration date	04/12/2014
Sensitivity level	Handling restriction
Marking information	Limited
Comment(s)	
Attachment(s)	Projet de décision de la commission concernant les activités après cessation de fonctions de M. Potocnik.msg

Remark: the hyperlinks work only from the Commission's computer network. If you want to access Ares via the Internet or the scientific network (JRC), use the following link:<https://myremote.ec.europa.eu/app/>
The EEAS staff located in the KO buildings will have to connect to ARES by using the following link:<http://intracomm.ec.testa.eu/Ares>

Please click on 'Preferences' in Notis Web interface <http://www.cc.cec/notis> to set your notification options, including preferred language.

(SG)

From: (SG)
Sent: Thursday 4 December 2014 12:24
To: (SG)
Subject: Projet de décision de la commission concernant les activités après cessation de fonctions de M. Potocnik
Attachments: Letter of 30 10 2014 to CD.pdf; Note CD du 10.11.2014 saisine Cadhoc.pdf; Template préparation avis Cadhoc Potocnik Forum Avenir Agriculture.pdf; Avis préliminaire Cadhoc 17 novembre 2014.pdf; E-mail CD à NvdP du 19.11.2014.pdf; Avis Cadhoc (texte) Forum Agriculture.pdf; Lettre 12.11.2014 M. Potocnik à CD.pdf; Note CD Consultation Cadhoc Potocnik UN International Resource Panel.pdf; Préparation Avis Cadhoc Potocnik UN International Resource Panel.doc; Avis Cadhoc (texte) UN International Resource Panel.pdf; Draft Décision Forum Agriculture, EPC, UN Panel, discours.doc

From: (SG)
Sent: Thursday, December 04, 2014 11:19 AM
To: (SJ)
Cc: (SG)
Subject: Projet de décision de la commission concernant les activités après cessation de fonctions de M. Potocnik

Chère

Comme annoncé ce matin, tu trouveras ci joint un projet de Décision sur les activités après cessation de fonctions de M. Potocnik (dernier attachment), à inscrire à l'OJ de la prochaine réunion de la Commission **10 décembre**, ainsi que les documents y afférents suivants:

- Lettre de M. Potocnik à la Commission du 30 sur son activité avec le Forum on the future of agriculture et avec le Centre of European Policy Studies
- Note de la Secrétaire générale au Comité éthique ad hoc du 10 novembre 2014
- "*Avis préliminaire*" du Comité éthique ad hoc du 17 novembre sur les activités de M. Potocnik avec le Forum on the Future of Agriculture (*avis sollicité*) et avec Centre of European Policy Studies (*avis non-sollicité*)
- E-mail de Catherine Day au Président du Comité éthique ad hoc du 19 novembre
- Avis (définitif) du Comité éthique ad hoc du 28 novembre sur l'activité de M. Potocnik avec le Forum on the Future of Agriculture
- Lettre de M. Potocnik à la Commission du 12 novembre 2014 sur son activité avec le UN International Resource Panel et concernant ses discours ponctuels
- Note de la Secrétaire générale au Comité éthique ad hoc du 21 novembre 2014
- Avis du Comité éthique ad hoc (également) du 28 novembre sur l'activité de M. Potocnik avec le UN International Resource Panel

Cette consultation est également envoyée par ARES et l'avis du SJ serait apprécié si possible pour 16 H demain.

Merci d'avance de ta coopération. (désolée pour l'urgence et la pression, mais je ne suis pas maître du calendrier)

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 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 (C (2011) 2904 final) establishes a specific procedure for the assessment of planned occupations which former Commissioners intend to take up during the eighteen months after they have ceased to hold office. The Commission shall examine the nature of the planned occupation and, if the activity is related to the content of the Commissioner's portfolio, it shall seek the opinion of the Ad hoc Ethical Committee.

With his letter of 30 October 2014, former Commissioner Janez Potočnik informed the Commission of his intention to accept two post-office activities, namely as Chairman of the Forum for the Future of Agriculture and as Member of the European Policy Centre's Advisory Council.

With his letter of 12 November 2014, Mr Potočnik informed the Commission of his intention to accept an additional post-office activity as Co-Chairman of the UN International Resource Panel. Mr Potočnik also informed the Commission that he had accepted a certain number of invitations to address various audiences, on his personal capacity, on specific subjects.

Chairmanship of the Forum for the Future of Agriculture

Mr Potočnik envisaged activity consists on steering the preparation of the annual conference programme and list of invitees and chairing the annual conference of the Forum for the Future of Agriculture.

This forum was created in March 2008 by the European Landowners' Organization and Syngenta. Its purpose is to stimulate open discussions on the future of European and world agriculture and to assess what should and what could be achieved over time, attaching equal weight to two challenges: food security and environmental security.

In his letter dated 30 October 2014, Mr Potočnik informed the Commission that the Forum for the Future of Agriculture has a programme of activity focused on the food and environmental security agenda across the European region and that its main platform remains its annual conference which takes place every spring in Brussels. This conference has now established itself as the premier meeting place for those who have a stake in the future of agriculture and has been addressed by all sorts of stakeholders.

The Secretariat General considered that the environmental dimension of the programme of activity developed by the Forum for the Future of Agriculture presents a link with Mr Potočnik's former portfolio and the opinion of the Ad hoc Ethical Committee on the compatibility of this activity with article 245(2) of the Treaty on the Functioning of the European Union was requested.

The Ad hoc Ethical Committee delivered a preliminary opinion on 17 November and a final opinion on 28 November 2014. The Committee considered the nature of Mr Potočnik's envisaged activity and the nature of the parent organisations of the Forum.

As for the nature of the parent organisations, the Committee remarked that the European Landowners Association is a not-for-profit organisation committed, as a think tank, "*to promoting a sustainable and prosperous countryside and to increasing awareness relating to environmental and agricultural issues*" (...), and to "*developing policy recommendations and programmes of action*". As for Syngenta, the Committee noted that this Company presents itself online as "*a world-leading agri-business committed to sustainable agriculture through innovative research and technology*" and that seeds, chemicals and crop protection are predominant areas of its activity.

The Committee concluded that both parent organizations of the Forum have a direct link with the environment portfolio, the implications of which represent a huge economic global interest for Syngenta.

As for Mr Potočnik's envisaged activity, the Committee noted that, in itself, its description does not give rise to an assumption of potential conflict of interest. The Committee believed, however, that the Commission should be reassured that Mr Potočnik's "steering" function excludes any involvement that could be related to the commercial interests of Syngenta.

The Services of the Commission considered that the Committee's opinion and recommendation should be followed by the Commission.

Membership of the European Policy Centre's Advisory Council

The Services considered the nature of the European Policy Centre as a renowned think tank on European affairs and the role of its Advisory Council, which is purely deliberative, offering a platform for debate about the general orientations of the Centre, without no executive function of any kind.

It was thus considered that this activity does not present any risk of incompatibility either with Mr Potočnik's former function as Commissioner or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was informed of this activity, but its opinion was not requested.

In its preliminary opinion of 17 November, the Committee observed that Mr Potočnik should give additional assurance that he will abstain from any activity contrary to the Code of Conduct for example lobbying, if the EPC decided to engage in specific project related to the field of environment and appeal for EU funding.

Co-Chairmanship of the UN International Resource Panel

Mr Potočnik informed that the UN International Resource Panel had been launched by the United Nations Environment Programme (UNEP) in 2007 to build and share the knowledge needed to improve the use of resources worldwide. The Panel's goal is to steer the World community away from over-consumption

The Panel's specific missions are : (1) to provide independent, coherent and authoritative scientific assessments of policy relevance on the sustainable use of natural resources

and, in particular, their environmental impacts over the full life cycle; and (2) to contribute to a better understanding of how to decouple economic growth from environmental degradation.

The Services noted that Mr Potočnik's planned assignment as Co-Chair of the UN International Resource Panel was closely linked with his former portfolio and the Ad hoc Ethical Committee was requested to provide its opinion on the compatibility of this activity with article 245(2) of the Treaty on the Functioning of the European Union.

The Ad hoc Ethical Committee delivered its opinion on 28 November 2014. The Committee took account of the context and nature of Mr Potočnik's envisaged activity and considered that it supports the environmental work and objectives of the wide international community represented in the United Nations, comprising developed and developing countries. The Committee also noted that the European Commission is one of the Members of the Panel's Steering Committee. The Committee concluded that the link between the envisaged activity and Mr Potočnik's former Commission portfolio was only nominal and that the considered activity was in conformity with article 245(2) of the TFEU.

The Services of the Commission considered that, in view of the nature of the activity envisaged, its link with the former Commissioner's portfolio is not contrary either to his duties of integrity and discretion or to the interests of the European Union.

One-off invitations to address various audiences on specific topics

Mr Potočnik informed that he had accepted several invitations to address, on his personal capacity, various audiences (namely the European Insulation Manufacturers Association, Friends of the Earth Europe and Slovenian Bank A-Banka) on global challenges, on circular economy, on resource efficiency and on the economic developments in Slovenia.

The Services of the Commission considered that these one-off addresses should not be considered as a professional occupation in the sense of the notification obligation foreseen in section 1.2 of the Code of Conduct for Commissioners. They considered therefore that the Commission should limit itself to take note of these accepted invitations.

The Commission is invited:

- (1) to acknowledge former Commissioner Janez Potočnik's letters of 30 October and 12 November 2014 and the Ad hoc Ethical Committee's preliminary opinion of 17 November 2014 and opinions of 28 November 2014;
- (2) to authorise Mr Potočnik's activity as Chairman of the Forum for the Future of Agriculture on the condition that Mr Potočnik's function consisting on steering the Forum's annual conference programme and list of invitees and chairing the annual conference excludes any involvement which could be related to the commercial interests of Syngenta;

- (3) to decide that Mr Potočnik's activity as Member of the Advisory Board of the European Policy Center is compatible with Article 245(2) of the TFEU on the condition that Mr Potočnik abstains from any lobbying activity, should the European Policy Centre decide to engage in specific projects related to the field of environment and to appeal for EU funding;
- (4) to decide that Mr Potočnik's envisaged activity as Co-Chairman of the UN International Resource Panel is compatible with Article 245(2) of the TFEU;
- (5) to take note of the invitations accepted by Mr Potočnik, on a one-off basis, to address various audiences on specific subjects;
- (6) to charge the Secretary General to inform Mr Potočnik's about the present decision, yet drawing his attention on the respect of his obligations arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the collegiality and the confidentiality of the matters dealt by the Commission during his mandates.

(SG)

From: (SJ)
Sent: Thursday 4 December 2014 16:04
To: (SG)
Cc: (SG); (SG)
Subject: Draft Décision Forum Agriculture EPC UN Panel
Attachments: Draft Décision Forum Agriculture EPC UN Panel discours.doc

<<...>>

The Legal Service can give its agreement subject to the remarks enclosed.

Regards,

MEMORANDUM FROM THE PRESIDENT TO THE COMMISSION

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In his letter dated 30 October 2014, Mr Potočnik informed the Commission that the Forum for the Future of Agriculture has a programme of activity focused on the food and environmental security agenda across the European region and that its main platform remains its annual conference which takes place every spring in Brussels. This conference has now established itself as the premier meeting place for those who have a stake in the future of agriculture and has been addressed by all sorts of stakeholders.

| The Secretariat General[Commission services?] considered that the environmental dimension of the programme of activity developed by the Forum for the Future of Agriculture presents a link with Mr Potočnik's former portfolio and the opinion of the Ad hoc Ethical Committee on the compatibility of this activity with article 245(2) of the Treaty on the Functioning of the European Union was requested.

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As for the nature of the parent organisations, the Committee remarked that the European Landowners Association is a not-for-profit organisation committed, as a think tank, "to promoting a sustainable and prosperous countryside and to increasing awareness relating to environmental and agricultural issues" (...), and to "developing policy recommendations and programmes of action". As for Syngenta, the Committee noted that this Company presents itself online as "a world-leading agri-business committed to sustainable agriculture through innovative research and technology" and that seeds, chemicals and crop protection are predominant areas of its activity.

The Committee concluded that both parent organisations of the Forum have a direct link with the environment portfolio, the implications of which represent a huge economic global interest for Syngenta.

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The Commission services consider that the Committee's opinion and recommendation should be followed by the Commission. *I am not sure about this sentence. Perhaps delete?*

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Membership of the European Policy Centre's Advisory Council

The Services considered the nature of the European Policy Centre as a renowned think tank on European affairs and the role of its Advisory Council, which is purely deliberative, offering a platform for debate about the general orientations of the Centre, without no executive function of any kind.

It was thus considered that this activity does not present any risk of incompatibility either with Mr Potočnik's former function as Commissioner or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was informed of this activity, but its opinion was not requested.

Following this information, in its preliminary opinion of 17 November, the Committee observed that Mr Potočnik should give additional assurance that he will abstain from any activity contrary to the Code of Conduct for example lobbying, if the EPC decided to engage in specific projects related to the field of environment and appeal for EU funding.

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The Services of the Commission considered that, in view of the nature of the activity envisaged, and in particular the fact that it is within the UN framework (?), its link with the former Commissioner's portfolio is not contrary either to his duties of integrity and discretion or to the interests of the European Union.

One-off invitations to address various audiences on specific topics

Mr Potočnik informed that he had accepted several invitations to address, on his personal capacity, various audiences (namely the European Insulation Manufacturers Association, Friends of the Earth Europe and Slovenian Bank A-Banka) on global challenges, on circular economy, on resource efficiency and on the economic developments in Slovenia.

The Services of the Commission considered that these one-off addresses should not be considered as a professional occupation in the sense of the notification obligation foreseen in section 1.2 of the Code of Conduct for Commissioners. They considered therefore that the Commission should limit itself to take note of these accepted invitations.

The Commission is invited:

- (1) to acknowledge former Commissioner Janez Potočnik's letters of 30 October and 12 November 2014 and the Ad hoc Ethical Committee's preliminary opinion of 17 November 2014 and opinions of 28 November 2014;
- (2) to authorise Mr Potočnik's activity as Chairman of the Forum for the Future of Agriculture on the condition that Mr Potočnik's function consisting on steering the Forum's annual conference programme and list of invitees and chairing the annual

conference excludes any involvement which could be related to the commercial interests of Syngenta;

- (3) to decide that Mr Potočnik's activity as Member of the Advisory Board of the European Policy Center is compatible with Article 245(2) of the TFEU on the condition that Mr Potočnik abstains from any lobbying activity, should the European Policy Centre decide to engage in specific projects related to the field of environment and to appeal for EU funding;
- (4) to decide that Mr Potočnik's envisaged activity as Co-Chairman of the UN International Resource Panel is compatible with Article 245(2) of the TFEU;
- (5) to take note of the invitations accepted by Mr Potočnik, on a one-off basis, to address various audiences on specific subjects;
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