

*commandé*

CABINET DU PRÉSIDENT											
PRE	JL	HS	AJC	N°				OJ			
26. 06. 2013											
CMA	LDR	AV	OD	HK	MS	MK	RBC	RL	AS		
MEMBRE RESPONSABLE: CMA								ARCHIVES			

To the Members of the Commission  
via  
Mr José Manuel Durão Barroso  
President of the European Commission

B-1049 Brussels

By registered letter with AoR.

Brussels, 25 June 2013

Y. ref :

O. ref :

Dalli/European Commission

Dear Members of the Commission,

We are writing to you on behalf of our client, Mr John Dalli, in view to informing the Commission that he has been asked, by the Prime Minister of Malta, to accept a position with the Maltese government linked to the reform of health service.

OUT OF THE  
SCOPE

Our client and we are of course at your disposal for any complementary information related to this future public position.

Yours very respectfully.



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

**DOCUMENT 2**

Brussels,  
SG/B4 Ares(2013)

Dear Madam, Dear Sir,

President Barroso has asked me to reply on his behalf to your letter of 25 June 2013 (Your ref: -Dalli/European Commission).

The Commission took note of former Commissioner Dalli's intention to accept the position which he has been offered by the Prime Minister of Malta, and of the fact that it is linked to the reform of the Maltese health service and of his and your availability to provide the Commission with additional information.

In this context, I am writing to confirm that the Commission does require further information in order to assess the compatibility of this post-office activity with Article 245 of the TFEU and the Code of Conduct for Commissioners. The information that we require should explain the scope of this activity (i.e. what will be his concrete tasks) and the exact nature and employment terms of Mr Dalli's future position within the Maltese government.

**OUT OF THE SCOPE**

Yours faithfully

Catherine Day

# DOCUMENT 3

Ref. Ares(2013)2936152 - 27/08/2013

2

CABINET DU PRESIDENT									
PRES	JL	HS	AJC	N'	OJ				
27. 08. 2013									
CMA	LDR	AV	OD	HK	MS	MR	RBC	RL	AS
MEMBRE RESPONSABLE: CMA							ARCHIVES		

To the Members of the Commission  
via  
Mr José Manuel Durão Barroso  
President of the European Commission

B-1049 Brussels

By registered letter with AoR.

Brussels, 26 August 2013

Y. ref :

O. ref :

- Dalli/European Commission

Dear Members of the Commission,

We are writing to you on behalf of our client, Mr John Dalli.

Please find herewith appended letter of Mr. Dalli.

OUT OF  
THE SCOPE

Yours very respectfully,

Annexes : letter

## John Dalli

To the Members of the Commission  
via  
Mr José Manuel Durão Barroso  
President of the European Commission

B-1049 Brussels

By registered letter with AoR.

Brussels, 23 August 2013

Dear Members of the Commission,

I would like to inform you that I have been invited by the equity arm of a major bank to participate in a one day think tank that will be discussing the following topics:

- Since the beginning of the economic crisis in Europe we have seen many healthcare reforms across Europe. The economic incentives are clear but can we expect this to become easier or will countries continue to press for healthcare reform
- Can you discuss the different approaches to healthcare reform across Europe
- Which countries are the most active ones in pursuing further healthcare reform?
- Which healthcare reforms have the potential to have EU wide implications? Are there initiatives that look at healthcare reform beyond borders?
- What ability does the pharmaceutical industry have to influence healthcare reform?
- Is there a chance for reversal of reform pressure on the industry? E.g. could we see a reversal of the German AMNOG system?

As these issues are Member state competence, there does not seem to be any conflict of interest.

This activity will take place on the 19<sup>th</sup> September and I will be remunerated for my attendance.



John Dalli  
EU Commissioner for Health and Consumer Affairs

**John Dalli**

To the Members of the Commission  
via  
Mr José Manuel Durão Barroso  
President of the European Commission

B-1049 Brussels

By registered letter with AoR.

Brussels, 23 August 2013

Dear Members of the Commission,

I refer to the letter of the 9<sup>th</sup> July 2013 that Ms Catherine Day wrote on your behalf in reply to the letter I sent you on the 25<sup>th</sup> June 2013.

OUT OF THE  
SCOPE

The Malta Government has asked me to give advice to the Minister of Health on the reorganisation of the management structures and processes in the only acute hospital that there is in Malta. I am not assuming any position or employment with any entity or establishment, and I report to the Minister and the Prime Minister. The compensation envisaged is the reimbursement of expenses that I would incur in the process.

OUT OF THE  
SCOPE

If these conditions change in the future I will inform you.

I hope that this gives you the information that you need.



John Dalli  
EU Commissioner for Health and Consumer Affairs

## DOCUMENT 4

(SG)

**From:** (SJ)  
**Sent:** Wednesday 25 September 2013 11:56  
**To:** (SG)  
**Cc:** (SG); (SG); (CAB-BARROSO); (SG); (SJ); (SJ); (SJ);  
**Subject:** RE: Projet de Communication à la Commission sur les activités après cessation de fonctions de M. Dalli  
**Attachments:** Post-Office J Dalli - Secteur Santé Malte + One-off activity.doc

Chère

Vous avez l'accord du Service juridique sous réserve des modifications en "track changes" dans le document ci-joint.

Cordialement,

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**From:** (SG)  
**Sent:** Monday, September 23, 2013 5:48 PM  
**To:** (SJ); (SJ); (SJ)  
**Cc:** (SG); CAB-BARROSO; (SG); (SG)  
**Subject:** FW: Projet de Communication à la Commission sur les activités après cessation de fonctions de M. Dalli  
**Importance:** High

Les avocats de M. Dalli ont transmis à la Commission lettres datées du 23 août 2013.  
Deux d'entre elles concernent des activités post mandat de M. Dalli.

il a été considéré qu'il n'était pas nécessaire de consulter le Comité éthique ad hoc.  
Cependant, et comme pour toutes les activités d'anciens Commissaires, il convient de formaliser une réponse de la Commission suivant la procédure habituelle.  
Vous trouverez donc ci-joint le projet de décision relatif aux deux activités communiquées par M. Dalli.

OUT OF THE  
SCOPE

**Sous réserve de l'accord du cabinet du Président,** il serait souhaitable que la Commission puisse adopter cette décision sans tarder.

Le SJ pourrait-il dès lors communiquer son accord/commentaires sur ce projet de communication le plus rapidement possible, afin que le greffe puisse assurer l'inscription du point sous QABD

## 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 20 April 2011 (C (2011) 2904 final) stipulates 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 eighteen months 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 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 the Ad hoc Ethical Committee.

On 25 June 2013, former Commissioner John Dalli's lawyers informed the Commission about the offer made by the Maltese Prime Minister of Malta to Mr Dalli to accept a position with the Maltese government linked to the reform of the health service. On 9 July 2013, the Commission requested further information from Mr Dalli in order to assess the compatibility of this post-office activity with article 245 of the TFEU. With a letter of 23 August, Mr Dalli explained that this activity consists in giving advice to the Minister of Health on the reorganisation of the management structures and processes in the only acute hospital in Malta. Mr Dalli also informed the Commission that, at present, the compensation envisaged is the reimbursement of expenses that he would incur in the process.

On 23 August 2013, with another letter addressed to the Commission through his lawyers, Mr Dalli also informed the Commission about his intended remunerated participation in a one-day think tank organised by a major bank on issues related to healthcare reforms across Europe, to take place on 19 September 2013.

Further to the consultation of the competent Commission services, it has been concluded that it was not necessary to seek the opinion of the Ad hoc Ethical Committee: the reorganisation and management of an hospital in Malta has no link with Mr Dalli's former portfolio and the one day nature of the think tank activity should not be deemed contrary to the interests of the Institution.

The two above referred activities do not appear to present any risk of conflict of interests with Mr Dalli's former portfolio and do not entail any incompatibility with article 245(2) of the TFEU.

The Commission is requested to endorse this view.

## 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.

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On 25 June 2013, former Commissioner John Dalli's lawyers informed the Commission about the offer made by the Maltese Prime Minister of Malta to Mr Dalli to accept a position with the Maltese government linked to the reform of the health service. On 9 July 2013, the Commission requested further information from Mr Dalli in order to assess the compatibility of this post-office activity with article 245 of the TFEU. With a letter of 23 August, Mr Dalli explained that this activity consists in giving advice to the Minister of Health on the reorganisation of the management structures and processes in the only acute hospital in Malta. Mr Dalli also informed the Commission that, at present, the compensation envisaged is the reimbursement of expenses that he would incur in the process.

On 23 August 2013, with another letter addressed to the Commission through his lawyers, Mr Dalli also informed the Commission about his intended remunerated participation in a one-day think tank organised by a major bank on issues related to healthcare reforms across Europe, to take place on 19 September 2013.

Further to the consultation of the competent Commission services, it has been concluded that it was not necessary to seek the opinion of the Ad Hoc Ethical Committee. First, the reorganisation and management of a hospital in Malta is not directly related to the content of Mr Dalli's former portfolio. Second, if it can be considered an 'occupation' within the meaning of the Code of Conduct, the think tank activity is a one-day event that, in view of the principle of proportionality (section 2.4 of the Code of Conduct), should not be deemed contrary to the interests of the institution and about which there is no need to consult the Ad Hoc Ethical Committee.

The two above referred activities do not appear to present any risk of conflict of interests with Mr Dalli's former portfolio and do not entail any incompatibility with article 245(2) of the TFEU.

The Commission is requested to endorse this view.

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**COMMISSION EUROPÉENNE**

**SECRÉTARIAT GÉNÉRAL**

**SEC(2013) 516 /2**

**Bruxelles, le 1<sup>er</sup> octobre 2013**

**COMMISSION INTERNE**

**OJ 2061**

**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 2061<sup>ème</sup> réunion de la Commission  
le 2 octobre 2013.

**Destinataires: Membres de la Commission  
Directeurs généraux et chefs de service**

## COMMUNICATION 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 20 April 2011 (C (2011) 2904 final) stipulates 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 eighteen months 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 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 the Ad hoc Ethical Committee.

On 25 June 2013, former Commissioner John Dalli's lawyers informed the Commission about the offer made by the Maltese Prime Minister of Malta to Mr Dalli to accept a position with the Maltese government linked to the reform of the health service. On 9 July 2013, the Commission requested further information from Mr Dalli in order to assess the compatibility of this post-office activity with article 245 of the TFEU. With a letter of 23 August, Mr Dalli explained that this activity consists in giving advice to the Minister of Health on the reorganisation of the management structures and processes in the only acute hospital in Malta. Mr Dalli also informed the Commission that, at present, the compensation envisaged is the reimbursement of expenses that he would incur in the process.

On 23 August 2013, with another letter addressed to the Commission through his lawyers, Mr Dalli also informed the Commission about his intended remunerated participation in a one-day think tank organised by a major bank on issues related to healthcare reforms across Europe, to take place on 19 September 2013.

Further to the consultation of the competent Commission services, it has been concluded that it was not necessary to seek the opinion of the Ad hoc Ethical Committee. First, the reorganisation and management of a hospital in Malta is not directly related to the content of Mr Dalli's former portfolio. Second, if it can be considered an 'occupation' within the meaning of the Code of Conduct for Commissioners, the think-tank activity is a one-day event that, in view of the principle of proportionality (section 2.4 of the Code of Conduct), should not be deemed contrary to the interests of the institution and about which there is no need to consult the Ad hoc Ethical Committee.

Based on the information provided by Mr Dalli, the two above referred activities do not appear to present any risk of conflict of interests with Mr Dalli's former portfolio and do not entail any incompatibility with article 245(2) of the TFEU.

Although neither activity seems to involve activities of lobbying or advocacy, the Commission will recall to him that according to point 1.2 of the Code of Conduct, a former commissioner shall not, during 18 months after ceasing to hold office, lobby or advocate with members of the Commission and their staff for his clients or employers on matters for which he has been responsible within his portfolio during the mandate.

A former commissioner is also required not to disclose information of the kind covered by the obligation of professional secrecy even after his duties ceased.

The Commission will remind Mr Dalli of the need to submit a request for prior authorisation if any of the circumstances described by him change in the coming period.

The Commission is requested to endorse this view.



## EUROPEAN COMMISSION SECRETARIAT-GENERAL

The Secretary General

Brussels, **03 OCT. 2013**  
SG/B4 Ares(2013)

Dear Madam, Dear Sir,

I am replying on behalf of the European Commission to the three letters from former Commissioner John Dalli dated 23 August 2013, transmitted to the Commission by your letter of 26 August 2013 (2771/LL/LL-SR – Dalli/European Commission).

Two of the letters deal with new activities taken up by Mr Dalli after he left the Commission. Those activities are considered by the Commission as post term-of-office activities, since Mr Dalli resigned as a Member of the Commission on 16 October 2012. Section 1.1 of the Code of Conduct for Commissioners, which relates to activities outside the Commission during the Commissioners' term of office, is not relevant for those activities, which are governed by section 1.2 of that Code.

Concerning Mr Dalli's letter on the activity that he has been offered by the Maltese Government, which is an unpaid advisory function regarding the reorganisation of the management structures and processes in a hospital in Malta, I can inform you that the Ad Hoc Ethical Committee has not been informed nor consulted in view of the nature of this activity, which is not directly related to the content of the portfolio of the former Commissioner.

The Commission has also taken note of the explanations given by Mr Dalli regarding his remunerated participation in a one-day event organised on 19 September 2013.

On 2 October 2013, the Commission decided not to object to the aforementioned activities which do not appear to present any risk of conflict of interests with Mr Dalli's former portfolio and do not entail any incompatibility with Art 245.2 of the TFEU. Nonetheless, the Commission wishes to remind Mr Dalli that, according to point 1.2 of the Code of Conduct for Commissioners, a former Commissioner shall not, during a period of 18 months after ceasing to hold office, lobby or advocate with the members of the Commission and their staff on matters for which they were responsible within their portfolio and that former Commissioners are required not to disclose information of the kind covered by the obligation of professional secrecy, even after their duties ceased.

Furthermore the Commission decided to remind Mr Dalli of the need to submit a request for prior authorisation if any of the circumstances described by him change in the coming period.

## **OUT OF THE SCOPE**

Yours faithfully

A handwritten signature in black ink, appearing to read 'Catherine Day', with a stylized flourish at the end.

Catherine Day