

List of documents Initial request Ms Vicky Cann (CEO) 2015/5054- Post-mandate activities Baroness Ashton

Scope of the request: " copies of all new applications made under the Code of Conduct for Commissioners by former Commissioner Catherine Ashton which were authorised by the Commission in its meeting of 16 September 2015, namely for her unpaid activities at Yale and at Inter Mediate. I would further like to request any emails, correspondence and meeting notes which relate to these applications; all opinions from the ad hoc ethical committee on each case; and copies of the Commission's final decision in each case."

Document	Description and references	Status
Baroness Ashton		
1 E-mail of Baroness Ashton to Ms Day of 19.08.2015 Ref. Ares(2015) 3439785	E-mail of Baroness Ashton to Ms Day of 17 March 2015 requesting authorisation for post-mandate activities – Yale and at Inter Mediate	Partial disclosure E-mail address of former Commissioner deleted - Exception in Article 4(1) letter b);
2. Note of Ms Day to the members of the Ad Hoc Ethical Committee of 21.08.2015 Ref. Ares(2015)3473922	Note of Ms Day to Ad Hoc Ethical Committee of 21 August 2015 requesting an opinion Baroness Ashton teaching in Yale and Intermediate activities	Full disclosure Attachment correspond to document n° 1
3. Opinion of the Ad Hoc Ethical Committee of 22.08.2015 Ref. Ares(2015)3506941	Opinion of the Ad Hoc Ethical Committee of 22 August 2015	Partial disclosure E-mail address of former Commissioner deleted Contractual details deleted- Exception in Article 4(1) letter b);

<p>4. LS Consultation</p> <p>E-mail of SG of 25.08.2015 and e-mail of LS of 09.09.2015</p> <p>Ref. Ares(2015)3525127</p> <p>Ref. Ares(2015)3723896</p>	<p>E-mail of SG of 25 August 2015 and reply of the LS by e-mail of 9 September 2015</p>	<p>Partial disclosure of cover e-mails (Names and e-mail addresses of Commission's officials deleted - Exception in Article 4(1) letter b);</p> <p>Partial disclosure of draft decision;</p>
<p>5. Commission Decision C(2015)6335 of 14.09.2015</p>	<p>Activités après cessation de fonction d'un membre de la Commission- Communication de M le Président – OJ 2138 Commission Decision C(2015)6335 of 14 September 2015</p>	<p>Partial disclosure – Contractual details deleted - Exception in Article 4(1) letter b);</p>
<p>6. PV (2015) 2138 of 16 September 2015</p>	<p>Decision of 16 September 2015</p>	<p>Public Document (copy not enclosed)</p>
<p>7. Letter of Mr Italianer to Baroness Ashton of 16.09.2015</p> <p>Ref. Ares(2015)3837390</p>	<p>Letter of 16 September 2015 to Baroness Ashton informing her of the adoption of the Commission decision on her requests for authorisation of two post-mandate-activities</p>	<p>Partial disclosure- E-mail address of former Commissioner deleted- Exception in Article 4(1) letter b);</p> <p>Attachment corresponds to document n° 5 above</p>
<p>8. Note of Mr Italianer to the Ad Hoc Ethical Committee Ad of 16.09.2015</p> <p>Ref. Ares(2015)3837474</p>	<p>Note of Ms Day to the Ad Hoc Ethical Committee Ad of 16 September 2015 informing of adoption of the Commission decision on Baroness Ashton of requests for authorisation of two post-mandate-activities</p>	<p>Full disclosure cover note</p> <p>Attachment corresponds to document n° 5 above.</p> <p>* Deleted parts concern information on a decision falling outside the scope of the request</p>

DOCUMENT 1

■ Ref. Ares(2015)3439785 - 19/08/2015

From: (SG)
Sent: Wednesday 19 August 2015 11:57
To: (SG); (SG)
Cc: (SG)
Subject: Message for Catherine Day, Secretary General on behalf of Catherine Ashton

Dear Secretary General,

I wish to confirm that I will be teaching at Yale this autumn (pro bono).

I will be working pro bono with Intermediate (a foreign policy Think Tank) on a number of projects to support their work.

There is no financial gain to me from these activities.

Kind regards,

Catherine Ashton



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

DOCUMENT 2

Brussels,
SG/B3 Ares(2015)

Note to the Members of the Ad-Hoc Ethical Committee


Mr Nikolaus Van der Pas
Mr Rafael García-Valdecasas
Mr Terry Wynn

Subject: Former Vice-President Ashton's post-mandate activities.

Please find enclosed former Baroness Ashton's message of 19 August 2015, whereby she informs the Commission about her intention to teach at Yale and to work with "inter/mediate" on unspecified projects.

Publicly-available information would indicate that the teaching commitment at Yale is not heavy, but may focus on Ukraine¹. "Inter/mediate"² styles itself as a charity involved in conflict resolution, and was co-founded by a former chief of staff of a Quartet Special Envoy to the Middle East.

In view of the relevance of the former Vice-President's responsibilities to these activities, may I ask you to provide the Commission with your opinion about their compatibility with article 245(2) of the TFEU.


for Catherine Day
HUBERT SZLANSKY

Encl: Baroness Ashton's email of 19 August ARES(2015)3439785

¹ <https://courses.law.yale.edu/courses/Course/762>

² http://www.inter-mediate.org/our_work.html

Catherine DAY, Secretary General of the European Commission

cc.: _____, S.G., _____

Subject: Request from the European Commission of 21 August 2015, Ref. Ares(2015)3473922, concerning post-office activities planned by the EU's former High Representative, Baroness Ashton.

1. The Ad-Hoc Ethical Committee has examined the Commission's request for an opinion on Baroness Ashton's planned teaching activities at Yale University and participation in projects run by Inter Mediate.
2. The Committee takes note of the information provided by Baroness Ashton in her letter of 19 August 2015, and by the European Commission itself, concerning the intended activities
3. According to internet information made available by Yale University (<https://courses.law.yale.edu/courses/Course/762>), Baroness Ashton will participate in a course on « Decision Making Under Conditions of Uncertainty (...) The course will focus on government and private decision-making under conditions of high normative diversity and epistemological uncertainty. The class will focus on how policymakers should respond to the unpredictable events now overtaking Ukraine. The class will be co-taught by Dean Robert Post and Timothy Collins, and during its meetings in September and November, by the Baroness Catherine Margaret Ashton, former High Representative of the Union for Foreign Affairs and Security Policy and First Vice President of the European Commission. »
4. Inter Mediate presents itself on the Internet as a « registered Charity for Negotiation and Mediation, focussing on the most difficult, complex and dangerous conflicts where other organisations are unable to operate. It brings together some of the world's leading experts on dialogue and negotiation (...) Through the facilitation of negotiation, Inter Mediate hopes to contribute to a sustainable end to conflict. »
5. According to Baroness Ashton's notification, she will perform both activities pro bono, i.e. without any personal financial gain. Although not specified in her notification, the Committee assumes that Baroness Ashton will receive _____,
6. The Committee considers the objectives of both Yale University and Inter Mediate to be of a non-commercial nature in the fields of public service of education and conflict resolution where Baroness Ashton's previous assignment as the European Union's High Representative constitutes an asset rather than a risk of a conflict of interest.

7. At the same time, the Committee notes that both organizations depend on financial donations and project contributions. The Committee therefore insists on Baroness Ashton's obligations under the Code of Conduct for Commissioners, including the need to abstain from any lobbying for any request for EU support and to abide by discretion and confidentiality with regard to matters she dealt with during her time of office.

Opinion:

Subject to above-mentioned conditions, the Ad-Hoc Ethical Committee is of the opinion that Baroness Ashton's planned activities at Yale University and Inter Mediate are in accordance with the second paragraph of Article 245 of the TFEU.

Nikolaus van der Pas

Rafael Garcia-Valdecasas

Terry Wynn

Date: 22 August 2015

DOCUMENT 4

o (SG)

From: EC-NOTIS-SERVICE-NOREPLY@ec.europa.eu
Sent: Wednesday 9 September 2015 17:42
To: (SG)
Subject: Ares: New Document - sj.f(2015)4163531/Title: Avis du Service juridique - DRAFT DECISION Baroness Ashton (Yale+ Inter Mediate)

You received a new document:	My Documents
Title	Avis du Service juridique - DRAFT DECISION Baroness Ashton (Yale+ Inter Mediate)
Recipient(s)	
Sent by	(SJ.F)
Save number	sj.f(2015)4163531
Registration number	Ares(2015)3723896
Document date	09/09/2015
Registration date	09/09/2015
Sensitivity level	Handling restriction
Marking information	Opinion of the Legal Service
Comment(s)	Le Service Juridique peut marquer son accord sur ce projet de décision sous réserve des modifications en annexe.
Attachment(s)	Modifs_SJ_IMP_Draft Décision Lady Ashton Intermediate and Yale (3) .doc

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.

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.

On 19 August 2015, former Vice-President / High Representative the Baroness Ashton of Upholland informed the Commission about developments regarding her post-mandate occupations. Baroness Ashton confirmed her intention to teach at Yale this Autumn and informed that she will be working with *Inter Mediate* (a foreign policy think tank) on a number of projects to support the work of this organisation. Both activities will be non-remunerated (pro bono).

Teaching activity at Yale University

On 17 March 2015 Baroness Ashton had already informed the Commission about the possibility of engaging in a non-remunerated Visiting Fellowship at Yale University. . The Commission decided on 15 April 2015 (Commission Decision C(2015) 2449) that this activity would be compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton would strictly abide by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners.

Upon Baroness Ashton's confirmation in August 2015 of her intention to teach at Yale, it appeared, from publicly-available information, that her teaching commitment might focus on Ukraine.

Participation in projects run by Inter Mediate

Inter Mediate is a registered charity for negotiation and mediation, involved in conflict resolution. This "think-tank" focusses on the most difficult, complex and dangerous conflicts where other organisations are unable to operate. [see below]

Ad hoc Ethical Committee's Opinion

In view of the sensitivity of the subject of the envisaged teaching activity at Yale and of the link of both activities with Baroness Ashton's former portfolio as Commission Vice-President and High Representative for Foreign Affairs and Security Policy, the Services of the Commission requested, on 21 August, an opinion from the Ad hoc Ethical Committee on the compatibility of these activities with Article 245(2) of the TFEU.

The Ad hoc Ethical Committee delivered its opinion on 22 August 2015.

As regards Baroness Ashton's envisaged teaching activity at Yale University, the Committee noted that, according to internet information made available by Yale, Baroness Ashton will participate in a course on "decision-making under conditions of uncertainty (...) the course will focus on government and private decision-making under conditions of high normative diversity and epistemological uncertainty. The class will focus on how policymakers should respond to the unpredictable events now overtaking in Ukraine".

As regards *Inter Mediate*, the Committee noted that this organisation presents itself on the Internet as a "registered charity for negotiation and mediation, focussing on the most difficult, complex and dangerous conflicts where other organisations are unable to operate. It brings together some of the world's leading experts on dialogue and negotiation (...). Through the facilitation of negotiation, *Inter Mediate* hopes to contribute to a sustainable end to conflict".

The Committee took note that according to Baroness Ashton's notification, she will perform both activities pro bono and assumed that Baroness Ashton will receive

The Committee considered the objectives of the activities at both Yale University and *Inter Mediate* to be of a non-commercial nature in the fields of public service of education and conflict resolution where Baroness Ashton's previous assignment as the European Union's High Representative constitutes an asset rather than a risk of a conflict of interest.

At the same time, the Committee noted that both organisations depend on financial donations and project contributions. The Committee therefore insisted on Baroness Ashton's obligations under the Code of Conduct for Commissioners, including the need to abstain from any lobbying for any request for EU support and to abide by discretion and confidentiality with regard to matters she dealt with during her time of office.

The Committee came to the conclusion that Baroness Ashton's participation to the above mentioned planned activities at Yale University and *Inter Mediate*, are in accordance with the second paragraph of Article 245 of the TFEU subject to above-mentioned conditions.

The Services of the Commission shared the Committee's conclusion, noting that the conditions to be stipulated should take account of the eighteen-month period foreseen in section 1.2 of the Code of Conduct for Commissioners.

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The Commission is invited:

- (1) to confirm its decision of 15 April 2015 regarding former Vice-President the Baroness Ashton of Upholland's non-remunerated academic activity at Yale University on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains, during the eighteen months after the end of her mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support;

- (2) to decide that Baroness Ashton's envisaged participation in the activities of the think-tank *Inter Mediate* is compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains, during the eighteen months after the end of her mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support;
- (3) to instruct the Secretary General to inform Baroness Ashton about the present decision and the conditions contained therein.

(SG)

From: (SJ)
Sent: Wednesday 9 September 2015 16:37
To: (SG)
Cc: (SG); (SG); (SJ)
Subject: Draft Décision Lady Ashton Intermediate and Yale



Draft Décision
Lady Ashton Int...

Le Service Juridique peut marquer son accord sur ce projet de décision sous réserve des modifications en annexe.

Bien à vous,

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.

On 19 August 2015, former Vice-President / High Representative the Baroness Ashton of Upholland informed the Commission about developments regarding her post-mandate occupations. Baroness Ashton confirmed her intention to teach at Yale this Autumn and informed that she will be working with *Inter Mediate* (a foreign policy think tank) on a number of projects to support the work of this organisation. Both activities will be non-remunerated (pro bono).

Teaching activity at Yale University

On 17 March 2015, Baroness Ashton had already informed the Commission about the possibility of engaging in a non-remunerated Visiting Fellowship at Yale University. The Commission decided on 15 April 2015 (Commission Decision C(2015) 2449) that this activity would be compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton would strictly abide by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners.

Upon Baroness Ashton's confirmation in August 2015 of her intention to teach at Yale, it appeared, from publicly-available information, that her teaching commitment might focus on Ukraine.

Participation in projects run by Inter Mediate

Inter Mediate is a registered charity for negotiation and mediation, involved in conflict resolution. This "think-tank" focusses on the most difficult, complex and dangerous conflicts where other organisations are unable to operate. [see below]

Ad hoc Ethical Committee's Opinion

In view of the sensitivity of the subject of the envisaged teaching activity at Yale and of the link of both activities with Baroness Ashton's former portfolio as Commission Vice-President and High Representative for Foreign Affairs and Security Policy, the Services of the Commission requested, on 21 August, an opinion from the Ad hoc Ethical Committee on the compatibility of these activities with Article 245(2) of the TFEU.

The Ad hoc Ethical Committee delivered its opinion on 22 August 2015.

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As regards Baroness Ashton's envisaged teaching activity at Yale University, the Committee noted that, according to internet information made available by Yale, Baroness Ashton will participate in a course on "decision-making under conditions of uncertainty (...) the course will focus on government and private decision-making under conditions of high normative diversity and epistemological uncertainty. The class will focus on how policymakers should respond to the unpredictable events now overtaking in Ukraine".

As regards *Inter Mediate*, the Committee noted that this organisation presents itself on the Internet as a "registered charity for negotiation and mediation, focussing on the most difficult, complex and dangerous conflicts where other organisations are unable to operate. It brings together some of the world's leading experts on dialogue and negotiation (...). Through the facilitation of negotiation, *Inter Mediate* hopes to contribute to a sustainable end to conflict".

The Committee took note that according to Baroness Ashton's notification, she will perform both activities pro bono and assumed that Baroness Ashton will receive

The Committee considered the objectives of the activities at both Yale University and *Inter Mediate* to be of a non-commercial nature in the fields of public service of education and conflict resolution where Baroness Ashton's previous assignment as the European Union's High Representative constitutes an asset rather than a risk of a conflict of interest.

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At the same time, the Committee noted that both organisations depend on financial donations and project contributions. The Committee therefore insisted on Baroness Ashton's obligations under the Code of Conduct for Commissioners, including the need to abstain from any lobbying for any request for EU support and to abide by discretion and confidentiality with regard to matters she dealt with during her time of office.

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The Committee came to the conclusion that Baroness Ashton's participation to the above mentioned planned activities at Yale University and *Inter Mediate*, are in accordance with the second paragraph of Article 245 of the TFEU subject to above-mentioned conditions.

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The Services of the Commission shared the Committee's conclusion, noting that the conditions to be stipulated should take account of the eighteen-month period foreseen in section 1.2 of the Code of Conduct for Commissioners.

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The Commission is invited:

- (1) to confirm its decision of 15 April 2015 regarding former Vice-President the Baroness Ashton of Upholland's, non-remunerated academic activity at Yale University on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains, during the eighteen months after the end of her mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support;

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- (2) to decide that Baroness Ashton's envisaged participation in the activities of the think-tank *Inter Mediate* is compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains, during the eighteen months after the end of her mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support;
- (3) to instruct the Secretary General to inform Baroness Ashton about the present decision and the conditions contained therein.

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From: (SG)
Sent: Tuesday 25 August 2015 18:07
To: (SJ)
Cc: (SG); (SG); (SG)
Subject: FW: DRAFT DECISION Baroness Ashton (Yale+ Inter Mediate)
Attachments: e-mail 19.08.2015 BA to Secretary General Request for authorisation.pdf; E-mail and opinion of AHEC of 22082015.pdf; Draft Décision Lady Ashton Intermediate and Yale (3) .doc
Importance: High

Je te prie de bien vouloir trouver ci-joint un projet de décision relatif à deux activités après cessation de fonctions de Lady Ashton, plus exactement pour des activités académiques à l'Université de Yale (USA) et pour sa participation dans des projets du think tank "Inter Mediate". J'attire ton attention sur le fait qu'une décision de principe avait déjà été prise le 15 April 2015 (PV 2122) par la Commission autorisant à l'époque cette possible activité. A présent Mme Ashton confirme qu'elle envisage de entreprendre effectivement cette activité.

Nous avons reçu le 22 Aout 2015 l'avis du Comité éthique ad hoc concernant ces activités.

Merci de bien vouloir donner l'accord ou les observations du SJ. Cette consultation sera également envoyée via ARES.

Nous voudrions soumettre cette décision à la réunion du Collège du mardi 8 Septembre 2015 (OJ 2138) et l'avis du SJ serait dès lors apprécié si possible **avant le jeudi 3 septembre à 12h00.**

Je joins également l'e-mail de Lady Ashton et l'avis du Comité.

Merci d'avance de ta collaboration

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.

On 19 August 2015, former Vice-President / High Representative the Baroness Ashton of Upholland informed the Commission about her intention to engage in several post-mandate occupations. Baroness Ashton informed that she intends to teach at Yale this autumn and that she will be working with Intermediate (a foreign policy think tank) on a number of projects to support. Both activities will be non-remunerated (*pro bono*).

Teaching activity at Yale University

The services of the Commission recall that Baroness Ashton already informed the Commission of the possibility of engaging in a non-remunerated Visiting Fellowship at Yale University on 17 March 2015. Her

The Commission considered at the time that this academic activity does not present any risk of incompatibility either with the interests of the European Union or with Article 245(2) of the TFEU with the interests of the European Union and with Article 245(2) of the TFEU, provided Baroness Ashton complies with her obligations of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners. The possible activity was authorised on 15 April 2015 (PV 2122)¹ on the condition that Baroness Ashton strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners.

Baroness Ashton has now confirmed her intention to teach at the Yale University, *pro bono*, next autumn.

Participation in projects run by Inter Mediate

Inter Mediate presents itself on the Internet as a registered charity for negotiation and mediation, involved in conflict resolution. This "think-tank" focusses on the most difficult, complex and dangerous conflicts where other organisations are unable to operate. It brings together some of the world's leading experts on dialogue and negotiation (...). Through the facilitation of negotiation, Inter Mediate hopes to contribute to a sustainable end to conflict.

¹ C(2015)2449

Baroness Ashton's envisaged activities are linked to her former responsibilities as Commission Vice-President / EU High Representative in charge of Foreign Affairs and Security Policy. For this reason, the Ad hoc Ethical Committee was requested, on 21 August 2015, to provide its opinion on the compatibility of these activities with Article 245(2) of the TFEU.

The Ad hoc Ethical Committee delivered its opinion on 22 August 2015. The Committee took note that according to Baroness Ashton's notification, she will perform both activities pro bono and assumed that Baroness Ashton will receive compensation for any costs involved in her participation.

The Committee considered the objectives of both Yale University and Inter Mediate to be of a non-commercial nature in the fields of public service of education and conflict resolution where Baroness Ashton's previous assignment as the European Union's High Representative constitutes an asset rather than a risk of a conflict of interest.

Finally it noted that both organizations depend on financial donations and project contributions. The Committee therefore insists on Baroness Ashton's obligations under the Code of Conduct for Commissioners, including the need to abstain from any lobbying for any request for EU support and to abide by discretion and confidentiality with regard to matters she dealt with during her time of office.

The Committee came to the conclusion that Baroness Ashton's participation to the above mentioned planned activities at Yale University and Inter Mediate, are in accordance with the second paragraph of Article 245 of the TFEU subject to above-mentioned conditions.

**

The Commission is invited:

- (1) to confirm its 'decision of principle' adopted last 15 April 2015 authorising a possible non-remunerated academic activity at Yale University and authorised it as compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains from any lobbying vis-à-vis the Commission and its services for any request for EU support;
- (2) to decide that Baroness Ashton's envisaged participation on the projects of the think-tank Intermediate is compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains from any lobbying vis-à-vis the Commission and its services for any request for EU support;
- (3) to instruct the Secretary General to inform Baroness Ashton about the present decision and the conditions contained therein.



COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 14 septembre 2015

C(2015) 6335

COMMISSION INTERNE

OJ 2138

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

Communication de M. le PRESIDENT

Cette question est inscrite à l'ordre du jour de la 2138^{ème} réunion de la Commission le 16 septembre 2015.

Destinataires : Membres de la Commission

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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Teaching activity at Yale University

On 17 March 2015 Baroness Ashton had already informed the Commission about the possibility of engaging in a non-remunerated Visiting Fellowship at Yale University. The Commission decided on 15 April 2015 (Commission Decision C(2015) 2449) that this activity would be compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton would strictly abide by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners.

Upon Baroness Ashton's confirmation, in August 2015, of her intention to teach at Yale, it appeared, from publicly-available information, that her teaching commitment might focus on Ukraine.

Participation in projects run by Inter Mediate

Inter Mediate is a registered charity for negotiation and mediation, involved in conflict resolution. This "think-tank" focusses on the most difficult, complex and dangerous conflicts where other organisations are unable to operate (cf below).

Ad hoc Ethical Committee's Opinion

In view of the sensitivity of the subject of the envisaged teaching activity at Yale and of the link of both activities with Baroness Ashton's former portfolio as Commission Vice-President and High Representative for Foreign Affairs and Security Policy, the Services of the Commission requested, on 21 August, an opinion from the Ad hoc Ethical Committee on the compatibility of these activities with Article 245(2) of the TFEU.

The Ad hoc Ethical Committee delivered its opinion on 22 August 2015.

As regards Baroness Ashton's envisaged teaching activity at Yale University, the Committee noted that, according to internet information made available by Yale, Baroness Ashton will participate in a course on "decision-making under conditions of uncertainty (...) the course will focus on government and private decision-making under conditions of high normative diversity and epistemological uncertainty. The class will focus on how policymakers should respond to the unpredictable events now overtaking in Ukraine".

As regards *Inter Mediate*, the Committee noted that this organisation presents itself on the Internet as a "registered charity for negotiation and mediation, focussing on the most difficult, complex and dangerous conflicts where other organisations are unable to operate. It brings together some of the world's leading experts on dialogue and negotiation (...). Through the facilitation of negotiation, *Inter Mediate* hopes to contribute to a sustainable end to conflict".

The Committee took note that according to Baroness Ashton's notification, she will perform both activities pro bono and assumed that Baroness Ashton will receive

The Committee considered the objectives of the activities at both Yale University and *Inter Mediate* to be of a non-commercial nature in the fields of public service of education and conflict resolution where Baroness Ashton's previous assignment as the European Union's High Representative constitutes an asset rather than a risk of a conflict of interest.

At the same time, the Committee noted that both organisations depend on financial donations and project contributions. The Committee therefore insisted on Baroness Ashton's obligations under the Code of Conduct for Commissioners, including the need to abstain from any lobbying for any request for EU support and to abide by discretion and confidentiality with regard to matters she dealt with during her time of office.

The Committee came to the conclusion that Baroness Ashton's participation to the above mentioned planned activities at Yale University and *Inter Mediate*, are in accordance with the second paragraph of Article 245 of the TFEU subject to above-mentioned conditions.

The Services of the Commission shared the Committee's conclusion, noting that the conditions to be stipulated should take account of the eighteen-month period foreseen in section 1.2 of the Code of Conduct for Commissioners.

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The Commission is invited:

- (1) to confirm its decision of 15 April 2015 regarding former Vice-President the Baroness Ashton of Upholland's non-remunerated academic activity at Yale University on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains, during the eighteen months after the end of her mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support.

- (2) to decide that Baroness Ashton's envisaged participation in the activities of the think-tank *Inter Mediate* is compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains, during the eighteen months after the end of her mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support.
- (3) to instruct the Secretary General to inform Baroness Ashton about the present decision and the conditions contained therein.



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

DOCUMENT 7

Brussels,
SG/B3 Ares(2015)

The Rt. Hon. The Baroness Ashton of
Upholland

By e-mail to:

Dear Baroness Ashton,

Following your e-mail of 19 August 2015 to the Secretary General of the Commission (Ares(2015) 3439785), I am pleased to inform you that the Commission, during its 2138th meeting of 16 September 2015:

- (1) confirmed its decision of 15 April 2015 regarding your non-remunerated academic activity at Yale University on the conditions that you (1) strictly abide by your obligations of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrain, during the eighteen months after the end of your mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support.
- (2) decided that your envisaged participation in the activities of the think-tank *Inter Mediate* is compatible with Article 245(2) of the TFEU on the conditions that you (1) strictly abide by your obligations of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrain, during the eighteen months after the end of your mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support.

Please find enclosed Commission Decision C(2015) 6335.

Yours sincerely,



Alexander Italianer

Encl: Commission Decision C(2015) 6335

Cc: Mr Selmayr (Head of President Juncker's Private Office)



COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 14 septembre 2015

C(2015) 6335

COMMISSION INTERNE

OJ 2138

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

Communication de M. le PRESIDENT

Cette question est inscrite à l'ordre du jour de la 2138^{ème} réunion de la Commission le 16 septembre 2015.

Destinataires : Membres de la Commission

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.

On 19 August 2015, former Vice-President / High Representative the Baroness Ashton of Upholland informed the Commission about developments regarding her post-mandate occupations. Baroness Ashton confirmed her intention to teach at Yale this Autumn and informed that she will be working with *Inter Mediate* (a foreign policy think tank) on a number of projects to support the work of this organisation. Both activities will be non-remunerated (pro bono).

Teaching activity at Yale University

On 17 March 2015 Baroness Ashton had already informed the Commission about the possibility of engaging in a non-remunerated Visiting Fellowship at Yale University. The Commission decided on 15 April 2015 (Commission Decision C(2015) 2449) that this activity would be compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton would strictly abide by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners.

Upon Baroness Ashton's confirmation, in August 2015, of her intention to teach at Yale, it appeared, from publicly-available information, that her teaching commitment might focus on Ukraine.

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Inter Mediate is a registered charity for negotiation and mediation, involved in conflict resolution. This "think-tank" focusses on the most difficult, complex and dangerous conflicts where other organisations are unable to operate (cf below).

Ad hoc Ethical Committee's Opinion

In view of the sensitivity of the subject of the envisaged teaching activity at Yale and of the link of both activities with Baroness Ashton's former portfolio as Commission Vice-President and High Representative for Foreign Affairs and Security Policy, the Services of the Commission requested, on 21 August, an opinion from the Ad hoc Ethical Committee on the compatibility of these activities with Article 245(2) of the TFEU.

The Ad hoc Ethical Committee delivered its opinion on 22 August 2015.

As regards Baroness Ashton's envisaged teaching activity at Yale University, the Committee noted that, according to internet information made available by Yale, Baroness Ashton will participate in a course on "decision-making under conditions of uncertainty (...) the course will focus on government and private decision-making under conditions of high normative diversity and epistemological uncertainty. The class will focus on how policymakers should respond to the unpredictable events now overtaking in Ukraine".

As regards *Inter Mediate*, the Committee noted that this organisation presents itself on the Internet as a "registered charity for negotiation and mediation, focussing on the most difficult, complex and dangerous conflicts where other organisations are unable to operate. It brings together some of the world's leading experts on dialogue and negotiation (...). Through the facilitation of negotiation, *Inter Mediate* hopes to contribute to a sustainable end to conflict".

The Committee took note that according to Baroness Ashton's notification, she will perform both activities pro bono and assumed that Baroness Ashton will receive

The Committee considered the objectives of the activities at both Yale University and *Inter Mediate* to be of a non-commercial nature in the fields of public service of education and conflict resolution where Baroness Ashton's previous assignment as the European Union's High Representative constitutes an asset rather than a risk of a conflict of interest.

At the same time, the Committee noted that both organisations depend on financial donations and project contributions. The Committee therefore insisted on Baroness Ashton's obligations under the Code of Conduct for Commissioners, including the need to abstain from any lobbying for any request for EU support and to abide by discretion and confidentiality with regard to matters she dealt with during her time of office.

The Committee came to the conclusion that Baroness Ashton's participation to the above mentioned planned activities at Yale University and *Inter Mediate*, are in accordance with the second paragraph of Article 245 of the TFEU subject to above-mentioned conditions.

The Services of the Commission shared the Committee's conclusion, noting that the conditions to be stipulated should take account of the eighteen-month period foreseen in section 1.2 of the Code of Conduct for Commissioners.

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The Commission is invited:

- (1) to confirm its decision of 15 April 2015 regarding former Vice-President the Baroness Ashton of Upholland's non-remunerated academic activity at Yale University on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains, during the eighteen months after the end of her mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support.

- (2) to decide that Baroness Ashton's envisaged participation in the activities of the think-tank *Inter Mediate* is compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains, during the eighteen months after the end of her mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support.
- (3) to instruct the Secretary General to inform Baroness Ashton about the present decision and the conditions contained therein.



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

DOCUMENT 8

Brussels,
SG/B3 Ares(2015)

Note to the Members of the Ad-Hoc Ethical Committee

Mr Nikolaus Van der Pas
Mr Rafael García-Valdecasas
Mr Terry Wynn

Subject: Commission Decisions on post-mandate activities of former Vice-President Baroness Ashton

Please find enclosed, for your information, Commission Decision C(2015) 6335 :
adopted at its 2138th meeting of 16 September 2015, on former Vice-President Baroness Ashton's
envisaged post-mandate activities.

Thank you for your opinions!

Alexander Italianer

Encl: Commission Decision C(2015) 6335 (Baroness Ashton)



COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 14 septembre 2015

C(2015) 6335

COMMISSION INTERNE

OJ 2138

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

Communication de M. le PRESIDENT

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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.

On 19 August 2015, former Vice-President / High Representative the Baroness Ashton of Upholland informed the Commission about developments regarding her post-mandate occupations. Baroness Ashton confirmed her intention to teach at Yale this Autumn and informed that she will be working with *Inter Mediate* (a foreign policy think tank) on a number of projects to support the work of this organisation. Both activities will be non-remunerated (*pro bono*).

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The Services of the Commission shared the Committee's conclusion, noting that the conditions to be stipulated should take account of the eighteen-month period foreseen in section 1.2 of the Code of Conduct for Commissioners.

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The Commission is invited:

- (1) to confirm its decision of 15 April 2015 regarding former Vice-President the Baroness Ashton of Upholland's non-remunerated academic activity at Yale University on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains, during the eighteen months after the end of her mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support.

- (2) to decide that Baroness Ashton's envisaged participation in the activities of the think-tank *Inter Mediate* is compatible with Article 245(2) of the TFEU on the condition that Baroness Ashton (1) strictly abides by her obligation of discretion and protection of collegiality and confidentiality stipulated in Articles 245 and 339 of the TFEU and in section 1.7 of the Code of Conduct for Commissioners and (2) refrains, during the eighteen months after the end of her mandate, from any lobbying vis-à-vis the Commission and its services for any request for EU support.
- (3) to instruct the Secretary General to inform Baroness Ashton about the present decision and the conditions contained therein.