

EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, 16 MARS 2015
SG/B3 Ares(2015)*[Strictly personal]*Note to the Members of the Ad-Hoc Ethical CommitteeMr Nikolaus Van der Pas
Mr Rafael García-Valdecasas
Mr Terry Wynn

Subject: Former Commissioner Janez Potocnik's envisaged post-mandate occupation in the field of sustainable and circular economy

Thank you for your opinion of 18 February on former Commissioner Janez Potocnik's envisaged activities.

The Commission noted that the Committee was somewhat circumspect with regard to the compatibility with article 245(2) of the TFEU of Mr. Potocnik's activity as member of the Steering Committee for "A Vision for Europe towards sustainable and circular economy". In this context, and before taking a decision, I wish to inform you that the Commission has now withdrawn the original proposal but intends to propose a new package of proposals linked to the circular economy before the end of 2015.

May I ask you to let me know if this information would have any impact on your opinion of 18 February with regard to Mr Potocnik's envisaged activity in the field of sustainable and circular economy.

Thank you in advance for your cooperation.

Catherine Day

From: Nikolaus van der Pas
Sent: Monday 23 March 2015 7:54
To: DAY Catherine (SG); (SG)
Cc: Rafael Garcia-Valdecasas;
Subject: FW: Ares(2015)1138151 - Deuxième saisine du comité éthique ad hoc
concernant une activité post-mandate de M. Potocnik dans le domaine de
Attachments: Ad hoc comite.pdf

Dear Catherine,

In reply to your letter of 16 March, attached to the email below, the Ad-Hoc Ethical Committee can inform you that the withdrawal of the original Commission proposal has no effect on the Committee's position.

In fact, this withdrawal was one of the reasons that made the Committee conclude that Mr Potocnik's intended post-office activity was compatible with Article 245 of the TFEU.

Best regards,

Nikolaus van der Pas
Rafael Garcia-Valdecasas
Terry Wynn

Le 16/03/15 10:40, « EC ARES NOREPLY » <DIGIT-NOREPLYARES@ec.europa.eu> a écrit :

>Veuillez trouver ci-joint le document Ares(2015)1138151 concernant
>"Deuxième saisine du comité éthique ad hoc concernant une activité
>post-mandate de M. Potocnik dans le domaine de "sustainable and circular
>economy"." envoyé par M/Mme DAY Catherine le 16/03/2015.

>

>Please find attached document Ares(2015)1138151 regarding "Deuxième
>saisine du comité éthique ad hoc concernant une activité post-mandate de
>M. Potocnik dans le domaine de "sustainable and circular economy"." sent
>by Mr/Ms DAY Catherine on 16/03/2015.

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>Note: This e-mail was automatically generated by the European
>Commission's central mail registration system.
>Replies by e-mail must be addressed to the original sender DAY Catherine
>(mailto:catherine.day@ec.europa.eu).
>Remarque : Cet e-mail a été généré automatiquement par le système
>d'enregistrement central du courrier de la Commission européenne.
>Toute réponse éventuelle par e-mail doit être adressée à l'expéditeur en
>personne, à savoir DAY Catherine (mailto:catherine.day@ec.europa.eu).

Catherine DAY, Secretary General of the European Commission

cc.: , S.G., ... S

Subject: Request from the European Commission of 9 March 2015, Ares(2015)1033710, concerning post-office activities planned by former Commissioner Janez Potocnik

1. The Committee has examined the Commission's request for an opinion on Mr Potocnik's planned activities as Chairperson of the Critical Ecosystem Partnership Fund (CEPF) Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot.
2. The Committee takes note of the information provided by Mr Potocnik in his letter of 22 February 2015, and by the European Commission itself, concerning the intended activities.
3. According to Mr Potocnik's letter, the CEPF has the goal to engage civil society in efforts to conserve biodiversity in the Mediterranean Basin, funded by the initiators including the European Union, the World Bank, the Global Environment Facility and different foundations. As a global programme it provides grants to non-governmental organisations and other private sector partners. The Mediterranean Basin being the world's second largest environmental hotspot,, the CEPF aims at developing specific programmes for the Balkans, the Middle East and North Africa.
4. As Chairperson for the Balkans, Mr Potocnik will provide overall strategic guidance based on teamwork data provided by expert consultants and regional leaders, and will overview the process leading to the establishment of vision and road map for the region. In his notification, Mr Potocnik gives explicit assurances that his role will "exclude any involvement that could be related to the commercial interests of any of the partners involved". He also states that he "will abstain from any activity contrary to the Code of Conduct, for example lobbying in favour of the partners". For an "active engagement of five days", Mr Potocnik will receive a per diem remuneration, covering ".
5. The Committee notes that the objectives of the CEPF and Mr Potocnik's involvement are not for profit. They should rather be considered as service in the public interest in support of international environmental objectives, widely shared, including by the European Union. Mr Potocnik's experience and knowledge acquired as Commissioner will no doubt be an asset in the pursuit of the organisation's objectives. Mr Potocnik's explicit assurances also show that he is fully aware of his obligations under the Code of Conduct for Commissioners;

Opinion:

The Ad-Hoc Ethical Committee is of the opinion that Mr Potocnik's intended activities as Chairperson of the Critical Ecosystem Partnership Fund (CEPF) Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot are in accordance with the second paragraph of Article 245 of the TFEU.


Nikolaus van der Pas,

Rafael Garcia-Valdecasas

Terry Wynn

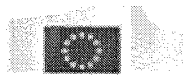
Date: 23 March 2015

DOCUMENT 15

 Ref. Ares(2015)1349868 - 27/03/2015

From: (SG)
Sent: Wednesday 25 March 2015 18:55
To: (SJ)
Cc: (SG); (SG)
Subject: Projet de décision de la Commission sur deux activités de M. Potocnik
Attachments: Draft Décision Potocnik Econ Circulaire + CEPF Balkans.doc; Lettre de M. Potocnik à CD du 04.02.2015 Sustainable and Circular Economy + Rise + Gahp.pdf; Avis Cadhoc (texte) 18.02.2015 Potocnik RISE-GAPH-Circular Economy.pdf; Notification (lettre) M. Potocnik à CD 22.02.2015.pdf; Avis Cadhoc (texte) CEPF - Balkans 23.03.2015.pdf; FW: Ares(2015)1138151 - Deuxième saisine du comité éthique ad hoc concernant une activité post-mandate de M. Potocnik dans le domaine de

Importance: High



European Commission
Secretariat General

From: (SG)
Sent: Wednesday, March 25, 2015 6:12 PM
To: (SG)
Subject: FW: Projet de décision de la Commission sur deux activités de M. Potocnik
Importance: High

Chère

Je te prie de bien vouloir trouver ci-joint un projet de décision relatif à deux activités de M. Potocnik. La première concerne sa participation en tant que membre du *Steering Committee "A Vision for Europe towards sustainable and circular economy"* et la deuxième porte sur *"Chairperson de la "Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot", dans le cadre du Critical Ecosystem Partnership Fund (CEPF).*

Ce projet de décision fait suite aux avis du Comité éthique ad hoc, respectivement du 18 février et du 23 mars en ce qui concerne 'l'économie circulaire' et à son avis, également du 23 mars, en ce qui concerne *Critical Ecosystem Partnership Fund*.

Tu verras que , dans la prohibition de lobbying, nous n'avons pas fait référence à la période de 18 mois après la fin du mandat, vu la durée limitée des activités en question.

Merci de bien vouloir donner l'accord ou les observations du SJ. Nous voudrions soumettre cette décision à la réunion du Collège du mercredi 15 avril (OJ 2122) et l'avis du SJ serait dès lors apprécié si possible pour le mercredi 8 avril.

Merci d'avance de ta collaboration

Pièces jointes:

Pour la première activité - Steering Committee "A Vision for Europe towards sustainable and circular economy":

- Lettre de M. Potocnik du 4 février
- Avis du Comité éthique ad hoc du 18 février + email du 23 février (dernière pièce jointe)

Pour la deuxième activité - Chairperson de la "Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot" dans le cadre du Critical Ecosystem Partnership Fund (CEPF):

- Lettre de M. Potocnik du 22 février
- Avis du Comité éthique ad hoc du 23 mars

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 4 February 2015, former Commissioner Janez Potočnik informed the Commission of his intention to accept a post-mandate activity as member of the Steering Committee for *"A Vision for Europe towards sustainable and circular economy"*.

With his letter of 22 February, Mr Potocnik informed the Commission of his intention to accept an assignment with the Critical Ecosystem Partnership Fund (CEPF) as Chairperson of the CEPF *Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot*.

These two envisaged activities are linked to Mr Potocnik's former portfolio, for which reason the Ad hoc Ethical Committee was requested to provide the Commission with its opinions on their compatibility with article 245(2) of the TFEU.

Membership of the Steering Committee for "A Vision for Europe towards sustainable and circular economy"

Mr Potocnik explained that his intended activity as member of the Steering Committee for "A Vision for Europe towards sustainable and circular economy" is connected to *"a new partnership between the Stiftungsfonds für Umweltökonomie und Nachhaltigkeit (set up end September 2014), the Ellen McArthur Foundation and the McKinsey Center for Business & Environment"* through an approach *"almost entirely focused on economic questions and business opportunities"*. He also informed the Commission that, to the best of his knowledge, McKinsey and the Ellen McArthur Foundation have had projects financed by the EU Budget in the field of environment (McKinsey prior to his mandate), and that the Ellen McArthur Foundation has been also affiliated on a voluntary basis as invited experts on the European Resource Efficiency Platform (EREP).

Mr Potocnik's role as a member of the Steering Committee, would be one of *"guidance with regard to the barriers for a more circular economy as perceived by business and political decision makers, the factual underpinnings required for taking the circular economy in the EU to the next level and the most effective means to mobilize business, civil and government leaders to take action"*. He will in principle participate in 6 meetings of the Steering Committee during 2015, and will be remunerated on a per diem basis.

Mr Potocnik acknowledged the link of the planned activity with his former Commission portfolio and the circular economy package which he proposed for adoption by the Commission during his last

mandate as member of the Commission. At the same time, he stated that the economic and business side *“was not the primary objective of the package (...). That was even the explicit reason mentioned for the recent withdrawal of the package (covering only half of the circle and not properly the economic side)”*.

The Ad hoc Ethical Committee was consulted on 6 February and provided its opinion on 18 February.

The Committee considered the nature of Mr Potocnik's envisaged activity and its link to his former Commission portfolio. It also noted Mr Potocnik's statements regarding the nature of his expected remuneration (per diem) and regarding the scope of the relations between the Commission and McKinsey and the Ellen McArthur Foundation.

The Committee acknowledged Mr Potocnik's assurance: *“I would also like to reassure the Commission that my role will exclude any involvement that could be related to the commercial interests of any of the partners involved and that I will abstain from any activity contrary to the Code of Conduct, for example lobbying in favor of the partners.”*

The elements above mentioned led the Ad hoc Ethical Committee to issue a somewhat circumspect opinion on this activity. The Committee first noted its explicit link with Mr Potocnik's former Commission portfolio, the economic and business interests pursued and earlier EU financing of some of the partners' environment-related projects. The Committee weighed however these facts against the following considerations: (1) Mr Potocnik does not pursue financial gain (being only partially compensated for incurred costs); (2) the Commission has withdrawn its circular economy proposal with the intention of widening its scope *‘in a direction that should benefit from the input and support of the business community as well as from Mr Potocnik's knowledge and experience’*; (3) The stated objective of the partnership is not company-specific but to *“mobilize business, civil and government leaders to take action”* in support of the circular economy. (4) Mr Potocnik has given assurances confirming his awareness of, and commitment to act in accordance with, his obligations under the Code of Conduct of Commissioners.

The Committee came to the overall conclusion that the envisaged activity can be declared compatible with the second paragraph of Article 245(2) of the TFEU.

The Commission noted that the Ad-hoc Ethical Committee was somewhat circumspect. For this reason, on 16 March, the Secretary General informed the Committee that the Commission had withdrawn its original proposal but intends to propose a new package of proposals linked to the circular economy before the end of 2015. The Secretary General asked the Committee if this information would have any impact on the Committee's opinion of 18 February.

On 23 March, the Committee informed the Commission that the withdrawal of the original Commission proposal had no effect on the Committee's position, knowing that such withdrawal was one of the reasons which made the Committee conclude that Mr Potocnik's intended post-office activity was compatible with Article 245 of the TFEU.

The Services of the Commission took note of the Ad hoc Ethical Committee's opinion, yet considering that Mr Potocnik should be reminded of (1) his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates and (2) the prohibition to lobby the Commission and its services, in the

context of his activity as member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" and, in more general terms, in favour of the *Stiftungsfonds für Umweltökonomie und Nachhaltigkeit*, the Ellen McArthur Foundation and the McKinsey Center for Business & Environment.

Chairperson of the CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot

Mr Potocnik informed that the "Critical Ecosystem Partnership Fund" (CEPF) is a global program set up as a joint initiative of several stakeholders, including the European Union, which provides grants to nongovernmental organizations and other private sector partners to protect critical ecosystems.

A Council of senior representatives from each partner institution governs the CEPF. The Donor Council approves priority areas and strategies for investment and provides strategic guidance on other operational aspects. The Council also provides a forum through which the partners can coordinate and leverage their investment. Two Senior Commission Officials represent the Commission within the Donor Council .

Mr Potocnik envisages to chair the CEPF process for establishing / developing a long-term strategic vision, taking a 15 or 20 year time horizon, for the Balkan sub-region of the Mediterranean Basin biodiversity hotspot. His work will involve five days of active engagement and will be remunerated on a per-diem basis. Remuneration will cover

The Commission's relation to CEPF is legally enshrined in an Administrative Agreement signed with the World Bank, who serves as trustee of the EU contribution.

The Ad hoc ethical Committee was requested on 9 March to provide the Commission with its opinion on this activity. Its opinion was submitted to the Commission on 23 March

The Committee noted that the CEPF has the goal to engage civil society in efforts to conserve biodiversity in the Mediterranean Basin and, that it is funded by the initiators including the European Union, the World Bank, the Global Environment Facility and different foundations. The Committee noted that, as a global programme, the CEPF provides grants to non-governmental organisations and other private sector partners. The Mediterranean Basin being the world's second largest environmental hotspot, the CEPF aims at developing specific programmes for the Balkans, the Middle East and North Africa.

The Committee further noted that Mr Potocnik, as Chairperson for the Balkans, will provide overall strategic guidance based on teamwork data provided by expert consultants and regional leaders, and will overview the process leading to the establishment of vision and road map for the region. The Committee also noted that Mr Potocnik envisages an "active engagement of five days", for which he will receive

The Committee noted the explicit assurances given by Mr Potocnik that his role will "*exclude any involvement that could be related to the commercial interests of any of the partners involved*" and that he "*will abstain from any activity contrary to the Code of Conduct, for example lobbying in favour of the partners*".

The Committee finally noted that Mr Potocnik's involvement, which is not for profit, should be considered as service in the public interest in support of international environmental objectives, widely shared, including by the European Union and that Mr Potocnik's experience and knowledge acquired as Commissioner will no doubt be an asset in the pursuit of the organisation's objectives.

The Committee was therefore of the opinion that Mr Potocnik's intended activities as Chairperson of the Critical Ecosystem Partnership Fund (CEPF) Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot are in accordance with the second paragraph of Article 245 of the TFEU.

The Services of the Commission took note of the Ad hoc Ethical Committee's opinion, yet considering that Mr Potocnik should be reminded of (1) his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates and (2) the prohibition to lobby the Commission and its services, in the context of his activity as Chairperson of the CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot.

The Commission is invited:

- (1) to decide that Mr Potočnik's envisaged activity as Member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" is compatible with Article 245(2) of the TFEU on the conditions that Mr Potočnik: (1) abides by his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates; and (2) refrains from lobbying the Commission and its services, in the context of his activity as member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" and, in more general terms, in favour of the *Stiftungsfonds für Umweltökonomie und Nachhaltigkeit*, the Ellen McArthur Foundation and the McKinsey Center for Business & Environment".
- (2) to decide that Mr Potočnik's envisaged activity as Chairperson of the *Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot*, within the framework of the Critical Ecosystem Partnership Fund, is compatible with Article 245(2) of the TFEU on the conditions that Mr Potočnik: (1) abides by his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates; and (2) refrains from any lobbying vis-à-vis the Commission and its services.
- (3) to instruct the Secretary General to inform Mr Potocnik about the present decision, yet drawing his attention to the conditions stipulated therein.

Ares(2015)1530504

From: I (SJ)
Sent: Wednesday 8 April 2015 20:29
To: (SG)
Cc: (SG); FORNELL MAROTO Nativitat (SJ)
Subject: RE: Projet de décision de la Commission sur deux activités de M. Potocnik
Attachments: Draft Décision Potocnik Econ Circulaire + CEPF Balkans.doc

The Legal Service can give its agreement subject to the two minor modifications enclosed.

Regards,

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Deleted: (2)

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The Committee noted the explicit assurances given by Mr Potocnik that his role will "*exclude any involvement that could be related to the commercial interests of any of the partners involved*" and that he "*will abstain from any activity contrary to the Code of Conduct, for example lobbying in favour of the partners*".

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The Committee was therefore of the opinion that Mr Potocnik's intended activities as Chairperson of the Critical Ecosystem Partnership Fund (CEPF) Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot are in accordance with the second paragraph of Article 245 of the TFEU.

The Services of the Commission took note of the Ad hoc Ethical Committee's opinion, yet considering that Mr Potocnik should be reminded of (1) his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates and (2) the prohibition to lobby the Commission and its services, in the context of his activity as Chairperson of the CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot.

The Commission is invited:

- (1) to decide that Mr Potočnik's envisaged activity as Member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" is compatible with Article 245(2) of the TFEU on the conditions that Mr Potočnik: (1) abides by his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates; and (2) refrains from lobbying the Commission and its services, in the context of his activity as member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" and, in more general terms, in favour of the *Stiftungsfonds für Umweltökonomie und Nachhaltigkeit*, the Ellen McArthur Foundation and the McKinsey Center for Business & Environment".
- (2) to decide that Mr Potočnik's envisaged activity as Chairperson of the *CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot*, within the framework of the Critical Ecosystem Partnership Fund, is compatible with Article 245(2) of the TFEU on the conditions that Mr Potočnik: (1) abides by his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates; and (2) refrains from any lobbying vis-à-vis the Commission and its services.
- (3) to instruct the Secretary General to inform Mr Potocnik about the present decision, yet drawing his attention to the conditions stipulated therein.

Catherine Day
Secretary General of the European Commission
BERL 13/173

Subject: Post term-of-office activities of Mr. Janez Potočnik

Dear Secretary General, Dear Catherine,

Concerning your letter from January 28th 2015 I would like to clarify that both functions the Chairman of the RISE foundation and GAPH ambassador are not remunerated.

The only professional contact the RISE Foundation has had with DG ENV during my term has been the participation as coordinator in the application for LIFE + funds for a project with thirteen other partners from seven regions for the protection of the common hamster in Europe. That project was shortlisted, but not accepted and hence obtained no support from the Commission. The RISE foundation participated in several Green Weeks, making several presentations on matters on the agenda such as public goods and biofuels. The RISE foundation made also two presentations in my office on my request regarding a) Public Goods and b) Nutrient recycling in agriculture. They received no payment for that. The sources of funding of the RISE foundation are currently Bunge, John Deere, Acqua&Sole. In the past it had also been funded by Syngenta and BASF, whose support has however been discontinued after 2013.

In addition, on the basis of Article 12 TEU and Article 245 and in line with Code of Conduct for Commissioners (C(2011)2904) I would also like to notify the Commission of my additional planned post-mandate activities:

- **Member of the Steering Committee for A vision for Europe towards sustainable and circular economy**

The notion that the global economy needs to transition from “linear” to “circular” has gained significant acceptance over the last years, as the drawbacks of the linear model have become ever more apparent. Political and business leaders have embraced the transition as a strategic opportunity; it has been described in reports, and it is subject of an increasing amount of academic research. Though early signs are encouraging, much more momentum is needed. The circular economy is only starting to happen in pockets of the economy and still lacks commonality.

A new partnership between Stiftungsfonds für Umweltökonomie und Nachhaltigkeit (SUN) the Ellen McArthur Foundation and the McKinsey Center for Business & Environment has been established to take the circular economy to the next level in Europe. There is a belief that the new partnership can support this objective by a solid and fact-based analytical approach to the two open questions: what is the opportunity of the circular economy for businesses and what would be the implications of a circular transition for the EU in terms of GDP, competitiveness, jobs and the environment.

I would like to emphasize that the work would be almost entirely focused on economic questions and business opportunities, which was not the primary objective of the package I, as Commissioner responsible for Environment, proposed to the Barroso Commission for the adoption. That was even the explicit reason mentioned for the recent withdrawal of the package (covering only half of the circle and not properly the economic side).

Role of the steering committee members would be in particular connected to the guidance with regard to the adoption barriers for a more circular economy as perceived by business and political decision makers, the factual underpinnings required for taking the circular economy in the EU to the next level and the most effective means to mobilize business, civil and government leaders to take action.

It is planned that I would participate in 6 steering committee meetings during 2015. I would be remunerated on a per-diem basis. Remuneration

Please note that to the best of my knowledge, McKinsey and the Ellen McArthur Foundation have had projects financed by the EU Budget in the field of environment, McKinsey prior to my mandate, and the Ellen McArthur Foundation has been also affiliated on voluntary basis as invited experts on EREP.

I would also like to reassure the Commission that my role will exclude any involvement that could be related to the commercial interests of any of the partners involved and that I will abstain from any activity contrary to the Code of Conduct, for example lobbying in favour of the partners.

I hope you are well!

Yours sincerely,

Janez Potočnik

Catherine DAY, Secretary General of the European Commission

cc.

S.G.

5

Subject: Request from the European Commission of 6 February 2015, Ares(2015)507841, concerning post-office activities planned by former Commissioner Janez Potocnik

1. The Committee has examined the Commission's request for an opinion on Mr Potocnik's planned activities as **Chairman of the Rural Investment Support for Europe Foundation (RISE), Ambassador of the Global Alliance on Health and Pollution (GAHP), and Member of the Steering Committee for a Vision for Europe towards sustainable and circular economy.**
2. The Committee takes note of the information provided by Mr Potocnik in his letters of 9 January and 14 February 2015, and by the European Commission itself, concerning the three intended activities.
3. The **RISE Foundation** presents itself on its web site as "an independent foundation which works to support a sustainable and internationally competitive rural economy across Europe, working to find ways to preserve the European countryside, its environment and biodiversity, and its cultural heritage and traditions. The RISE Foundation works as a think tank, bringing together experts across Europe to develop projects which aim to support stakeholders to create a more sustainable yet productive European agriculture. The Foundation produces high quality research reports with key targeted recommendations, provides a platform for debate on issues that affect rural communities and highlights innovative practices developed at the farm level."

In his letter of 4 February Mr Potocnik explains that his Chairman function will not be remunerated, and that the nature of contacts with the Foundation during his Commission mandate had no financial or other interest-related implications. In addition, in his letter of 9 January, Mr Potocnik gives every assurance that he will respect his obligations under the Code of Conduct for Commissioners in the performance of this function.

4. Mr Potocnik gives the same assurances concerning his intended activity as **Ambassador of the Global Alliance on Health and Pollution (GAHP)**, a function which he also declares to be non-remunerated.

Mr Potocnik presents the GAHP as "a collaborative body tasked with coordinating resources and activities on chemicals, wastes and toxic pollution in low- and middle-income countries. GAHP envisions a world safe from toxic pollution. Its mission is to

help low- and middle-income countries to clean legacy toxic hot-spots, prevent re-contamination and guard against future pollution.” It has a wide international membership, including three UN Agencies, several multilateral development banks, national and city governments. GAHP is financially supported by the European Commission and the World Bank.

5. Mr Potocnik explains that his intended activity as **Member of the Steering Committee for a Vision for Europe towards sustainable and circular economy**, would be in support of “a new partnership between the Stiftungsfonds für Umweltökonomie und Nachhaltigkeit (SUN), the Ellen McArthur Foundation and the McKinsey Center for Business & Environment” through an approach “almost entirely focused on economic questions and business opportunities”. His role would be one of “guidance with regard to the adoption barriers for a more circular economy as perceived by business and political decision makers, the factual underpinnings required for taking the circular economy in the EU to the next level and the most effective means to mobilize business, civil and government leaders to take action”.

Mr Potocnik recognizes the direct link of the planned activity with his former Commission mandate and the circular economy package he then proposed for adoption by the Commission. At the same time, he states that the economic and business side “was not the primary objective of the package (...). That was even the explicit reason mentioned for the recent withdrawal of the package (covering only half of the circle and not properly the economic side)”.

The Committee notes Mr Potocnik’s statements that (1) the planned activity “would be remunerated on a per-diem basis (...)

and that (2) “to the best of my knowledge, McKinsey and the Ellen McArthur Foundation have had projects financed by the EU Budget in the field of environment, McKinsey prior to my mandate, and the Ellen McArthur Foundation has been also affiliated on voluntary basis as invited experts on EREP” (European Resource Efficiency Platform).

6. The Committee notes Mr Potocnik’s assurance: “I would also like to reassure the Commission that my role will exclude any involvement that could be related to the commercial interests of any of the partners involved and that I will abstain from any activity contrary to the Code of Conduct, for example lobbying in favour of the partners.”

Opinion:

The Ad-Hoc Ethical Committee is of the opinion that Mr Potocnik's intended activities as **Chairman of the Rural Investment Support for Europe Foundation (RISE)** and as **Ambassador of the Global Alliance on Health and Pollution (GAHP)** are in accordance with the second paragraph of Article 245 of the TFEU. The link with Mr Potocnik's former Commission mandate is only nominal. Both activities, performed without remuneration and serving no particular business interest, are in support of widely shared European and global objectives with regard to a sustainable development and environment. In addition, Mr Potocnik's explicit assurances show his commitment to act fully in accordance with his obligations under the Code of Conduct for Commissioners.

As to Mr Potocnik's intention to become a **Member of the Steering Committee for a Vision for Europe towards sustainable and circular economy**, the Committee is more circumspect. It notes the explicit link with Mr Potocnik's former Commission mandate, the economic and business interests pursued and earlier EU financing of some of the partners' environment-related projects. These elements may however be weighed against the following considerations. (1) Mr Potocnik does not pursue financial gain (being only partially compensated for incurred costs). (2) The Commission has withdrawn its circular economy proposal with the intention of widening its scope in a direction that should benefit from the input and support of the business community as well as from Mr Potocnik's knowledge and experience. (3) The stated objective of the partnership is not company-specific but to "mobilize business, civil and government leaders to take action" in support of the circular economy. (4) Mr Potocnik has given assurances confirming his awareness of, and commitment to act in accordance with, his obligations under the Code of Conduct of Commissioners.

On balance, the Committee arrives at the conclusion that the intended activity can be declared compatible with the second paragraph of Article 245 of the TFEU, recommending that Mr Potocnik should be informed about the underlying detailed justification of this opinion.

Nikolaus van der Pas,

Rafael Garcia-Valdecasas

Terry Wynn

Date: 18 February 2015

(SG)

From: Nikolaus van der Pas <nikolaus.van-der-pas@skynet.be>
Sent: Monday 23 March 2015 7:54
To: DAY Catherine (SG); CLAEYS BOUUAERT Donatienne (SG)
Cc: Rafael Garcia-Valdecasas; terry.wynn@talk21.com
Subject: FW: Ares(2015)1138151 - Deuxième saisine du comité éthique ad hoc concernant une activité post-mandate de M. Potocnik dans le domaine de
Attachments: Ad hoc comite.pdf

Dear Catherine,

In reply to your letter of 16 March, attached to the email below, the Ad-Hoc Ethical Committee can inform you that the withdrawal of the original Commission proposal has no effect on the Committee's position.

In fact, this withdrawal was one of the reasons that made the Committee conclude that Mr Potocnik's intended post-office activity was compatible with Article 245 of the TFEU.

Best regards,

Nikolaus van der Pas
Rafael Garcia-Valdecasas
Terry Wynn

Le 16/03/15 10:40, « EC ARES NOREPLY » <DIGIT-NOREPLYARES@ec.europa.eu> a écrit :

>Veuillez trouver ci-joint le document Ares(2015)1138151 concernant
>"Deuxième saisine du comité éthique ad hoc concernant une activité
>post-mandate de M. Potocnik dans le domaine de "sustainable and circular
>economy"." envoyé par M/Mme DAY Catherine le 16/03/2015.

>

>Please find attached document Ares(2015)1138151 regarding "Deuxième
>saisine du comité éthique ad hoc concernant une activité post-mandate de
>M. Potocnik dans le domaine de "sustainable and circular economy"." sent
>by Mr/Ms DAY Catherine on 16/03/2015.

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>Note: This e-mail was automatically generated by the European
>Commission's central mail registration system.
>Replies by e-mail must be addressed to the original sender DAY Catherine
>(<mailto:catherine.day@ec.europa.eu>).
>Remarque : Cet e-mail a été généré automatiquement par le système
>d'enregistrement central du courrier de la Commission européenne.
>Toute réponse éventuelle par e-mail doit être adressée à l'expéditeur en
>personne, à savoir DAY Catherine (<mailto:catherine.day@ec.europa.eu>).

Brussels, 22nd February 2015

Catherine Day
Secretary General of the European Commission
BERL 13/173

Subject: Post term-of-office activities of Mr. Janez Potočnik

Dear Secretary General, Dear Catherine,

On the basis of Article 12 TEU and Article 245 and in line with Code of Conduct for Commissioners (C(2011)2904) I would also like to notify the Commission of my additional planned post-mandate activities:

- **Chairperson of the CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot**

The Critical Ecosystem Partnership Fund (CEPF) is a joint initiative of l'Agence Française de Développement, Conservation International, the European Union, the Global Environment Facility, the Government of Japan, the John D. and Catherine T. MacArthur Foundation, and the World Bank. It is a global program that provides grants to nongovernmental organizations and other private sector partners to protect critical ecosystems. A fundamental goal of the Fund is to engage civil society in efforts to conserve biodiversity.

The Mediterranean Basin biodiversity hotspot is the second largest hotspot in the world and the largest of the world's five Mediterranean-climate regions. The hotspot covers more than 2 million square kilometers and stretches west to east from Portugal to Jordan and north to south from northern Italy to Cape Verde. CEPF's initial 5-year investment in the Mediterranean Basin biodiversity hotspot began in June 2012 with a budget of US\$10 million, which was increased by US\$ 1.2 million by the MAVA Foundation. The investment in the Mediterranean is guided by an ecosystem profile, developed through extensive consultation with stakeholders in the region. The investment is targeted toward three main thematic priorities: (1) integrated coastal zone management; (2) integrated river-basin management, and (3) strengthening of the region's most important protected areas. The investment is supported and overseen by a Regional Implementation Team, which is run by BirdLife International with program officers for the Balkans (based in Slovenia), the Middle East (based in Jordan) and North Africa (based in France).

CEPF is not intended to be a permanent presence in each hotspot but will work towards an end point at which local civil society 'graduates' from its support with sufficient capacity, access to resources and credibility to respond to future conservation challenges. Experience to date shows that, in most hotspots, reaching a point at which civil society graduates from CEPF support will take more than five years. Consequently, CEPF is investing in the preparation of long-term strategic visions, taking a 15 or 20 year time horizon, which establish what the end point for CEPF investment in each hotspot looks like and sets out a 'road map' for how to get there.

Given the wide political, economic and social diversity in the Mediterranean, it is proposed that separate visions be developed for the Balkans, the Middle East and North Africa.

A Chairperson for the Balkans will be appointed to provide overall strategic guidance to the process. Supported by Consultants and the Regional Implementation Team, it is envisaged that the Chair will (i) provide strategic guidance in response to an initial scoping report prepared by consultants on the issues, opportunities and constraints for realizing a long-term vision in the Balkans; (ii) review and provide input to the drafting of the long-term vision and road map; (iii) chair a one-day regional leaders 'round table' or workshop, and (iv) provide any final input to the vision and road map. Two consultants are envisaged for the Balkans: one with substantial experience of the conservation landscape, the other with a substantial understanding of the economies and likely development pathways in the region.

All in all this would require up to five days of active engagement. The Chairperson would be remunerated on a per-diem basis. Remuneration would cover

I would also like to reassure the Commission that my role as a Chairperson will exclude any involvement that could be related to the commercial interests of any of the partners involved and that I will abstain from any activity contrary to the Code of Conduct, for example lobbying in favour of the partners.

Finally I would like to inform the EC that I have also accepted some invitations on a one-off basis, to address various audiences on specific subjects.

I hope this letter will find you well!

Yours sincerely,

Janez Potočnik

Catherine DAY, Secretary General of the European Commission

cc.: , S.G.,

Subject: Request from the European Commission of 9 March 2015, Ares(2015)1033710, concerning post-office activities planned by former Commissioner Janez Potocnik

1. The Committee has examined the Commission's request for an opinion on Mr Potocnik's planned activities as Chairperson of the Critical Ecosystem Partnership Fund (CEPF) Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot.
2. The Committee takes note of the information provided by Mr Potocnik in his letter of 22 February 2015, and by the European Commission itself, concerning the intended activities.
3. According to Mr Potocnik's letter, the CEPF has the goal to engage civil society in efforts to conserve biodiversity in the Mediterranean Basin, funded by the initiators including the European Union, the World Bank, the Global Environment Facility and different foundations. As a global programme it provides grants to non-governmental organisations and other private sector partners. The Mediterranean Basin being the world's second largest environmental hotspot,, the CEPF aims at developing specific programmes for the Balkans, the Middle East and North Africa.
4. As Chairperson for the Balkans, Mr Potocnik will provide overall strategic guidance based on teamwork data provided by expert consultants and regional leaders, and will overview the process leading to the establishment of vision and road map for the region. In his notification, Mr Potocnik gives explicit assurances that his role will "exclude any involvement that could be related to the commercial interests of any of the partners involved". He also states that he "will abstain from any activity contrary to the Code of Conduct, for example lobbying in favour of the partners". For an "active engagement of five days", Mr Potocnik will receive a per diem remuneration,
5. The Committee notes that the objectives of the CEPF and Mr Potocnik's involvement are not for profit. They should rather be considered as service in the public interest in support of international environmental objectives, widely shared, including by the European Union. Mr Potocnik's experience and knowledge acquired as Commissioner will no doubt be an asset in the pursuit of the organisation's objectives. Mr Potocnik's explicit assurances also show that he is fully aware of his obligations under the Code of Conduct for Commissioners;

Opinion:

The Ad-Hoc Ethical Committee is of the opinion that Mr Potocnik's intended activities as Chairperson of the Critical Ecosystem Partnership Fund (CEPF) Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot are in accordance with the second paragraph of Article 245 of the TFEU.

Nikolaus van der Pas,

Rafael Garcia-Valdecasas

Terry Wynn

Date: 23 March 2015



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 10 avril 2015

C(2015) 2475

COMMISSION INTERNE

OJ 2122

**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 2122^{ème} réunion de la Commission le 15 avril 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.

With his letter of 4 February 2015, former Commissioner Janez Potočnik informed the Commission of his intention to accept a post-mandate activity as member of the Steering Committee for *"A Vision for Europe towards sustainable and circular economy"*.

With his letter of 22 February, Mr Potocnik informed the Commission of his intention to accept an assignment with the Critical Ecosystem Partnership Fund (CEPF) as Chairperson of the CEPF *Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot*.

These two envisaged activities are linked to Mr Potocnik's former portfolio, for which reason the Ad hoc Ethical Committee was requested to provide the Commission with its opinions on their compatibility with article 245(2) of the TFEU.

Membership of the Steering Committee for "A Vision for Europe towards sustainable and circular economy"

Mr Potocnik explained that his intended activity as member of the Steering Committee for "A Vision for Europe towards sustainable and circular economy" is connected to *"a new partnership between the Stiftungsfonds für Umweltökonomie und Nachhaltigkeit (set up end September 2014), the Ellen McArthur Foundation and the McKinsey Center for Business & Environment"* through an approach *"almost entirely focused on economic questions and business opportunities"*. He also informed the Commission that, to the best of his knowledge, McKinsey and the Ellen McArthur Foundation have had projects financed by the EU Budget in the field of environment (McKinsey prior to his mandate), and that the Ellen McArthur Foundation has been also affiliated on a voluntary basis as invited experts on the European Resource Efficiency Platform (EREP).

Mr Potocnik's role as a member of the Steering Committee, would be one of *"guidance with regard to the barriers for a more circular economy as perceived by business and political decision makers, the factual underpinnings required for taking the circular economy in the EU to the next level and the most effective means to mobilize business, civil and government leaders to take action"*. He will in principle participate in 6 meetings of the Steering Committee during 2015, and will be remunerated on a per diem basis.

Mr Potocnik acknowledged the link of the planned activity with his former Commission portfolio and the circular economy package which he proposed for adoption by the Commission during his last

mandate as member of the Commission. At the same time, he stated that the economic and business side *"was not the primary objective of the package (...). That was even the explicit reason mentioned for the recent withdrawal of the package (covering only half of the circle and not properly the economic side)"*.

The Ad hoc Ethical Committee was consulted on 6 February and provided its opinion on 18 February.

The Committee considered the nature of Mr Potocnik's envisaged activity and its link to his former Commission portfolio. It also noted Mr Potocnik's statements regarding the nature of his expected remuneration (per diem) and regarding the scope of the relations between the Commission and McKinsey and the Ellen McArthur Foundation.

The Committee acknowledged Mr Potocnik's assurance: *"I would also like to reassure the Commission that my role will exclude any involvement that could be related to the commercial interests of any of the partners involved and that I will abstain from any activity contrary to the Code of Conduct, for example lobbying in favor of the partners."*

The elements above mentioned led the Ad hoc Ethical Committee to issue a somewhat circumspect opinion on this activity. The Committee first noted its explicit link with Mr Potocnik's former Commission portfolio, the economic and business interests pursued and earlier EU financing of some of the partners' environment-related projects. The Committee weighed however these facts against the following considerations: (1) Mr Potocnik does not pursue financial gain (being only partially compensated for incurred costs); (2) the Commission has withdrawn its circular economy proposal with the intention of widening its scope *'in a direction that should benefit from the input and support of the business community as well as from Mr Potocnik's knowledge and experience'*; (3) The stated objective of the partnership is not company-specific but to *"mobilize business, civil and government leaders to take action"* in support of the circular economy. (4) Mr Potocnik has given assurances confirming his awareness of, and commitment to act in accordance with, his obligations under the Code of Conduct of Commissioners.

The Committee came to the overall conclusion that the envisaged activity can be declared compatible with the second paragraph of Article 245 of the TFEU.

The Commission noted that the Ad-hoc Ethical Committee was somewhat circumspect. For this reason, on 16 March, the Secretary General informed the Committee that the Commission had withdrawn its original proposal but intends to propose a new package of proposals linked to the circular economy before the end of 2015. The Secretary General asked the Committee if this information would have any impact on the Committee's opinion of 18 February.

On 23 March, the Committee informed the Commission that the withdrawal of the original Commission proposal had no effect on the Committee's position, knowing that such withdrawal was one of the reasons which made the Committee conclude that Mr Potocnik's intended post-office activity was compatible with Article 245 of the TFEU.

The Services of the Commission took note of the Ad hoc Ethical Committee's opinion, yet considering that Mr Potocnik should be reminded of (1) his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates and (2) the prohibition to lobby the Commission and its services, in the

context of his activity as member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" and, in more general terms, in favour of the *Stiftungsfonds für Umweltökonomie und Nachhaltigkeit*, the Ellen McArthur Foundation and the McKinsey Center for Business & Environment.

Chairperson of the CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot

Mr Potocnik informed that the "Critical Ecosystem Partnership Fund" (CEPF) is a global program set up as a joint initiative of several stakeholders, including the European Union, which provides grants to nongovernmental organizations and other private sector partners to protect critical ecosystems.

A Council of senior representatives from each partner institution governs the CEPF. The Donor Council approves priority areas and strategies for investment and provides strategic guidance on other operational aspects. The Council also provides a forum through which the partners can coordinate and leverage their investment. Two Senior Commission Officials represent the Commission within the Donor Council.

Mr Potocnik envisages to chair the CEPF process for establishing / developing a long-term strategic vision, taking a 15 or 20 year time horizon, for the Balkan sub-region of the Mediterranean Basin biodiversity hotspot. His work will involve five days of active engagement and will be remunerated on a per-diem basis. Remuneration will cover

The Commission's relation to CEPF is legally enshrined in an Administrative Agreement signed with the World Bank, who serves as trustee of the EU contribution.

The Ad hoc ethical Committee was requested on 9 March to provide the Commission with its opinion on this activity. Its opinion was submitted to the Commission on 23 March

The Committee noted that the CEPF has the goal to engage civil society in efforts to conserve biodiversity in the Mediterranean Basin and, that it is funded by the initiators including the European Union, the World Bank, the Global Environment Facility and different foundations. The Committee noted that, as a global programme, the CEPF provides grants to non-governmental organisations and other private sector partners. The Mediterranean Basin being the world's second largest environmental hotspot, the CEPF aims at developing specific programmes for the Balkans, the Middle East and North Africa.

The Committee further noted that Mr Potocnik, as Chairperson for the Balkans, will provide overall strategic guidance based on teamwork data provided by expert consultants and regional leaders, and will overview the process leading to the establishment of vision and road map for the region. The Committee also noted that Mr Potocnik envisages an "active engagement of five days", for which he will receive a per diem remuneration, covering " "

The Committee noted the explicit assurances given by Mr Potocnik that his role will "*exclude any involvement that could be related to the commercial interests of any of the partners involved*" and that he "*will abstain from any activity contrary to the Code of Conduct, for example lobbying in favour of the partners*".

The Committee finally noted that Mr Potocnik's involvement, which is not for profit, should be considered as service in the public interest in support of international environmental objectives, widely shared, including by the European Union and that Mr Potocnik's experience and knowledge acquired as Commissioner will no doubt be an asset in the pursuit of the organisation's objectives.

The Committee was therefore of the opinion that Mr Potocnik's intended activities as Chairperson of the Critical Ecosystem Partnership Fund (CEPF) Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot are in accordance with the second paragraph of Article 245 of the TFEU.

The Services of the Commission took note of the Ad hoc Ethical Committee's opinion, yet considering that Mr Potocnik should be reminded of (1) his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates and (2) the prohibition to lobby the Commission and its services, in the context of his activity as Chairperson of the CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot.

The Commission is invited:

- (1) to decide that Mr Potočnik's envisaged activity as Member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" is compatible with Article 245(2) of the TFEU on the conditions that Mr Potočnik: (1) abides by his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates; and (2) refrains from lobbying the Commission and its services, in the context of his activity as member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" and, in more general terms, in favour of the *Stiftungsfonds für Umweltökonomie und Nachhaltigkeit*, the Ellen McArthur Foundation and the McKinsey Center for Business & Environment".
- (2) to decide that Mr Potočnik's envisaged activity as Chairperson of the *CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot*, within the framework of the Critical Ecosystem Partnership Fund, is compatible with Article 245(2) of the TFEU on the conditions that Mr Potočnik: (1) abides by his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates; and (2) refrains from any lobbying vis-à-vis the Commission and its services.
- (3) to instruct the Secretary General to inform Mr Potocnik about the present decision, yet drawing his attention to the conditions stipulated therein.



EUROPEAN COMMISSION SECRETARIAT-GENERAL

The Secretary General

Brussels, **15 AVR. 2015**
SG/B3 Ares(2015)

Mr Janez Potočnik

Dear Mr Potočnik,

I am pleased to inform you that the Commission decided, during its 2122nd meeting of 15 April 2015, about your envisaged post Commission-office activities notified with your letters of 4 and 22 February 2015:

The Commission decided that:

- your envisaged activity as Member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" is compatible with Article 245(2) of the TFEU on the conditions that you: (1) abide by your obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during your three Commission mandates; and (2) refrain from lobbying the Commission and its services, in the context of your activity as member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" and, in more general terms, in favor of the *Stiftungsfonds für Umweltökonomie und Nachhaltigkeit*, the Ellen McArthur Foundation and the McKinsey Center for Business & Environment";
- your envisaged activity as Chairperson of the *CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot*, within the framework of the Critical Ecosystem Partnership Fund, is compatible with Article 245(2) of the TFEU on the conditions you: (1) abide by your obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during your three Commission mandates; and (2) refrain from lobbying the Commission and its services.

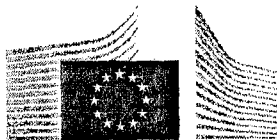
Please find enclosed Commission decision C(2015) 2475.

Yours sincerely,

Catherine Day

Encl: Commission Decision C(2015) 2475

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



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 10 avril 2015

C(2015) 2475

COMMISSION INTERNE

OJ 2122

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 2122^{ème} réunion de la Commission le 15 avril 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.

With his letter of 4 February 2015, former Commissioner Janez Potočnik informed the Commission of his intention to accept a post-mandate activity as member of the Steering Committee for *"A Vision for Europe towards sustainable and circular economy"*.

With his letter of 22 February, Mr Potocnik informed the Commission of his intention to accept an assignment with the Critical Ecosystem Partnership Fund (CEPF) as Chairperson of the CEPF *Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot*.

These two envisaged activities are linked to Mr Potocnik's former portfolio, for which reason the Ad hoc Ethical Committee was requested to provide the Commission with its opinions on their compatibility with article 245(2) of the TFEU.

Membership of the Steering Committee for "A Vision for Europe towards sustainable and circular economy"

Mr Potocnik explained that his intended activity as member of the Steering Committee for "A Vision for Europe towards sustainable and circular economy" is connected to *"a new partnership between the Stiftungsfonds für Umweltökonomie und Nachhaltigkeit (set up end September 2014), the Ellen McArthur Foundation and the McKinsey Center for Business & Environment"* through an approach *"almost entirely focused on economic questions and business opportunities"*. He also informed the Commission that, to the best of his knowledge, McKinsey and the Ellen McArthur Foundation have had projects financed by the EU Budget in the field of environment (McKinsey prior to his mandate), and that the Ellen McArthur Foundation has been also affiliated on a voluntary basis as invited experts on the European Resource Efficiency Platform (EREP).

Mr Potocnik's role as a member of the Steering Committee, would be one of *"guidance with regard to the barriers for a more circular economy as perceived by business and political decision makers, the factual underpinnings required for taking the circular economy in the EU to the next level and the most effective means to mobilize business, civil and government leaders to take action"*. He will in principle participate in 6 meetings of the Steering Committee during 2015, and will be remunerated on a per diem basis.

Mr Potocnik acknowledged the link of the planned activity with his former Commission portfolio and the circular economy package which he proposed for adoption by the Commission during his last

mandate as member of the Commission. At the same time, he stated that the economic and business side *"was not the primary objective of the package (...). That was even the explicit reason mentioned for the recent withdrawal of the package (covering only half of the circle and not properly the economic side)"*.

The Ad hoc Ethical Committee was consulted on 6 February and provided its opinion on 18 February.

The Committee considered the nature of Mr Potocnik's envisaged activity and its link to his former Commission portfolio. It also noted Mr Potocnik's statements regarding the nature of his expected remuneration (per diem) and regarding the scope of the relations between the Commission and McKinsey and the Ellen McArthur Foundation.

The Committee acknowledged Mr Potocnik's assurance: *"I would also like to reassure the Commission that my role will exclude any involvement that could be related to the commercial interests of any of the partners involved and that I will abstain from any activity contrary to the Code of Conduct, for example lobbying in favor of the partners."*

The elements above mentioned led the Ad hoc Ethical Committee to issue a somewhat circumspect opinion on this activity. The Committee first noted its explicit link with Mr Potocnik's former Commission portfolio, the economic and business interests pursued and earlier EU financing of some of the partners' environment-related projects. The Committee weighed however these facts against the following considerations: (1) Mr Potocnik does not pursue financial gain (being only partially compensated for incurred costs); (2) the Commission has withdrawn its circular economy proposal with the intention of widening its scope *'in a direction that should benefit from the input and support of the business community as well as from Mr Potocnik's knowledge and experience'*; (3) The stated objective of the partnership is not company-specific but to *"mobilize business, civil and government leaders to take action"* in support of the circular economy. (4) Mr Potocnik has given assurances confirming his awareness of, and commitment to act in accordance with, his obligations under the Code of Conduct of Commissioners.

The Committee came to the overall conclusion that the envisaged activity can be declared compatible with the second paragraph of Article 245 of the TFEU.

The Commission noted that the Ad-hoc Ethical Committee was somewhat circumspect. For this reason, on 16 March, the Secretary General informed the Committee that the Commission had withdrawn its original proposal but intends to propose a new package of proposals linked to the circular economy before the end of 2015. The Secretary General asked the Committee if this information would have any impact on the Committee's opinion of 18 February.

On 23 March, the Committee informed the Commission that the withdrawal of the original Commission proposal had no effect on the Committee's position, knowing that such withdrawal was one of the reasons which made the Committee conclude that Mr Potocnik's intended post-office activity was compatible with Article 245 of the TFEU.

The Services of the Commission took note of the Ad hoc Ethical Committee's opinion, yet considering that Mr Potocnik should be reminded of (1) his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates and (2) the prohibition to lobby the Commission and its services, in the

context of his activity as member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" and, in more general terms, in favour of the *Stiftungsfonds für Umweltökonomie und Nachhaltigkeit*, the Ellen McArthur Foundation and the McKinsey Center for Business & Environment.

Chairperson of the CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot

Mr Potocnik informed that the "Critical Ecosystem Partnership Fund" (CEPF) is a global program set up as a joint initiative of several stakeholders, including the European Union, which provides grants to nongovernmental organizations and other private sector partners to protect critical ecosystems.

A Council of senior representatives from each partner institution governs the CEPF. The Donor Council approves priority areas and strategies for investment and provides strategic guidance on other operational aspects. The Council also provides a forum through which the partners can coordinate and leverage their investment. Two Senior Commission Officials represent the Commission within the Donor Council.

Mr Potocnik envisages to chair the CEPF process for establishing / developing a long-term strategic vision, taking a 15 or 20 year time horizon, for the Balkan sub-region of the Mediterranean Basin biodiversity hotspot. His work will involve five days of active engagement and will be remunerated on a per-diem basis. Remuneration will cover

The Commission's relation to CEPF is legally enshrined in an Administrative Agreement signed with the World Bank, who serves as trustee of the EU contribution.

The Ad hoc ethical Committee was requested on 9 March to provide the Commission with its opinion on this activity. Its opinion was submitted to the Commission on 23 March

The Committee noted that the CEPF has the goal to engage civil society in efforts to conserve biodiversity in the Mediterranean Basin and, that it is funded by the initiators including the European Union, the World Bank, the Global Environment Facility and different foundations. The Committee noted that, as a global programme, the CEPF provides grants to non-governmental organisations and other private sector partners. The Mediterranean Basin being the world's second largest environmental hotspot, the CEPF aims at developing specific programmes for the Balkans, the Middle East and North Africa.

The Committee further noted that Mr Potocnik, as Chairperson for the Balkans, will provide overall strategic guidance based on teamwork data provided by expert consultants and regional leaders, and will overview the process leading to the establishment of vision and road map for the region. The Committee also noted that Mr Potocnik envisages an "active engagement of five days", for which he will receive a per diem remuneration, covering "

The Committee noted the explicit assurances given by Mr Potocnik that his role will "*exclude any involvement that could be related to the commercial interests of any of the partners involved*" and that he "*will abstain from any activity contrary to the Code of Conduct, for example lobbying in favour of the partners*".

The Committee finally noted that Mr Potocnik's involvement, which is not for profit, should be considered as service in the public interest in support of international environmental objectives, widely shared, including by the European Union and that Mr Potocnik's experience and knowledge acquired as Commissioner will no doubt be an asset in the pursuit of the organisation's objectives.

The Committee was therefore of the opinion that Mr Potocnik's intended activities as Chairperson of the Critical Ecosystem Partnership Fund (CEPF) Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot are in accordance with the second paragraph of Article 245 of the TFEU.

The Services of the Commission took note of the Ad hoc Ethical Committee's opinion, yet considering that Mr Potocnik should be reminded of (1) his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates and (2) the prohibition to lobby the Commission and its services, in the context of his activity as Chairperson of the CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot.

The Commission is invited:

- (1) to decide that Mr Potočnik's envisaged activity as Member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" is compatible with Article 245(2) of the TFEU on the conditions that Mr Potočnik: (1) abides by his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates; and (2) refrains from lobbying the Commission and its services, in the context of his activity as member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*" and, in more general terms, in favour of the *Stiftungsfonds für Umweltökonomie und Nachhaltigkeit*, the Ellen McArthur Foundation and the McKinsey Center for Business & Environment".
- (2) to decide that Mr Potočnik's envisaged activity as Chairperson of the *CEPF Long-term Vision for the Balkans sub-region of the Mediterranean Biodiversity Hotspot*, within the framework of the Critical Ecosystem Partnership Fund, is compatible with Article 245(2) of the TFEU on the conditions that Mr Potočnik: (1) abides by his obligations deriving from articles 245 and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the confidentiality and the collegiality of the matters dealt with by the Commission during his three Commission mandates; and (2) refrains from any lobbying vis-à-vis the Commission and its services.
- (3) to instruct the Secretary General to inform Mr Potocnik about the present decision, yet drawing his attention to the conditions stipulated therein.



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels,
SG/B3 Ares(2015)

Note to the Members of the Ad-Hoc Ethical Committee

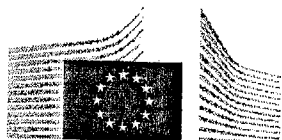
Mr Nikolaus Van der Pas
Mr Rafael García-Valdecasas
Mr Terry Wynn

Subject: Commission Decisions on post-mandate activities of former
and former Commissioners Janez Potocnik,

Please find enclosed, for your information, Commission Decisions C(2015) 2449,
C(2015) 2475, C(2015) 2476 and C(2015) 2477, adopted at its 2122nd meeting of
15 April 2015, on and former Commissioners
Janez Potocnik's, envisaged post
mandate activities.

Catherine Day

Encl: -----
Commission Decision C(2015) 2475 (Mr Potocnik)



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 10 avril 2015

C(2015) 2475

COMMISSION INTERNE

OJ 2122

**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 2122^{ème} réunion de la Commission le 15 avril 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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The Commission is invited:

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- (3) to instruct the Secretary General to inform Mr Potocnik about the present decision, yet drawing his attention to the conditions stipulated therein.