

### List of documents Initial request Ms Vicky Cann (CEO) 2015/3951- Post office activities Mr Almunia

Scope of the request: "...copies of the applications and accompanying materials made by ex-Commissioner Joaquín Almunia for the following new professional activities: Member of the Advisory Board of the Centre for European Policy Studies and Member of the Scientific Committee for the study 'Building the Energy Union to Fuel European Growth' by the European House – Ambrosetti". 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 the Commission decision(s)."

Document	Description and references	Status
<b>Mr Almunia</b>		
1. E-mail to Ms Day of 9.06.2015 and annex Notification  Ref. Ares(2015)2425744	E-mail to Ms Day of 9 June 2015 requesting authorisation for two post-mandate activities: Member of a Scientific Committee of a "Study on Building the Energy Union to fuel European growth" and member of the Advisory Board of the "Centre for European policy Studies"	Partial disclosure- E-mail address deleted- Exception in Article 4(1) letter b))
2. Note of Ms Day to the members of the Ad Hoc Ethical Committee of 15.06.2015  Ref. Ares (2015)2496452	Note of Ms Day to the members of the Ad Hoc Ethical Committee of 15 June 2015	Full disclosure cover note
3. Note of Ms Day to Mr Almunia- Request for additional information and annex – E-mail of Mr Van der Pas of 23.06.2015 to	Note of Ms Day to Mr Almunia of 26.06.2015 requesting additional information and annex (e-mail from the President of the AHEC to Ms Day of 17 June 2015)	Partial disclosure- E-mail addresses and names of Commission officials deleted- Exception in Article 4(1) letter b))

Ms Day  Ref. Ares(2015)2692241  Ref. Ares(2015)2628756		
4. E-mail to Ms Day of 28.06.2015 and annex Supplementary information  Ref. Ares(2015)2707499	E-mail to Ms Day of 28 June 2015 and annex	Partial disclosure- E-mail address and contractual detail deleted- Exception in Article 4(1) letter b)).  No access granted to the annex-Exception in Article 4(1) letter b));  *first paragraph deleted is out of the scope of the request
5.Opinion of the Ad Hoc Ethical Committee of 03.07.2015  Ref. Ares(2015)2801407	Opinion of the Ad Hoc Ethical Committee of 3 July 2015	Partial disclosure Name EU official mail deleted-Exception in Article 4(1) letter b)) and contractual detail.
6. Consultation LS  E-mail of SG of 03.07.2015 and reply of LS of 08.07.2015  Ref Ares (2015)2818487 and Ref. Ares(2015) 2874350	E-mail of SG of 3 July 2015 and reply of LS of 8 July 2015	Partial disclosure of cover e-mails (Names and e-mails of Commission officials deleted Exception in Article 4(1) letter b)  Partial disclosure of draft decision Document corresponds to document n°7
7. Commission Decision C(2015)4885 of 10.07.2015	Activités après cessation de fonction d'un membre de la Commission- Communication de M le Président – OJ [2135] Commission Decision C(2015)4885 of 10 July 2015	Partial disclosure

8. PV (2015) 2135 of 15 July 2015	Decision of 15 July 2015	Public Document (copy not enclosed)
9. Letter of Ms Day of 15.07.2015 to Mr Almunia Ref. Ares(2015)2983948	Letter of 15 July 2015 to Mr Almunia informing him of the adoption by the Commission decision on the request for authorisation for two post-mandate-activities	Partial disclosure of cover letter E-mail deleted Exception in Article 4(1) letter b)  Attachment corresponds to document n° 7 above;
10 Note of Ms Day of 15.07.2015 to the members of the Ad Hoc Ethical Committee Ref. Ares(2015)2983850	Note of Ms Day of 15.07.2015 to the members of the Ad Hoc Ethical Committee informing of the adoption by the Commission of an authorisation for two post-mandate-activities	Full Access to cover letter  Attachment corresponds to document n° 7 above.

From: Joaquin Almunia  
Sent: Tuesday 9 June 2015 15:52  
To: DAY Catherine (SG)  
Subject: New activities post-Commission

Dear Catherine,  
To check compliance with the Code of Conduct, I would like to inform that I have been proposed to be part of the Scientific Committee of a study about "Building the Energy Union to fuel european growth" by The European House, Ambrosetti S.p.A.. The work will be finished by September this year and I will receive remuneration.  
I also received a proposal by the think-tank Centrer for European Policy Studies to be part of their Advisory board, without remuneration.  
Thanks for your feed back.  
Best regards,  
Joaquín Almunia

## Le Sedici Generali

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EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

**DOCUMENT 3**

Brussels,  
SG/B3 Ares(2015)

Mr Joaquin Almunia

*By e-mail to:*

Dear Mr Almunia,

On 9 June 2015 (Ares(2015) 2425744), you informed the Commission about your intention to engage in two additional post-mandate occupations.

On 15 June, I requested the Ad hoc Ethical Committee's opinion on the compatibility with Art. 245 of the TFEU of one of these two activities, namely your envisaged participation to the Scientific Committee of a study on "Building the energy Union to fuel European growth" by The European House, Ambrosetti S.p.A.

Mr Van der Pas, Chairman of the Committee, informed me that the Committee needs additional information on this envisaged activity, in order to deliver its opinion. Please find enclosed his e-mail of 17 June to me with the questions he raised.

I thank you in advance for providing the additional information requested in order to allow the Committee to issue its opinion and the Commission to adopt its decision as soon as possible.

Yours sincerely,

Catherine Day

Encl: Mr Van der Pas' e-mail of 17.06.2015 (Ares(2015) 2628756)



From: (SG)  
Sent: Tuesday 23 June 2015 14:34  
To: SG)  
Subject: FW: Ares(2015)2496452 - Note to the Adhoc Ethical Committee -  
Post mandate  
activity of the former Commissioner Almunia

-----Original Message-----

From: nikolaus.van-der-pas  
Sent: Wednesday, June 17, 2015 6:56 PM  
To: DAY Catherine (SG); (SG)  
Cc: ;  
Subject: FW: Ares(2015)2496452 - Note to the Adhoc Ethical Committee -  
Post mandate activity of the  
former Commissioner Almunia

Dear Catherine,

As Members of the Ad Hoc Ethical Committee we have examined your note with annex referred to above. Our first reaction is as follows:

At first sight, Mr Almunia's involvement in a study project about the energy union does not seem problematic.

However, the information he supplied is so limited that we wish to ask some questions before given our opinion:

- On its web site, the "European House Ambrosetti" looks like a consultancy. Is this a study done for profit on behalf of a particular company or companies?

- Will the study affect their market position?

- Will Mr Almunia's knowledge and experience, made available against remuneration, be relevant to his previous competition portfolio?

- Does his knowledge of the EU energy policy, gained from cases under his own competition portfolio and as a collectively responsible member of the Commission as a College, actually or potentially offer competitive advantages to particular companies through the study?

We will give our opinion as soon as possible after receiving answers to the above questions.

Best regards,

Klaus  
on behalf of all Members of the Ad Hoc Ethical Committee.

## DOCUMENT 4

De: joaquin almunia  
Asunto: Reply to the letter SG/B3 Ares(2015) received Friday 26 June  
Fecha: 28 de junio de 2015, 11:29:15 CEST  
Para: DAY Catherine <Catherine.Day@ec.europa.eu>

Dear Catherine,

Regarding the letter you sent me last Friday, and the comments by Nikolaus Van der Pas, I attach a confidential copy of the letter of professional engagement I received from ...

The European House-Ambrosetti. I think some of the questions raised by the Ad hoc Committee can be clarified by this letter. I want to add that I participated via a conference call in the discussions of the first meeting of the Advisory Board.

Regarding some specific questions raised by the Ad hoc Committee, I can say the following:

- The study has been requested by ENEL
- I don't see how the study can affect the market position of the company
- I will not use any information deriving from my previous position as Commissioner for Competition
- I don't see any advantage for the company deriving from my previous position when giving my opinions as member of the Scientific Committee

Therefore, I think that the acceptance to become member of this Committee and present the study to the villa d'Este Forum next September will not be in conflict with the conditions the European Commission attached when declaring my present activities compatible with the Code of Conduct.

Indeed, I will wait until the reception of your comments before engaging in any activity linked with Ambrosetti.

Best regards,  
Joaquín Almunia



Catherine DAY, Secretary General of the European Commission

cc.:

**Subject:** Request from the European Commission of 15 June 2015, Ref. Ares (2015) 2496452, concerning a post-office activity of former Commissioner Joaquin Almunia.

The Committee has examined the Commission's request mentioned above and the accompanying notification by Mr Almunia himself. The Committee has included in its examination the additional information supplied by Mr Almunia, following the Committee's request of 17 June 2015, as attached to the Commission's email of 30 June, Ref. Ares (2015) 2738746.

According to the notification and additional information, the post-office activity of Mr Almunia will consist of being "an advisor and member of the Scientific Committee of the Strategic Study *"Building the Energy Union to Fuel European Growth. Proposals and Policy Recommendations to Foster European Competitiveness"* that The European House - Ambrosetti is carrying out for ENEL on the European energy policy and its implications at industry and consumer-level. » As such, Mr Almunia will participate in three meetings of the Scientific Committee, intervene as a spokesperson of the Strategic Study, and cooperate closely with The European House - Ambrosetti on all aspects of the preparation of the study and relevant documents and discussions.

The Committee notes that The European House – Ambrosetti is a for-profit consultancy, working on a study in the interest of the large commercial company ENEL, and that M Almunia will receive a remuneration for his activity

The Committee also notes that, in reply to its specific questions, Mr Almunia made the following statements:

- The study has been requested by ENEL. I don't see how the study can affect the market position of the company.
- I will not use any information deriving from my previous position as Commissioner for Competition.
- I don't see any advantage for the company deriving from my previous position when giving my opinions as member of the Scientific Committee.

Although the first and third statement remain a matter for conjecture, the Committee is of the opinion that the second is positively relevant in the context of the Code of Conduct for Commissioners. In addition, the subject of the study is highly relevant to the EU's critical endeavours to manage its energy efficiency, away from limited source dependence, while fostering growth and competitiveness. Focussing on implications both at industry and consumer level, with the intention to provide proposals and policy recommendations, the study may provide a useful contribution to these EU endeavours.

The Committee concludes that Mr Almunia's intended post-office activity is compatible with Article 245 of TFEU, provided that he avoids conflicts of interest by refraining from any

activity that might support the commercial interests of the companies involved, such as lobbying and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office

**Opinion:**

The Ad-Hoc Ethical Committee is of the opinion that, subject to the conditions mentioned above, Mr Almunia's acceptance of the invitation by The European House – Ambrosetti to become an advisor and member of the Scientific Committee of the Strategic Study *"Building the Energy Union to Fuel European Growth. Proposals and Policy Recommendations to Foster European Competitiveness"* is compatible with Article 245 of the TFEU.

Nikolaus van der Pas

Rafael Garcia-Valdecasas

Terry Wynn

Date: 3 July 2015

SG)

**From:** EC-NOTIS-SERVICE-NOREPLY@ec.europa.eu  
**Sent:** Wednesday 8 July 2015 17:21  
**To:** (SG)  
**Subject:** Ares: New Document - sj.f(2015)3227118/Title: Avis du SJ - Projet de décision de la Commission sur deux activités après cessation de fonctions de M. Almunia

You received a new document:	<u>My Documents</u>
Title	Avis du SJ - Projet de décision de la Commission sur deux activités après cessation de fonctions de M. Almunia
Recipient(s)	
Sent by	(S.J.F)
Save number	sj.f(2015)3227118
Registration number	Ares(2015)2874350
Document date	08/07/2015
Registration date	08/07/2015
Sensitivity level	Handling restriction
Marking information	Personal
Comment(s)	The Legal Service can give its agreement subject to the modifications enclosed.
Attachment(s)	Draft Decision Etude Ambrosetti + CEPS.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.

(SG)

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**From:** (SJ)  
**Sent:** Wednesday 8 July 2015 16:59  
**To:** (SG)  
**Cc:** (SG); (SG); (SJ)  
**Subject:** Draft Decision Mr. Almunia - Etude Ambrosetti + CEPS  
**Attachments:** Draft Decision Etude Ambrosetti + CEPS.doc

<<...>>

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

Regards,

## 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 9 June 2015, former Vice-President Joaquín Almunia informed the Commission about his intention to engage in two post-mandate activities, one a remunerated activity as member of the Scientific Committee of a study on "Building the Energy Union to fuel European growth", by "The European House – Ambrosetti" , and the other, a non-remunerated activity as member of the Advisory Board of the Center for European Policy Studies.

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### Study on "Building the Energy Union to fuel European growth"

In view of Mr Almunia's responsibilities, as member of the Commission in charge of competition, for cases in the energy sector, the Commission requested, on 15 June , the Ad hoc Ethical Committee's opinion on the compatibility with article 245 of the TFEU of Mr Almunia's envisaged activity.

On 17 June, the Chairman of the Ad hoc Ethical Committee informed the Commission that the Committee needed additional information on Mr Almunia's envisaged activity in order to deliver its opinion.

The Committee's request for additional information was forwarded to Mr Almunia on 26 June and replied by Mr Almunia on 28 June.

Mr Almunia forwarded to the Commission a strictly confidential document framing the activity proposed to him by "The European House – Ambrosetti", and informed that:

- the study had been requested by ENEL and that he could not see how the study could affect the market position of this company;
- he would not use any information deriving from his previous position as Member of the Commission in charge of competition;
- he did not see any advantage for the above referred company deriving from his previous position, when giving his opinions as member of the Scientific Committee.

The additional information provided by Mr Almunia was forwarded to the Ad hoc Ethical Committee, who delivered its opinion on 3 July.

The Committee noted that Mr Almunia's envisaged activity will consist of being an advisor and member of the Scientific Committee of the Strategic Study *"Building the Energy Union to Fuel European Growth. Proposals and Policy Recommendations to Foster European Competitiveness"* that "The European House – Ambrosetti" is carrying out for ENEL on the European energy policy and its implications at industry and consumer-level. As such, Mr Almunia will participate in three meetings of the Scientific Committee, intervene as a spokesperson of the Strategic Study, and cooperate closely with "The European House – Ambrosetti" on all aspects of the preparation of the study and relevant documents and discussions.

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The Committee noted that "The European House – Ambrosetti" is a for-profit consultancy, working on a study in the interest of the large commercial company ENEL and that Mr Almunia will receive a remuneration for his activity.

The Committee also noted the replies given by Mr Almunia to the specific questions raised by the Committee.

The Committee considered that Mr Almunia's statement that he would not use any information deriving from his previous position as Member of the Commission in charge of competition was positively relevant in the context of the Code of Conduct for Commissioners. The Committee further noted that the subject of the study is highly relevant to the EU's critical endeavours to manage its energy efficiency, away from limited source dependence, while fostering growth and competitiveness. Focussing on implications both at industry and consumer level, with the intention to provide proposals and policy recommendations, the study may provide a useful contribution to these EU endeavours.

The Committee concluded that Mr Almunia's intended post-office activity is compatible with Article 245 of the TFEU, provided that he avoids conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office.

The Services of the Commission shared the Committee's conclusion and considered that Mr Almunia should be reminded about his obligations deriving from Articles 245 and 339 of the TFEU.

#### Centre for European Policy Studies

Mr Almunia informed the Commission that his envisaged activity as a member of the Advisory Board of the Centre for European Policy Studies will not be remunerated.

Following the line taken by the Commission in its previous decisions regarding former Commissioners' post-mandate activities with think-tanks, and notably in Decision C(2015) 915 regarding Mr Almunia's post-mandate activities previously notified, the Services of the Commission considered the nature of the Centre for European Policy Studies, which is a well-known think-tank active in the field of the European integration,

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and the non-remunerated character of Mr Almunia's envisaged activity. The Ad hoc Ethical Committee's opinion on this activity was therefore not requested.

The Services of the Commission came to the conclusion that the Commission could be invited to approve Mr Almunia's envisaged activity as member of the Advisory Board of the Centre for European Policy Studies on the condition that Mr Almunia abstains, during eighteen months after the end of his mandate, from lobbying activity with the Commission and its services on matters linked to his former portfolio, for the Centre for European Policy Studies.

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The Commission is invited:

- (1) to decide that the activity envisaged by former Vice-President Joaquin Almunia as member of the Scientific Committee of the Strategic Study *"Building the Energy Union to Fuel European Growth"*, by "The European House – Ambrosetti", is compatible with Article 245(2) of the TFEU on the conditions that Mr Almunia:
  - avoids any conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, notably ENEL, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office as member of the Commission in charge of Competition;
  - strictly abides by the obligations of integrity, discretion and confidentiality to which he is submitted by articles 245 and 339 of the TFEU.
- (2) to decide that Mr Almunia's envisaged activity as member of the Advisory board of the Centre for European Policy Studies is compatible with Article 245(2) of the TFEU on the condition that Mr Almunia abstains, during eighteen months after the end of his mandate, from lobbying activity with the Commission and its services on matters linked to his former portfolio, for this body;
- (3) to instruct the Secretary General to inform Mr Almunia about the present decision, yet drawing his attention to the conditions stipulated therein.

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**From:** (SG)  
**Sent:** Friday 3 July 2015 17:51  
**To:** (SJ)  
**Cc:** (SG); (SG)  
**Subject:** Projet de décision de la Commission sur deux activités après cessation de fonctions de M. Almunia  
**Attachments:** Draft Decision Etude Ambrosetti + CEPS.doc; E-mail M. Almunia à CD 09.06.2015.pdf; AHEC - Opinion Almunia Etude Ambrosetti .docx; E-mail M. van der Pas à CD 17.06.2015.pdf; E-mail M. Almunia à CD 28.06.2015 - Texte principal.pdf; E-mail M. Almunia à CD 28.06.2015 - Annexe (Lettre Ambrosetti).pdf  
**Importance:** High

Chère

Je te prie de bien vouloir trouver ci-joint un projet de décision relatif à deux activités après cessation de fonctions de M. Almunia, l'une en tant que membre du comité scientifique d'une étude sur le secteur de l'électricité établie par "The European House – Ambrosetti" et l'autre en tant que membre de l'Advisory Board du Centre for European Policy Studies.

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 mercredi 15 juillet, ceci en tenant compte du calendrier de la première des deux activités notifiées par M. Almunia.

L'avis du SJ sera apprécié dès que possible et en tout cas **avant mercredi 10 juillet, fin de journée.**

Je joins également la notification de M. Almunia du 9 juin, l'e-mail de M. Van der Pas du 17 juin, la réponse de M. Almunia du 29 juin (ainsi que son annexe : lettre confidentielle de "The European House – Ambrosetti" à M. Almunia du 7 mai 2015), de même que l'avis du Comité éthique ad hoc du 3 juillet.

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 9 June 2015, former Vice-President Joaquín Almunia informed the Commission about his intention to engage in two post-mandate activities, one a remunerated activity as member of the Scientific Committee of a study on "Building the Energy Union to fuel European growth", by "The European House – Ambrosetti", and another a non-remunerated activity as member of the Advisory Board of the Center for European Policy Studies.

### Study on "*Building the Energy Union to fuel European growth*"

In view of Mr Almunia's responsibilities, as member of the Commission in charge of competition, for cases in the energy sector, the Commission requested, on 15 June, the Ad hoc Ethical Committee's opinion on the compatibility with article 245 of the TFEU of Mr Almunia's envisaged activity.

On 17 June, the Chairman of the Ad hoc Ethical Committee informed the Commission that the Committee needed additional information on Mr Almunia's envisaged activity in order to deliver its opinion.

The Committee's request for additional information was forwarded to Mr Almunia on 26 June and replied by Mr Almunia on 28 June.

Mr Almunia forwarded to the Commission a strictly confidential document framing the activity proposed to him by "The European House – Ambrosetti", and informed that:

- the study had been requested by ENEL and that he could not see how the study could affect the market position of this company;
- he would not use any information deriving from his previous position as Member of the Commission in charge of competition;
- he did not see any advantage for the above referred company deriving from his previous position, when giving his opinions as member of the Scientific Committee.

The additional information provided by Mr Almunia was forwarded to the Ad hoc Ethical Committee, who delivered its opinion on 3 July.

The Committee noted that Mr Almunia's envisaged activity will consist on being an advisor and member of the Scientific Committee of the Strategic Study *"Building the Energy Union to Fuel European Growth. Proposals and Policy Recommendations to Forster European Competitiveness"* that "The European House – Ambrosetti" is carrying out for ENEL on the European energy policy and its implications at industry and consumer-level. As such, Mr Almunia will participate in three meetings of the Scientific Committee, intervene as a spokesperson of the Strategic Study, and cooperate closely with "The European House – Ambrosetti" on all aspects of the preparation of the study and relevant documents and discussions.

The Committee noted that "The European House – Ambrosetti" is a for-profit consultancy, working on a study in the interest of the large commercial company ENEL and that Mr Almunia will receive a remuneration for his activity

The Committee also noted the replies given by Mr Almunia to the specific questions raised by the Committee.

The Committee considered that Mr Almunia's statement that he would not use any information deriving from his previous position as Member of the Commission in charge of competition was positively relevant in the context of the Code of Conduct for Commissioners. The Committee further noted that the subject of the study is highly relevant to the EU's critical endeavours to manage its energy efficiency, away from limited source dependence, while fostering growth and competitiveness. Focussing on implications both at industry and consumer level, with the intention to provide proposals and policy recommendations, the study may provide a useful contribution to these EU endeavours.

The Committee concluded that Mr Almunia's intended post-office activity is compatible with Article 245 of TFEU, provided that he avoids conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office.

The Services of the Commission shared the Committee's conclusion and considered that Mr Almunia should be reminded about his the obligations deriving from Articles 245 and 339 of the TFEU.

### **Centre for European Policy Studies**

Mr Almunia informed the Commission that his envisaged activity as a member of the Advisory Board of the Centre for European Policy Studies will not be remunerated.

Following the line took by the Commission in its previous decisions regarding former Commissioners' post-mandate activities with think-tanks, and notably in Decision C(2015) 915 regarding Mr Almunia's post-mandate activities previously notified, the Services of the Commission considered the nature of the Centre for European Policy Studies, which is a well-known think-tank active in the field of the European integration,

and the non-remunerated character of Mr Almunia's envisaged activity. The Ad hoc Ethical Committee's opinion on this activity was therefore not requested.

The Services of the Commission came to the conclusion that the Commission could be invited to approve Mr Almunia's envisaged activity as member of the Advisory Board of the Centre for European Policy Studies on the condition that Mr Almunia abstains, during eighteen months after the end of his mandate, from lobbying activity with the Commission and its services on matters linked to his former portfolio, for the Centre for European Policy Studies.

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The Commission is invited:

- (1) to decide that the activities envisaged by former Vice-President Joaquin Almunia as member of the Scientific Committee member of the Scientific Committee of the Strategic Study *"Building the Energy Union to Fuel European Growth"*, by "The European House – Ambrosetti", is compatible with Article 245(2) of the TFEU on the conditions that Mr Almunia:
  - avoids any conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, notably ENEL, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office as member of the Commission in charge of Competition;
  - strictly abides by the obligations of integrity, discretion and confidentiality to which he is submitted by articles 245 and 339 of the TFEU.
- (2) to decide that Mr Almunia's envisaged activity as member of the Advisory board of the Centre for European Policy Studies is compatible with Article 245(2) of the TFEU on the condition that Mr Almunia abstains, during eighteen months after the end of his mandate, from lobbying activity with the Commission and its services on matters linked to his former portfolio, for this body;
- (3) to instruct the Secretary General to inform Mr Almunia about the present decision, yet drawing his attention to the conditions stipulated therein.



**COMMISSION EUROPÉENNE**

**SECRETARIAT GENERAL**

Bruxelles, le 10 juillet 2015

C(2015) 4885

**COMMISSION INTERNE**

**OJ 2135**

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

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Communication de M. le PRESIDENT

Cette question est inscrite à l'ordre du jour de la 2135<sup>ème</sup> réunion de la Commission le 15 juillet 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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- he did not see any advantage for the above referred company deriving from his previous position, when giving his opinions as member of the Scientific Committee.

The additional information provided by Mr Almunia was forwarded to the Ad hoc Ethical Committee, who delivered its opinion on 3 July.

The Committee noted that Mr Almunia's envisaged activity will consist of being an advisor and member of the Scientific Committee of the strategic study *"Building the Energy Union to Fuel European Growth. Proposals and Policy Recommendations to Foster European Competitiveness"* that "The European House – Ambrosetti" is carrying out for ENEL on the European energy policy and its implications at industry and consumer-level. As such, Mr Almunia will participate in three meetings of the Scientific Committee, intervene as a spokesperson of the Strategic Study, and cooperate closely with "The European House – Ambrosetti" on all aspects of the preparation of the study and relevant documents and discussions.

The Committee noted that "The European House – Ambrosetti" is a for-profit consultancy, working on a study in the interest of the large commercial company ENEL and that Mr Almunia will receive a remuneration for his activity.

The Committee also noted the replies given by Mr Almunia to the specific questions raised by the Committee.

The Committee considered that Mr Almunia's statement that he would not use any information deriving from his previous position as Member of the Commission in charge of competition was positively relevant in the context of the Code of Conduct for Commissioners. The Committee further noted that the subject of the study is highly relevant to the EU's critical endeavours to manage its energy efficiency, away from limited source dependence, while fostering growth and competitiveness. Focussing on implications both at industry and consumer level, with the intention to provide proposals and policy recommendations, the study may provide a useful contribution to these EU endeavours.

The Committee concluded that Mr Almunia's intended post-office activity is compatible with Article 245 of the TFEU, provided that he avoids conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office.

The Services of the Commission shared the Committee's conclusion and considered that Mr Almunia should be reminded about his obligations deriving from Articles 245 and 339 of the TFEU.

### **Centre for European Policy Studies**

Mr Almunia informed the Commission that his envisaged activity as a member of the Advisory Board of the Centre for European Policy Studies will not be remunerated.

Following the line taken by the Commission in its previous decisions regarding former Commissioners' post-mandate activities with think-tanks, and notably in Decision C(2015) 915 regarding Mr Almunia's post-mandate activities previously notified, the Services of the Commission considered the nature of the Centre for European Policy Studies, which is a well-known think-tank active in the field of the European integration,



and the non-remunerated character of Mr Almunia's envisaged activity. The Ad hoc Ethical Committee's opinion on this activity was therefore not requested.

The Services of the Commission came to the conclusion that the Commission could be invited to approve Mr Almunia's envisaged activity as member of the Advisory Board of the Centre for European Policy Studies on the condition that Mr Almunia abstains, during eighteen months after the end of his mandate, from lobbying activity with the Commission and its services on matters linked to his former portfolio, for the Centre for European Policy Studies.

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The Commission is invited:

- (1) to decide that the activity envisaged by former Vice-President Joaquin Almunia as member of the Scientific Committee of the Study *"Building the Energy Union to Fuel European Growth"*, by "The European House – Ambrosetti", is compatible with Article 245(2) of the TFEU on the conditions that Mr Almunia:
  - avoids any conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, notably ENEL, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office as member of the Commission in charge of Competition;
  - strictly abides by the obligations of integrity, discretion and confidentiality to which he is submitted by articles 245 and 339 of the TFEU.
- (2) to decide that Mr Almunia's envisaged activity as member of the Advisory board of the Centre for European Policy Studies is compatible with Article 245(2) of the TFEU on the condition that Mr Almunia abstains, during eighteen months after the end of his mandate, from lobbying activity with the Commission and its services on matters linked to his former portfolio, for this body;
- (3) to instruct the Secretary General to inform Mr Almunia about the present decision, yet drawing his attention to the conditions stipulated therein.



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

## DOCUMENT 9

Brussels,  
SG/B3 Ares(2015)

Mr Joaquin Almunia

*By e-mail to:*

Dear Mr Almunia,

I am pleased to inform you that the Commission decided, during its 2135<sup>th</sup> meeting of 15 July 2015, that:

- (1) your envisaged activity as member of the Scientific Committee of the Study "*Building the Energy Union to Fuel European Growth*", by "The European House – Ambrosetti", is compatible with Article 245(2) of the TFEU on the conditions that you: (1) avoid any conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, notably ENEL, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during your term of office as member of the Commission in charge of Competition; (2) strictly abide by the obligations of integrity, discretion and confidentiality to which you are submitted under articles 245 and 339 of the TFEU.
- (2) your envisaged activity as member of the Advisory board of the Centre for European Policy Studies is compatible with Article 245(2) of the TFEU on the condition that you abstain, during eighteen months after the end of your mandate, from any lobbying activity with the Commission and its services on matters linked to your former portfolio, for this body.

Please find enclosed the text of Commission Decision C(2015) 4885.

Yours sincerely

Catherine Day

Encl: Commission Decision C(2015) 4885

Cc: Mr Selmayr



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 10 juillet 2015

C(2015) 4885

**COMMISSION INTERNE**

**OJ 2135**

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

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Communication de M. le PRESIDENT

Cette question est inscrite à l'ordre du jour de la 2135<sup>ème</sup> réunion de la Commission le 15 juillet 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 9 June 2015, former Vice-President Joaquín Almunia informed the Commission about his intention to engage in two post-mandate activities, one a remunerated activity as member of the Scientific Committee of a study on "Building the Energy Union to fuel European growth", by "The European House – Ambrosetti", and the other, a non-remunerated activity as member of the Advisory Board of the Center for European Policy Studies.

### Study on "*Building the Energy Union to fuel European growth*"

In view of Mr Almunia's responsibilities, as member of the Commission in charge of competition, for cases in the energy sector, the Commission requested, on 15 June, the Ad hoc Ethical Committee's opinion on the compatibility with article 245 of the TFEU of Mr Almunia's envisaged activity.

On 17 June, the Chairman of the Ad hoc Ethical Committee informed the Commission that the Committee needed additional information on Mr Almunia's envisaged activity in order to deliver its opinion.

The Committee's request for additional information was forwarded to Mr Almunia on 26 June and replied by Mr Almunia on 28 June.

Mr Almunia forwarded to the Commission a strictly confidential document framing the activity proposed to him by "The European House – Ambrosetti", and informed that:

- the study had been requested by ENEL and that he could not see how the study could affect the market position of this company;
- he would not use any information deriving from his previous position as Member of the Commission in charge of competition;
- he did not see any advantage for the above referred company deriving from his previous position, when giving his opinions as member of the Scientific Committee.

The additional information provided by Mr Almunia was forwarded to the Ad hoc Ethical Committee, who delivered its opinion on 3 July.

The Committee noted that Mr Almunia's envisaged activity will consist of being an advisor and member of the Scientific Committee of the strategic study *"Building the Energy Union to Fuel European Growth. Proposals and Policy Recommendations to Foster European Competitiveness"* that "The European House – Ambrosetti" is carrying out for ENEL on the European energy policy and its implications at industry and consumer-level. As such, Mr Almunia will participate in three meetings of the Scientific Committee, intervene as a spokesperson of the Strategic Study, and cooperate closely with "The European House – Ambrosetti" on all aspects of the preparation of the study and relevant documents and discussions.

The Committee noted that "The European House – Ambrosetti" is a for-profit consultancy, working on a study in the interest of the large commercial company ENEL and that Mr Almunia will receive a remuneration for his activity.

The Committee also noted the replies given by Mr Almunia to the specific questions raised by the Committee.

The Committee considered that Mr Almunia's statement that he would not use any information deriving from his previous position as Member of the Commission in charge of competition was positively relevant in the context of the Code of Conduct for Commissioners. The Committee further noted that the subject of the study is highly relevant to the EU's critical endeavours to manage its energy efficiency, away from limited source dependence, while fostering growth and competitiveness. Focussing on implications both at industry and consumer level, with the intention to provide proposals and policy recommendations, the study may provide a useful contribution to these EU endeavours.

The Committee concluded that Mr Almunia's intended post-office activity is compatible with Article 245 of the TFEU, provided that he avoids conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office.

The Services of the Commission shared the Committee's conclusion and considered that Mr Almunia should be reminded about his the obligations deriving from Articles 245 and 339 of the TFEU.

### **Centre for European Policy Studies**

Mr Almunia informed the Commission that his envisaged activity as a member of the Advisory Board of the Centre for European Policy Studies will not be remunerated.

Following the line taken by the Commission in its previous decisions regarding former Commissioners' post-mandate activities with think-tanks, and notably in Decision C(2015) 915 regarding Mr Almunia's post-mandate activities previously notified, the Services of the Commission considered the nature of the Centre for European Policy Studies, which is a well-known think-tank active in the field of the European integration,

and the non-remunerated character of Mr Almunia's envisaged activity. The Ad hoc Ethical Committee's opinion on this activity was therefore not requested.

The Services of the Commission came to the conclusion that the Commission could be invited to approve Mr Almunia's envisaged activity as member of the Advisory Board of the Centre for European Policy Studies on the condition that Mr Almunia abstains, during eighteen months after the end of his mandate, from lobbying activity with the Commission and its services on matters linked to his former portfolio, for the Centre for European Policy Studies.

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The Commission is invited:

- (1) to decide that the activity envisaged by former Vice-President Joaquin Almunia as member of the Scientific Committee of the Study *"Building the Energy Union to Fuel European Growth"*, by "The European House – Ambrosetti", is compatible with Article 245(2) of the TFEU on the conditions that Mr Almunia:
  - avoids any conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, notably ENEL, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office as member of the Commission in charge of Competition;
  - strictly abides by the obligations of integrity, discretion and confidentiality to which he is submitted by articles 245 and 339 of the TFEU.
- (2) to decide that Mr Almunia's envisaged activity as member of the Advisory board of the Centre for European Policy Studies is compatible with Article 245(2) of the TFEU on the condition that Mr Almunia abstains, during eighteen months after the end of his mandate, from lobbying activity with the Commission and its services on matters linked to his former portfolio, for this body;
- (3) to instruct the Secretary General to inform Mr Almunia about the present decision, yet drawing his attention to the conditions stipulated therein.



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

**DOCUMENT 10**

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 Decision on former Vice-President Joaquin Almunia's post mandate activities

Following the opinion delivered by the Ad hoc Ethical Committee on 3 July 2015, please find enclosed, for your information, Commission Decision C(2015) 4885, adopted at its 2135<sup>th</sup> meeting of 15 July, about former Vice-President Joaquin Almunia's envisaged activities as member of the Scientific Committee of a study on "*Building the Energy Union to fuel European growth*", by "The European House – Ambrosetti", and as member of the Advisory Board of the Centre for European Policy Studies.

You probably know that President Juncker accepted, on 24 June, my wish to retire from the Commission at the end of August. Alexander Italianer, currently Director General of DG Competition, takes over from me as Secretary General, as from 1 September 2015.

I take this occasion to thank you wholeheartedly for your valuable and high quality work and your commitment during these last years.

*many thanks for all  
your hard work and support*  
*Catherine*  
Catherine Day

Encl: Commission Decision C(2015) 4885





COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 10 juillet 2015

C(2015) 4885

**COMMISSION INTERNE**

**OJ 2135**

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

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Communication de M. le PRESIDENT

Cette question est inscrite à l'ordre du jour de la 2135<sup>ème</sup> réunion de la Commission le 15 juillet 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 9 June 2015, former Vice-President Joaquín Almunia informed the Commission about his intention to engage in two post-mandate activities, one a remunerated activity as member of the Scientific Committee of a study on "Building the Energy Union to fuel European growth", by "The European House – Ambrosetti" , and the other, a non-remunerated activity as member of the Advisory Board of the Center for European Policy Studies.

### Study on "*Building the Energy Union to fuel European growth*"

In view of Mr Almunia's responsibilities, as member of the Commission in charge of competition, for cases in the energy sector, the Commission requested, on 15 June , the Ad hoc Ethical Committee's opinion on the compatibility with article 245 of the TFEU of Mr Almunia's envisaged activity.

On 17 June, the Chairman of the Ad hoc Ethical Committee informed the Commission that the Committee needed additional information on Mr Almunia's envisaged activity in order to deliver its opinion.

The Committees's request for additional information was forwarded to Mr Almunia on 26 June and replied by Mr Almunia on 28 June.

Mr Almunia forwarded to the Commission a strictly confidential document framing the activity proposed to him by "The European House – Ambrosetti", and informed that:

- the study had been requested by ENEL and that he could not see how the study could affect the market position of this company;
- he would not use any information deriving from his previous position as Member of the Commission in charge of competition;
- he did not see any advantage for the above referred company deriving from his previous position, when giving his opinions as member of the Scientific Committee.

The additional information provided by Mr Almunia was forwarded to the Ad hoc Ethical Committee, who delivered its opinion on 3 July.

The Committee noted that Mr Almunia's envisaged activity will consist of being an advisor and member of the Scientific Committee of the strategic study *"Building the Energy Union to Fuel European Growth. Proposals and Policy Recommendations to Foster European Competitiveness"* that "The European House – Ambrosetti" is carrying out for ENEL on the European energy policy and its implications at industry and consumer-level. As such, Mr Almunia will participate in three meetings of the Scientific Committee, intervene as a spokesperson of the Strategic Study, and cooperate closely with "The European House – Ambrosetti" on all aspects of the preparation of the study and relevant documents and discussions.

The Committee noted that "The European House – Ambrosetti" is a for-profit consultancy, working on a study in the interest of the large commercial company ENEL and that Mr Almunia will receive a remuneration for his activity.

The Committee also noted the replies given by Mr Almunia to the specific questions raised by the Committee.

The Committee considered that Mr Almunia's statement that he would not use any information deriving from his previous position as Member of the Commission in charge of competition was positively relevant in the context of the Code of Conduct for Commissioners. The Committee further noted that the subject of the study is highly relevant to the EU's critical endeavours to manage its energy efficiency, away from limited source dependence, while fostering growth and competitiveness. Focussing on implications both at industry and consumer level, with the intention to provide proposals and policy recommendations, the study may provide a useful contribution to these EU endeavours.

The Committee concluded that Mr Almunia's intended post-office activity is compatible with Article 245 of the TFEU, provided that he avoids conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office.

The Services of the Commission shared the Committee's conclusion and considered that Mr Almunia should be reminded about his obligations deriving from Articles 245 and 339 of the TFEU.

### **Centre for European Policy Studies**

Mr Almunia informed the Commission that his envisaged activity as a member of the Advisory Board of the Centre for European Policy Studies will not be remunerated.

Following the line taken by the Commission in its previous decisions regarding former Commissioners' post-mandate activities with think-tanks, and notably in Decision C(2015) 915 regarding Mr Almunia's post-mandate activities previously notified, the Services of the Commission considered the nature of the Centre for European Policy Studies, which is a well-known think-tank active in the field of the European integration,

and the non-remunerated character of Mr Almunia's envisaged activity. The Ad hoc Ethical Committee's opinion on this activity was therefore not requested.

The Services of the Commission came to the conclusion that the Commission could be invited to approve Mr Almunia's envisaged activity as member of the Advisory Board of the Centre for European Policy Studies on the condition that Mr Almunia abstains, during eighteen months after the end of his mandate, from lobbying activity with the Commission and its services on matters linked to his former portfolio, for the Centre for European Policy Studies.

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The Commission is invited:

- (1) to decide that the activity envisaged by former Vice-President Joaquin Almunia as member of the Scientific Committee of the Study *"Building the Energy Union to Fuel European Growth"*, by "The European House – Ambrosetti", is compatible with Article 245(2) of the TFEU on the conditions that Mr Almunia:
  - avoids any conflicts of interest by refraining from any activity, such as lobbying, that might support the commercial interests of the companies involved, notably ENEL, and by observing appropriate discretion concerning the experience and knowledge acquired directly or indirectly during his term of office as member of the Commission in charge of Competition;
  - strictly abides by the obligations of integrity, discretion and confidentiality to which he is submitted by articles 245 and 339 of the TFEU.
- (2) to decide that Mr Almunia's envisaged activity as member of the Advisory board of the Centre for European Policy Studies is compatible with Article 245(2) of the TFEU on the condition that Mr Almunia abstains, during eighteen months after the end of his mandate, from lobbying activity with the Commission and its services on matters linked to his former portfolio, for this body;
- (3) to instruct the Secretary General to inform Mr Almunia about the present decision, yet drawing his attention to the conditions stipulated therein.