



COMMISSION EUROPÉENNE

Secrétariat Général

SEC(2011) 81

Bruxelles, le 14 janvier 2011

DOCUMENT INTERNE

OJ 1944 – point 7

## TEXTE EN

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 1944<sup>ème</sup> réunion de la Commission le 18 janvier 2011.

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

## MEMORANDUM FROM THE PRESIDENT TO THE COMMISSION

According to Article 245(2) of the Treaty on the Functioning of the European Union, the members of the Commission, when taking up their duties, shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and, in particular, their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.

Further to this Treaty provision, the Code of Conduct for Commissioners adopted on 24 November 2004 (SEC (2004) 1487/2) enacted a specific procedure for the assessment of the activities to be performed by former Commissioners. Under the Code, when Commissioners intend to engage in an occupation during the year after they have ceased to hold office, whether at the end of their term or upon resignation, they shall inform the Commission in good time. The Commission shall, then, examine the nature of the planned occupation and if the activity is related to the content of the Commissioner's portfolio during his or her full term of office, it shall seek the opinion of an *ad hoc* ethical committee.

In her letter to the President of the Commission dated 20 August 2010, Mrs Benita Ferrero-Waldner informed the Commission that she had been invited to become a remunerated member of the Supervisory Board of Alpine Holding GmbH, a company active in construction business.

Mrs Ferrero-Waldner stated that her future responsibilities with Alpine Holding GmbH presented no link with her former responsibilities as member of the Commission. However, in view of the large geographical scope of the Alpine's construction works, and taking into consideration Mrs Ferrero-Waldner's former responsibilities within the Commission for External Relations and European Neighbourhood Policy, the Ad hoc Ethical Committee was requested, on 14.09.2010, to deliver its opinion on the compatibility of this occupation with the Code of Conduct for Commissioners.

At its meeting of 05.10.2010, the Ad hoc Ethical Committee requested additional information on the role of the Supervisory Board in the structure of Alpine and on the exact scope of Mrs Ferrero-Waldner's future responsibilities. The information provided by Mrs Ferrero-Waldner was sent to the Committee on 29.10.2010.

The Ad hoc Ethical Committee eventually delivered its opinion on 03.12.2010. The Committee retained that Alpine Holding GmbH is the holding company, devoted to corporative aspects, of the Alpine Group, whose business purpose is mainly the construction of all type of works in the countries of Central and Eastern Europe. The Committee underlined that, according to the applicable Austrian law, the Supervisory Board of Alpine Holding GmbH is entrusted with a management supervision function over of the companies of the Group, without any executive responsibility. The Committee also considered the fact that Mrs Ferrero-Waldner's future responsibilities will not include any executive responsibilities and will consist on participating in the Supervisory Board meetings in order to analyze and discuss the management, the performance and the development of the Alpine Group companies. The Ad hoc Ethical Committee concluded that Mrs Ferrero-Waldner's envisaged responsibilities with Alpine Holding GmbH do not appear related to the contents of her previous portfolio in the Commission and that they are compatible with article 245(2) of the TFEU.

Further to the consultation of the competent Commission services, it has been concluded that Mrs Ferrero-Waldner's envisaged occupation as member of the Supervisory Board of Alpine Holding GmbH does not appear to present any risk of conflict of interests and does not entail any incompatibility with article 245(2) of the TFUE.

The Commission is requested to examine the nature of the above mentioned envisaged occupation and to conclude that it is compatible with Article 245(2) of the TFEU.