

EUROPEAN EXTERNAL ACTION SERVICE



BA Budget and administration

BA.HR.3 Rights and obligations

Brussel, 28.08.2017

Ethics - Note to the file

Name: Mr SABATHIL Gerhard

Function and duties at the moment of the application: Principal Adviser for Economic Diplomacy in ECO; secondment in the interests of the service to the Centre for European Studies Sichuan University since 25/02/2017 until his retirement on 31/08/2017.

Request Article 16: permission to engage in occupational activity after leaving the EEAS.

Duration of the activity: 5 years fixed term contract.

Nature of the activity: The Applicant was offered a job of key-account manager with EUTOP Berlin GmbH, which involves representation of the employer towards its clients and networking with national stakeholders in Germany, the Czech Republic and Hungary. Affiliated companies of the EUTOP consortium are involved in lobbying the Commission and the Parliament; however – according to the Applicant – they do not cover External Action. The Applicant declared that he will only be involved in activities of regional nature, covering Germany, the Czech Republic and Hungary. On its homepage, EUTOP claims to cover "foreign trade agreements" and "external trade policies" as part of its business.

Opinion of the Joint Committee: The Joint Committee delivered its opinion on the 28 August. It agreed to grant permission for the Applicant conditional to the restriction of lobbying the Commission and the Council (on the top of the EEAS) on issues in the domain of External Action.

The Joint Committee also recommended to the AIPN to remind Mr. Sabathil of his continuing obligation of confidentiality under Article 17.2 SR and the incompatibility of his draft work contract with this obligation.

Proposal: to grant conditional approval to Mr Sabathil with the caveat that he must abstain from lobbying the EEAS, the Commission or the Council on issues related to

External Action, Trade or Development Cooperation during his first 12 months of employment in accordance with the third indent of Article 16 SR. This is due to a broad interpretation of the prohibition in Article 16 but it makes perfect sense since Mr Sabathil filled the post of Head of Delegation in South Korea and represented not only the EEAS but the EU as a whole. Therefore, activities concerning e.g. foreign trade should also be prohibited.

At the same time, following the advice of the Joint Committee, a separate reminder (attached for signature) should be sent to the Applicant highlighting his continuing confidentiality obligations under Article 17 SR and its conflict with paragraph 5(1) of his draft work contract thereof.

Gergő Pasqualetti

Legal and Policy Officer