

DOCUMENT 44

Dear Commissioner,

The Secretary general forwarded to me your e-mail hereunder and we are about to request the Ad Hoc Ethical Committee's opinion on your envisaged activity with the Global Fund, as foreseen by the Code of Conduct for Commissioners whenever the envisaged activity presents a link with the former Commissioner's portfolio. (This is a formal requirement before the Commission can adopt its decision, even when the occupation does not appear to raise any concern)

For this purpose could you please precise the scope of the your envisaged implication with the Global Fund: Member of the International Board for the Global Fund and/or Friend of the Global Fund Europe?

Best regards

Donatienne Claeys Bouuaert

Donatienne CLAEYS BOUUAERT
Head of Unit



European Commission
Secretariat General
B.3 Ethics

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EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

DOCUMENT 45

Brussels, **25 NOV. 2014**
SG/B3 Ares(2014)

Note to the Members of the Ad-Hoc Ethical Committee

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

Subject: Former Commissioner Andris Piebalgs post-office occupation with the Global Fund Europe

Please find enclosed former Commissioner Andris Piebalgs' e-mail sent to me on 19 November 2014 notifying the Commission about two occupations which he envisages to engage in, namely with the Global Fund and as Guest Lecturer in the University of Latvia.

Mr Piebalgs clarified later that he is intending to join the Friends of the Global Fund Europe but not the Global Fund's International Board (see also his e-mail of 21 November to D. Claeys Bouúaert).

This non remunerated envisaged activity with this financial institution created in 2002 in order to fight AIDS, tuberculosis and malaria worldwide does not seem incompatible with the obligations of integrity and discretion enshrined in article 245(2) of the TFEU.

However, the Global Fund is active in Developing Countries and the envisaged activity presents a possible link with Mr Piebalgs' former Commission portfolio (Development). Therefore, in accordance with paragraph 1.2 of the Code of Conduct for Commissioners, may I ask you to provide the Commission with your opinion about this envisaged activity against the background of article 245(2) of the TFEU.

Please note that the Committee's opinion about Mr Piebalgs' envisaged activity as Guest Lecturer in the University of Latvia is not requested.

Thank you in advance for your cooperation.

Catherine Day

Encl: Mr Piebalgs e-mails of 19 and 21 November 2014
Information fiche to the Ad hoc Ethical Committee

Catherine DAY, Secretary General of the European Commission

cc.: Donatienne CLAEYS BOUUAERT, S.G., Head of Unit B.3 Ethics

Subject: Request from the European Commission of 25 November 2014, Ref. ARES (2014)3930840 concerning post-office activities planned by former Commissioner Andris Piebalgs.

1. The Ad-Hoc Ethical Committee has examined the notification by Mr Piebalgs, and the accompanying information supplied by the Commission, regarding his intended post-office non-remunerated occupation, accepting the invitation to become a Member of the "Friends of the Global Fund Europe".
2. The Committee notes that his activity will contribute "to raise awareness of the Global Fund among a broad range of stakeholders, promoting a good understanding of the Global Fund mission and mobilizing both political and financial support", the mission being "to fight AIDS, tuberculosis and malaria worldwide".
3. The Committee also notes that Mr Piebalgs will not join the Global Fund's supreme governing body, the Global Fund's International Board.
4. The Committee concludes that the link between Mr Piebalgs planned activity and his former Commission portfolio (Development) is only nominal, and that in the absence of remuneration and any managerial link with the Global Fund's governing body, this activity is compatible with the Code of Conduct for Commissioners.

Opinion

The Ad-Hoc Ethical Committee is of the opinion that the considered activity is in conformity with article 245(2) of the Treaty on the Functioning of the European Union.

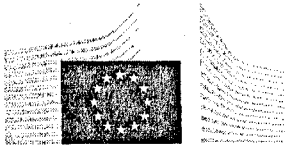
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Nikolaus van der Pas, Chair,

Rafael Garcia-Valdecasas

Terry Wynn

Date: 28 November 2014



COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

DOCUMENT 47

Bruxelles, le 5 décembre 2014

C(2014) 9520

COMMISSION INTERNE

OJ 2109

**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 2109^{ème} réunion de la Commission le 10 décembre 2014.

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 e-mail of 19 November 2014 to the Secretary General of the Commission, former Commissioner Andris Piebalgs informed the Commission of his intention (1) to be a guest lecturer at the University of Latvia to deliver 6 lectures and (2) to join, for a non-remunerated activity, *"Friends of the Global Fund Europe as a Board Member to help in fight against AIDS, tuberculosis and malaria"*.

Mr Piebalgs' activity with the Global Fund

The Secretariat General addressed Mr Piebalgs on 20 November to confirm if his envisaged activity was as Member of the International Board of the Global Fund and/or as Friend of the Global Fund Europe. Mr Piebalgs replied on 21 November that his envisaged activity was as Friend of the Global Fund Europe.

In view of the Global Fund's activity in Developing Countries, it was nonetheless considered that Mr Piebalgs' envisaged activity with this organisation presents a possible link with his former Commission portfolio (Development). For this reason, the Ad hoc Ethical Committee was requested to provide the Commission with its opinion about this envisaged activity against the background of article 245(2) of the TFEU.

The Ad hoc Ethical Committee delivered its opinion on 28 November 2014. The Committee noted that Mr Piebalgs' envisaged activity will be non-remunerated and that it will contribute to raise awareness of the Global Fund among a broad range of stakeholders, promoting a good understanding of the Global Fund mission and mobilizing both political and financial support, the mission being to fight AIDS, tuberculosis and malaria worldwide.

The Committee concluded that the link between Mr Piebalgs' envisaged activity and his former Commission portfolio is only nominal and that, in the absence of remuneration and any managerial link with the Global Fund's governing body (its International Board), this activity is compatible with the Code of Conduct for Commissioners and in conformity with Article 245(2) of the TFEU.

The Services of the Commission considered that, in view of the nature of the activity envisaged, its link with the former Commissioner's portfolio is not contrary to his duties of integrity and discretion or to the interests of the European Union.

Guest lecturer at the University of Latvia (6 lectures)

As regards this academic activity, the Services of the Commission considered that the envisaged six lectures mentioned by Mr Piebalgs do not present any risk of incompatibility either with his former function as Commissioner or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was informed of this activity but its opinion was not requested.

The Commission is invited:

- (1) to decide that former Commissioner Andris Piebalgs' envisaged activities as "Friend of the Global Fund Europe" and guest lecturer at the University of Latvia are compatible with Article 245(2) of the TFEU;
- (2) to charge the Secretary General to inform Mr Piebalgs about the present decision, yet drawing his attention to his duty to respect his obligations arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandates.



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

DOCUMENT 49

Brussels, **10 DEC. 2014**
SG/B3 Ares(2014)

Mr Andris Piebalgs

By e-mail to:

Dear Mr Piebalgs,

I am pleased to inform you that the Commission decided during its 2109th meeting of 10 December 2014 about your envisaged post Commission-office activities notified with your e-mails of 19 and 21 November 2014 to the Commission.

The Commission draws your attention to the duty to respect your obligations arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the collegiality and the confidentiality of the matters dealt by the Commission during your mandates.

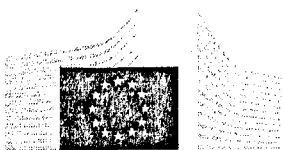
Please find enclosed Commission decision C(2014) 9520.

Yours sincerely,

Catherine Day

Encl: Commission Decision C(2014) 9520

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



COMMISSION EUROPÉE

DOCUMENT 47

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 5 décembre 2014

C(2014) 9520

COMMISSION INTERNE

OJ 2109

**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 2109^{ème} réunion de la Commission le 10 décembre 2014.

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 e-mail of 19 November 2014 to the Secretary General of the Commission, former Commissioner Andris Piebalgs informed the Commission of his intention (1) to be a guest lecturer at the University of Latvia to deliver 6 lectures and (2) to join, for a non-remunerated activity, *"Friends of the Global Fund Europe as a Board Member to help in fight against AIDS, tuberculosis and malaria"*.

Mr Piebalgs' activity with the Global Fund

The Secretariat General addressed Mr Piebalgs on 20 November to confirm if his envisaged activity was as Member of the International Board of the Global Fund and/or as Friend of the Global Fund Europe. Mr Piebalgs replied on 21 November that his envisaged activity was as Friend of the Global Fund Europe.

In view of the Global Fund's activity in Developing Countries, it was nonetheless considered that Mr Piebalgs' envisaged activity with this organisation presents a possible link with his former Commission portfolio (Development). For this reason, the Ad hoc Ethical Committee was requested to provide the Commission with its opinion about this envisaged activity against the background of article 245(2) of the TFEU.

The Ad hoc Ethical Committee delivered its opinion on 28 November 2014. The Committee noted that Mr Piebalgs' envisaged activity will be non-remunerated and that it will contribute to raise awareness of the Global Fund among a broad range of stakeholders, promoting a good understanding of the Global Fund mission and mobilizing both political and financial support, the mission being to fight AIDS, tuberculosis and malaria worldwide.

The Committee concluded that the link between Mr Piebalgs' envisaged activity and his former Commission portfolio is only nominal and that, in the absence of remuneration and any managerial link with the Global Fund's governing body (its International Board), this activity is compatible with the Code of Conduct for Commissioners and in conformity with Article 245(2) of the TFEU.

The Services of the Commission considered that, in view of the nature of the activity envisaged, its link with the former Commissioner's portfolio is not contrary to his duties of integrity and discretion or to the interests of the European Union.

Guest lecturer at the University of Latvia (6 lectures)

As regards this academic activity, the Services of the Commission considered that the envisaged six lectures mentioned by Mr Piebalgs do not present any risk of incompatibility either with his former function as Commissioner or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was informed of this activity but its opinion was not requested.

The Commission is invited:

- (1) to decide that former Commissioner Andris Piebalgs' envisaged activities as "Friend of the Global Fund Europe" and guest lecturer at the University of Latvia are compatible with Article 245(2) of the TFEU;
- (2) to charge the Secretary General to inform Mr Piebalgs about the present decision, yet drawing his attention to his duty to respect his obligations arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, and notably as concerns the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandates.



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

DOCUMENT 50

Brussels, **10 DEC. 2014**
SG/B3 Ares(2014)

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 Commissioners Viviane Reding, Janez Potočnik and Andris Piebalgs

Please find enclosed, for your information, Commission Decisions C(2014) 9516, C(2014) 9518 and C(2014) 9520, adopted at its 2109th meeting of 10 December 2014, on former Commissioners Viviane Reding's, Janez Potočnik's and Andris Piebalgs' envisaged post Commission-office activities.

The Commission decisions on Messrs Potočnik's and Piebalgs' envisaged activities take due account of the Ad hoc Ethical Committee's opinions.

Catherine Day

Encl: Commission Decision C(2014) 9516 (Ms Reding)
Commission Decision C(2014) 9518 (Mr Potočnik)
Commission Decision C(2014) 9520 (Mr Piebalgs)



COMMISSION EUROPÉENNE

DOCUMENT 47

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 5 décembre 2014

C(2014) 9520

COMMISSION INTERNE

OJ 2109

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D'UN MEMBRE DE LA COMMISSION**

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