

Brussels, 09 January 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 like to notify the Commission of my additional planned post-mandate activities:

- **Chairman of the RISE Foundation**

The Rural Investment Support for Europe (RISE) Foundation is 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.

The work of RISE is ever more important today as the world is confronted with the challenges of growing food insecurity, notably, the continuing population and economic growth in the face of scarcities of agricultural land and water and dangers posed by climate change, agricultural pollution and biodiversity loss.

The Foundation holds the unique position of working at a European level, based in Brussels, close to the European policy makers, yet has direct access extensive networks of land managers so ensuring that the work is always grounded in the reality of applying

change at the grassroots level.

RISE is supported in its work by the RISE Advisory Committee and its member organizations.

The vision: A strong, vibrant and sustainable rural Europe, where people have high quality of life. A countryside where natural heritage is preserved and cultural traditions are kept alive, rural regions are able to meet the challenges of globalization and urbanization that build on their human and natural assets, and deploy their endogenous talents and engage committed rural actors, who trust their individual and collective capacity to make changes.

The mission: Remove the barriers – structural, cultural and economic – that hold the countryside back, promote economic cooperation, synergy and social integration, stimulate positive developments through innovative pilot projects, use the best research to speed up innovations, mobilize resources and develop financial vehicles, uphold the interests of landowners and rural people and contribute to a better understanding between town and country and a more motivated rural population.

More about RISE: risefoundation.eu

- **GAPH (Global Alliance on Health and Pollution) Ambassador**

The Global Alliance on Health and Pollution (GAHP) was formed in 2012 with Blacksmith Institute serving as Secretariat. GAHP is 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 clean up legacy toxic hotspots, prevent re-contamination and guard against future pollution.

Currently, the GAHP has 24 members: three multilateral development banks (Asian Development Bank, Inter-American Development Bank and the World Bank), two bilateral agencies (the European Commission and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)), nine Ministries of Environment (Cameroon, Indonesia, Ghana, Madagascar, Mexico, Peru, the Philippines, Senegal and Uruguay), the Ministry of Health of Tajikistan, two city governments (Buenos Aires and Montevideo), four NGOs (Blacksmith Institute, KPBB, the Cyrus R. Vance Center for International Justice and Fundación Chile), and three UN agencies (the UN Development Program, the UN Industrial Development Organization and the UN Environment Program). GAHP activities are implemented by the Secretariat, currently hosted by Blacksmith Institute, and governed by

an Executive Committee. A Technical Advisory Group provides key technical expertise and advice to GAHP operations and activities. Currently, the GAHP is supported by financing from the European Commission and the World Bank.

GAHP'S Main Objectives:

- To raise awareness about chemicals, wastes and toxic pollution, its human health and environmental impacts and promote mainstreaming into development agendas/strategies;
- To assist low- and middle-income countries to take concrete action to address chemicals, wastes and toxic pollution and their impacts on human health, including remediation and prevention of future contamination; and
- To ensure integration with ongoing and future international efforts on chemicals and hazardous wastes to minimize gaps, reduce duplication of effort, and maximize resources.

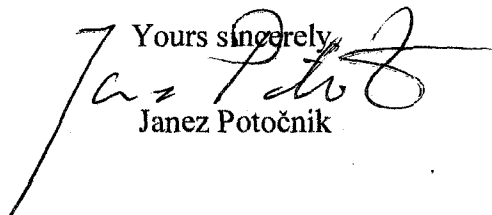
The role of Ambassador is purely in the context of the occasional public support given to the objectives and activities of the GAPH.

As for the rest 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.

In line with the request following Commission Internal decision C(2014)9518, OJ2109, I would also like to reassure the Commission that my role in the context of the Chairmanship "steering" function of the FFA will exclude any involvement that could be related to the commercial interests of Syngenta and I would also like to give additional assurance that as a Member of the European Policy Centre's Advisory Council I will abstain from any activity contrary to the Code of Conduct for example lobbying, if the EPC decided to engage in specific projects related to the field of environment and appeal for EU funding.

I would also like to add in advance the very same assurance for the role, which I will play as a Chairman of the RISE foundation, and for GAPH Ambassador role.

I hope you are well!

Yours sincerely,

Janez Potočnik



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, **28 JAN. 2015**
SG/B3 Ares(2015)

Mr Janez Potočnik

By e-mail to:

Dear Mr Potočnik,

Thank you for your letter dated 9 January 2015 (posted on 21 January 2015) whereby you informed the Commission about your intention to accept two additional post Commission-office assignments, one as Chairman of the RISE Foundation (Rural and Investment Support for Europe Foundation) and the other as GAPH (Global Alliance on Health and Pollution) Ambassador.

In view of the link between the scope of these two envisaged activities and your former Commission portfolio, the Commission must request the Ad hoc Ethical Committee's opinion before it takes its own decision on their compatibility with article 245(2) of the TFEU.

In order to enable the Committee to make its opinion, may I ask you to clarify if those envisaged activities will be, or not, remunerated (on a regular contractual basis / on a per diem basis/ reimbursement of costs/ other?)

With regard to the RISE Foundation, it might be useful to know the relationship which existed between this Foundation and DG ENV during your third term as Commissioner as well as the RISE Foundation's sources of finance.

Thank you in advance for your kind co-operation.

Yours sincerely,

Catherine Day

DOCUMENT 3

Ares(2015)450635

Brussels, 4th 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,

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 would cover

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



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, **06 FEB. 2015**
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: Former Commissioner Janez Potocnik's envisaged post-mandate occupations

Please find enclosed former Commissioner Janez Potocnik's letters of 9 January (posted on 21 January) and 4 February 2015, the latter replying to my letter of 28 January 2015 requesting additional information, also enclosed.

In his first letter, Mr Potocnik notified the Commission about two envisaged post Commission-office occupations, as Chairman of the Rural Investment Support for Europe Foundation (RISE Foundation) and as Ambassador of the Global Alliance on Health and Pollution (GAHP).

In his second letter, Mr Potocnik clarifies that none of the above mentioned activities is remunerated and provides additional information on the relationship of the RISE Foundation and DG Environment during his term as Commissioner in charge Environment. In this letter, Mr Potocnik also notifies the Commission about a third envisaged activity, as member of the Steering Committee for "A Vision for Europe towards sustainable and circular economy". This activity, which entails his participation in 6 Steering Committee meetings, will be remunerated on a per-diem basis.

All these three envisaged activities encompass an environmental dimension and therefore a link with Mr Potocnik's former portfolio.

For this reason, in accordance with point 1.2 of the Code of Conduct for Commissioners, may I ask you to provide the Commission with your opinions on the compatibility of these three activities with article 245(2) of the Treaty on the Functioning of the European Union.

For all useful purpose, and in addition to the information provided by Mr Potocnik in his letters, you will also find enclosed three information fiches prepared by the Secretariat General containing complementary information/remarks on Mr Potocnik's envisaged activities.

Catherine Day

Encl: Mr Potocnik's letters to the Secretary General of 09 January and 4 February 2015
Secretary General's letter to Mr Potocnik of 28 January 2015
3 Information Fiches

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 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 (...) covering
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: (SJ)
Sent: Thursday 19 February 2015 18:10
To: (SG)
Cc: (SG); 1 (SG)
Subject: RE: URGENT: Projet de décision de la Commission sur trois activités de M. Potocnik
Attachments: DRAFT Décision Potocnik RISE GAHP (2).doc

Le Service juridique peut marquer son accord sous réserve des remarques en annexe.

Bien à vous,

From: (SG)
Sent: Wednesday, February 18, 2015 6:38 PM
To: (SJ)
Cc: (SG); (SG)
Subject: URGENT: Projet de décision de la Commission sur trois activités de M. Potocnik
Importance: High

Chère

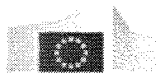
Je te prie de bien vouloir trouver ci-joint un projet de décision relatif à trois activités de M. Potocnik, lequel fait suite à l'avis du Comité Ethique ad Hoc reçu ce matin.

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 prochaine réunion du Collège (OJ 2117, mercredi 25 février) et l'avis du SJ serait dès lors apprécié si possible avant demain 17 H

Je joins également les lettres de M. Potocnik à la Secrétaire générale du 9 janvier et du 4 février, la lettre de la Secrétaire générale à M. Potocnik du 28 janvier et l'avis du Comité éthique ad hoc reçu aujourd'hui (dont l'enregistrement ARES est en cours).



European Commission
Secretariat General

B-1049 Brussels/Belgium

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 9 January 2015, former Commissioner Janez Potočnik informed the Commission of his intention to accept two post-mandate activities, namely as Chairman of the Rural Investment Support for Europe Foundation (RISE Foundation) and as Ambassador of the Global Alliance on Health and Pollution (GAHP). With his letter of 4 February 2015, Mr Potočnik provided additional information on the above referred activities and notified the Commission about a third envisaged activity, as member of the Steering Committee for "*A Vision for Europe towards sustainable and circular economy*".

These three envisaged activities encompass an environmental dimension and therefore a link with Mr Potocnik's former portfolio. For this reason the Ad hoc Ethical Committee was requested, on 6 February 2015, to provide the Commission with its opinion on the compatibility of these activities with article 245(2) of the Treaty on the Functioning of the European Union. The Committee delivered its opinion on 18 February 2015.

Chairmanship of the Rural Investment Support for Europe Foundation (RISE Foundation)

Mr Potocnik informed the Commission that the RISE Foundation is 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.

He also added that 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. It produces high quality research reports with key targeted recommendations, provides a platform for debate on issues which affect rural communities and highlights innovative practices developed at the farm level.

Mr Potocnik underlined that the RISE Foundation holds the unique position of working at a European level, based in Brussels, close to the European policy makers, yet with direct access to extensive networks of land managers, so ensuring that the work is always grounded in the reality of applying change at the grassroots level.

Mr Potocnik also informed the Commission that the sources of financing of the RISE Foundation are currently Bunge, John Deere and Acqua&Sole and that the RISE Foundation has been funded in the past by Syngenta and BASF, whose support has however been discontinued after 2013.

According to the information available through the RISE Foundation's website, this Foundation has a strong link *with several organisations (?)* [please clarify] inter alia with the European Landowners' Association and with Syngenta, who created in 2008 the Forum for the Future of Agriculture currently chaired by Mr Potocnik¹. As Chairman of the RISE Foundation, Mr Potocnik would succeed former Agriculture and Rural Development Commissioner Franz Fischler.

Mr Potocnik also explained that the Foundation had no financial support from the Commission (DG ENV) during his mandate and that his function as Chairman of the RISE Foundation will not be remunerated. He also gave every assurance that he will respect his obligations under the Code of Conduct for Commissioners in the performance of this function.

The Ad hoc Ethical Committee took into consideration the factual information provided by Mr Potocnik and in particular the assurances given by Mr Potocnik on his determination to act fully in accordance with his obligations under the Code of Conduct for Commissioners. The Committee underlined that the link with Mr Potocnik's former Commission portfolio is only nominal, that this activity will be performed without remuneration, and serving no particular business interest, and in support of widely shared European and global objectives with regard to a sustainable development and environment.

The Committee therefore concluded that Mr Potocnik's envisaged activity as Chairman of the RISE Foundation is compatible with Article 245(2) of the TFEU.

The Services of the Commission share the Ad hoc Ethical Committee's view, yet considering that Mr Potocnik should be reminded of the prohibition to lobby the Commission and its services, during eighteen months after the end of his mandate, (1) in case the RISE Foundation decides to engage in specific projects related to the field of environment and appeal to EU funding and, (2) in more general terms, in favor of the RISE Foundation and/or the entities behind the RISE Foundation.

Ambassador of the Global Alliance on Health and Pollution (GAHP)

Mr Potocnik presented the Global Alliance on Health and Pollution (GAHP) as a collaborative body formed in 2012 and tasked with coordinating resources and activities on chemicals, waste and toxic pollution in low and middle income countries, envisioning a world safe from toxic pollution. The GAHP's mission is to help low and middle income countries clean up legacy toxic hot-spots, prevent re-contamination and guard against future pollution.

The GAHP has currently 24 members including the European Commission, three multilateral development banks (the Asian Development Bank, the Inter-American Development Bank and the World Bank), several UN Agencies and National or City Governments.

The GAHP is governed by an executive committee, supported by a secretariat. A technical advisory group provides key technical expertise and advice to GAHP operations and activities. Currently, the GAHP is financially supported by the European Commission and the World Bank.

¹ Cfr Commission Decision C(2014)9518 of 10 December 2014.

Mr Potocnik's non-remunerated role as GAHP Ambassador will purely be in the context of the occasional public support given to the objectives and activities of the GAHP.

The Ad hoc Ethical Committee took into consideration the factual information provided by Mr Potocnik and in particular the assurances he gave on his determination to act fully in accordance with his obligations under the Code of Conduct for Commissioners. The Committee underlined that the link with Mr Potocnik's former Commission portfolio is only nominal, that this activity will be performed without remuneration, serving no particular business interest, and in support of widely shared European and global objectives with regard to a sustainable development and environment.

The Committee therefore concluded that Mr Potocnik's envisaged activity as Ambassador of the Global Alliance on Health and Pollution is compatible 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 Committee 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 also noted 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 more 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 Services of the Commission considered 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, during eighteen months after the end of his mandate, 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.

The Commission is invited:

- (1) to decide that former Commissioner Janez Potočnik's envisaged activity as Chairman of the Rural Investment Support for Europe Foundation (RISE Foundation) is compatible with Article 245(2) of the TFEU on the condition that Mr Potocnik abstains from lobbying the Commission and its services, during eighteen months after the end of his mandate, in case the RISE Foundation decides to engage in specific projects related to the field of environment and appeal to EU funding and, in more general terms, in favor of the RISE Foundation and/or the entities behind the RISE Foundation;
- (2) to decide that Mr Potočnik's activity as Ambassador of the Global Alliance on Health and Pollution (GAHP) is compatible with Article 245(2) of the TFEU;
- (3) 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, during eighteen months after the end of his mandate, 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”.
- (4) to instruct the Secretary General to inform Mr Potocnik about the present decision, yet drawing his attention to the conditions stipulated therein.

DOCUMENT 3

Ares(2015)450635

Brussels, 4th 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,

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 would cover

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

Brussels, 09 January 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 like to notify the Commission of my additional planned post-mandate activities:

- **Chairman of the RISE Foundation**

The Rural Investment Support for Europe (RISE) Foundation is 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.

The work of RISE is ever more important today as the world is confronted with the challenges of growing food insecurity, notably, the continuing population and economic growth in the face of scarcities of agricultural land and water and dangers posed by climate change, agricultural pollution and biodiversity loss.

The Foundation holds the unique position of working at a European level, based in Brussels, close to the European policy makers, yet has direct access extensive networks of land managers so ensuring that the work is always grounded in the reality of applying

change at the grassroots level.

RISE is supported in its work by the RISE Advisory Committee and its member organizations.

The vision: A strong, vibrant and sustainable rural Europe, where people have high quality of life. A countryside where natural heritage is preserved and cultural traditions are kept alive, rural regions are able to meet the challenges of globalization and urbanization that build on their human and natural assets, and deploy their endogenous talents and engage committed rural actors, who trust their individual and collective capacity to make changes.

The mission: Remove the barriers – structural, cultural and economic – that hold the countryside back, promote economic cooperation, synergy and social integration, stimulate positive developments through innovative pilot projects, use the best research to speed up innovations, mobilize resources and develop financial vehicles, uphold the interests of landowners and rural people and contribute to a better understanding between town and country and a more motivated rural population.

More about RISE: risefoundation.eu

- **GAPH (Global Alliance on Health and Pollution) Ambassador**

The Global Alliance on Health and Pollution (GAHP) was formed in 2012 with Blacksmith Institute serving as Secretariat. GAHP is 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 clean up legacy toxic hotspots, prevent re-contamination and guard against future pollution.

Currently, the GAHP has 24 members: three multilateral development banks (Asian Development Bank, Inter-American Development Bank and the World Bank), two bilateral agencies (the European Commission and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)), nine Ministries of Environment (Cameroon, Indonesia, Ghana, Madagascar, Mexico, Peru, the Philippines, Senegal and Uruguay), the Ministry of Health of Tajikistan, two city governments (Buenos Aires and Montevideo), four NGOs (Blacksmith Institute, KPBB, the Cyrus R. Vance Center for International Justice and Fundación Chile), and three UN agencies (the UN Development Program, the UN Industrial Development Organization and the UN Environment Program). GAHP activities are implemented by the Secretariat, currently hosted by Blacksmith Institute, and governed by

an Executive Committee. A Technical Advisory Group provides key technical expertise and advice to GAHP operations and activities. Currently, the GAHP is supported by financing from the European Commission and the World Bank.

GAHP'S Main Objectives:

- To raise awareness about chemicals, wastes and toxic pollution, its human health and environmental impacts and promote mainstreaming into development agendas/strategies;
- To assist low- and middle-income countries to take concrete action to address chemicals, wastes and toxic pollution and their impacts on human health, including remediation and prevention of future contamination; and
- To ensure integration with ongoing and future international efforts on chemicals and hazardous wastes to minimize gaps, reduce duplication of effort, and maximize resources.

The role of Ambassador is purely in the context of the occasional public support given to the objectives and activities of the GAPH.

As for the rest 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.

In line with the request following Commission Internal decision C(2014)9518, OJ2109, I would also like to reassure the Commission that my role in the context of the Chairmanship "steering" function of the FFA will exclude any involvement that could be related to the commercial interests of Syngenta and I would also like to give additional assurance that as a Member of the European Policy Centre's Advisory Council I will abstain from any activity contrary to the Code of Conduct for example lobbying, if the EPC decided to engage in specific projects related to the field of environment and appeal for EU funding.

I would also like to add in advance the very same assurance for the role, which I will play as a Chairman of the RISE foundation, and for GAPH Ambassador role.

I hope you are well!

Yours sincerely,

Janez Potočnik



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, **28 JAN. 2015**
SG/B3 Ares(2015)

Mr Janez Potočnik

By e-mail to:

Dear Mr Potočnik,

Thank you for your letter dated 9 January 2015 (posted on 21 January 2015) whereby you informed the Commission about your intention to accept two additional post Commission-office assignments, one as Chairman of the RISE Foundation (Rural and Investment Support for Europe Foundation) and the other as GAPH (Global Alliance on Health and Pollution) Ambassador.

In view of the link between the scope of these two envisaged activities and your former Commission portfolio, the Commission must request the Ad hoc Ethical Committee's opinion before it takes its own decision on their compatibility with article 245(2) of the TFEU.

In order to enable the Committee to make its opinion, may I ask you to clarify if those envisaged activities will be, or not, remunerated (on a regular contractual basis / on a per diem basis/ reimbursement of costs/ other?)

With regard to the RISE Foundation, it might be useful to know the relationship which existed between this Foundation and DG ENV during your third term as Commissioner as well as the RISE Foundation's sources of finance.

Thank you in advance for your kind co-operation.

Yours sincerely,

Catherine Day

DOCUMENT 3

Ares(2015)450635

Brussels, 4th 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,

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.

Catherine DAY, Secretary General of the European Commission

cc.: , S.G.,

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 (...) covering

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.

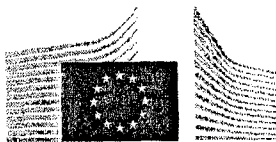
On balance, the Committee arrives at the conclusion that the intended activity can be declared compatible with the second paragraph of Article 245 of the TFEU, recommending that Mr Potocnik should be informed about the underlying detailed justification of this opinion.

Nikolaus van der Pas,

Rafael Garcia-Valdecasas

Terry Wynn

Date: 18 February 2015



COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 13 mars 2015

C(2015) 1328

COMMISSION INTERNE

OJ 2120

**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 2120^{ème} réunion de la Commission le 18 mars 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 9 January 2015, former Commissioner Janez Potočnik informed the Commission of his intention to accept two post-mandate activities, namely as Chairman of the Rural Investment Support for Europe Foundation (RISE Foundation) and as Ambassador of the Global Alliance on Health and Pollution (GAHP). With his letter of 4 February 2015, Mr Potočnik provided additional information on the above referred activities.

These two envisaged activities encompass an environmental dimension and therefore a link with Mr Potocnik's former portfolio. For this reason the Ad hoc Ethical Committee was requested, on 6 February 2015, to provide the Commission with its opinion on the compatibility of these activities with article 245(2) of the Treaty on the Functioning of the European Union. The Committee delivered its opinion on 18 February 2015.

Chairmanship of the Rural Investment Support for Europe Foundation (RISE Foundation)

Mr Potocnik informed the Commission that the RISE Foundation is 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.

He also added that 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. It produces high quality research reports with key targeted recommendations, provides a platform for debate on issues which affect rural communities and highlights innovative practices developed at the farm level.

Mr Potocnik underlined that the RISE Foundation holds the unique position of working at a European level, based in Brussels, close to the European policy makers, yet with direct access to extensive networks of land managers, so ensuring that the work is always grounded in the reality of applying change at the grassroots level.

Mr Potocnik also informed the Commission that the sources of financing of the RISE Foundation are currently Bunge, John Deere and Acqua&Sole and that the RISE Foundation has been funded in the past by Syngenta and BASF, whose support has however been discontinued after 2013.

According to the information available through the RISE Foundation's website, this Foundation has a strong link with several organisations, inter alia with the European Landowners' Association and with Syngenta, who created in 2008 the Forum for the Future of Agriculture currently chaired by Mr Potocnik¹. As Chairman of the RISE Foundation, Mr Potocnik would succeed former Agriculture and Rural Development Commissioner Franz Fischler.

Mr Potocnik also explained that the Foundation had no financial support from the Commission (DG ENV) during his mandate and that his function as Chairman of the RISE Foundation will not be remunerated. He also gave every assurance that he will respect his obligations under the Code of Conduct for Commissioners in the performance of this function.

The Ad hoc Ethical Committee took into consideration the factual information provided by Mr Potocnik and in particular the assurances given by Mr Potocnik on his determination to act fully in accordance with his obligations under the Code of Conduct for Commissioners. The Committee underlined that the link with Mr Potocnik's former Commission portfolio is only nominal, that this activity will be performed without remuneration, and serving no particular business interest, and in support of widely shared European and global objectives with regard to a sustainable development and environment.

The Committee therefore concluded that Mr Potocnik's envisaged activity as Chairman of the RISE Foundation is compatible with Article 245(2) of the TFEU.

The Services of the Commission share the Ad hoc Ethical Committee's view, yet considering that Mr Potocnik should be reminded of the prohibition to lobby the Commission and its services, during eighteen months after the end of his mandate, (1) in case the RISE Foundation decides to engage in specific projects related to the field of environment and appeal to EU funding and, (2) in more general terms, in favor of the RISE Foundation and/or the entities behind the RISE Foundation.

Ambassador of the Global Alliance on Health and Pollution (GAHP)

Mr Potocnik presented the Global Alliance on Health and Pollution (GAHP) as a collaborative body formed in 2012 and tasked with coordinating resources and activities on chemicals, waste and toxic pollution in low and middle income countries, envisioning a world safe from toxic pollution. The GAHP's mission is to help low and middle income countries clean up legacy toxic hot-spots, prevent re-contamination and guard against future pollution.

The GAHP has currently 24 members including the European Commission, three multilateral development banks (the Asian Development Bank, the Inter-American Development Bank and the World Bank), several UN Agencies and National or City Governments.

The GAHP is governed by an executive committee, supported by a secretariat. A technical advisory group provides key technical expertise and advice to GAHP operations and activities. Currently, the GAHP is financially supported by the European Commission and the World Bank.

Mr Potocnik's non-remunerated role as GAHP Ambassador will purely be in the context of the occasional public support given to the objectives and activities of the GAHP.

¹ Cfr Commission Decision C(2014) 9518 of 10 December 2014.

The Ad hoc Ethical Committee took into consideration the factual information provided by Mr Potocnik and in particular the assurances he gave on his determination to act fully in accordance with his obligations under the Code of Conduct for Commissioners. The Committee underlined that the link with Mr Potocnik's former Commission portfolio is only nominal, that this activity will be performed without remuneration, serving no particular business interest, and in support of widely shared European and global objectives with regard to a sustainable development and environment.

The Committee therefore concluded that Mr Potocnik's envisaged activity as Ambassador of the Global Alliance on Health and Pollution is compatible with Article 245(2) of the TFEU.

The Commission is invited:

- (1) to decide that former Commissioner Janez Potočnik's envisaged activity as Chairman of the Rural Investment Support for Europe Foundation (RISE Foundation) is compatible with Article 245(2) of the TFEU on the condition that Mr Potocnik abstains from lobbying the Commission and its services, during eighteen months after the end of his mandate, in case the RISE Foundation decides to engage in specific projects related to the field of environment and appeal to EU funding and, in more general terms, in favor of the RISE Foundation and/or the entities behind the RISE Foundation;
- (2) to decide that Mr Potočnik's activity as Ambassador of the Global Alliance on Health and Pollution (GAHP) is compatible with Article 245(2) of the TFEU;
- (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)

Mr Janez Potočnik

By e-mail to:

Dear Mr Potočnik,

I am pleased to inform you that the Commission decided, during its 2120th meeting of 18 March 2015, about your envisaged post Commission-office activities notified with your letter of 9 January.

The Commission decided that:

- your envisaged activity as Chairman of the Rural Investment Support for Europe Foundation is compatible with Article 245(2) of the TFEU on the condition that you abstain from lobbying the Commission and its services, during eighteen months after the end of your mandate, in case the RISE Foundation decides to engage in specific projects related to the field of environment and appeal to EU funding and, in more general terms, in favor of the RISE Foundation and/or the entities behind the RISE Foundation;
- your envisaged activity as Ambassador of the Global Alliance on Health and Pollution is compatible with Article 245(2) of the TFEU.

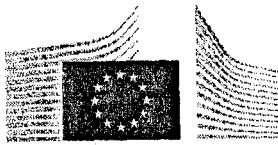
Please find enclosed Commission decision C(2015) 1328.

Yours sincerely,

Catherine Day

Encl: Commission Decision C(2015) 1328

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



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 13 mars 2015

C(2015) 1328

COMMISSION INTERNE

OJ 2120

**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 2120^{ème} réunion de la Commission le 18 mars 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 9 January 2015, former Commissioner Janez Potočnik informed the Commission of his intention to accept two post-mandate activities, namely as Chairman of the Rural Investment Support for Europe Foundation (RISE Foundation) and as Ambassador of the Global Alliance on Health and Pollution (GAHP). With his letter of 4 February 2015, Mr Potočnik provided additional information on the above referred activities.

These two envisaged activities encompass an environmental dimension and therefore a link with Mr Potocnik's former portfolio. For this reason the Ad hoc Ethical Committee was requested, on 6 February 2015, to provide the Commission with its opinion on the compatibility of these activities with article 245(2) of the Treaty on the Functioning of the European Union. The Committee delivered its opinion on 18 February 2015.

Chairmanship of the Rural Investment Support for Europe Foundation (RISE Foundation)

Mr Potocnik informed the Commission that the RISE Foundation is 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.

He also added that 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. It produces high quality research reports with key targeted recommendations, provides a platform for debate on issues which affect rural communities and highlights innovative practices developed at the farm level.

Mr Potocnik underlined that the RISE Foundation holds the unique position of working at a European level, based in Brussels, close to the European policy makers, yet with direct access to extensive networks of land managers, so ensuring that the work is always grounded in the reality of applying change at the grassroots level.

Mr Potocnik also informed the Commission that the sources of financing of the RISE Foundation are currently Bunge, John Deere and Acqua&Sole and that the RISE Foundation has been funded in the past by Syngenta and BASF, whose support has however been discontinued after 2013.

According to the information available through the RISE Foundation's website, this Foundation has a strong link with several organisations, inter alia with the European Landowners' Association and with Syngenta, who created in 2008 the Forum for the Future of Agriculture currently chaired by Mr Potocnik¹. As Chairman of the RISE Foundation, Mr Potocnik would succeed former Agriculture and Rural Development Commissioner Franz Fischler.

Mr Potocnik also explained that the Foundation had no financial support from the Commission (DG ENV) during his mandate and that his function as Chairman of the RISE Foundation will not be remunerated. He also gave every assurance that he will respect his obligations under the Code of Conduct for Commissioners in the performance of this function.

The Ad hoc Ethical Committee took into consideration the factual information provided by Mr Potocnik and in particular the assurances given by Mr Potocnik on his determination to act fully in accordance with his obligations under the Code of Conduct for Commissioners. The Committee underlined that the link with Mr Potocnik's former Commission portfolio is only nominal, that this activity will be performed without remuneration, and serving no particular business interest, and in support of widely shared European and global objectives with regard to a sustainable development and environment.

The Committee therefore concluded that Mr Potocnik's envisaged activity as Chairman of the RISE Foundation is compatible with Article 245(2) of the TFEU.

The Services of the Commission share the Ad hoc Ethical Committee's view, yet considering that Mr Potocnik should be reminded of the prohibition to lobby the Commission and its services, during eighteen months after the end of his mandate, (1) in case the RISE Foundation decides to engage in specific projects related to the field of environment and appeal to EU funding and, (2) in more general terms, in favor of the RISE Foundation and/or the entities behind the RISE Foundation.

Ambassador of the Global Alliance on Health and Pollution (GAHP)

Mr Potocnik presented the Global Alliance on Health and Pollution (GAHP) as a collaborative body formed in 2012 and tasked with coordinating resources and activities on chemicals, waste and toxic pollution in low and middle income countries, envisioning a world safe from toxic pollution. The GAHP's mission is to help low and middle income countries clean up legacy toxic hot-spots, prevent re-contamination and guard against future pollution.

The GAHP has currently 24 members including the European Commission, three multilateral development banks (the Asian Development Bank, the Inter-American Development Bank and the World Bank), several UN Agencies and National or City Governments.

The GAHP is governed by an executive committee, supported by a secretariat. A technical advisory group provides key technical expertise and advice to GAHP operations and activities. Currently, the GAHP is financially supported by the European Commission and the World Bank.

Mr Potocnik's non-remunerated role as GAHP Ambassador will purely be in the context of the occasional public support given to the objectives and activities of the GAHP.

¹ Cfr Commission Decision C(2014) 9518 of 10 December 2014.

The Ad hoc Ethical Committee took into consideration the factual information provided by Mr Potocnik and in particular the assurances he gave on his determination to act fully in accordance with his obligations under the Code of Conduct for Commissioners. The Committee underlined that the link with Mr Potocnik's former Commission portfolio is only nominal, that this activity will be performed without remuneration, serving no particular business interest, and in support of widely shared European and global objectives with regard to a sustainable development and environment.

The Committee therefore concluded that Mr Potocnik's envisaged activity as Ambassador of the Global Alliance on Health and Pollution is compatible with Article 245(2) of the TFEU.

The Commission is invited:

- (1) to decide that former Commissioner Janez Potočnik's envisaged activity as Chairman of the Rural Investment Support for Europe Foundation (RISE Foundation) is compatible with Article 245(2) of the TFEU on the condition that Mr Potocnik abstains from lobbying the Commission and its services, during eighteen months after the end of his mandate, in case the RISE Foundation decides to engage in specific projects related to the field of environment and appeal to EU funding and, in more general terms, in favor of the RISE Foundation and/or the entities behind the RISE Foundation;
- (2) to decide that Mr Potočnik's activity as Ambassador of the Global Alliance on Health and Pollution (GAHP) is compatible with Article 245(2) of the TFEU;
- (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

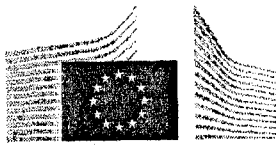
Mr Nikolaus Van der Pas
Mr Rafael García-Valdecasas
Mr Terry Wynn

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

Please find enclosed, for your information, Commission Decisions C(2015) 1328 and C(2015) 1611, adopted at its 2120th meeting of 18 January 2015, on former Commissioners Janez Potocnik's and envisaged post Commission-office activities.

Catherine Day

Encl: Commission Decision C(2015) 1328 (Mr Potocnik)



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 13 mars 2015

C(2015) 1328

COMMISSION INTERNE

OJ 2120

**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 2120^{ème} réunion de la Commission le 18 mars 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 9 January 2015, former Commissioner Janez Potočnik informed the Commission of his intention to accept two post-mandate activities, namely as Chairman of the Rural Investment Support for Europe Foundation (RISE Foundation) and as Ambassador of the Global Alliance on Health and Pollution (GAHP). With his letter of 4 February 2015, Mr Potočnik provided additional information on the above referred activities.

These two envisaged activities encompass an environmental dimension and therefore a link with Mr Potocnik's former portfolio. For this reason the Ad hoc Ethical Committee was requested, on 6 February 2015, to provide the Commission with its opinion on the compatibility of these activities with article 245(2) of the Treaty on the Functioning of the European Union. The Committee delivered its opinion on 18 February 2015.

Chairmanship of the Rural Investment Support for Europe Foundation (RISE Foundation)

Mr Potocnik informed the Commission that the RISE Foundation is 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.

He also added that 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. It produces high quality research reports with key targeted recommendations, provides a platform for debate on issues which affect rural communities and highlights innovative practices developed at the farm level.

Mr Potocnik underlined that the RISE Foundation holds the unique position of working at a European level, based in Brussels, close to the European policy makers, yet with direct access to extensive networks of land managers, so ensuring that the work is always grounded in the reality of applying change at the grassroots level.

Mr Potocnik also informed the Commission that the sources of financing of the RISE Foundation are currently Bunge, John Deere and Acqua&Sole and that the RISE Foundation has been funded in the past by Syngenta and BASF, whose support has however been discontinued after 2013.

According to the information available through the RISE Foundation's website, this Foundation has a strong link with several organisations, inter alia with the European Landowners' Association and with Syngenta, who created in 2008 the Forum for the Future of Agriculture currently chaired by Mr Potocnik¹. As Chairman of the RISE Foundation, Mr Potocnik would succeed former Agriculture and Rural Development Commissioner Franz Fischler.

Mr Potocnik also explained that the Foundation had no financial support from the Commission (DG ENV) during his mandate and that his function as Chairman of the RISE Foundation will not be remunerated. He also gave every assurance that he will respect his obligations under the Code of Conduct for Commissioners in the performance of this function.

The Ad hoc Ethical Committee took into consideration the factual information provided by Mr Potocnik and in particular the assurances given by Mr Potocnik on his determination to act fully in accordance with his obligations under the Code of Conduct for Commissioners. The Committee underlined that the link with Mr Potocnik's former Commission portfolio is only nominal, that this activity will be performed without remuneration, and serving no particular business interest, and in support of widely shared European and global objectives with regard to a sustainable development and environment.

The Committee therefore concluded that Mr Potocnik's envisaged activity as Chairman of the RISE Foundation is compatible with Article 245(2) of the TFEU.

The Services of the Commission share the Ad hoc Ethical Committee's view, yet considering that Mr Potocnik should be reminded of the prohibition to lobby the Commission and its services, during eighteen months after the end of his mandate, (1) in case the RISE Foundation decides to engage in specific projects related to the field of environment and appeal to EU funding and, (2) in more general terms, in favor of the RISE Foundation and/or the entities behind the RISE Foundation.

Ambassador of the Global Alliance on Health and Pollution (GAHP)

Mr Potocnik presented the Global Alliance on Health and Pollution (GAHP) as a collaborative body formed in 2012 and tasked with coordinating resources and activities on chemicals, waste and toxic pollution in low and middle income countries, envisioning a world safe from toxic pollution. The GAHP's mission is to help low and middle income countries clean up legacy toxic hot-spots, prevent re-contamination and guard against future pollution.

The GAHP has currently 24 members including the European Commission, three multilateral development banks (the Asian Development Bank, the Inter-American Development Bank and the World Bank), several UN Agencies and National or City Governments.

The GAHP is governed by an executive committee, supported by a secretariat. A technical advisory group provides key technical expertise and advice to GAHP operations and activities. Currently, the GAHP is financially supported by the European Commission and the World Bank.

Mr Potocnik's non-remunerated role as GAHP Ambassador will purely be in the context of the occasional public support given to the objectives and activities of the GAHP.

¹ Cfr Commission Decision C(2014) 9518 of 10 December 2014.

The Ad hoc Ethical Committee took into consideration the factual information provided by Mr Potocnik and in particular the assurances he gave on his determination to act fully in accordance with his obligations under the Code of Conduct for Commissioners. The Committee underlined that the link with Mr Potocnik's former Commission portfolio is only nominal, that this activity will be performed without remuneration, serving no particular business interest, and in support of widely shared European and global objectives with regard to a sustainable development and environment.

The Committee therefore concluded that Mr Potocnik's envisaged activity as Ambassador of the Global Alliance on Health and Pollution is compatible with Article 245(2) of the TFEU.

The Commission is invited:

- (1) to decide that former Commissioner Janez Potočnik's envisaged activity as Chairman of the Rural Investment Support for Europe Foundation (RISE Foundation) is compatible with Article 245(2) of the TFEU on the condition that Mr Potocnik abstains from lobbying the Commission and its services, during eighteen months after the end of his mandate, in case the RISE Foundation decides to engage in specific projects related to the field of environment and appeal to EU funding and, in more general terms, in favor of the RISE Foundation and/or the entities behind the RISE Foundation;
- (2) to decide that Mr Potočnik's activity as Ambassador of the Global Alliance on Health and Pollution (GAHP) is compatible with Article 245(2) of the TFEU;
- (3) to instruct the Secretary General to inform Mr Potocnik about the present decision, yet drawing his attention to the conditions stipulated therein.

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