EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

Brussels,  
SG/B3 Ares(2015)Note to the Members of the Ad-Hoc Ethical CommitteeMr Nikolaus Van der Pas  
Mr Rafael García-Valdecasas  
Mr Terry Wynn

Subject: Former Commissioner Karel de Gucht's post-mandate activity as member of the Advisory Board of CVC Capital Partners

Please find enclosed former Commissioner Karel de Gucht's letter to me of 25 February 2015, whereby he informs the Commission about his intention to join the Advisory Board of CVC Capital Partners, a leading equity provider.

As you can see, Mr De Gucht states his opinion that there is no link between this activity and his previous Commission portfolio. However, in view of the worldwide scope of CVC Capital Partners' operations, and 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 the compatibility of this activity with article 245(2) of the TFEU .

For all useful purpose, and in addition to the information provided by Mr De Gucht, you will also find enclosed an information fiche prepared by the Secretariat General containing additional information on Mr de Gucht's envisaged activity.

Catherine Day

Encl: Mr De Gucht's letter of 25 February 2015 (Ares(2015) 889277)  
Information Fiche

KAREL DE GUCHT

Minister van Staat

25/02/2015

Mme DAY  
Secretary General of the European Commission  
European Commission  
Berlaymont Building BERL 13/173  
Rue de la Loi  
B - 1049 BRUXELLES

Mme Secretary General,

Dear Catherine,

I have the intention to take a seat on the Advisory Board of CVC Capital Partners, a leading equity provider, ranking 3th worldwide. It concerns the European Advisory Board.

The function is not remunerated and limited to somewhat 4 meetings a year. It

To my humble opinion there is no link with my previous mandate as Commissioner for Trade.

Looking forward to your reply, I remain,

Sincerely yours,

  
Karel De Gucht

Catherine DAY, Secretary General of the European Commission

cc.:

Subject: Request from the European Commission of 9 March 2015, Ref. SG/B3 Ares(2015)1035917 concerning post-office activities planned by former Commissioner Karel De Gucht.

1. The Committee has examined the Commissioner's request for an opinion on a post-mandate activity Mr De Gucht wishes to pursue by joining the Advisory Board of CVC Partners, a leading equity provider.
2. The Committee takes note of the information provided by Mr De Gucht in his notification of 25 February 2015 and by the Commission itself.
3. The Committee notes that the envisaged activity will be non-remunerated but that Mr De Gucht may
4. In his notification, Mr De Gucht expresses the opinion that no link exists with his former Commission portfolio and the Commission itself speaks about a remote link considering the global nature of both Mr De Gucht's former Trade Policy portfolio and CVC Partners' investment activities.
5. It could be argued that Mr De Gucht's activities as Trade Commissioner, negotiating trade and investment agreements with many countries in the world and acquiring privileged insight both in the EU's negotiating strategies and the investment conditions and policies in partner countries, could be seen as elements of incompatibility under paragraph 1.2 of the Code of Conduct for Commissioners.
6. However, these elements concern legal frameworks for trade and investment operators, which are in the public domain. They do not change the fact that these operators remain exposed to competitive market conditions, and it is difficult to see how Mr De Gucht's former experience and knowledge could create special privileges and advantages for CVC Partners or for himself.
7. The Committee therefore concludes that the link between Mr De Gucht's envisaged activity and his former Commission portfolio is too remote to create any risk of incompatibility.

Opinion:

The Ad-Hoc Ethical Committee is of the opinion that in joining the Advisory Board of CVC Partners Mr De Gucht acts in accordance with the second paragraph of Article 245 of the TFEU.

Nikolaus van der Pas

Rafael Garcia-Valdecasas

Terry Wynn

Date:

**From:** (SG)  
**Sent:** Thursday 26 March 2015 19:04  
**To:** I (SJ)  
**Cc:** (SG); (SG)  
**Subject:** Projet de décision de la Commission sur une activité post-mandat de M. De Gucht  
**Attachments:** REV 24.03.15 Draft Décision CVC Capital Partners.doc; CVC Capital Partners - Lettre M.de Gucht à CD 25.02.2015.pdf; Opinion Adhoc\_16.03.2015.pdf

Chère

Je te prie de bien vouloir trouver ci-joint un projet de décision relatif à une activité après cessation de fonctions de M. De Gucht en tant que Membre de l'Advisory Board (European Advisory Board) de "CVC Capital Partners".

Ce projet de décision tient compte de l'avis du Comité éthique ad hoc.

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 du **mercredi 15 avril** (OJ 2122) et l'avis du SJ serait dès lors apprécié, **si possible pour mercredi 8 avril**.

Je joins également la lettre de M. De Gucht à la Secrétaire Générale du 25 février ainsi que l'avis du Comité éthique ad hoc du 16 mars.

Merci d'avance de ta collaboration

## MEMORANDUM FROM THE PRESIDENT TO THE COMMISSION

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

Further to this Treaty provision, the Code of Conduct for Commissioners (C (2011) 2904 final) establishes a specific procedure for the assessment of planned occupations which former Commissioners intend to take up during the eighteen months after they have ceased to hold office. The Commission shall examine the nature of the planned occupation and, if the activity is related to the content of the Commissioner's portfolio, it shall seek the opinion of the Ad hoc Ethical Committee.

On 25 February 2015, former Commissioner Mr Karel De Gucht notified the Commission about his intention to accept an assignment as Member of the Advisory Board (European Advisory Board) of leading equity provider CVC Capital Partners. Mr de Gucht informed that his envisaged function is not remunerated, that it is limited to somewhat 4 meetings a year and that

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In view of the potential link between this activity and Mr De Gucht's former Commission portfolio, the Ad hoc Ethical Committee was requested, on 9 March 2015, to provide its opinion on the compatibility of this activity with article 245(2) of the TFEU.

On 16 March, the Ad hoc Ethical Committee provided the Commission with its opinion. The Committee noted that Mr De Gucht's envisaged activity will not be remunerated but that Mr De Gucht may have access to, . . . . .  
The Committee also noted Mr De Gucht's opinion according to which no link exists with his former Commission portfolio.

According to the Committee, it could be argued that Mr De Gucht's activities as Trade Commissioner, negotiating trade and investment agreements with many countries in the world and acquiring privileged insight both in the EU's negotiating strategies and the investment conditions and policies in partner countries, could be seen as elements of incompatibility under paragraph 1.2 of the Code of Conduct for Commissioners.

However, the Committee considered that these elements concern legal frameworks for trade and investment operators, which are in the public domain and do not change the fact that these operators remain exposed to competitive market conditions. The Committee retained that it is difficult to see how Mr De Gucht's former experience and knowledge could create special privileges and advantages for CVC Partners or for himself as .

On this basis, the Committee concluded that the link between Mr De Gucht's envisaged activity and his former portfolio is too remote to create any risk of incompatibility.

The Services of the Commission took note of the Committee's opinion and considered that this activity as member of the European Advisory Board of CVC Capital Partners is compatible with article 245(2) of the TFEU. They considered however that Mr De Gucht should be reminded of his obligation, deriving from Articles 245(2) and 339 of the TFEU, to protect the collegiality and confidentiality of the matters dealt by the Commission during his mandate.

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The Commission is invited:

- (1) to decide that former Commissioner Karel De Gucht's envisaged activity as Member of the European Advisory Board of leading equity provider CVC Capital Partners is compatible with Article 245(2) of the TFEU on the condition that Mr De Gucht protects the collegiality and the confidentiality on the matters dealt by the Commission during his mandate;
- (2) to instruct the Secretary General to inform Mr De Gucht about the present decision, yet drawing his attention to the condition stipulated therein.

**Ares(2015)1530406**

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**From:** (SJ)  
**Sent:** Wednesday 8 April 2015 17:22  
**To:** (SG)  
**Cc:** (SG); (SG); (SJ)  
**Subject:** RE: Projet de décision de la Commission sur une activité post-mandat de M. De Gucht  
**Attachments:** REV 24 03 15 Draft Décision CVC Capital Partners.doc

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

Regards,



## MEMORANDUM FROM THE PRESIDENT TO THE COMMISSION

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Further to this Treaty provision, the Code of Conduct for Commissioners (C (2011) 2904 final) establishes a specific procedure for the assessment of planned occupations which former Commissioners intend to take up during the eighteen months after they have ceased to hold office. The Commission shall examine the nature of the planned occupation and, if the activity is related to the content of the Commissioner's portfolio, it shall seek the opinion of the Ad hoc Ethical Committee.

On 25 February 2015, former Commissioner Mr Karel De Gucht notified the Commission about his intention to accept an assignment as Member of the Advisory Board (European Advisory Board) of leading equity provider CVC Capital Partners. Mr de Gucht informed that his envisaged function is not remunerated, that it is limited to somewhat 4 meetings a year

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In view of the potential link between this activity and Mr De Gucht's former Commission portfolio, the Ad hoc Ethical Committee was requested, on 9 March 2015, to provide its opinion on the compatibility of this activity with article 245(2) of the TFEU.

On 16 March, the Ad hoc Ethical Committee provided the Commission with its opinion. The Committee noted that Mr De Gucht's envisaged activity will not be remunerated but that Mr De Gucht may have access to, possibly  
The Committee also noted Mr De Gucht's opinion according to which no link exists with his former Commission portfolio.

According to the Committee, it could be argued that Mr De Gucht's activities as Trade Commissioner, negotiating trade and investment agreements with many countries in the world and acquiring privileged insight both in the EU's negotiating strategies and the investment conditions and policies in partner countries, could be seen as elements of incompatibility under paragraph 1.2 of the Code of Conduct for Commissioners.

However, the Committee considered that these elements concern legal frameworks for trade and investment operators, which are in the public domain and do not change the fact that these operators remain exposed to competitive market conditions. The Committee retained that it is difficult to see how Mr De Gucht's former experience and knowledge could create special privileges and advantages for CVC Partners.

On this basis, the Committee concluded that the link between Mr De Gucht's envisaged activity and his former portfolio is too remote to create any risk of incompatibility.

The Services of the Commission took note of the Committee's opinion and considered that this non remunerated activity as member of the European Advisory Board of CVC Capital Partners, consisting in participating in around 4 meetings a year is compatible with article 245(2) of the TFEU. They considered however that Mr De Gucht should be reminded of his obligation, deriving from Articles 245(2) and 339 of the TFEU, to protect the collegiality and confidentiality of the matters dealt with by the Commission during his mandate as well as of his obligation to abstain from any lobbying with Members of the Commission and their staff for this firm during the eighteen months after ceasing to hold office.

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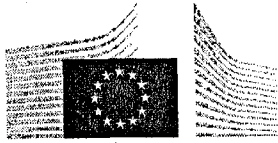
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The Commission is invited:

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- (2) to instruct the Secretary General to inform Mr De Gucht about the present decision, yet drawing his attention to the conditions stipulated therein.

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# DOCUMENT 13



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 10 avril 2015

C(2015) 2476

**COMMISSION INTERNE**

**OJ 2122**

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

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Communication de M. le PRESIDENT

Cette question est inscrite à l'ordre du jour de la 2122<sup>ème</sup> réunion de la Commission le 15 avril 2015.

Destinataires : Membres de la Commission

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

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However, the Committee considered that these elements concern legal frameworks for trade and investment operators, which are in the public domain and do not change the fact that these operators remain exposed to competitive market conditions. The Committee retained that it is difficult to see how Mr De Gucht's former experience and knowledge could create special privileges and advantages for CVC Partners or for himself.

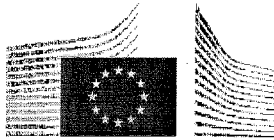
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The Commission is invited:

- (1) to decide that former Commissioner Karel De Gucht's envisaged activity as Member of the European Advisory Board of leading equity provider CVC Capital Partners is compatible with Article 245(2) of the TFEU on the conditions that Mr De Gucht protects the collegiality and the confidentiality of the matters dealt by the Commission during his mandate and abstains from any lobbying with Members of the Commission and their staff for this firm during the eighteen months after ceasing to hold office;
- (2) to instruct the Secretary General to inform Mr De Gucht about the present decision, yet drawing his attention to the conditions stipulated therein.



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

Brussels, 15 AVR. 2015  
SG/B3 Ares(2015)

Mr Karel De Gucht

*Also by e-mail to:*

Dear Mr De Gucht,

I am pleased to inform you that the Commission decided, during its 2122<sup>nd</sup> meeting of 15 April 2015, that your envisaged activity as Member of the European Advisory Board of leading equity provider CVC Capital Partners is compatible with Article 245(2) of the TFEU on the conditions that you protect the collegiality and the confidentiality of the matters dealt with by the Commission during your mandate and that you abstain from any lobbying with Members of the Commission and their staff for this firm during eighteen months after ceasing to hold office.

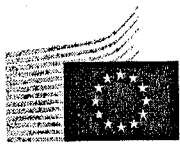
Please find enclosed Commission decision C(2015) 2476.

Yours sincerely,

Catherine Day

Encl: Commission Decision C(2015)2476

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



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 10 avril 2015

C(2015) 2476

**COMMISSION INTERNE**

**OJ 2122**

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

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Communication de M. le PRESIDENT

Cette question est inscrite à l'ordre du jour de la 2122<sup>ème</sup> réunion de la Commission le 15 avril 2015.

Destinataires : Membres de la Commission

## MEMORANDUM FROM THE PRESIDENT TO THE COMMISSION

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

Further to this Treaty provision, the Code of Conduct for Commissioners (C(2011) 2904 final) establishes a specific procedure for the assessment of planned occupations which former Commissioners intend to take up during the eighteen months after they have ceased to hold office. The Commission shall examine the nature of the planned occupation and, if the activity is related to the content of the Commissioner's portfolio, it shall seek the opinion of the Ad hoc Ethical Committee.

On 25 February 2015, former Commissioner Mr Karel De Gucht notified the Commission about his intention to accept an assignment as Member of the Advisory Board (European Advisory Board) of leading equity provider CVC Capital Partners. Mr de Gucht informed that his envisaged function is not remunerated, that it is limited to somewhat 4 meetings a year and

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In view of the potential link between this activity and Mr De Gucht's former Commission portfolio, the Ad hoc Ethical Committee was requested, on 9 March 2015, to provide its opinion on the compatibility of this activity with article 245(2) of the TFEU.

On 16 March, the Ad hoc Ethical Committee provided the Commission with its opinion. The Committee noted that Mr De Gucht's envisaged activity will not be remunerated but that Mr De Gucht may have access to, The Committee also noted Mr De Gucht's opinion according to which no link exists with his former Commission portfolio.

According to the Committee, it could be argued that Mr De Gucht's activities as Trade Commissioner, negotiating trade and investment agreements with many countries in the world and acquiring privileged insight both in the EU's negotiating strategies and the investment conditions and policies in partner countries, could be seen as elements of incompatibility under paragraph 1.2 of the Code of Conduct for Commissioners.

However, the Committee considered that these elements concern legal frameworks for trade and investment operators, which are in the public domain and do not change the fact that these operators remain exposed to competitive market conditions. The Committee retained that it is difficult to see how Mr De Gucht's former experience and knowledge could create special privileges and advantages for CVC Partners or for himself



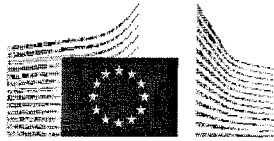
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The Commission is invited:

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- (2) to instruct the Secretary General to inform Mr De Gucht 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  
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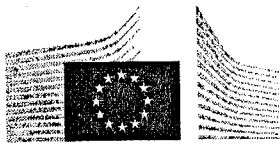
Subject: Commission Decisions on post-mandate activities of former  
Commissioners  
Karel de Gucht.

Please find enclosed, for your information, Commission Decisions C(2015) 2449, C(2015) 2475, C(2015) 2476 and C(2015) 2477, adopted at its 2122<sup>nd</sup> meeting of 15 April 2015, on former and former Commissioners Karel de Gucht's envisaged post mandate activities.

Catherine Day

Encl:

Commission Decision C(2015) 2476 (Mr De Gucht)



COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 10 avril 2015

C(2015) 2476

**COMMISSION INTERNE**

**OJ 2122**

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

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- (2) to instruct the Secretary General to inform Mr De Gucht about the present decision, yet drawing his attention to the conditions stipulated therein.