

KAREL DE GUCHT**Minister van Staat**

25/02/2015

Mme DAY
Secrétaire Générale de la
Commission Européenne
Berlaymont Building BERL 13/173
Rue de la Loi
B – 1049 BRUXELLES

Madame la Secrétaire générale,
Chère Cathérine,

J'ai l'honneur de vous notifier que j'ai repris mes cours à la VUB, Vrije Universiteit Brussel, où j'enseigne, d'ailleurs depuis une trentaine d'années, le Droit Européen, notamment le Droit Constitutionnel Européen et une partie du Droit Matériel.

Il s'agit d'une fonction part time rémunérée

Dans l'attente de vos nouvelles, je signe,

avec mes sentiments amicaux,



Karel De Gucht

KAREL DE GUCHT

Minister van Staat

le 25 février 2015

Madame DAY
Secrétaire Générale de la
Commission Européenne
Berlaymont Building BERL 13/173
Rue de la Loi
B - 1049 BRUXELLES

Madame la Secrétaire générale,
Chère Cathérine,

J'ai l'honneur de vous notifier que j'ai l'intention de prendre la présidence de « IES » Institute for European Studies of the VUB, Vrije Universiteit Brussel.

Il s'agit d'un centre de recherche et d'enseignement.

Le centre a 30 chercheurs et délivre des diplômes dans deux masters, PILC (Program on International Legal Cooperation) et un Europa Master.

Il s'agit d'une fonction non rémunérée.

Je vous joins par ailleurs le rapport annuel 2013 de IES.

Dans l'attente de vos nouvelles, je signe,

avec mes sentiments amicaux,

Karel De Gucht



Institute for
European Studies
Vrije Universiteit Brussel

Annual Report

2013



www.ies.be

KAREL DE GUCHT

DOCUMENT 3

25/02/2015

Mme DAY
Secrétaire Générale de la
Commission Européenne
Berlaymont Building BERL 13/173
Rue de la Loi
B - 1049 BRUXELLES

Madame la Secrétaire générale,
Chère Cathérine,

J'ai l'honneur de vous notifier que j'ai été invité de devenir membre du Conseil d'Administration de BELGACOM S.A., société Belge de télécommunications, cotée en bourse et faisant parti du BEL 20.

Il s'agit d'une fonction d'Administrateur rémunérée :

Dans l'attente de vos nouvelles, je signe,

avec mes sentiments amicaux,

Karel De Gucht

KAREL DE GUCHT

Minister van Staat

DOCUMENT 4

25/02/2015

Mme DAY
Secrétaire Générale de la
Commission Européenne
Berlaymont Building BERL 13/173
Rue de la Loi
B - 1049 BRUXELLES

Madame la Secrétaire générale,
Chère Cathérine,

J'ai l'honneur de vous notifier que j'ai l'intention de siéger sur le Conseil d'Administration de MERIT CAPITAL NV, société de gestion de fortunes, dont je suis actionnaire à concurrence de 10 %.

Cette participation a d'ailleurs toujours été reprise dans ma déclaration annuelle.

Il s'agit d'une fonction non rémunérée qui n'a aucun lien avec mon occupation précédente de Commissaire au Commerce.

Dans l'attente de vos nouvelles, je signe,

avec mes sentiments amicaux,

Karel De Gucht

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

DOCUMENT 6

■ Ref. Ares(2015)970874 - 04/03/2015

From: (SG)
Sent: Wednesday 4 March 2015 17:07
To: (SJ)
Cc: (SG); (SG)
Subject: URGENT - Projet de décision sur quatre activités après cessation de fonctions de M. De Gucht
Attachments: Belgacom - Lettre M.de Gucht à CD 25.02.2015.pdf; Merit Capital - Lettre M.de Gucht à CD 25.02.2015.pdf; Présidence IES VUB - Lettre M.de Gucht à CD 25.02.2015.pdf; Prof droit européen VUB - Lettre M.de Gucht à CD 25.02.2015.pdf; Draft Décision VUB x 2, Belgacom, Merit capital.doc
Importance: High

Chère

Le 25 février, M. De Gucht a envoyé plusieurs lettres à la Secrétaire générale, chacune portant sur une activité après cessation de fonctions.

Je te prie de bien vouloir trouver ci-joint un projet de décision relatif à quatre activités notifiées par M. De Gucht, à savoir une activité (déjà en cours) en tant que professeur de Droit européen à la VUB, une activité envisagée en tant que président de l'Institut d'Etudes Européennes de la VUB, une activité envisagée en tant que membre du Conseil d'Administration de Belgacom et une activité que M. De Gucht compte reprendre en tant que membre du Conseil d'Administration de Merit Capital.

Merci de bien vouloir donner l'accord ou les observations du SJ.

Cette consultation sera également envoyée via ARES à l'entité virtuelle **ve_sj.cons.**

Nous voudrions soumettre cette décision à la prochaine réunion du Collège (mardi 10 mars) et l'avis du SJ serait dès lors apprécié avant demain, jeudi 5 mars, 16 heures.

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 several post-mandate activities. Mr De Gucht informed the Commission that he has resumed his teaching activity at the *Vrije Universiteit Brussel* as Professor of European Law and notified his intention to accept assignments notably as Chairman of the Institute of European Studies of the *Vrije Universiteit Brussel*, as Member of the Board of Directors of Belgian telecom company Belgacom and as Member of the Board of Directors of wealth management firm Merit Capital NV.

Professor of European Law at the Vrije Universiteit Brussel

Mr De Gucht informed the Commission that he has resumed his long-standing teaching activity at the *Vrije Universiteit Brussel* as Professor of European Law. This activity is remunerated.

Following the line adopted by the Commission in its previous decisions with regard to former Commissioners' envisaged academic activities, the Services of the Commission considered that this activity does not present any risk of incompatibility either with Mr De Gucht's former function as Member of the Commission or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was not requested to provide its opinion thereupon.

The Services of the Commission considered however that Mr de Gucht should be reminded about his obligation, deriving from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, to protect the collegiality and the confidentiality of the matters dealt by the Commission during his mandate.

Chairman of the Institute of European Studies of the Vrije Universiteit Brussel

The Institute of European Studies of the *Vrije Universiteit Brussel* is an academic research and teaching center, which delivers master degrees, as well as a policy think tank which focuses on the European Union in an international setting. The Institute advances

academic education and research in various disciplines and provides services to policy-makers, scholars, stakeholders and the general public.

Mr De Gucht informed that this function will not be remunerated.

The Services of the Commission considered that this academic activity does not present any risk of incompatibility either with Mr De Gucht's former function as Member of the Commission or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was not requested to provide its opinion thereupon

Member of the Board of Directors of BELGACOM

Mr De Gucht informed that his envisaged function as Member of the Board of Belgacom S.A will be remunerated

This activity is not related to Mr De Gucht's former Commission portfolio and, on this basis, the Ad hoc Ethical Committee was not requested to provide its opinion on its compatibility with article 245(2) of the TFEU.

The Services of the Commission considered that the envisaged activity is not contrary either to article 245(2) of the TFEU or to the Code of Conduct for Commissioners, on the condition that Mr De Gucht refrains from lobbying the Commission and/or its services, during eighteen months after the end of his mandate, on behalf of Belgacom.

Member of the Board of Directors of wealth management firm Merit Capital NV

Mr De Gucht informed that he is a shareholder of up to 10% of wealth management firm Merit Capital NV, which he has mentioned in his declarations of interest during his term as Member of the Commission. He has held, before being appointed to the Commission, the same function which he now intends to resume.

His envisaged activity will not be remunerated.

This activity is not related to Mr De Gucht's former Commission portfolio and, on this basis, the Ad hoc Ethical Committee was not requested to provide its opinion on its compatibility with article 245(2) of the TFEU.

The Services of the Commission considered that the envisaged activity is not contrary either to article 245(2) of the TFEU or to the Code of Conduct for Commissioners.

The Commission is invited:

- (1) to decide that former Commissioner Karel De Gucht's activity as Professor of European Law at the *Vrije Universiteit Brussel* is compatible with Article 245(2) of the TFEU, on the condition that Mr De Gucht protects the collegiality and the confidentiality of the matters dealt by the Commission during his mandate;

- (2) to decide that Mr De Gucht's envisaged activity as Member of the Board of Belgacom is compatible with Article 245(2) of the TFEU on the condition that Mr De Gucht refrains from lobbying the Commission and/or its services, during eighteen months after the end of his mandate, on behalf of Belgacom;
- (3) to decide that Mr De Gucht's envisaged activities as Chairman of the Institute of European Studies of the *Vrije Universiteit Brussel* and as Member of the Board of Directors of Merit Capital NV are compatible with Article 245(2) of the TFEU;
- (4) to instruct the Secretary General to inform Mr De Gucht about the present decision, yet drawing his attention to the conditions stipulated with regard to some of his notified activities.

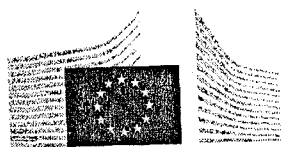
(SG)

From: (SJ)
Sent: Thursday 5 March 2015 17:46
To: (SG)
Cc: (SG); (SG)
Subject: URGENT - Projet de décision sur quatre activités après cessation de fonctions de M. De Gucht

The Legal Service can give its agreement to this draft decision.

It considers, however, that in order to be complete, as regards the membership of the Board of Directors of Belgacom, it would be useful to recall also the duty to respect the principles of collegiality and confidentiality of the matters dealt with by the Commission during Mr De Gucht's mandate.

Regards,



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 13 mars 2015

C(2015) 1610

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.

On 25 February 2015, former Commissioner Mr Karel De Gucht notified the Commission about several post-mandate activities. Mr De Gucht informed the Commission that he has resumed his teaching activity at the *Vrije Universiteit Brussel* as Professor of European Law and notified his intention to accept assignments notably as Chairman of the Institute of European Studies of the *Vrije Universiteit Brussel*, as Member of the Board of Directors of Belgian telecom company Belgacom and as Member of the Board of Directors of wealth management firm Merit Capital NV.

Professor of European Law at the Vrije Universiteit Brussel

Mr De Gucht informed the Commission that he has resumed his long-standing teaching activity at the *Vrije Universiteit Brussel* as Professor of European Law. This activity is remunerated.

Following the line adopted by the Commission in its previous decisions with regard to former Commissioners' envisaged academic activities, the Services of the Commission considered that this activity does not present any risk of incompatibility either with Mr De Gucht's former function as Member of the Commission or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was not requested to provide its opinion thereupon.

The Services of the Commission considered however that Mr de Gucht should be reminded about his obligation, deriving from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, to protect the collegiality and the confidentiality of the matters dealt by the Commission during his mandate.

Chairman of the Institute of European Studies of the Vrije Universiteit Brussel

The Institute of European Studies of the *Vrije Universiteit Brussel* is an academic research and teaching center, which delivers master degrees, as well as a policy think tank which focuses on the European Union in an international setting. The Institute

advances academic education and research in various disciplines and provides services to policy-makers, scholars, stakeholders and the general public.

Mr De Gucht informed that this function will not be remunerated.

The Services of the Commission considered that this academic activity does not present any risk of incompatibility either with Mr De Gucht's former function as Member of the Commission or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was not requested to provide its opinion thereupon.

Member of the Board of Directors of BELGACOM

Mr De Gucht informed that his envisaged function as Member of the Board of Belgacom S.A will be remunerated

This activity is not related to Mr De Gucht's former Commission portfolio and, on this basis, the Ad hoc Ethical Committee was not requested to provide its opinion on its compatibility with article 245(2) of the TFEU.

The Services of the Commission considered that the envisaged activity is not contrary either to article 245(2) of the TFEU or to the Code of Conduct for Commissioners, on the conditions that Mr De Gucht refrains from lobbying the Commission and/or its services, during eighteen months after the end of his mandate, on behalf of Belgacom and respects 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.

Member of the Board of Directors of wealth management firm Merit Capital NV

Mr De Gucht informed that he is a shareholder of up to 10% of wealth management firm Merit Capital NV, which he has mentioned in his declarations of interest during his term as Member of the Commission. He has held, before being appointed to the Commission, the same function which he now intends to resume.

His envisaged activity will not be remunerated.

This activity is not related to Mr De Gucht's former Commission portfolio and, on this basis, the Ad hoc Ethical Committee was not requested to provide its opinion on its compatibility with article 245(2) of the TFEU.

The Services of the Commission considered that the envisaged activity is not contrary either to article 245(2) of the TFEU or to the Code of Conduct for Commissioners.

The Commission is invited:

- (1) to decide that former Commissioner Karel De Gucht's activity as Professor of European Law at the *Vrije Universiteit Brussel* is compatible with Article 245(2) of the TFEU, on the condition that Mr De Gucht protects the collegiality and the confidentiality of the matters dealt by the Commission during his mandate;
- (2) to decide that Mr De Gucht's envisaged activity as Member of the Board of Belgacom is compatible with Article 245(2) of the TFEU on the conditions that Mr De Gucht refrains from lobbying the Commission and/or its services, during eighteen months after the end of his mandate, on behalf of Belgacom, and protects the collegiality and the confidentiality on the matters dealt by the Commission during his mandate;
- (3) to decide that Mr De Gucht's envisaged activities as Chairman of the Institute of European Studies of the *Vrije Universiteit Brussel* and as Member of the Board of Directors of Merit Capital NV are compatible with Article 245(2) of the TFEU;
- (4) to instruct the Secretary General to inform Mr De Gucht about the present decision, yet drawing his attention to the conditions stipulated with regard to some of his notified activities.

EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels,
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 2120th meeting of 18 March 2015, about four envisaged post Commission-office activities notified with your letters of 25 February 2015.

The Commission decided that:

- your activity as Professor of European Law at the *Vrije Universiteit Brussel* is compatible with Article 245(2) of the TFEU, on the condition that you protect the collegiality and the confidentiality of the matters dealt by the Commission during your mandate;
- your envisaged activity as Member of the Board of Belgacom is compatible with Article 245(2) of the TFEU on the conditions that you refrain from lobbying the Commission and/or its services, during eighteen months after the end of your mandate, on behalf of Belgacom, and protect the collegiality and the confidentiality on the matters dealt by the Commission during your mandate;
- your envisaged activities as Chairman of the Institute of European Studies of the *Vrije Universiteit Brussel* and as Member of the Board of Directors of Merit Capital NV are compatible with Article 245(2) of the TFEU;

The Ad hoc Ethical Committee has been requested to provide the Commission with its opinion on the compatibility with article 245(2) of the TFEU of your envisaged activity as Member of the Advisory Board of CVC Capital Partners. The Commission will decide soon, as we have just received the Committee's opinion.

Please find enclosed Commission decision C(2015) 1610.

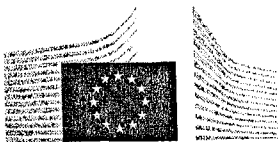
Yours sincerely,

Catherine Day

Encl: Commission Decision C(2015)1610Cc: Mr Selmayr (Head of President Juncker's Private Office)

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111
Office: BERL 13/173 - Tel. direct line +32 229-58312 - Fax +32 229-93229

http://ec.europa.eu/dgs/secretariat_general/
catherine.day@ec.europa.eu



COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 13 mars 2015

C(2015) 1610

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.

On 25 February 2015, former Commissioner Mr Karel De Gucht notified the Commission about several post-mandate activities. Mr De Gucht informed the Commission that he has resumed his teaching activity at the *Vrije Universiteit Brussel* as Professor of European Law and notified his intention to accept assignments notably as Chairman of the Institute of European Studies of the *Vrije Universiteit Brussel*, as Member of the Board of Directors of Belgian telecom company Belgacom and as Member of the Board of Directors of wealth management firm Merit Capital NV.

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The Services of the Commission considered however that Mr de Gucht should be reminded about his obligation, deriving from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, to protect the collegiality and the confidentiality of the matters dealt by the Commission during his mandate.

Chairman of the Institute of European Studies of the Vrije Universiteit Brussel

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The Services of the Commission considered that the envisaged activity is not contrary either to article 245(2) of the TFEU or to the Code of Conduct for Commissioners, on the conditions that Mr De Gucht refrains from lobbying the Commission and/or its services, during eighteen months after the end of his mandate, on behalf of Belgacom and respects 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.

Member of the Board of Directors of wealth management firm Merit Capital NV

Mr De Gucht informed that he is a shareholder of up to 10% of wealth management firm Merit Capital NV, which he has mentioned in his declarations of interest during his term as Member of the Commission. He has held, before being appointed to the Commission, the same function which he now intends to resume.

His envisaged activity will not be remunerated.

This activity is not related to Mr De Gucht's former Commission portfolio and, on this basis, the Ad hoc Ethical Committee was not requested to provide its opinion on its compatibility with article 245(2) of the TFEU.

The Services of the Commission considered that the envisaged activity is not contrary either to article 245(2) of the TFEU or to the Code of Conduct for Commissioners.

The Commission is invited:

- (1) to decide that former Commissioner Karel De Gucht's activity as Professor of European Law at the *Vrije Universiteit Brussel* is compatible with Article 245(2) of the TFEU, on the condition that Mr De Gucht protects the collegiality and the confidentiality of the matters dealt by the Commission during his mandate;
- (2) to decide that Mr De Gucht's envisaged activity as Member of the Board of Belgacom is compatible with Article 245(2) of the TFEU on the conditions that Mr De Gucht refrains from lobbying the Commission and/or its services, during eighteen months after the end of his mandate, on behalf of Belgacom, and protects the collegiality and the confidentiality on the matters dealt by the Commission during his mandate;
- (3) to decide that Mr De Gucht's envisaged activities as Chairman of the Institute of European Studies of the *Vrije Universiteit Brussel* and as Member of the Board of Directors of Merit Capital NV are compatible with Article 245(2) of the TFEU;
- (4) to instruct the Secretary General to inform Mr De Gucht about the present decision, yet drawing his attention to the conditions stipulated with regard to some of his notified activities.