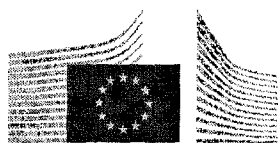


List of documents
Initial request Ms Vicky Cann (CEO) 2016/573- Post office activities Mr Füle

Scope of the request: "...all documents relating to the authorisation, by the Commission on 19 January 2016, of the new roles held or proposed by former Commissioner Štefan Füle. I would like to receive all applications for authorisation, any emails, correspondence and meeting notes which relate to these applications; all opinions from the ad hoc ethical committee on each case; and copies of the Commission's final decision in each case."

Document	Description and references	Status
Mr Füle		
1. Letter of Mr. Italianer to Mr Füle of 16.11.2015 [Ref. Ares(2015)5112469]	Letter of Mr. Italianer to Mr Füle of 16.11.2015	Partial disclosure- E-mail address deleted- Exception in Article 4(1) letter b))
2. E-mail to Mr Italianer of 25 11.2015 [Ref. Ares(2015)5413813]	E-mail of Mr Füle to Mr Italianer of 25 November 2015	Partial disclosure- E-mail address deleted- Exception in Article 4(1) letter b))
3. E-mail of SG to Mr Italianer of 27.11. 2015 [Ref. Ares(2015)5453935]	E-mail of SG to Mr Italianer of 27 November 2015	Partial disclosure- Name of Commission official deleted- Exception in Article 4(1) letter b))
4. E-mail of Mr Füle to Mr. Italianer of 03.12.2015	E-mail of Mr Füle to Mr. Italianer of 3 December 2015 requesting authorisation for several post-mandate activities : "NGOs and Think Tanks, Resumption of political career within the Czech Ministry of	Partial disclosure- E-mail address deleted- Exception in Article 4(1) letter b))

[Ref. Ares(2015)5554059]	Foreign Affairs"	
<p>5. Consultation LS</p> <p>E-mail of SG of 15.12.2015 and reply of LS of 06.01.2016</p> <p>[Ref Ares(2015) 5859252 and Ares(2016)74133]</p>	E-mail of SG of 15 December 2015 and reply of the LS of 6 December 2016	Partial disclosure of cover e-mails (Names and e-mails of Commission officials deleted Exception in Article 4(1) letter b)
6. Commission Decision C(2016)88 of 15.01.2016	Activités après cessation de fonction d'un membre de la Commission- Communication de M le Président – OJ [2152] Commission Decision C(2016)88 of 15 January 2016	Full disclosure
7. PV (2016) 2152 of 19.01.2016	Decision of 19 January 2016	Public Document (copy not enclosed)
<p>8. Letter of Mr Italianer to Mr Füle of 19.01.2015</p> <p>[Ref. Ares(2016)274674].</p>	Letter of Mr Italianer to Mr Füle of 19 January 2016 informing him of the adoption by the Commission decision on the request for authorisation of several post-mandate-activities	<p>Partial disclosure of cover letter E-mail deleted Exception in Article 4(1) letter b)</p> <p>Attachment corresponds to document n° 6 above;</p>



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

DOCUMENT 1

Brussels,
SG/B3 Ares(2015)

Mr Stefan Füle

By e-mail to:

Dear Mr Füle,

We have learnt from a recent NGO report that you allegedly accepted a post-Commission-office activity with the International Advisory Board of a think tank named "Central European Strategy Council" <http://corporateeurope.org/revolving-doors/2015/10/revolving-doors-spin-again>. This body's website seems to confirm this information <http://stratcouncil.org/news/stefan-fule-and-michael-chertoff-join-the-strategy-councils-advisory-board>.


To the best of our knowledge, you have not notified this activity to the Commission.

In line with section 1.2 of the Code of Conduct for Commissioners (see enclosure), the Members of the Commission are requested to inform the Commission about all post-mandate activities in which they intend to engage during eighteen months after the end of their mandate.

May I therefore ask you to confirm if you accepted the above referred activity and to notify any other new activity in which you would like to engage, during the eighteen-month period above mentioned.

Thank you in advance for your kind cooperation.

Yours sincerely,



Alexander Italianer

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

Encl: Section 1.2 of the Code of Conduct for Commissioners

Annex

Code of Conduct for Commissioners, section 1.2 Commission Decision C(2011) 2904 of 20.04.2011)

"Whenever former Commissioners intend to engage in an occupation during the eighteen months after they have ceased to hold office, whether this is at the end of their office or upon resignation, they shall inform the Commission in good time, as far as possible with minimum four weeks notice. The Commission shall examine the nature of the planned occupation.

If the planned occupation is related to the content of the portfolio of the Commissioner, the Commission shall seek the opinion of the Ad Hoc Ethical Committee. In the light of the committee's findings it shall decide whether the planned occupation is compatible with Article 245 of the Treaty (TFEU).

During the eighteen months after ceasing to hold office, former Commissioners shall not lobby nor advocate with members of the Commission and their staff for her/his business, client or employer on matters for which they have been responsible within their portfolio as Member of the Commission during their mandate.

Paragraphs 2 and 3 above shall not apply where the former Commissioner engages in a public office. This is without prejudice to the possibility for the President to seek an opinion of the Ad Hoc Ethical Committee in cases of doubt.

The above rules are without prejudice to the duty to behave with integrity and discretion pursuant to Article 245 of the Treaty (TFEU) even beyond the period of 18 months after ceasing to hold office."

DOCUMENT 2

From: Stefan Füle
Sent: 25 November 2015 08:11
To: ITALIANER Alexander (SG)
Subject: Re: Ares(2015)5112469 - Post mandate activities of the Former Commissioner
Stefan Füle

Dear Mr. Italianer,

I would like to confirm receiving document Ares(2015)5112469 of 16.11.2015. As I am traveling extensively these days could I please send you my reply next week? Many thanks for your understanding.

Best regards,
Stefan Füle

> 17. 11. 2015 v 8:34, EC ARES NOREPLY <DIGIT-NOREPLYARES@ec.europa.eu>:
>

> Veuillez trouver ci-joint le document Ares(2015)5112469 concernant "Post mandate activities of the Former Commissioner Stefan Füle" envoyé par M/Mme ITALIANER Alexander le 16/11/2015.

> Please find attached document Ares(2015)5112469 regarding "Post mandate activities of the Former Commissioner Stefan Füle" sent by Mr/Ms ITALIANER Alexander on 16/11/2015.

>
> -----
> -----

> Note: This e-mail was automatically generated by the European Commission's central mail registration system.

> Replies by e-mail must be addressed to the original sender ITALIANER Alexander (mailto:alexander.italianer@ec.europa.eu).

> Remarque : Cet e-mail a été généré automatiquement par le système d'enregistrement central du courrier de la Commission européenne.

> Toute réponse éventuelle par e-mail doit être adressée à l'expéditeur en personne, à savoir ITALIANER Alexander (mailto:alexander.italianer@ec.europa.eu).<M Füle.pdf><annex M Füle.pdf>

From: (SG)

Sent: 27 November 2015 17:06

To: 'Stefan Füle'

Cc: ITALIANER Alexander (SG)

Subject: RE: Ares(2015)5112469 - Post mandate activities of the Former Commissioner
Stefan Füle

DOCUMENT 3

Dear Mr Füle,

We would like to thank you for informing Mr Italianer about the additional time you need to reply to his letter of 16 November 2015.

Mr Italianer looks forward to receive your reply as soon as possible for you.

With our best regards.

DOCUMENT 4

Ref. Ares(2015)5554059 - 03/12/2015

From: Stefan Füle
Sent: 03 December 2015 08:28
To: ITALIANER Alexander (SG)
Subject: RE: Ares(2015)5112469 - Post mandate activities of the Former Commissioner Stefan Füle

Prague, 2. December 2015
in ref to SG/B3 Ares (2015)

Dear Secretary General,

In reply to your SG/B3 Ares(2015)5112469 of 17. November 2015 related to my post-Commission-office activity I would like to clarify that for the reason of me unintentionally overlooking an important provision in the Code of Conduct for Commissioners, section 1.2, that engaging in any occupation covers also unpaid activities with the NGOs, I mistakenly failed in a due time to notify the following activities:

- Member of the International Advisory Board of Central European Strategy Council.
- Trustee of the Friends of Europe.

While I would like sincerely apologize for not notifying these activities in a due time I would also like to confirm hereby that my engagement with these NGOs has been based on my continuing effort to promote an European value based approach to the security challenges we face. I have never been involved in any project involving direct use of the EU financial support or in any kind of lobbying, neither I have signed any legal contract with above mentioned NGOs or received any payments for my activities.

I would like also to notify, that I intend to be involved in the activities with two Czech based NGOs:

- Initiative for European Values, in a capacity of the Chairman of the Advisory Board.
- Forum 2000 Foundation, in capacity of the Member of Program Council.

I would also like to confirm that for last 28 years I have been in legal terms an employee of the Czech Ministry for Foreign Affairs and to notify my intention, based on the agreement with the Czech Foreign Minister, that from January 2016 I should be listed in a new structure of the Czech MFA as a Special Representative for the OSCE and the Western Balkans.

I stand ready, of course, to clarify further my current and future post-Commission-office activities in strict observance of Code of Conduct for Commissioners.

Yours sincerely,

Štefan Füle

Fiche détail : sj.f(2016)78708
Ares(2016)74133

DOCUMENT 5

07/01/2016

07/01/2016

Date du document : 07/01/2016 Attachement(s) : 1 Type : Interne Sécurité : Restriction de traitement Avis du Service Juridique

Titre : **Avis du SJ - Projet de décision de la Commission sur des activités après cessation de fonctions de M. Füle**

Expéditeur(s) : ! (SJ.F)

Destinataire(s) : [To] (SG.DSG2.B.3); [Cc] (SG.DSG2.B.3)

Comment. : The Legal Service can give its agreement to the draft decision, subject to the minor modifications enclosed.

Attribution(s) :

Code	Attribuée à	Echéance	Attribuée par	Statut
CLASS	(SJ.F)			Lancée depuis 07/01/2016

Dossier(s) :

Code	Code spécifique	Titre du dossier	Service responsable
Le document n'est pas encore classé dans un dossier.			

Lien(s) :

Titre Document	Lien	Date	N°enregistrement	N°sauvegarde
Projet de décision de la Commission sur des activités	Requête	15/12/2015	Ares(2015)5859252	sg.dsg2.b.3(2015)6487733

Signé par:

(SG)

From: (SJ)
Sent: Wednesday 6 January 2016 18:03
To: (SG)
Cc: (SG); (SG); (SJ)
Subject: Draft Décision Mr. Fule - 4 ONG + Ministère tchèque affaires étrangères



Draft Décision 4
ONG + Ministè...

Dear

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

Regards,

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.

In a report drawn by Corporate Europe Observatory on the post-mandate activities of former Members of the Barroso II Commission, it appeared that former Commissioner Stefan Füle had accepted a post-mandate activity as member of the International Advisory Board of the *Central European Strategy Council*. The Secretary General of the Commission wrote therefore to Mr Füle asking him to confirm if he had accepted this activity and to inform if he had engaged or planned to engage in any other activity.

Mr Füle replied to the Commission on 3 December and confirmed that he had accepted the above referred activity as well as an activity as trustee within *Friends of Europe*. He explained that the non-notification of these two activities was due to an unintentional misinterpretation of the notification obligation foreseen in the Code of Conduct for Commissioners, since those activities were not remunerated. Mr Füle also informed that his engagement with these bodies has been based on his continuous effort to promote an European-value based approach to the current security challenges. He added that he has neither been involved in any project involving direct use of the EU financial support nor in any kind of lobbying, nor has he signed any legal contract with above mentioned NGOs or received any payments for his activities.

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In addition, Mr Füle informed about his intention to be involved in the activities of two Czech based NGOs, namely *Initiative for European Values*, as Chairman of its Advisory Board, and *Forum 2000 Foundation*, as member of its Program Council.

Mr Füle also informed about his intention to resume his career with the Czech Ministry for Foreign Affairs, in which context he will begin, as from January 2016, an assignment as Special Representative for the OSCE and the Western Balkans.

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Mr Füle's activities with NGOs / think tanks

According to open sources, the *Central European Policy Institute* [*Strategy Council?*] is a regional think-tank based in Bratislava whose main objective is to help decision-makers and opinion-makers in Central Europe, and in Visegrad Group Countries (Czech Republic, Hungary, Poland, Slovakia) in particular, to craft common responses to current challenges and strengthen their voice in EU and NATO debates on issues related to the liberal democracy.

Friends of Europe is a well-known think-tank which aims to stimulate new thinking on global and European issues. Several former Commissioners have already been authorised by the Commission to engage with this body.

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The *Initiative for European Values* is a Czech non-governmental think-tank which aims at raising political culture in the Czech Republic as well as on the European level. European values defined as such by this NGO are personal freedom, human dignity, solidarity, active civil society, market economy, democracy and the rule of law.

The *Forum 2000 Foundation* pursues the legacy of Václav Havel by supporting the values of democracy and respect for human rights, assisting the development of civil society and encouraging religious, cultural and ethnic tolerance. Linked to the Anna Lindt Foundation, the *Forum 2000 Foundation* provides a platform for global leaders, as well as thinkers and individuals from every field of endeavour, to openly debate and share the above referred issues.

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The Services of the Commission considered the nature of the above referred entities, which are well-known NGOs/think-tanks, as well as the line taken by the Commission in its previous decisions regarding the participation of former Members of the Barroso II Commission in think tanks.

They also considered that these activities do not present any risk of incompatibility either with Mr Füle's former function as Member of the Commission or with the interests of the Institution.

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They therefore considered that the Commission should authorise Mr Füle's activities with the above referred entities, subject to the conditions: (1) that Mr Füle should be reminded of his obligation to refrain, during eighteen months after the end of his mandate, from any lobbying activity for these entities, in case any of them would request EU funding for their activities in the domains coinciding with Mr Füle's former portfolio on Enlargement and European Neighbourhood Policy; and (2) that Mr Füle should be reminded of his obligation, arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, as concerns the protection of the collegiality and of the confidentiality of the matters dealt with by the Commission during his mandate.

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On this basis, the Ad hoc Ethical Committee was not requested to provide its opinion on these activities.

Resumption of Mr Füle's professional career within the Czech Ministry of Foreign Affairs

The Services of the Commission acknowledged Mr Füle's intention to resume his career within the Czech Ministry of Foreign Affairs and considered that this career for the Czech Civil Service could be assimilated to public office, in the sense of the 4th paragraph of section 1.2 of the Code of Conduct for Commissioners and would not present any risk of incompatibility either with Mr Füle's former function as Member of the Commission or with the interests of the Institution.

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They thus considered that the Commission should merely take note of the resumption of Mr Füle's career with the Czech Ministry of Foreign Affairs.

The Services of the Commission considered nevertheless that Mr Füle's attention should be drawn to the obligations to which he remains submitted under Article 245(2) and 339 TFEU with regard the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandate.

*

The Commission is invited:

- (1) to decide that former Commissioner Stefan Füle's current or envisaged activities as member of the International Advisory Board of the Central European Strategy Council, as trustee within Friends of Europe, as Chairman of the Advisory Board of the Initiative for European Values and as member of the Program Council of Forum 2000 Foundation are compatible with Article 245(2) of the TFEU on the conditions that Mr Füle :
 - abstains, from any lobbying activity, should any of the entities mentioned above decide to engage in specific projects related to the field of Enlargement and European Neighbourhood Policy and to appeal for EU funding;
 - respects his obligations arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners and notably as concerns the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandate;
- (2) to take note of Mr Füle's intention to resume his career with the Czech Ministry of Foreign Affairs and of his assignment, as from January 2016, as Special Representative for the OSCE and the Western Balkans, yet drawing Mr Füle's attention to the obligations to which he remains submitted under Articles 245(2) and 339 of the TFEU with regard the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandate;
- (3) to instruct the Secretary General to inform Mr Füle about the present decision, yet drawing his attention to conditions stipulated therein.

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From: (SG)
Sent: Monday 14 December 2015 18:23
To: (SJ)
Cc: (SG); (SG)
Subject: Projet de décision de la Commission sur des activités après cessation de fonctions de M. Füle
Attachments: E-mail 03.12.2015 M. Füle à AI.pdf; Draft Décision 4 ONG + Ministère tchèque affaires étrangères.doc; Note (texte) AI à M. Füle 15.11.2015 - Central European Strategy Council.pdf

Je te prie de bien vouloir trouver ci-joint un projet de décision relatif à plusieurs activités après cessation de fonctions de M. Füle au sein de 4 ONGs / think-tanks et en tant que *Special Representative for the OSCE and the Western Balkans* dans le cadre de la reprise de sa carrière au sein du Ministère tchèque des affaires étrangères.

Pour ce qui est des activités auprès de NGO, il s'agit d'activités en tant que membre du International Advisory Board du *Central European Strategy Council*, en tant que trustee au sein de *Friends of Europe*, en tant que Chairman of the Advisory Board de la *Initiative for European Values* et en tant que membre du Program Council du *Forum 2000 Foundation*.

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

Cette consultation sera également envoyée via ARES.

Nous voudrions soumettre cette décision à la 2151ère réunion du Collège du mercredi 13 janvier 2016. L'avis du SJ sera apprécié dès que possible et en tout cas pour le **mercredi 6 janvier, fin de journée.**

Je joins également la note de M. Italianer à M. Füle du 16 novembre ainsi que la réponse de M. Füle à M. Italianer du 3 décembre.

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.

In a report drawn by Corporate Europe Observatory on the post-mandate activities of former Members of the Barroso II Commission, it appeared that former Commissioner Stefan Füle had accepted a post-mandate activity as member of the International Advisory Board of the *Central European Strategy Council*. The Secretary General of the Commission wrote therefore to Mr Füle asking him to confirm if he had accepted this activity and to inform if he had engaged or planned to engage in any other activity.

Mr Füle replied to the Commission on 3 December and confirmed that he had accepted the above referred activity as well as an activity as trustee within *Friends of Europe*. He explained that the non-notification of these two activities was due to an unintentional misinterpretation of the notification obligation foreseen in the Code of Conduct for Commissioners, whereas those activities were not remunerated. Mr Füle also informed that his engagement with these bodies has been based on his continuous effort to promote an European-value based approach to the current security challenges. He added that he has neither been involved in any project involving direct use of the EU financial support nor in any kind of lobbying, nor has he signed any legal contract with above mentioned NGOs or received any payments for his activities.

In addition, Mr Füle informed about his intention to be involved in the activities of two Czech based NGOs, namely *Initiative for European Values*, as Chairman of its Advisory Board, and *Forum 2000 Foundation*, as member of its Program Council.

Mr Füle eventually informed about his intention to resume his career with the Czech Ministry for Foreign Affairs, in which context he will begin, as from January 2016, an assignment as Special Representative for the OSCE and the Western Balkans.

Mr Füle's activities with NGOs / think tanks

According to open sources, the *Central European Policy Institute* is a regional think-tank based in Bratislava whose main objective is to help decision-makers and opinion-makers in Central Europe, and in Visegrad Group Countries (Czech Republic, Hungary, Poland, Slovakia) in particular, to craft common responses to current challenges and strengthen their voice in EU and NATO debates on issues related to the liberal democracy.

Friends of Europe is a well-known think-tank which aims to stimulate new thinking on global and European issues. Several former Commissioners have already been authorized by the Commission to engage with this body.

The *Initiative for European Values* is a Czech non-governmental think-tank which aims at raising political culture in the Czech Republic as well as on the European level. European values defined as such by this NGO are personal freedom, human dignity, solidarity, active civil society, market economy, democracy and the rule of law.

The *Forum 2000 Foundation* pursues the legacy of Václav Havel by supporting the values of democracy and respect for human rights, assisting the development of civil society and encouraging religious, cultural and ethnic tolerance. Linked to the Anna Lindt Foundation, the *Forum 2000 Foundation* provides a platform for global leaders, as well as thinkers and courageous individuals from every field of endeavor, to openly debate and share the above referred issues.

The Services of the Commission considered the nature of the above referred entities, which are well-known NGOs/think-tanks, as well as the line taken by the Commission in its previous decisions regarding the participation of former Members of the Barroso II Commission in think tanks.

They also considered that these activities do not present any risk of incompatibility either with Mr Füle's former function as Member of the Commission or with the interests of the Institution.

They therefore considered that the Commission should authorize Mr Füle's activities with the above referred entities, subject to the conditions: (1) that Mr Füle should be reminded of his obligation to refrain, during eighteen months after the end of his mandate, from any lobbying activity for these entities, in case any of them would request EU funding for their activities in the domains coinciding with Mr Füle's former portfolio on Enlargement and European Neighbourhood Policy; and (2) that Mr Füle should be reminded of his obligation, arising from Articles 245(2) of the TFEU and from the Code of Conduct for Commissioners, as concerns the protection of the collegiality and of the confidentiality of the matters dealt by the Commission during his mandate.

On this basis, the Ad hoc Ethical Committee was not requested to provide its opinion on these activities.

Resumption of Mr Füle's professional career within the Czech Ministry of Foreign Affairs

The Services of the Commission acknowledged Mr Füle's intention to resume his career within the Czech Ministry of Foreign Affairs and considered that this career for the Czech Civil Service could be assimilated to public office, in the sense of the 4th paragraph of section 1.2 of the Code of Conduct for Commissioners and would not present any risk of incompatibility either with Mr Füle's former function as Member of the Commission or with the interests of the Institution.

They thus considered that the Commission should merely take note of the resumption of Mr Füle's career with the Czech Ministry of Foreign Affairs.

The Services of the Commission considered nevertheless that Mr Füle's attention should be drawn to the obligations to which he remains submitted under Article 245(2) TFEU with regard the protection of the collegiality and the 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 Stefan Füle's current or envisaged activities as member of International Advisory Board of the Central European Strategy Council, as trustee within Friends of Europe, as Chairman of the Advisory Board of the Initiative for European Values and as member of the Program Council of Forum 2000 Foundation are compatible with Article 245(2) of the TFEU on the conditions that Mr Füle :
 - abstains, from any lobbying activity, should any of the entities above mentioned decide to engage in specific projects related to the field of Enlargement and European Neighbourhood Policy and to appeal for EU funding;
 - respects his obligations arising from Articles 245(2) of the TFEU and from the Code of Conduct for Commissioners and notably as concerns the protection of the collegiality and the confidentiality of the matters dealt by the Commission during his mandate;
- (2) to take note of Mr Füle's intention to resume his career with the Czech Ministry of Foreign Affairs and of his assignment, as from January 2016, as Special Representative for the OSCE and the Western Balkans, yet drawing Mr Füle's attention to the obligations to which he remains submitted under Article 245(2) of the TFEU with regard the protection of the collegiality and the confidentiality of the matters dealt by the Commission during his mandate;
- (3) to instruct the Secretary General to inform Mr Füle about the present decision, yet drawing his attention to conditions stipulated therein.



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

DOCUMENT 6

Bruxelles, le 15 janvier 2016

C(2016) 88

COMMISSION INTERNE

OJ 2152

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 2152^{ème} réunion de la Commission le 19 janvier 2016.

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.

In a report drawn by Corporate Europe Observatory on the post-mandate activities of former Members of the Barroso II Commission, it appeared that former Commissioner Stefan Füle had accepted a post-mandate activity as member of the International Advisory Board of the *Central European Strategy Council*. The Secretary General of the Commission wrote therefore to Mr Füle asking him to confirm if he had accepted this activity and to inform if he had engaged or planned to engage in any other activity.

Mr Füle replied to the Commission on 3 December and confirmed that he had accepted the above referred activity as well as an activity as trustee within *Friends of Europe*. He explained that the non-notification of these two activities was due to an unintentional misinterpretation of the notification obligation foreseen in the Code of Conduct for Commissioners, since those activities were not remunerated. Mr Füle also informed that his engagement with these bodies has been based on his continuous effort to promote an European-value based approach to the current security challenges. He added that he has neither been involved in any project involving direct use of the EU financial support nor in any kind of lobbying, nor has he signed any legal contract with above mentioned NGOs or received any payments for his activities.

In addition, Mr Füle informed about his intention to be involved in the activities of two Czech based NGOs, namely *Initiative for European Values*, as Chairman of its Advisory Board, and *Forum 2000 Foundation*, as member of its Program Council.

Mr Füle also informed about his intention to resume his career with the Czech Ministry for Foreign Affairs, in which context he will begin, as from January 2016, an assignment as Special Representative for the OSCE and the Western Balkans.

Mr Füle's activities with NGOs / think tanks

According to open sources, the *Central European Strategy Council* is the umbrella organisation encompassing the Slovak Atlantic Commission, the Central European Policy Institut and the Center for European Affairs. The Slovak Atlantic Commission is an independent, non-partisan, non-governmental organisation which deals with international security and policy issues. The Central European Policy Institute is a regional think-tank based in Bratislava targeting in particular decision-makers and opinion-makers in Central Europe, and in Visegrad Group Countries (Czech Republic, Hungary, Poland,

Slovakia. The Centre for European Affairs is an independent civic association which aims at strengthening a constructive European debate from the Slovak perspective. The International Advisory Board of the Central European Strategy Council represents a network of leaders and thinkers who can articulate a new strategy for empowering Central Europe in global affairs.

Friends of Europe is a well-known think-tank which aims to stimulate new thinking on global and European issues. Several former Commissioners have already been authorised by the Commission to engage with this body.

The *Initiative for European Values* is a Czech non-governmental think-tank which aims at raising political culture in the Czech Republic as well as on the European level. European values defined as such by this NGO are personal freedom, human dignity, solidarity, active civil society, market economy, democracy and the rule of law.

The *Forum 2000 Foundation* pursues the legacy of Václav Havel by supporting the values of democracy and respect for human rights, assisting the development of civil society and encouraging religious, cultural and ethnic tolerance. Linked to the Anna Lindt Foundation, the *Forum 2000 Foundation* provides a platform for global leaders, as well as thinkers and individuals from every field of endeavour, to openly debate and share the above referred issues.

The Services of the Commission considered the nature of the above referred entities, which are well-known NGOs/think-tanks, as well as the line taken by the Commission in its previous decisions regarding the participation of former Members of the Barroso II Commission in think tanks.

They also considered that these activities do not present any risk of incompatibility either with Mr Füle's former function as Member of the Commission or with the interests of the Institution.

They therefore considered that the Commission should authorise Mr Füle's activities with the above referred entities, subject to the conditions: (1) that Mr Füle should be reminded of his obligation to refrain, during eighteen months after the end of his mandate, from any lobbying activity for these entities, in case any of them would request EU funding for their activities in the domains coinciding with Mr Füle's former portfolio on Enlargement and European Neighbourhood Policy; and (2) that Mr Füle should be reminded of his obligation, arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, as concerns the protection of the collegiality and of the confidentiality of the matters dealt with by the Commission during his mandate.

On this basis, the Ad hoc Ethical Committee was not requested to provide its opinion on these activities.

Resumption of Mr Füle's professional career within the Czech Ministry of Foreign Affairs

The Services of the Commission acknowledged Mr Füle's intention to resume his career within the Czech Ministry of Foreign Affairs and considered that this career for the Czech Civil Service could be assimilated to public office, in the sense of the 4th paragraph of section 1.2 of the Code of Conduct for Commissioners and would not

present any risk of incompatibility either with Mr Füle's former function as Member of the Commission or with the interests of the Institution.

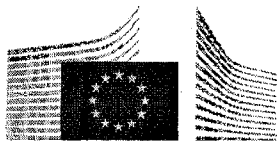
They thus considered that the Commission should merely take note of the resumption of Mr Füle's career with the Czech Ministry of Foreign Affairs.

The Services of the Commission considered nevertheless that Mr Füle's attention should be drawn to the obligations to which he remains submitted under Article 245(2) and 339 TFEU with regard the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandate.

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The Commission is invited:

- (1) to decide that former Commissioner Stefan Füle's current or envisaged activities as member of the International Advisory Board of the Central European Strategy Council, as trustee within Friends of Europe, as Chairman of the Advisory Board of the Initiative for European Values and as member of the Program Council of Forum 2000 Foundation are compatible with Article 245(2) of the TFEU on the conditions that Mr Füle :
 - abstains, from any lobbying activity, should any of the entities mentioned above decide to engage in specific projects related to the field of Enlargement and European Neighbourhood Policy and to appeal for EU funding;
 - respects his obligations arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners and notably as concerns the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandate;
- (2) to take note of Mr Füle's intention to resume his career with the Czech Ministry of Foreign Affairs and of his assignment, as from January 2016, as Special Representative for the OSCE and the Western Balkans, yet drawing Mr Füle's attention to the obligations to which he remains submitted under Articles 245(2) and 339 of the TFEU with regard the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandate;
- (3) to instruct the Secretary General to inform Mr Füle about the present decision, yet drawing his attention to conditions stipulated therein.



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

DOCUMENT 8

Brussels,
SG/B3 Ares(2016)

Mr Stefan Füle

By e-mail to:

Dear Mr Füle,

I am pleased to inform you that the Commission decided, during its 2152nd meeting of 19 January 2016, that your current activities as member of the International Advisory Board of the Central European Strategy Council and as trustee within Friends of Europe, as well as your envisaged activities as Chairman of the Advisory Board of the Initiative for European Values and as member of the Program Council of Forum 2000 Foundation are compatible with Article 245(2) of the TFEU on the conditions that: (1) you abstain from any lobbying activity, should any of the entities mentioned above decide to engage in specific projects related to the field of Enlargement and European Neighbourhood Policy and to appeal for EU funding; (2) you respect your obligations arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners and notably as concerns the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during your mandate.

In addition, the Commission took note of your intention to resume your career with the Czech Ministry of Foreign Affairs and of your assignment, as from January 2016, as Special Representative for the OSCE and the Western Balkans. The Commission draws your attention to the obligations to which you remain submitted, under Articles 245(2) and 339 of the TFEU, with regard the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during your mandate.

Please find enclosed the text of Commission Decision C(2016) 88.

Yours sincerely,

Alexander Italianer

Encl: Commission Decision C(2016) 88

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

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111

http://ec.europa.eu/dgs/secretariat_general/
alexander.italianer@ec.europa.eu



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

Bruxelles, le 15 janvier 2016

C(2016) 88

COMMISSION INTERNE

OJ 2152

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 2152^{ème} réunion de la Commission le 19 janvier 2016.

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.

In a report drawn by Corporate Europe Observatory on the post-mandate activities of former Members of the Barroso II Commission, it appeared that former Commissioner Stefan Füle had accepted a post-mandate activity as member of the International Advisory Board of the *Central European Strategy Council*. The Secretary General of the Commission wrote therefore to Mr Füle asking him to confirm if he had accepted this activity and to inform if he had engaged or planned to engage in any other activity.

Mr Füle replied to the Commission on 3 December and confirmed that he had accepted the above referred activity as well as an activity as trustee within *Friends of Europe*. He explained that the non-notification of these two activities was due to an unintentional misinterpretation of the notification obligation foreseen in the Code of Conduct for Commissioners, since those activities were not remunerated. Mr Füle also informed that his engagement with these bodies has been based on his continuous effort to promote an European-value based approach to the current security challenges. He added that he has neither been involved in any project involving direct use of the EU financial support nor in any kind of lobbying, nor has he signed any legal contract with above mentioned NGOs or received any payments for his activities.

In addition, Mr Füle informed about his intention to be involved in the activities of two Czech based NGOs, namely *Initiative for European Values*, as Chairman of its Advisory Board, and *Forum 2000 Foundation*, as member of its Program Council.

Mr Füle also informed about his intention to resume his career with the Czech Ministry for Foreign Affairs, in which context he will begin, as from January 2016, an assignment as Special Representative for the OSCE and the Western Balkans.

Mr Füle's activities with NGOs / think tanks

According to open sources, the *Central European Strategy Council* is the umbrella organisation encompassing the Slovak Atlantic Commission, the Central European Policy Institut and the Center for European Affairs. The Slovak Atlantic Commission is an independent, non-partisan, non-governmental organisation which deals with international security and policy issues. The Central European Policy Institute is a regional think-tank based in Bratislava targetting in particular decision-makers and opinion-makers in Central Europe, and in Visegrad Group Countries (Czech Republic, Hungary, Poland,

Slovakia. The Centre for European Affairs is an independent civic association which aims at strengthening a constructive European debate from the Slovak perspective. The International Advisory Board of the Central European Strategy Council represents a network of leaders and thinkers who can articulate a new strategy for empowering Central Europe in global affairs.

Friends of Europe is a well-known think-tank which aims to stimulate new thinking on global and European issues. Several former Commissioners have already been authorised by the Commission to engage with this body.

The *Initiative for European Values* is a Czech non-governmental think-tank which aims at raising political culture in the Czech Republic as well as on the European level. European values defined as such by this NGO are personal freedom, human dignity, solidarity, active civil society, market economy, democracy and the rule of law.

The *Forum 2000 Foundation* pursues the legacy of Václav Havel by supporting the values of democracy and respect for human rights, assisting the development of civil society and encouraging religious, cultural and ethnic tolerance. Linked to the Anna Lindt Foundation, the *Forum 2000 Foundation* provides a platform for global leaders, as well as thinkers and individuals from every field of endeavour, to openly debate and share the above referred issues.

The Services of the Commission considered the nature of the above referred entities, which are well-known NGOs/think-tanks, as well as the line taken by the Commission in its previous decisions regarding the participation of former Members of the Barroso II Commission in think tanks.

They also considered that these activities do not present any risk of incompatibility either with Mr Füle's former function as Member of the Commission or with the interests of the Institution.

They therefore considered that the Commission should authorise Mr Füle's activities with the above referred entities, subject to the conditions: (1) that Mr Füle should be reminded of his obligation to refrain, during eighteen months after the end of his mandate, from any lobbying activity for these entities, in case any of them would request EU funding for their activities in the domains coinciding with Mr Füle's former portfolio on Enlargement and European Neighbourhood Policy; and (2) that Mr Füle should be reminded of his obligation, arising from Articles 245(2) and 339 of the TFEU and from the Code of Conduct for Commissioners, as concerns the protection of the collegiality and of the confidentiality of the matters dealt with by the Commission during his mandate.

On this basis, the Ad hoc Ethical Committee was not requested to provide its opinion on these activities.

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The Services of the Commission acknowledged Mr Füle's intention to resume his career within the Czech Ministry of Foreign Affairs and considered that this career for the Czech Civil Service could be assimilated to public office, in the sense of the 4th paragraph of section 1.2 of the Code of Conduct for Commissioners and would not

present any risk of incompatibility either with Mr Füle's former function as Member of the Commission or with the interests of the Institution.

They thus considered that the Commission should merely take note of the resumption of Mr Füle's career with the Czech Ministry of Foreign Affairs.

The Services of the Commission considered nevertheless that Mr Füle's attention should be drawn to the obligations to which he remains submitted under Article 245(2) and 339 TFEU with regard the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandate.

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The Commission is invited:

- (1) to decide that former Commissioner Stefan Füle's current or envisaged activities as member of the International Advisory Board of the Central European Strategy Council, as trustee within Friends of Europe, as Chairman of the Advisory Board of the Initiative for European Values and as member of the Program Council of Forum 2000 Foundation are compatible with Article 245(2) of the TFEU on the conditions that Mr Füle :
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- (2) to take note of Mr Füle's intention to resume his career with the Czech Ministry of Foreign Affairs and of his assignment, as from January 2016, as Special Representative for the OSCE and the Western Balkans, yet drawing Mr Füle's attention to the obligations to which he remains submitted under Articles 245(2) and 339 of the TFEU with regard the protection of the collegiality and the confidentiality of the matters dealt with by the Commission during his mandate;
- (3) to instruct the Secretary General to inform Mr Füle about the present decision, yet drawing his attention to conditions stipulated therein.