



Brussels, 29.4.2020
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DECISION OF THE EUROPEAN COMMISSION

**on former Commissioner Günther Oettinger's post term of office professional
arrangement with the London Speakers Bureau**

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on former Commissioner Oettinger's post term of office
professional arrangement with the London Speakers Bureau**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the Commission Decision of 31 January 2018 (C(2018) 700 final) on a Code of Conduct for the Members of the European Commission, and in particular Article 11(3) thereof,

Whereas:

- 1) According to Article 245(2) of the Treaty on the Functioning of the European Union, the Members of the Commission, when entering upon their duties, shall 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.
- 2) Article 339 of the Treaty on the Functioning of the European Union provides that the Members of the institutions of the Union shall be required, even after their duties have ceased, not to disclose information of any kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.
- 3) Article 11 of the Code of Conduct for the Members of the European Commission establishes a specific procedure for the assessment of planned professional activities which the Members or former Members of the Commission intend to take up after they have ceased to hold office. The Commission shall examine the information provided in order to determine whether the nature of the planned activity is compatible with Article 245 of the Treaty on the Functioning of the European Union. If the planned activity is related to the portfolio of the Member or former Member, the Commission shall decide only after having consulted the Independent Ethical Committee unless the planned activity falls within the exceptions set out in Article 11(3), second subparagraph.
- 4) Former Commissioner Günther Oettinger informed the Commission, on 30 March 2020, about his envisaged oral agreement with the London Speakers Bureau whereby the Bureau would represent him in arranging a number of one-off speaking engagements.
- 5) The Commission has taken several decisions in the past authorising former Members to enter into arrangements with individual Speakers Bureaux or comparable agencies, namely as concerns former President Barroso (in 2014), former Vice-Presidents Reding (in 2014) and Almunia (in 2015) and former President Juncker (in April 2020).

- 6) The consultation of the Independent Ethical Committee is not necessary in view of: (1) previous comparable decisions on former Members' arrangements with speakers bureaus or comparable agencies; (2) the fact that the oral arrangement envisaged is not, as such, a permanent professional activity; and (3) the provision in Article 11(3), second paragraph, lit. (e), of the Code of Conduct, which exempts one-off activities for a short duration (1 or 2 working days) from the mandatory consultation of the Independent Ethical Committee.
- 7) On substance, in line with the Commission's previous decisions mentioned above, former Commissioner Oettinger's envisaged oral arrangement with the London Speakers Bureau is, as such, compatible with Article 245 of the Treaty on the Functioning of the European Union, with his former function as Member of the Commission and with the interests of the institution.
- 8) The Commission considers nonetheless that former Commissioner Oettinger should assess the context, circumstances and scope of each individual speaking engagement to fully ascertain its compatibility with: (1) the principles of integrity and discretion set out in Article 245 of the Treaty on the Functioning of the European Union; (2) Article 339 of the Treaty on the Functioning of the European Union; and (3) Article 11(1) of the Code of Conduct for the Members of the Commission, in conjunction with Article 5 of the Code, namely the compliance with the duties of collegiality and discretion with respect to the Commission's decisions and activities during his term of office.

HAS DECIDED AS FOLLOWS:

Article 1

Former Commissioner Günther Oettinger's oral arrangement with the London Speakers Bureau is compatible with Article 245(2) of the Treaty on the Functioning of the European Union.

Article 2

Before committing to any individual speaking engagement via the London Speakers Bureau, directly or indirectly, former Commissioner Oettinger shall assess its context, circumstances and scope in view of fully ascertaining its compatibility with:

- the principles of integrity and discretion set out in Article 245 of the Treaty on the Functioning of the European Union;
- Article 339 of the Treaty on the Functioning of the European Union, and
- Article 11(1) of the Code of Conduct for the Members of the Commission, in conjunction with Article 5 of the Code.

Done at Brussels, on 29 April 2020.

The President
Ursula von der Leyen