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DECISION OF THE EUROPEAN COMMISSION

on Former President Jean-Claude Juncker's post term of office professional activity as member of the Board of Trustees of the Federal Chancellor Helmut Kohl Foundation (*'Bundeskanzler-Helmut-Kohl-Stiftung'*)

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on Former President Jean-Claude Juncker's post term of office professional activity as member of the Board of Trustees of the Federal Chancellor Helmut Kohl Foundation (*'Bundeskanzler-Helmut-Kohl-Stiftung'*)

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 foreseen in paragraph 3, second subparagraph, litt. (a) to (f).
- 4) Former President Jean-Claude Juncker informed the Commission, by letter of 29 June 2022, about his decision to accept, subject to the Commission's authorisation, a non-

remunerated assignment as member of the Board of Trustees ('Kuratorium') of the Chancellor Helmut Kohl Foundation (Bundeskanzler-Helmut-Kohl-Stiftung). The Former President underlined his full awareness of his obligations arising from the treaties, namely Articles 245 and 339 of the Treaty on the Functioning of the European Union and from the Code of Conduct for the Members of the Commission.

- 5) The Federal Chancellor Helmut-Kohl Foundation is a public foundation established by a German federal law of 2 June 2021 ('Gesetz über die Errichtung einer Bundeskanzler-Helmut-Kohl-Stiftung vom 2. Juni 2021 (BGBl. I S. 1306)'). Its registered office is in Berlin.
- 6) The purpose of the Foundation is set out in law and aims at preserving the memory of German Cancellor Helmut Kohl and his political work for the freedom and unity of the German people, for world peace, for reconciliation with Germany's European neighbours and European integration.
- 7) The Foundation is one of seven non-partisan federal foundations to commemorate politicians and their work and to contribute to a better understanding of the history of Germany and Europe in the 19th and 20th century. Like the other existing foundations, the Federal Chancellor Helmut Kohl Foundation is subject to legal supervision by the Federal Government's Commissioner for Culture and Media. The Foundation receives annual contributions from the German federal budget and can accept contributions from third parties under certain conditions.
- 8) According to the Financial Transparency System of the European Commission, there are currently no financial links with the Federal Chancellor Helmut Kohl Foundation.
- 9) The members of the Board of Trustees are appointed by the German Federal President. The tasks of the Board include notably electing and supervising the members of the management board and deciding on the strategic orientation of the Foundation.
- 10) The Commission has considered that, in line with previous decisions on Former President Juncker's post term of office assignments with several think tanks and political institutes that aim at strengthening the European integration, the consultation of the Independent Ethical Committee was not necessary in view of the nature of the Former President's envisaged activity.
- 11) The Commission has also concluded that Former President Juncker's envisaged activity does not present any risk of incompatibility with his former function as President of the European Commission or with the interests of the institution, provided the Former President respects the duties imposed on him by the Code of Conduct for the Members of the Commission, namely as concerns the respect of collegiality and discretion as well as the duty to refrain from lobbying as set out in Article 11(1) in conjunction with Article 5, and Article 11(4) and (5) of the Code.

HAS DECIDED AS FOLLOWS:

Article 1

Former President Jean-Claude Juncker's envisaged activity as Member of the Board of Trustees of the Federal Chancellor Helmut Kohl Foundation is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the respect by the Former President of the obligations imposed on him by Articles 245 and 339 of the Treaty on the Functioning of the European Union and by the Code of Conduct for the Members of the Commission, in particular Article 11(1), in conjunction with Article 5, and Article 11(4) and (5).

Done at Brussels, on 20 July 2022.

The President
Ursula von der Leyen