



Brussels, 26.5.2021
C(2021) 9010 final

DECISION OF THE EUROPEAN COMMISSION

**on Former Commissioner Miguel Arias Cañete's post term of office professional activity
as member of the Board of Trustees and of the Executive Committee of the Elcano Royal
Institute**

DECISION OF THE EUROPEAN COMMISSION

on Former Commissioner Miguel Arias Cañete's post term of office professional activity as member of the Board of Trustees and of the Executive Committee of the Elcano Royal Institute

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 Article 11(3), second subparagraph.
- 4) On 11 April 2021, Former Commissioner Miguel Arias Cañete informed the Commission about his intention to engage in a post term of office non-remunerated professional activity as member of the Board of Trustees and of the Executive Committee of the Elcano Royal Institute (*Fundación Real Instituto Elcano de Estudios Internacionales y Estratégicos*). Mr Arias Cañete informed the Commission that this Institute is a private, independent, not-for-profit foundation, whose primary goal is to

promote a better understanding of Spain's foreign policy and international issues. He added that the Institute seeks to provide policymakers and the leaders of both private companies and public institutions with independent, rigorous, empirically based studies which aim to meet the most demanding academic standards.

- 5) The Elcano Royal Institute was created in 2001 and presents itself as a think-tank specialised in international and strategic studies conducted from a Spanish, European and global perspective. Its goal is to promote knowledge of the current international situation and of Spain's foreign relations, as well as to provide a focal point for debating and generating ideas that may prove useful in the decision-making processes of political office-holders, the leaders of private enterprises and public institutions, social actors and academics. Its overall priority is to be a meeting point for the exchange of ideas and the search for consensus in a spirit dominated by the defence of democracy, multilateralism, the social market economy, freedom and human rights.
- 6) The Elcano Royal Institute was created as a private foundation and its organisational structure balances public and private interests and fosters the exchange of ideas in a plural and independent environment, providing the scope for diverse political and social outlooks.
- 7) The Institute carries out research structured along thematic and geographical lines. The former include –among others– foreign policy, security and defence, energy and climate change, the global economy, international terrorism, the image of Spain abroad, and demography and migration. Geographically, Europe, transatlantic dialogue, Latin America, Asia-Pacific, North Africa and the Middle East are of particular interest to the Institute.
- 8) The Institute's work appears in the form of a wide variety of publications and reports, which are freely accessible via its website and blog. It also organises working groups, seminars and conferences. In order to enhance its presence and influence abroad it participates in numerous international networks and projects.
- 9) The Institute's governing structure consists of a Board of Trustees, under the honorary chairmanship of the King of Spain, an Executive Committee, a Business Advisory Council, a Scientific Council and a group of Collaborating Entities.
- 10) The Board of Trustees is composed of forty representatives of Spain's public and private sector, among whom Former Commissioner Marcelino Oreja, Former High Representative Javier Solana, four former Spanish Prime Ministers, several serving Ministers and the chairpersons of private companies which contribute to the funding of the Institute. The Board meets twice a year (at least once under the chairmanship of the King of Spain) and is responsible for the external representation, governance, and administration of the Institute. It is also entrusted with the task of appointing the Chairman, Vice-Chairman and Director of the Institute, the Secretary of the Board, and the members of the Executive Committee. The Board also approves the annual action plan, the budget and the annual activity and accounting reports as well as the proposals made by the Executive Committee for the appointment (and removal) of the members of the Institute's Scientific Council. The members of the Board of Trustees are not remunerated.

- 11) The Executive Committee meets once every two months and is in charge of implementing the decisions taken by the Board of Trustees. It proposes the Institute's medium and long term strategy, objectives and goals, and how the Institute must organize itself in this perspective. The Executive Committee proposes the appointment of the Institute's Secretary of the Board and of the members of the Scientific Committee. The Committee draws the Institute's draft budgets, the annual action plan, the budget and the annual activity and accounting reports and can be entrusted with additional tasks by the Board of Trustees.
- 12) The Elcano Royal Institute is registered in the Transparency Register since 30 October 2015 as a 'think tank/research/academic institution' whose fields of interest cover the full range of the EU agenda in relation to Spain, focussing especially in international relations related subjects such as external policy, defence, security, co-operation, energy, climate change, migrations etc. According to the Transparency Register, no meeting was held between Former Commissioner Arias Cañete or his cabinet and the Elcano Royal Institute.
- 13) According to the Financial Transparency System of the European Commission, the Elcano Royal Institute received funding for projects in 2017 and 2018, always as part of a group of mainly academic entities. None of the funding was granted by the Directorates-General under the political authority of Former Commissioner Arias Cañete.
- 14) Even if the energy and climate dimension of international relations is among the subjects covered by the Elcano Royal Institute, this does not create a significant link with Former Commissioner Arias Cañete's portfolio and does therefore not require the consultation of the Independent Ethical Committee.
- 15) As for the substance, the activity does not present any risk of incompatibility with Former Commissioner Arias Cañete's role as former Member of the Commission or with the interests of the institution, provided that Mr Arias Cañete abides by the relevant provisions of the Treaty on the Functioning of the European Union, notably Article 339, and of the Code of Conduct for the Members of the Commission, namely Article 11 in conjunction with Article 5, as concerns the protection of confidentiality of sensitive information, the protection of collegiality and discretion and the prohibition of lobbying during a period of two years after his term of office.

HAS DECIDED AS FOLLOWS:

Sole Article

Former Commissioner Miguel Arias Cañete's envisaged activity as member of the Board of Trustees and of the Executive Committee of the Elcano Royal Institute is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the following conditions:

- In accordance with Article 339 of the Treaty on the Functioning of the European Union, Former Commissioner Arias Cañete shall refrain from participating in any

activity or decision-making procedure within the Elcano Royal Institute which might involve using information of the kind covered by the obligation of professional secrecy regarding, in particular, undertakings, their business relations or their cost components;

- In line with Article 11(1) of the Code of Conduct for the Members of the Commission, in conjunction with Article 5 of the Code, Former Commissioner Arias Cañete remains bound by the duties of collegiality and discretion, with respect to the Commission's decisions and activities during his term of office;
- In accordance with Article 11(4) of the Code of Conduct for the Members of the Commission, Former Commissioner Arias Cañete shall refrain from lobbying the Members of the Commission or their staff on behalf of the Elcano Royal Institute or the companies which fund this Institute, for a period of two years following his term of office, on matters for which he was responsible within his portfolio.

Done at Brussels, on 26 May 2021.

The President
Ursula von der Leyen