Ref. Ares(2015)2303004 - 02/06/2015

List of documents Initial request Ms Vicky Cann (CEO) 2015/2615- Post office activities Ms Kroes

Scope of the request: *"... Further to the documents already received under GestDem 2015/338 and 2015/1107, I am requesting copies of all subsequent applications by Neelie Kroes which seek Commission authorisation for new professional activities under the commissioner code of conduct, including her new role at the Open Data Institute. I would further like to request 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
Ms Kroes		
1 Letter of Ms Kroes to Ms Day of 2 April 2015 Ref. Ares(2015)1582865	Letter to Ms Day of 2 April 2015- Request for post-mandate authorisation- Non-executive member of the Board of the Open Datat Institute(ODI)	Partial disclosure Postal address deleted-Exception in Article 4(1) letter b);
2. Note of Ms Day to the Ad Hoc Ethical Committee of 16.04.2015 Ref. Ares(2015)1582988	Note of Ms Day to Ad Hoc Ethical Committee of 16 April 2015	Full disclosure cover note Attachment corresponds to document n°1 above.
3. Note of the Ad Hoc Ethical Committee of 16.04.2015 Ref Ares(2015)1623895	Opinion of the Ad Hoc Ethical Committee of 16 April 2015	Partial disclosure

4. Consultation LS E-mail of SG of 20.04.2015 and reply of LS of 20.04.2015; Ref Ares(2015)1865307	E-mail of SG of 20 April 2015 and reply of LS of 20 April 2015	Partial disclosure of cover e-mails (names and e-mail adresses of Commission's officials deleted - Exception in Article 4(1) letter b)); Full disclosure of draft decision
5. Decision of the Commission C(2015)2837 of 24.04.2015	Activités après cessation de fonction d'un membre de la Commission- Communication de M le Président – OJ (2124) Commission Decision C(2015) 2837 of 24 April 2015	Full disclosure
6. PV (2015) 2124 of 28.04.2015	Commission Decision of 28 April 2015	Public Document (copy not enclosed)
7. Letter of Ms Day to Ms Kroes of 28.04.2015 Ref. Ares(2015)1800550	Letter of Ms Day to Ms Kroes of 28 April 2015 informing her of the adoption of the Commission decision on the request for authorisation of post-mandate-activity	Partial Access to cover letter. E-mail address of former Commissioner-deleted- Exception in Article 4(1) letter b); Attachment corresponds to document n° 5 above.
8. Note of Ms Day to the Members of the Ad-Hoc Ethical Committee of 28.04.2015 Ref. Ares(2015)1801170	Note of Ms Day to the Members of the Ad-Hoc Ethical Committee on the Commission decision on Ms Kroes post-mandate activity of 28 April 2015	Full disclosure cover note. Attachment corresponds to document n° 5 above.

DOCUMENT 1

Ref. Ares(2015)1582865 - 14/04/2015

Neelie Kroes

Mrs. Catherine Day
Secretariat-General of the European Commission
SG Unit B/3 – Ethics
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Wassenaar, April 2nd, 2015

Dear Ms Day, dear Catherine

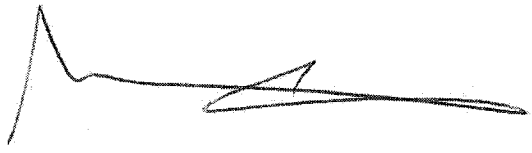
I would like to inform you that I have been asked to become a non-executive member of the Board of the Open Data Institute (ODI) in London. They are a non-profit, independent organization, founded by Tim Berners-Lee and Nigel Shadbolt.

The role of the non-executive member is a non-remunerated position which would help the organization to convene world class experts to collaborate, incubate, nurture and mentor new ideas and promote innovation.

The Board will gather 6 times per year. The ODI will cover my travel expenses.

With this letter I would like to seek the opinion of the Ad Hoc Ethical Committee.

Yours sincerely,



Neelie Kroes

DOCUMENT 2

Ref. Ares(2015)1582988 - 14/04/2015

EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, 14 AVR. 2015
SG/B3 Ares(2015)

Note to the Members of the Ad hoc Ethical Committee
Mr Nikolaus Van der Pas
Mr Rafael García-Valdecasas
Mr Terry Wynn

Subject: Former Vice-President Neelie Kroes' post-office occupation as Non-Executive Member of the Board of the Open-Data Institute

Please find enclosed former Vice-President Neelie Kroes' letter to me of 2 April 2015, whereby Ms Kroes notified the Commission about her envisaged post Commission-office assignment as a Non-Executive Member of the Board of the Open-Data Institute. Ms Kroes envisaged activity will not be remunerated but the Open-Data Institute will cover her travel expenses.

Ms Kroes' envisaged activity presents a link with her former Commission portfolio on the Digital Agenda. May I thus ask you to provide the Commission with your opinion about the compatibility of this activity with article 245(2) of the TFEU.

In addition to the information provided by Ms Kroes, you will an information fiche prepared by the Secretariat General containing complementary information, available through open sources, on The Open Data Institute.

Thank you in advance for your cooperation.

Catherine Day

Encl: Ms Kroes' letter of 2 April 2015
Information fiche

Ref. Ares(2015)1582988 - 14/04/2015

Neelie Kroes

Mrs. Catherine Day
Secretariat-General of the European Commission
SG Unit B/3 – Ethics
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Wassenaar, April 2nd, 2015

Dear Ms Day, dear Catherine

I would like to inform you that I have been asked to become a non-executive member of the Board of the Open Data Institute (ODI) in London. They are a non-profit, independent organization, founded by Tim Berners-Lee and Nigel Shadbolt.

The role of the non-executive member is a non-remunerated position which would help the organization to convene world class experts to collaborate, incubate, nurture and mentor new ideas and promote innovation.

The Board will gather 6 times per year. The ODI will cover my travel expenses.

With this letter I would like to seek the opinion of the Ad Hoc Ethical Committee.

Yours sincerely,

Neelie Kroes

DOCUMENT 3

[redacted] Ref. Ares(2015)1623895 - 16/04/2015

Catherine DAY, Secretary General of the European Commission

cc.: [redacted] S.G.,

Subject: Request from the European Commission of 14 April 2015, Ref. Ares(2015) 1582988 concerning post-office activities planned by former Commissioner Neelie Kroes.

1. The Ad-Hoc Ethical Committee has examined the notification by Ms Neelie Kroes of 2 April 2015, and the accompanying information supplied by the Commission, of her intended post-office activity, accepting the invitation to become a non-executive member of the Board of the Open Data Institute (ODI) in London. The Commission specifies that « Ms Kroes' envisaged activity presents a link with her former Commission portfolio on the Digital Agenda. »
2. According to Ms Kroes' notification, the ODI is « a non-profit, independent organization » and «The role of the non-executive member is a non-remunerated position which would help the organization to convene world class experts to collaborate, incubate, nurture and mentor new ideas and promote innovation. »
3. The Commission adds that «The Open Data Institute is a two-year old independent, non-profit, non-partisan company whose mission is to use open data to foster new businesses, transform public services, enhance policy-making and drive creation of social, environmental and economic value. The vision behind its creation is to establish a world-leading centre to innovate, exploit and research the opportunities for the United Kingdom created by the UK Government's Open Data policy. (...) The Open Data Institute has secured £10 million over five years from the UK Government, and $750,000 from Omidyar Network, and is working towards long-term sustainability through match funding and direct revenue. »
4. Finally, the Committee notes that, while the Ms Kroes' envisaged activity is non-remunerated, « the Board is expected to gather 6 times per year and the Open Data Institute will cover Ms Kroes' expenses. »
5. In view of the non-profit nature of the Open Data Institute, Ms Kroes' non-executive role and the absence of remuneration, the Committee sees no risk of a conflict of interest in the envisaged activity subject to the following caveats. Ms Kroes should abstain from any activity contrary to the Code of Conduct for Commissioners, e.g. if called upon to participate in fund raising operations by the Open Data Institute. In addition, as the Open Data Institute's mandate specifically aims at furthering the "opportunities for the United Kingdom", which may involve specific business interests, Ms Kroes should ensure that the knowledge and experience gained during her Commission mandate do not confer any undue competitive advantages to commercial project partners.

Opinion

The Ad-Hoc Ethical Committee is of the opinion that by accepting the invitation to become a non-executive Member of the Board of the Open-Data Institute, Ms Kroes acts in accordance with the second paragraph of Article 245 of the TFEU.

Nikolaus van der Pas,
Rafael Garcia-Valdecasas
Terry Wynn
Date:

DOCUMENT 4

(SG)

From: (SG)
Sent: Monday 20 April 2015 11:00
To: (SJ)
Cc: (SG); (SG)
Subject: Projet de décision de la Commission sur une activité après cessation de fonction de Mme Kroes
Attachments: Lettre Mme Kroes a CD 02.04.2015 Open Data Institute.pdf; Avis (texte) Cadhoc 16.04.2015 Mme Kroes Open Data Institute.pdf; Draft Décision Mme Kroes Open Data Institute.doc

Importance: High

Chère

Je te prie de bien vouloir trouver ci-joint un projet de décision relatif à une activité après cessation de fonctions de Mme Kroes , en tant que *Non-Executive Member of the Board of the Open Data Institute (UK).*

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

Cette consultation sera également envoyée via ARES.

Nous voudrions soumettre cette décision à la réunion du Collège du mardi 28 avril (OJ 2124) et l'avis du SJ serait dès lors apprécié si possible pour **mercredi 22 avril cob.**

Je joins également l'e-mail de Mme Kroes et l'avis du Comité.

Merci d'avance de ta collaboration

European Commission
Secretariat General
B.3 Ethics

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 2 April 2015, former Vice-President Neelie Kroes notified the Commission about her envisaged post-mandate assignment as a Non-Executive Member of the Board of the Open-Data Institute (London).

The Open Data Institute presents itself as a non-profit, non-partisan company whose mission is to use open data to foster new businesses, transform public services, enhance policy-making and drive creation of social, environmental and economic value. The vision behind its creation is to establish a world-leading centre to innovate, exploit and research the opportunities for the United Kingdom created by the UK Government's Open Data policy.

The role of the Non-Executive Member of the Board is to help the Open Data Institute to convene world-class experts to collaborate, incubate, nurture and mentor new ideas and promote innovation. Ms Kroes' position is not remunerated but the Institute will cover her expenses. The Board is expected to gather 6 times per year.

Ms Kroes' envisaged activity presents a link with her former "Digital agenda" Commission portfolio and, in accordance with paragraph 1.2 of the Code of Conduct for Commissioners, the Ad hoc Ethical Committee was requested to provide its opinion on 14 April 2015.

The Committee delivered its opinion on 16 April 2015. In view of the non-profit nature of the Open Data Institute, Ms Kroes' non-executive role and the absence of remuneration, the Committee saw no risk of a conflict of interest in the envisaged activity subject to the following caveats: Ms Kroes should abstain from any activity contrary to the Code of Conduct for Commissioners, e.g. if called upon to participate in fund raising operations by the Open Data Institute. In addition, as the Open Data Institute's mandate specifically aims at furthering the "opportunities for the United Kingdom", which may involve specific business interests, Ms Kroes should ensure that the knowledge and experience gained during her Commission mandate do not confer any undue competitive advantages to commercial project partners.

Subject to these caveats, the Ad hoc Ethical Committee came to the conclusion that, by accepting the invitation to become a Non-Executive Member of the Board of the Open-Data Institute, Ms Kroes acts in accordance with article 245(2) of the TFEU.

The Services of the Commission examined the nature of Ms Kroes's envisaged activity taking into account the opinion delivered by the Ad hoc Ethical Committee. They considered this activity compatible with the interests of the European Union and Article 245(2) of the TFEU, provided that: (1) Ms Kroes complies with her obligations under Articles 245 and 339 of the TFEU and the Code of Conduct for Commissioners, in particular concerning the protection of the collegiality and confidentiality of the matters dealt with by the Commission during her mandates and of the information to which she may have had access during her mandates about undertakings, their business relations or their cost components; (2) Ms Kroes refrains, during eighteen months after the end of her mandate, from lobbying the Commission and its Services in favour of the Open Data Institute and/or of individual companies which are in relation with the Open Data Institute; (3) Ms Kroes ensures that the knowledge and experience gained by her during her Commission mandates do not confer any undue competitive advantages in favour of individual companies which benefit from the services of the Open Data Institute.

***

The Commission is invited:

(1) to decide that former Vice-President Ms Neelie Kroes's envisaged activity as Non-Executive Member of the Board of the Open-Data Institute is compatible with Article 245(2) of the TFEU on the conditions that Ms Kroes:

- respects, in all circumstances, her duties 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 confidentiality of the matters dealt with by the Commission during her two mandates and of the information to which she may have had access during her mandates about undertakings, their business relations or their cost components;

- refrains from lobbying the Commission and its Services, during eighteen months after the end of her mandate, in favour of the Open Data Institute and/or of individual companies which are in relation with the Open Data Institute;

- ensures that the knowledge and experience gained by during her Commission mandates do not confer any undue competitive advantages in favour of individual companies which benefit from the services of the Open Data Institute.

(2) to instruct the Secretary General to inform Ms Kroes about the present decision and the conditions contained therein.

(SG)

From: EC-NOTIS-SERVICE-NOREPLY@ec.europa.eu
Sent: Monday 20 April 2015 11:10
To: (SG)
Subject: Ares: New Document - sg.dsg2.b.3(2015)1865307/Title: Projet de décision de la Commission sur une activité après cessation de fonction de Mme Kroes

You received a new document:	**My Documents**
Title	Projet de décision de la Commission sur une activité après cessation de fonction de Mme Kroes
Recipient(s)	ve_sj.cons,
Sent by	(SG.DSG2.B.3)
Save number	sg.dsg2.b.3(2015)1865307
Registration number	Ares(2015)1662753
Document date	20/04/2015
Registration date	20/04/2015
Sensitivity level	Handling restriction
Marking information	Personal
Comment(s)	
Attachment(s)	email.rtf, Outlook original email.msg, Lettre Mme Kroes a CD 02.04.2015 Open Data Institute.pdf, Avis (texte) Cadhoc 16.04.2015 Mme Kroes Open Data Institute.pdf, Draft Décision Mme Kroes Open Data Institute.doc

Remark: the hyperlinks work only from the Commission's computer network. If you want to access Ares via the Internet or the scientific network (JRC), use the following link:https://myremote.ec.europa.eu/app/
The EEAS staff located in the KO buildings will have to connect to ARES by using the following link:http://intracomm.ec.testa.eu/Ares

Please click on 'Preferences' in Notis Web interface http://www.cc.cec/notis to set your notification options, including preferred language.

(SG)

From: (SJ)
Sent: Wednesday 22 April 2015 13:27
To: (SG)
Cc: (SG); (SG); (SJ)
Subject: RE: Projet de décision de la Commission sur une activité après cessation de fonction de Mme Kroes

Agreement from the LS.

There is a typo in the last bullet. You have to suppress "by".

Regards,

DOCUMENT 5

COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 24 avril 2015

C(2015) 2837

COMMISSION INTERNE

OJ 2124

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 2124ème réunion de la Commission le 28 avril 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 2 April 2015, former Vice-President Neelie Kroes notified the Commission about her envisaged post-mandate assignment as a Non-Executive Member of the Board of the Open-Data Institute (London).

The Open Data Institute presents itself as a non-profit, non-partisan company whose mission is to use open data to foster new businesses, transform public services, enhance policy-making and drive creation of social, environmental and economic value. The vision behind its creation is to establish a world-leading centre to innovate, exploit and research the opportunities for the United Kingdom created by the UK Government's Open Data policy.

The role of the Non-Executive Member of the Board is to help the Open Data Institute to convene world-class experts to collaborate, incubate, nurture and mentor new ideas and promote innovation. Ms Kroes' position is not remunerated but the Institute will cover her expenses. The Board is expected to gather 6 times per year.

Ms Kroes' envisaged activity presents a link with her former "Digital agenda" Commission portfolio and, in accordance with paragraph 1.2 of the Code of Conduct for Commissioners, the Ad hoc Ethical Committee was requested to provide its opinion on 14 April 2015.

The Committee delivered its opinion on 16 April 2015. In view of the non-profit nature of the Open Data Institute, Ms Kroes' non-executive role and the absence of remuneration, the Committee saw no risk of a conflict of interest in the envisaged activity subject to the following caveats: Ms Kroes should abstain from any activity contrary to the Code of Conduct for Commissioners, e.g. if called upon to participate in fund raising operations by the Open Data Institute. In addition, as the Open Data Institute's mandate specifically aims at furthering the "opportunities for the United Kingdom", which may involve specific business interests, Ms Kroes should ensure that the knowledge and experience gained during her Commission mandate do not confer any undue competitive advantages to commercial project partners.

Subject to these caveats, the Ad hoc Ethical Committee came to the conclusion that, by accepting the invitation to become a Non-Executive Member of the Board of the Open-Data Institute, Ms Kroes acts in accordance with article 245(2) of the TFEU.

The Services of the Commission examined the nature of Ms Kroes's envisaged activity taking into account the opinion delivered by the Ad hoc Ethical Committee. They considered this activity compatible with the interests of the European Union and Article 245(2) of the TFEU, provided that: (1) Ms Kroes complies with her obligations under Articles 245 and 339 of the TFEU and the Code of Conduct for Commissioners, in particular concerning the protection of the collegiality and confidentiality of the matters dealt with by the Commission during her mandates and of the information to which she may have had access during her mandates about undertakings, their business relations or their cost components; (2) Ms Kroes refrains, during eighteen months after the end of her mandate, from lobbying the Commission and its Services in favour of the Open Data Institute and/or of individual companies which are in relation with the Open Data Institute; (3) Ms Kroes ensures that the knowledge and experience gained by her during her Commission mandates do not confer any undue competitive advantages in favour of individual companies which benefit from the services of the Open Data Institute.

***

The Commission is invited:

(1) to decide that former Vice-President Ms Neelie Kroes's envisaged activity as Non-Executive Member of the Board of the Open-Data Institute is compatible with Article 245(2) of the TFEU on the conditions that Ms Kroes:

- respects, in all circumstances, her duties 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 confidentiality of the matters dealt with by the Commission during her two mandates and of the information to which she may have had access during her mandates about undertakings, their business relations or their cost components;

- refrains from lobbying the Commission and its Services, during eighteen months after the end of her mandate, in favour of the Open Data Institute and/or of individual companies which are in relation with the Open Data Institute;

- ensures that the knowledge and experience she acquired during her Commission mandates do not confer any undue competitive advantages in favour of individual companies which benefit from the services of the Open Data Institute.

(2) to instruct the Secretary General to inform Ms Kroes about the present decision and the conditions contained therein.

DOCUMENT 7

Ref. Ares(2015)1800550 - 28/04/2015

EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels,
SG/B3 Ares(2015)

Ms Neelie Kroes

Also by e-mail to:

Dear Ms Kroes,

I am pleased to inform you that the Commission decided, during its 2114th meeting of 28 April 2015, that your envisaged post Commission-office activity, notified with your letter of 2 April 2015 (Ares(2015) 1582865), as Non-Executive Member of the Board of the Open-Data Institute is compatible with Article 245(2) of the TFEU on the conditions that you:

- respect, in all circumstances, your duties 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 confidentiality of the matters dealt with by the Commission during your two mandates and of the information to which you may have had access during your mandates about undertakings, their business relations or their cost components;

- refrain from lobbying the Commission and its Services, during eighteen months after the end of your mandate, in favour of the Open Data Institute and/or of individual companies which are in relation with the Open Data Institute;

- ensure that the knowledge and experience you acquired during your Commission mandates do not confer any undue competitive advantages in favour of individual companies which benefit from the services of the Open Data Institute.

Yours sincerely,

Catherine Day

Encl: Commission Decision C(2015) 2837

Cc: 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 24 avril 2015

C(2015) 2837

COMMISSION INTERNE

OJ 2124

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 2124ème réunion de la Commission le 28 avril 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 2 April 2015, former Vice-President Neelie Kroes notified the Commission about her envisaged post-mandate assignment as a Non-Executive Member of the Board of the Open-Data Institute (London).

The Open Data Institute presents itself as a non-profit, non-partisan company whose mission is to use open data to foster new businesses, transform public services, enhance policy-making and drive creation of social, environmental and economic value. The vision behind its creation is to establish a world-leading centre to innovate, exploit and research the opportunities for the United Kingdom created by the UK Government's Open Data policy.

The role of the Non-Executive Member of the Board is to help the Open Data Institute to convene world-class experts to collaborate, incubate, nurture and mentor new ideas and promote innovation. Ms Kroes' position is not remunerated but the Institute will cover her expenses. The Board is expected to gather 6 times per year.

Ms Kroes' envisaged activity presents a link with her former "Digital agenda" Commission portfolio and, in accordance with paragraph 1.2 of the Code of Conduct for Commissioners, the Ad hoc Ethical Committee was requested to provide its opinion on 14 April 2015.

The Committee delivered its opinion on 16 April 2015. In view of the non-profit nature of the Open Data Institute, Ms Kroes' non-executive role and the absence of remuneration, the Committee saw no risk of a conflict of interest in the envisaged activity subject to the following caveats: Ms Kroes should abstain from any activity contrary to the Code of Conduct for Commissioners, e.g. if called upon to participate in fund raising operations by the Open Data Institute. In addition, as the Open Data Institute's mandate specifically aims at furthering the "opportunities for the United Kingdom", which may involve specific business interests, Ms Kroes should ensure that the knowledge and experience gained during her Commission mandate do not confer any undue competitive advantages to commercial project partners.

Subject to these caveats, the Ad hoc Ethical Committee came to the conclusion that, by accepting the invitation to become a Non-Executive Member of the Board of the Open-Data Institute, Ms Kroes acts in accordance with article 245(2) of the TFEU.

The Services of the Commission examined the nature of Ms Kroes's envisaged activity taking into account the opinion delivered by the Ad hoc Ethical Committee. They considered this activity compatible with the interests of the European Union and Article 245(2) of the TFEU, provided that: (1) Ms Kroes complies with her obligations under Articles 245 and 339 of the TFEU and the Code of Conduct for Commissioners, in particular concerning the protection of the collegiality and confidentiality of the matters dealt with by the Commission during her mandates and of the information to which she may have had access during her mandates about undertakings, their business relations or their cost components; (2) Ms Kroes refrains, during eighteen months after the end of her mandate, from lobbying the Commission and its Services in favour of the Open Data Institute and/or of individual companies which are in relation with the Open Data Institute; (3) Ms Kroes ensures that the knowledge and experience gained by her during her Commission mandates do not confer any undue competitive advantages in favour of individual companies which benefit from the services of the Open Data Institute.

***

The Commission is invited:

(1) to decide that former Vice-President Ms Neelie Kroes's envisaged activity as Non-Executive Member of the Board of the Open-Data Institute is compatible with Article 245(2) of the TFEU on the conditions that Ms Kroes:

- respects, in all circumstances, her duties 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 confidentiality of the matters dealt with by the Commission during her two mandates and of the information to which she may have had access during her mandates about undertakings, their business relations or their cost components;

- refrains from lobbying the Commission and its Services, during eighteen months after the end of her mandate, in favour of the Open Data Institute and/or of individual companies which are in relation with the Open Data Institute;

- ensures that the knowledge and experience she acquired during her Commission mandates do not confer any undue competitive advantages in favour of individual companies which benefit from the services of the Open Data Institute.

(2) to instruct the Secretary General to inform Ms Kroes about the present decision and the conditions contained therein.

DOCUMENT 8

Ref. Ares(2015)1801170 - 28/04/2015

EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary General

Brussels, 28 AVR. 2015
SG/B3 Ares(2015)

Note to the Members of the Ad-Hoc Ethical Committee
Mr Nikolaus Van der Pas
Mr Rafael García-Valdecasas
Mr Terry Wynn

Subject: Commission Decision on former Vice-President Neelie Kroes' post mandate activity

Please find enclosed, for your information, Commission Decision C(2015) 2837, adopted at its 2124th meeting of 28 April 2015, on former Vice-President Neelie Kroes' envisaged post-mandate activity as Non-Executive Member of the Board of the Open-Data Institute.

I take this opportunity to thank you for the Committee's opinion of 16 April 2015.

Catherine Day

Encl: Commission Decision C(2015) 2837

COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

Bruxelles, le 24 avril 2015

C(2015) 2837

COMMISSION INTERNE

OJ 2124

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 2124ème réunion de la Commission le 28 avril 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 2 April 2015, former Vice-President Neelie Kroes notified the Commission about her envisaged post-mandate assignment as a Non-Executive Member of the Board of the Open-Data Institute (London).

The Open Data Institute presents itself as a non-profit, non-partisan company whose mission is to use open data to foster new businesses, transform public services, enhance policy-making and drive creation of social, environmental and economic value. The vision behind its creation is to establish a world-leading centre to innovate, exploit and research the opportunities for the United Kingdom created by the UK Government's Open Data policy.

The role of the Non-Executive Member of the Board is to help the Open Data Institute to convene world-class experts to collaborate, incubate, nurture and mentor new ideas and promote innovation. Ms Kroes' position is not remunerated but the Institute will cover her expenses. The Board is expected to gather 6 times per year.

Ms Kroes' envisaged activity presents a link with her former "Digital agenda" Commission portfolio and, in accordance with paragraph 1.2 of the Code of Conduct for Commissioners, the Ad hoc Ethical Committee was requested to provide its opinion on 14 April 2015.

The Committee delivered its opinion on 16 April 2015. In view of the non-profit nature of the Open Data Institute, Ms Kroes' non-executive role and the absence of remuneration, the Committee saw no risk of a conflict of interest in the envisaged activity subject to the following caveats: Ms Kroes should abstain from any activity contrary to the Code of Conduct for Commissioners, e.g. if called upon to participate in fund raising operations by the Open Data Institute. In addition, as the Open Data Institute's mandate specifically aims at furthering the "opportunities for the United Kingdom", which may involve specific business interests, Ms Kroes should ensure that the knowledge and experience gained during her Commission mandate do not confer any undue competitive advantages to commercial project partners.

Subject to these caveats, the Ad hoc Ethical Committee came to the conclusion that, by accepting the invitation to become a Non-Executive Member of the Board of the Open-Data Institute, Ms Kroes acts in accordance with article 245(2) of the TFEU.

The Services of the Commission examined the nature of Ms Kroes's envisaged activity taking into account the opinion delivered by the Ad hoc Ethical Committee. They considered this activity compatible with the interests of the European Union and Article 245(2) of the TFEU, provided that: (1) Ms Kroes complies with her obligations under Articles 245 and 339 of the TFEU and the Code of Conduct for Commissioners, in particular concerning the protection of the collegiality and confidentiality of the matters dealt with by the Commission during her mandates and of the information to which she may have had access during her mandates about undertakings, their business relations or their cost components; (2) Ms Kroes refrains, during eighteen months after the end of her mandate, from lobbying the Commission and its Services in favour of the Open Data Institute and/or of individual companies which are in relation with the Open Data Institute; (3) Ms Kroes ensures that the knowledge and experience gained by her during her Commission mandates do not confer any undue competitive advantages in favour of individual companies which benefit from the services of the Open Data Institute.

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The Commission is invited:

(1) to decide that former Vice-President Ms Neelie Kroes's envisaged activity as Non-Executive Member of the Board of the Open-Data Institute is compatible with Article 245(2) of the TFEU on the conditions that Ms Kroes:

- respects, in all circumstances, her duties 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 confidentiality of the matters dealt with by the Commission during her two mandates and of the information to which she may have had access during her mandates about undertakings, their business relations or their cost components;

- refrains from lobbying the Commission and its Services, during eighteen months after the end of her mandate, in favour of the Open Data Institute and/or of individual companies which are in relation with the Open Data Institute;

- ensures that the knowledge and experience she acquired during her Commission mandates do not confer any undue competitive advantages in favour of individual companies which benefit from the services of the Open Data Institute.

(2) to instruct the Secretary General to inform Ms Kroes about the present decision and the conditions contained therein.