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Subject: Assessment of possible conflicts of interest in the case of Mr Guy Lentz

Dear Ms Cann,

I refer to the note that you addressed on 5 October 2015 to the Secretary-General of the Commission with regard to the handling of possible conflicts of interest in the case of Mr Guy Lentz, who was engaged as Special Adviser to Commissioner Arias Cañete.

I fully share your view that the Commission must guard against possible conflicts of interest when it appoints (or envisages to appoint) Special Advisers and that the performance of the Special Adviser's duties and responsibilities must not be influenced by private-capacity interests. On the other hand, Special Advisers are also perfectly aware of their obligation to carry out their duties impartially and objectively, being guided solely by the interests of the Union. They are committed to inform immediately in writing the Authority Responsible for Concluding Contracts of Employment should they be confronted to a situation where their independence could be impaired (see Europa webpage: http://ec.europa.eu/civil_service/about/who/sa_en.htm). All of them have signed a declaration on the honour confirming their commitment to fulfil those duties.

Concerning the application of these principles in the present case, Mr Lentz was engaged as non-remunerated Special Adviser with a maximum number of 20 working days per years. His mandate is defined as follows: "*General assistance to the Commissioner on energy issues*". Mr Lentz' duties and responsibilities as Special Adviser are thus of a very general and cross-cutting nature. There is no focus on specific sectors within the domain of energy, nor on specific regions.

In this connection, I have to recall that Article 5 of the Conditions of Employment of Other Servants of the European Union (CEOS) defines "Special Adviser" as a person "*who, by reason of his special qualifications and notwithstanding gainful employment in some other capacity, is engaged to assist one of the institutions of the Union*". Other gainful activities are thus expressly allowed by the CEOS. Mr Lentz has declared his membership in the Board of Directors of ENOVOS Luxembourg in full transparency. However, in the absence of a specific link between Mr Lentz' mandate as Special Adviser and his activity for ENOVOS Luxembourg, this aspect was not mentioned in the statement of assurance. A purely theoretical link between another activity and the mandate – which could be established in practically all cases where the mandate is very broadly formulated – is not in itself sufficient to exclude the appointment of the Special

Adviser or to raise a presumption of conflict of interest. As underlined in point 5 of the Rules on Special Advisers to the Commission (C(2007) 6655), the proportionality principle must be observed in the framework of the examination of possible conflicts of interest. It is in fact necessary to avoid a situation where personalities with appropriate background could not be offered a position of Special Adviser due to their experience or other activities. This is however without prejudice to the strong commitment to avoid any concrete situation of conflict of interests, which is certainly adequately organised within the Commission.

The absence of an express reference to ENOVOS in the statement of assurance does of course not mean that Mr Lentz could, in his capacity as Special Adviser, deal with matters which specifically concern ENOVOS. He remains in any case subject to the provisions on conflicts of interest that are referred to in Article 124 CEOS (in particular Articles 11 and 11a of the Staff Regulations). Mr Lentz confirmed in his declaration on the honour that he is aware of these obligations.

Furthermore, as you mentioned in your note, the statement of assurance indicates that Mr Lentz will, in the framework of his mandate as Special Adviser, not deal with matters which concern specifically Luxembourg or in which the Luxembourgish Government has a particular interest. Taking into account that Luxembourg has a particular interest in ENOVOS, it is clear that Mr Lentz will not deal with any negotiations etc. involving this stakeholder.

Finally, I also have to underline that Mr Lentz has always acted in full compliance with his duties and that there is no reason for doubts regarding his integrity.

Yours sincerely,



Irene SOUKA