

EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

**DOCUMENT 53**

Brussels, **10 NOV. 2014**  
SG/B3 Ares(2014)

Note to the Members of the Ad-Hoc Ethical Committee

Mr Nikolaus Van der Pas  
Mr Rafael García-Valdecasas  
Mr Terry Wynn

Subject: Former Commissioner Janez Potocnik's planned post-office occupation

Let me thank you first of all for the opinions delivered by the Ad hoc Ethical Committee on 27 October 2014 on the post-mandate activities envisaged by former President Barroso, former Vice-President Reding and former Commissioner Nelli Feroci.


As the 18 month notification period foreseen in the Code of Conduct for Commissioners of the Barroso II Commission has started on the 1<sup>st</sup> of November 2014, the Commission will probably request the Committee's opinions on a regular basis in the forthcoming months.

With this circumstance in mind, and in order to facilitate the Committee's work, when requesting the Committee's opinion, the Commission will forward to the Committee a template containing the available information on the activity envisaged and on the portfolio of the former Commissioner.

The Committee might then use this template to provide the Commission with its opinion.

Please find here enclosed Commissioner Potocnik's letter of 30 October 2014 informing the Commission of his envisaged activity as Chairman of the Forum for the Future of Agriculture as well as the corresponding template.

The Commission looks forward to receive the Committee's opinion on this activity.

  
Catherine Day

Encl: Mr Potocnik's letter of 30.10.2014  
Template for the Ad hoc Ethical Committee's opinion



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

**DOCUMENT 54**

Brussels,  
SG/B3 Ares(2014)

Note to the Members of the Ad-Hoc Ethical Committee

Mr Nikolaus Van der Pas  
Mr Rafael García-Valdecasas  
Mr Terry Wynn

**Subject:** Former Commissioner Janez Potocnik's additional post-office occupation as Co-Chairman of the UN International Resource Panel

Please find enclosed former Commissioner Janez Potocnik's letter of 11 November 2014 notifying the Commission about an additional post-office activity which he intends to accept as Co-Chairman of the UN International Resource Panel.

This activity linked to the United Nations Environment Programme does not appear to raise a risk of incompatibility with Mr Potocnik's obligations deriving from the TFEU and the Code of Conduct for Commissioners.

However, it presents a link with Mr Potocnik's former Commission portfolio, for which reason I request the Ad hoc Ethical Committee's opinion, in conformity with the Code of Conduct for Commissioners. I also enclose the template prepared by the Secretariat General containing the available information.

Catherine Day

Encl: Mr Potocnik's letter of 11 November 2014  
Template for the Ad hoc Ethical Committee's opinion

Catherine DAY, Secretary General of the European Commission

## DOCUMENT 55

cc.: Donatienne CLAEYS BOUUAERT, S.G., Head of Unit B.3 Ethics

**Subject:** Request from the European Commission of 10 November 2014, Ref. ARES (2014)3725825 concerning post-office activities planned by Janez Potocnik

1. The Committee has examined the Commission's request for an opinion on Mr Potocnik's planned activity accepting the invitation to become Chairman of the Forum for the Future of Agriculture. Mr Potocnik's notification of 30 October 2014 also mentions his intention to become member of the European Policy Centre's Advisory Board on which the Commission has not asked the Committee's opinion.
2. The Committee takes note of the information provided by Janez Potocnik in his letter of 30 October 2014, and in particular that the Forum was created by the European Landowners' Organization (ELO) and Syngenta.

According to its web site, ELO is a not for profit organization committed, as a think tank, "to promoting a sustainable and prosperous countryside and to increasing awareness relating to environmental and agricultural issues" (...), and to "developing policy recommendations and programmes of action".

Syngenta presents itself online as "a world-leading agri-business committed to sustainable agriculture through innovative research and technology". Seeds, chemicals and crop protection are predominant areas of activity.

3. Both parent organizations of the Forum have a direct link with the environment portfolio, the implications of which represent a huge economic global interest for Syngenta.
4. Janez Potocnik presents the nature of his planned activity as "steering the annual conference programme and list of invitees and chairing the annual conference". In itself, this description does not give rise to an assumption of potential conflict of interest. Nevertheless, the Committee considers that Mr Potocnik, in pursuing this planned activity, should ensure that "steering" excludes any involvement, contrary to the Code of Conduct, that could be related to the commercial interests of Syngenta.

**Opinion:** By accepting the invitation to become Chairman of the Forum for the Future of Agriculture activity, Mr Janez Potocnik acts in accordance with the Code of Conduct for Commissioners.

Nikolaus van der Pas, Chair,

Rafael Garcia-Valdecasas

Terry Wynn

Date: 28 November 2014

## DOCUMENT 56

Catherine DAY, Secretary General of the European Commission

cc.: Donatienne CLAEYS BOUUAERT, S.G., Head of Unit B.3 Ethics

**Subject:** Request from the European Commission of 21 November 2014, Ref. ARES (2014)3883914 concerning post-office activities planned by former Commissioner Janez Potocnik.

1. The Ad-Hoc Ethical Committee has examined the notification by Mr Potocnik of 12 November 2014, and the accompanying information supplied by the Commission, of his intended post-office activity, accepting the invitation to become Co-Chair of the UN International Resource Panel. Mr Potocnik's notification also mentions a number of speaking engagements on which the Committee has not been invited to give an opinion.
2. The Committee notes that the International Resource Panel was launched by the United Nations Environment Programme and that its specific mission is to
  - provide independent, coherent and authoritative scientific assessments of policy relevance on the sustainable use of natural resources and, in particular, their environmental impacts over the full life cycle; and
  - contribute to a better understanding of how to decouple economic growth from environmental degradation.
3. The Committee is of the opinion that Mr Potocnik's planned activity supports the environmental work and objectives of the wide international community represented in the UN organization, comprising developed and developing countries. Noting also that the European Commission is one the members of the Panel's Steering Committee, the Committee concludes that the link with Mr Potocnik's former Commission portfolio (Environment) is only nominal and that the considered activity is in conformity with article 245(2) of the Treaty on the Functioning of the European Union.

### Opinion

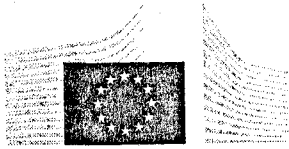
The Ad-Hoc Ethical Committee is of the opinion that by accepting the invitation to become Co-Chairman of the UN International Resource Panel, Mr Potocnik acts in accordance with article 245(2) of the Treaty on the Functioning of the European Union.

Nikolaus van der Pas, Chair,

Rafael Garcia-Valdecasas

Terry Wynn

Date: 28 November 2014



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL

**DOCUMENT 57**

Bruxelles, le 5 décembre 2014

C(2014) 9518

**COMMISSION INTERNE**

**OJ 2109**

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 2109<sup>ème</sup> réunion de la Commission le 10 décembre 2014.

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.

With his letter of 30 October 2014, former Commissioner Janez Potočnik informed the Commission of his intention to accept two post-mandate activities, namely as Chairman of the Forum for the Future of Agriculture and as Member of the European Policy Centre's Advisory Council.

With his letter of 12 November 2014, Mr Potočnik informed the Commission of his intention to accept an additional post-mandate activity as Co-Chairman of the UN International Resource Panel. Mr Potočnik also informed the Commission that he had accepted a certain number of invitations to address various audiences, on his personal capacity, on specific subjects.

### ***Chairmanship of the Forum for the Future of Agriculture***

Mr Potočnik envisaged activity consists on steering the preparation of the annual conference programme and list of invitees and chairing the annual conference of the Forum for the Future of Agriculture.

This forum was created in March 2008 by the European Landowners' Organization and Syngenta. Its purpose is to stimulate open discussions on the future of European and world agriculture and to assess what should and what could be achieved over time, attaching equal weight to two challenges: food security and environmental security.

In his letter dated 30 October 2014, Mr Potočnik informed the Commission that the Forum for the Future of Agriculture has a programme of activity focused on the food and environmental security agenda across the European region and that its main platform remains its annual conference which takes place every spring in Brussels. This conference has now established itself as the premier meeting place for those who have a stake in the future of agriculture and has been addressed by all sorts of stakeholders.

The Commission services considered that the environmental dimension of the programme of activity developed by the Forum for the Future of Agriculture presents a link with Mr Potočnik's former portfolio and the opinion of the Ad hoc Ethical Committee on the compatibility of this activity with article 245(2) of the Treaty on the Functioning of the European Union was requested.

The Ad hoc Ethical Committee delivered a preliminary opinion on 17 November and a final opinion on 28 November 2014. The Committee considered the nature of Mr Potočnik's envisaged activity and the nature of the parent organisations of the Forum.

As for the nature of the parent organisations, the Committee remarked that the European Landowners Association is a not-for-profit organisation committed, as a think tank, “to promoting a sustainable and prosperous countryside and to increasing awareness relating to environmental and agricultural issues” (...), and to “developing policy recommendations and programmes of action”. As for Syngenta, the Committee noted that this Company presents itself online as “a world-leading agri-business committed to sustainable agriculture through innovative research and technology” and that seeds, chemicals and crop protection are predominant areas of its activity.

The Committee concluded that both parent organisations of the Forum have a direct link with the environment portfolio, the implications of which represent a huge economic global interest for Syngenta.

As for Mr Potočnik's envisaged activity, the Committee noted that, in itself, its description does not give rise to an assumption of potential conflict of interest. The Committee believed, however, that the Commission should be reassured that Mr Potočnik's “steering” function excludes any involvement that could be related to the commercial interests of Syngenta.

#### ***Membership of the European Policy Centre's Advisory Council***

The Services considered the nature of the European Policy Centre as a renowned think-tank on European affairs and the role of its Advisory Council, which is purely deliberative, offering a platform for debate about the general orientations of the Centre, without no executive function of any kind.

It was thus considered that this activity does not present any risk of incompatibility either with Mr Potočnik's former function as Commissioner or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was informed of this activity, but its opinion was not requested.

Following this information, in its preliminary opinion of 17 November, the Committee observed that Mr Potočnik should give additional assurance that he will abstain from any activity contrary to the Code of Conduct for example lobbying, if the EPC decided to engage in specific projects related to the field of environment and appeal for EU funding.

#### ***Co-Chairmanship of the UN International Resource Panel***

Mr Potočnik informed that the UN International Resource Panel had been launched by the United Nations Environment Programme (UNEP) in 2007 to build and share the knowledge needed to improve the use of resources worldwide. The Panel's goal is to steer the World community away from over-consumption

The Panel's specific missions are :(1) to provide independent, coherent and authoritative scientific assessments of policy relevance on the sustainable use of natural resources and, in particular, their environmental impacts over the full life cycle; and (2) to

contribute to a better understanding of how to decouple economic growth from environmental degradation.

The Services noted that Mr Potočnik's planned assignment as Co-Chair of the UN International Resource Panel was closely linked with his former portfolio and the Ad hoc Ethical Committee was requested to provide its opinion on the compatibility of this activity with article 245(2) of the Treaty on the Functioning of the European Union.

The Ad hoc Ethical Committee delivered its opinion on 28 November 2014. The Committee took account of the context and nature of Mr Potočnik's envisaged activity and considered that it supports the environmental work and objectives of the wide international community represented in the United Nations, comprising developed and developing countries. The Committee also noted that the European Commission is one of the Members of the Panel's Steering Committee. The Committee concluded that the link between the envisaged activity and Mr Potočnik's former Commission portfolio was only nominal and that the considered activity was in conformity with article 245(2) of the TFEU.

The Services of the Commission considered that, in view of the nature of the activity envisaged, and in particular the fact that it is within the UN framework its link with the former Commissioner's portfolio is not contrary either to his duties of integrity and discretion or to the interests of the European Union.

#### ***One-off invitations to address various audiences on specific topics***

Mr Potočnik informed that he had accepted several invitations to address, on his personal capacity, various audiences (namely the European Insulation Manufacturers Association, Friends of the Earth Europe and Slovenian Bank A-Banka) on global challenges, on circular economy, on resource efficiency and on the economic developments in Slovenia.

The Services of the Commission considered that these one-off addresses should not be considered as a professional occupation in the sense of the notification obligation foreseen in section 1.2 of the Code of Conduct for Commissioners. They considered therefore that the Commission should limit itself to take note of these accepted invitations.

\*\*\*

The Commission is invited:

- (1) to acknowledge former Commissioner Janez Potočnik's letters of 30 October and 12 November 2014 and the Ad hoc Ethical Committee's preliminary opinion of 17 November 2014 and opinions of 28 November 2014;
- (2) to authorise Mr Potočnik's activity as Chairman of the Forum for the Future of Agriculture on the condition that Mr Potočnik's function consisting on steering the Forum's annual conference programme and list of invitees and chairing the annual conference excludes any involvement which could be related to the commercial interests of Syngenta;



- (3) to decide that Mr Potočnik's activity as Member of the Advisory Board of the European Policy Center is compatible with Article 245(2) of the TFEU on the condition that Mr Potočnik abstains from any lobbying activity, should the European Policy Centre decide to engage in specific projects related to the field of environment and to appeal for EU funding;
- (4) to decide that Mr Potočnik's envisaged activity as Co-Chairman of the UN International Resource Panel is compatible with Article 245(2) of the TFEU;
- (5) to take note of the invitations accepted by Mr Potočnik, on a one-off basis, to address various audiences on specific subjects;
- (6) to charge the Secretary General to inform Mr Potočnik's about the present decision, yet drawing his attention to the duty to respect his obligations 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 the confidentiality of the matters dealt by the Commission during his mandates.



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

## DOCUMENT 59

Brussels,  
SG/B3 Ares(2014)

Mr Janez Potočnik

Dear Mr Potočnik,

I am pleased to inform you that the Commission decided during its 2109<sup>th</sup> meeting of 10 December 2014 about your envisaged post Commission-office activities notified with your letters of 30 October and 12 November 2014 to the Commission.

You will see that the Commission stipulated conditions regarding your activities as Chairman of the Forum for the Future of Agriculture and as member of the Advisory Board of the European Policy Centre.

The Commission has instructed me to draw your attention to the duty to respect your obligations 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 the confidentiality of the matters dealt by the Commission during your mandates.

Please find enclosed Commission decision C(2014) 9518.

Yours sincerely,

Catherine Day

Encl: Commission Decision C(2014) 9518

Cc: Mr Selmayr (Head of President Juncker's Private Office)



COMMISSION EUROPÉENNE

SECRÉTARIAT GÉNÉRAL

**DOCUMENT 57**

Bruxelles, le 5 décembre 2014

C(2014) 9518

**COMMISSION INTERNE**

**OJ 2109**

**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 2109<sup>ème</sup> réunion de la Commission le 10 décembre 2014.

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.

With his letter of 30 October 2014, former Commissioner Janez Potočnik informed the Commission of his intention to accept two post-mandate activities, namely as Chairman of the Forum for the Future of Agriculture and as Member of the European Policy Centre's Advisory Council.

With his letter of 12 November 2014, Mr Potočnik informed the Commission of his intention to accept an additional post-mandate activity as Co-Chairman of the UN International Resource Panel. Mr Potočnik also informed the Commission that he had accepted a certain number of invitations to address various audiences, on his personal capacity, on specific subjects.

### ***Chairmanship of the Forum for the Future of Agriculture***

Mr Potočnik envisaged activity consists on steering the preparation of the annual conference programme and list of invitees and chairing the annual conference of the Forum for the Future of Agriculture.

This forum was created in March 2008 by the European Landowners' Organization and Syngenta. Its purpose is to stimulate open discussions on the future of European and world agriculture and to assess what should and what could be achieved over time, attaching equal weight to two challenges: food security and environmental security.

In his letter dated 30 October 2014, Mr Potočnik informed the Commission that the Forum for the Future of Agriculture has a programme of activity focused on the food and environmental security agenda across the European region and that its main platform remains its annual conference which takes place every spring in Brussels. This conference has now established itself as the premier meeting place for those who have a stake in the future of agriculture and has been addressed by all sorts of stakeholders.

The Commission services considered that the environmental dimension of the programme of activity developed by the Forum for the Future of Agriculture presents a link with Mr Potočnik's former portfolio and the opinion of the Ad hoc Ethical Committee on the compatibility of this activity with article 245(2) of the Treaty on the Functioning of the European Union was requested.

The Ad hoc Ethical Committee delivered a preliminary opinion on 17 November and a final opinion on 28 November 2014. The Committee considered the nature of Mr Potočnik's envisaged activity and the nature of the parent organisations of the Forum.

As for the nature of the parent organisations, the Committee remarked that the European Landowners Association is a not-for-profit organisation committed, as a think tank, "to promoting a sustainable and prosperous countryside and to increasing awareness relating to environmental and agricultural issues" (...), and to "developing policy recommendations and programmes of action". As for Syngenta, the Committee noted that this Company presents itself online as "a world-leading agri-business committed to sustainable agriculture through innovative research and technology" and that seeds, chemicals and crop protection are predominant areas of its activity.

The Committee concluded that both parent organisations of the Forum have a direct link with the environment portfolio, the implications of which represent a huge economic global interest for Syngenta.

As for Mr Potočnik's envisaged activity, the Committee noted that, in itself, its description does not give rise to an assumption of potential conflict of interest. The Committee believed, however, that the Commission should be reassured that Mr Potočnik's "steering" function excludes any involvement that could be related to the commercial interests of Syngenta.

#### ***Membership of the European Policy Centre's Advisory Council***

The Services considered the nature of the European Policy Centre as a renowned think tank on European affairs and the role of its Advisory Council, which is purely deliberative, offering a platform for debate about the general orientations of the Centre, without no executive function of any kind.

It was thus considered that this activity does not present any risk of incompatibility either with Mr Potočnik's former function as Commissioner or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was informed of this activity, but its opinion was not requested.

Following this information, in its preliminary opinion of 17 November, the Committee observed that Mr Potočnik should give additional assurance that he will abstain from any activity contrary to the Code of Conduct for example lobbying, if the EPC decided to engage in specific projects related to the field of environment and appeal for EU funding.

#### ***Co-Chairmanship of the UN International Resource Panel***

Mr Potočnik informed that the UN International Resource Panel had been launched by the United Nations Environment Programme (UNEP) in 2007 to build and share the knowledge needed to improve the use of resources worldwide. The Panel's goal is to steer the World community away from over-consumption

The Panel's specific missions are : (1) to provide independent, coherent and authoritative scientific assessments of policy relevance on the sustainable use of natural resources and, in particular, their environmental impacts over the full life cycle; and (2) to

contribute to a better understanding of how to decouple economic growth from environmental degradation.

The Services noted that Mr Potočnik's planned assignment as Co-Chair of the UN International Resource Panel was closely linked with his former portfolio and the Ad hoc Ethical Committee was requested to provide its opinion on the compatibility of this activity with article 245(2) of the Treaty on the Functioning of the European Union.

The Ad hoc Ethical Committee delivered its opinion on 28 November 2014. The Committee took account of the context and nature of Mr Potočnik's envisaged activity and considered that it supports the environmental work and objectives of the wide international community represented in the United Nations, comprising developed and developing countries. The Committee also noted that the European Commission is one of the Members of the Panel's Steering Committee. The Committee concluded that the link between the envisaged activity and Mr Potočnik's former Commission portfolio was only nominal and that the considered activity was in conformity with article 245(2) of the TFEU.

The Services of the Commission considered that, in view of the nature of the activity envisaged, and in particular the fact that it is within the UN framework its link with the former Commissioner's portfolio is not contrary either to his duties of integrity and discretion or to the interests of the European Union.

#### *One-off invitations to address various audiences on specific topics*

Mr Potočnik informed that he had accepted several invitations to address, on his personal capacity, various audiences (namely the European Insulation Manufacturers Association, Friends of the Earth Europe and Slovenian Bank A-Banka) on global challenges, on circular economy, on resource efficiency and on the economic developments in Slovenia.

The Services of the Commission considered that these one-off addresses should not be considered as a professional occupation in the sense of the notification obligation foreseen in section 1.2 of the Code of Conduct for Commissioners. They considered therefore that the Commission should limit itself to take note of these accepted invitations.

\*\*\*

The Commission is invited:

- (1) to acknowledge former Commissioner Janez Potočnik's letters of 30 October and 12 November 2014 and the Ad hoc Ethical Committee's preliminary opinion of 17 November 2014 and opinions of 28 November 2014;
- (2) to authorise Mr Potočnik's activity as Chairman of the Forum for the Future of Agriculture on the condition that Mr Potočnik's function consisting on steering the Forum's annual conference programme and list of invitees and chairing the annual conference excludes any involvement which could be related to the commercial interests of Syngenta;

- (3) to decide that Mr Potočnik's activity as Member of the Advisory Board of the European Policy Center is compatible with Article 245(2) of the TFEU on the condition that Mr Potočnik abstains from any lobbying activity, should the European Policy Centre decide to engage in specific projects related to the field of environment and to appeal for EU funding;
- (4) to decide that Mr Potočnik's envisaged activity as Co-Chairman of the UN International Resource Panel is compatible with Article 245(2) of the TFEU;
- (5) to take note of the invitations accepted by Mr Potočnik, on a one-off basis, to address various audiences on specific subjects;
- (6) to charge the Secretary General to inform Mr Potočnik's about the present decision, yet drawing his attention to the duty to respect his obligations 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 the confidentiality of the matters dealt by the Commission during his mandates.



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

**DOCUMENT 60**

Brussels, **10 DEC. 2014**  
SG/B3 Ares(2014)

Note to the Members of the Ad-Hoc Ethical Committee

Mr Nikolaus Van der Pas  
Mr Rafael García-Valdecasas  
Mr Terry Wynn

Subject: Commission Decisions on post-mandate activities of former Commissioners Viviane Reding, Janez Potočnik and Andris Piebalgs

Please find enclosed, for your information, Commission Decisions C(2014) 9516, C(2014) 9518 and C(2014) 9520, adopted at its 2109<sup>th</sup> meeting of 10 December 2014, on former Commissioners Viviane Reding's, Janez Potočnik's and Andris Piebalgs' envisaged post Commission-office activities.

The Commission decisions on Messrs Potočnik's and Piebalgs' envisaged activities take due account of the Ad hoc Ethical Committee's opinions.

Catherine Day

Encl: Commission Decision C(2014) 9516 (Ms Reding)  
Commission Decision C(2014) 9518 (Mr Potočnik)  
Commission Decision C(2014) 9520 (Mr Piebalgs)





COMMISSION EUROPÉENNE

**DOCUMENT 57**

SECRETARIAT GÉNÉRAL

Bruxelles, le 5 décembre 2014

C(2014) 9518

**COMMISSION INTERNE**

**OJ 2109**

**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 2109<sup>ème</sup> réunion de la Commission le 10 décembre 2014.

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.

With his letter of 30 October 2014, former Commissioner Janez Potočnik informed the Commission of his intention to accept two post-mandate activities, namely as Chairman of the Forum for the Future of Agriculture and as Member of the European Policy Centre's Advisory Council.

With his letter of 12 November 2014, Mr Potočnik informed the Commission of his intention to accept an additional post-mandate activity as Co-Chairman of the UN International Resource Panel. Mr Potočnik also informed the Commission that he had accepted a certain number of invitations to address various audiences, on his personal capacity, on specific subjects.

### ***Chairmanship of the Forum for the Future of Agriculture***

Mr Potočnik envisaged activity consists on steering the preparation of the annual conference programme and list of invitees and chairing the annual conference of the Forum for the Future of Agriculture.

This forum was created in March 2008 by the European Landowners' Organization and Syngenta. Its purpose is to stimulate open discussions on the future of European and world agriculture and to assess what should and what could be achieved over time, attaching equal weight to two challenges: food security and environmental security.

In his letter dated 30 October 2014, Mr Potočnik informed the Commission that the Forum for the Future of Agriculture has a programme of activity focused on the food and environmental security agenda across the European region and that its main platform remains its annual conference which takes place every spring in Brussels. This conference has now established itself as the premier meeting place for those who have a stake in the future of agriculture and has been addressed by all sorts of stakeholders.

The Commission services considered that the environmental dimension of the programme of activity developed by the Forum for the Future of Agriculture presents a link with Mr Potočnik's former portfolio and the opinion of the Ad hoc Ethical Committee on the compatibility of this activity with article 245(2) of the Treaty on the Functioning of the European Union was requested.

The Ad hoc Ethical Committee delivered a preliminary opinion on 17 November and a final opinion on 28 November 2014. The Committee considered the nature of Mr Potočnik's envisaged activity and the nature of the parent organisations of the Forum.

As for the nature of the parent organisations, the Committee remarked that the European Landowners Association is a not-for-profit organisation committed, as a think tank, "to promoting a sustainable and prosperous countryside and to increasing awareness relating to environmental and agricultural issues" (...), and to "developing policy recommendations and programmes of action". As for Syngenta, the Committee noted that this Company presents itself online as "a world-leading agri-business committed to sustainable agriculture through innovative research and technology" and that seeds, chemicals and crop protection are predominant areas of its activity.

The Committee concluded that both parent organisations of the Forum have a direct link with the environment portfolio, the implications of which represent a huge economic global interest for Syngenta.

As for Mr Potočnik's envisaged activity, the Committee noted that, in itself, its description does not give rise to an assumption of potential conflict of interest. The Committee believed, however, that the Commission should be reassured that Mr Potočnik's "steering" function excludes any involvement that could be related to the commercial interests of Syngenta.

#### ***Membership of the European Policy Centre's Advisory Council***

The Services considered the nature of the European Policy Centre as a renowned think tank on European affairs and the role of its Advisory Council, which is purely deliberative, offering a platform for debate about the general orientations of the Centre, without no executive function of any kind.

It was thus considered that this activity does not present any risk of incompatibility either with Mr Potočnik's former function as Commissioner or with the interests of the Institution. On this basis, the Ad hoc Ethical Committee was informed of this activity, but its opinion was not requested.

Following this information, in its preliminary opinion of 17 November, the Committee observed that Mr Potočnik should give additional assurance that he will abstain from any activity contrary to the Code of Conduct for example lobbying, if the EPC decided to engage in specific projects related to the field of environment and appeal for EU funding.

#### ***Co-Chairmanship of the UN International Resource Panel***

Mr Potočnik informed that the UN International Resource Panel had been launched by the United Nations Environment Programme (UNEP) in 2007 to build and share the knowledge needed to improve the use of resources worldwide. The Panel's goal is to steer the World community away from over-consumption

The Panel's specific missions are : (1) to provide independent, coherent and authoritative scientific assessments of policy relevance on the sustainable use of natural resources and, in particular, their environmental impacts over the full life cycle; and (2) to

contribute to a better understanding of how to decouple economic growth from environmental degradation.

The Services noted that Mr Potočnik's planned assignment as Co-Chair of the UN International Resource Panel was closely linked with his former portfolio and the Ad hoc Ethical Committee was requested to provide its opinion on the compatibility of this activity with article 245(2) of the Treaty on the Functioning of the European Union.

The Ad hoc Ethical Committee delivered its opinion on 28 November 2014. The Committee took account of the context and nature of Mr Potočnik's envisaged activity and considered that it supports the environmental work and objectives of the wide international community represented in the United Nations, comprising developed and developing countries. The Committee also noted that the European Commission is one of the Members of the Panel's Steering Committee. The Committee concluded that the link between the envisaged activity and Mr Potočnik's former Commission portfolio was only nominal and that the considered activity was in conformity with article 245(2) of the TFEU.

The Services of the Commission considered that, in view of the nature of the activity envisaged, and in particular the fact that it is within the UN framework its link with the former Commissioner's portfolio is not contrary either to his duties of integrity and discretion or to the interests of the European Union.

#### ***One-off invitations to address various audiences on specific topics***

Mr Potočnik informed that he had accepted several invitations to address, on his personal capacity, various audiences (namely the European Insulation Manufacturers Association, Friends of the Earth Europe and Slovenian Bank A-Banka) on global challenges, on circular economy, on resource efficiency and on the economic developments in Slovenia.

The Services of the Commission considered that these one-off addresses should not be considered as a professional occupation in the sense of the notification obligation foreseen in section 1.2 of the Code of Conduct for Commissioners. They considered therefore that the Commission should limit itself to take note of these accepted invitations.

\*\*\*

The Commission is invited:

- (1) to acknowledge former Commissioner Janez Potočnik's letters of 30 October and 12 November 2014 and the Ad hoc Ethical Committee's preliminary opinion of 17 November 2014 and opinions of 28 November 2014;
- (2) to authorise Mr Potočnik's activity as Chairman of the Forum for the Future of Agriculture on the condition that Mr Potočnik's function consisting on steering the Forum's annual conference programme and list of invitees and chairing the annual conference excludes any involvement which could be related to the commercial interests of Syngenta;

- (3) to decide that Mr Potočník's activity as Member of the Advisory Board of the European Policy Center is compatible with Article 245(2) of the TFEU on the condition that Mr Potočník abstains from any lobbying activity, should the European Policy Centre decide to engage in specific projects related to the field of environment and to appeal for EU funding;
- (4) to decide that Mr Potočník's envisaged activity as Co-Chairman of the UN International Resource Panel is compatible with Article 245(2) of the TFEU;
- (5) to take note of the invitations accepted by Mr Potočník, on a one-off basis, to address various audiences on specific subjects;
- (6) to charge the Secretary General to inform Mr Potočník's about the present decision, yet drawing his attention to the duty to respect his obligations 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 the confidentiality of the matters dealt by the Commission during his mandates.