



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL
 HUMAN RESOURCES AND SECURITY
 Director-General

Brussels,

Ms Vicky CANN
 Corporate Europe Observatory (CEO)
 Mundo-B (2nd floor)
 Rue d'Edimbourg 26
 B-1050 Brussels

Copy by e-mail:
 vicky@corporateeurope.org

Subject: Activities of Ms Nathalie Tocci

Dear Ms Cann,

I refer to the note that you addressed on 16 September 2015 to the Secretary-General of the Commission with regard to the assessment of possible conflicts of interest in the case of Ms Nathalie Tocci.

As you rightly point out in this note, the Commission has the responsibility to be vigilant and to guard against possible conflicts of interest when it appoints (or envisages to appoint) Special Advisers. 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.

As regards the application of these principles in the present case, Ms Tocci's duties and responsibilities as Special Adviser are defined by her mandate ("*HR/VP outreach to think tanks and coordination of work on a new European Security Strategy, beginning with the 2015 Strategic Review*"). This mandate is thus of a very general and cross-cutting nature; there is no specific focus on energy security.

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. Ms Tocci has declared her membership in the board of Edison in full transparency. However, in the absence of a specific link between Mr Tocci's mandate as Special Adviser and her activity for Edison, 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.

In order to avoid any misunderstandings, I would like to underline that this does in no way mean that Ms Tocci could, in her capacity as Special Adviser, deal with matters which specifically concern Edison. She remains 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), and Ms Tocci has confirmed in her declaration on the honour that she is aware of these obligations.

Finally, I have to emphasize that Ms Tocci has always acted in full compliance with her duties and that there is no reason for doubts regarding her integrity.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Irene Souka', written in a cursive style.

Irene SOUKA