



Brussels, 27.5.2020
C(2020) 9023 final

DECISION OF THE EUROPEAN COMMISSION

**on former Commissioner Karmenu Vella's post term of office professional activity as
Pro-Chancellor of the University of Malta**

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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 paragraph 3, second subparagraph, lit. (a) to (f).
- 4) On 18 April 2020, Former Commissioner Karmenu Vella notified the Commission about his intention to accept a position as Pro-Chancellor of the University of Malta. The University of Malta was established in 1769. It is an autonomous institution with a distinct legal personality and is regulated by law ('Education Act'). The University offers undergraduate bachelor degrees, postgraduate master degrees and postgraduate

doctorates. It is a member of several associations, inter alia the European University Association and the Association of Commonwealth Studies.

- 5) The University of Malta's supreme governing body is the Council according to Article 77 of the Education Act. It meets once every two months and administers and controls all property of the university; establishes and abolishes posts, institutes and other entities; makes statutes and appointments; and is responsible for the payment of wages or salaries.
- 6) The highest officer of the university is the Chancellor who is appointed by the President of Malta and responsible to ensure that the university conforms to the law.
- 7) The Chancellor appoints the Pro-Chancellor after the approval of the Minister for Education. The Pro-Chancellor is *ex officio* president of the Council. In addition, he or she performs the functions of the Chancellor, whenever such office is temporarily vacant, whenever the Chancellor is absent or unable to perform his or her duties and whenever the Chancellor asks him or her to do so. The office of Pro-Chancellor is not a salaried position, but an honorarium is attached to the role.
- 8) A Rector is responsible for the day-to-day administration of the university and is vested with the legal representation of the university. He or she is the officer vested with the immediate government of the university. The Rector is also the *ex officio* president of the Senate. The Senate notably regulates studies, research, documentation and examinations; makes regulations; decides on degrees and diplomas and has advisory functions to the Government and the Council. A secretary is in charge of financial and administrative matters. The faculties are administered by Faculty Boards and Deans.
- 9) Former Commissioner Vella's envisaged activity is not related to his former Commission portfolio on Environment, Maritime Affairs and Fisheries. The consultation of the Independent Ethical Committee is therefore not necessary.
- 10) The University of Malta has been a regular recipient of funding from the EU Budget, essentially through agencies and Commission departments, which were not placed under Commissioner Vella's political authority. However, the University of Malta has also received European funding through the Commission's Directorate-General for Environment, under the European Maritime and Fisheries Fund (€739,055 in 2018, €960,000 in 2017 and €777,493 in 2016).
- 11) In its opinion delivered on 23 December 2019 on a comparable post term of office activity envisaged by another former Member of the Commission, the Independent Ethical Committee concluded that there were no legal or other impediments which should prevent the former Commissioner in question from accepting an important governing position in another European university. The Committee recommended, however, a certain number of restrictions in order to ensure the compatibility of the envisaged activity with the obligations applying after the end of the mandate. The Committee considered that a restriction should apply in particular to future decisions of the Commission on the allocation of funds. This recommendation is *mutatis mutandis* applicable as concerns Former Commissioner Vella's envisaged activity as Pro-Chancellor of the University of Malta.

- 12) Without prejudice to the restriction stated above, the envisaged activity does not present any risk of incompatibility with Former Commissioner Vella's former role as Member of the Commission or with the interests of the institution, provided that Mr Vella 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(1), in conjunction with Article 5, and Article 11(4) 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:

Article 1

Former Commissioner Karmenu Vella's envisaged activity as Pro-Chancellor of the University of Malta is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the following conditions and restrictions :

- In accordance with Article 11(4) of the Code of Conduct for the Members of the Commission, during a period of two years following his term of office, Former Commissioner Vella shall refrain from lobbying the Members of the Commission or their staff on behalf of the University of Malta, on matters for which he was responsible within his portfolio, in particular as concerns future decisions of the Commission on the allocation of funds.
- In accordance with Article 339 of the Treaty on the Functioning of the European Union, Former Commissioner Vella shall refrain from participating in any activity or decision-making procedure within the University of Malta 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), in conjunction with Article 5, of the Code of Conduct for the Members of the Commission, Former Commissioner Vella remains bound by the duties of collegiality and discretion, with respect to the Commission's decisions and activities during his term of office.

Done at Brussels, on 27 May 2020.

The President
Ursula von der Leyen