



Brussels, 24.3.2021  
C(2021) 9009 final

**DECISION OF THE EUROPEAN COMMISSION**

**on Former Commissioner Günther Oettinger's post term of office professional activity  
as Member of the Advisory Board of the HAM-LOG Gruppe**

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 set out in Article 11(3), second subparagraph, lit. (a) to (f).
- 4) On 6 January 2021, Former Commissioner Günther Oettinger informed the Commission about his intention to engage in a post term of office activity as member of the Advisory Board of the HAM-LOG Gruppe.
- 5) HAM-LOG is a German logistics company which provides logistics support services to companies. It is registered in Hamburg as a company with limited liability (GmbH). HAM-LOG presents itself as ‘a service company for the implementation of demanding projects in the logistics industry, in Germany and throughout Europe’. In addition, HAM-LOG appears to provide goods control, labelling, packing, pallet repair and warehousing solutions. The declared goal of the company is to ‘comply with high quality services requirement, increase productivity and reach sustainable optimisation of work processes’. The group also owns a branch specialised in recruitment, called

Ham-Log-Gruppe Recruitment, whose main activity is to ‘carefully search for employees, advise and recruit’ for the HAM-LOG Group.

- 6) According to the company’s website, HAM-LOG has been working in logistics for two decades in partnership with ‘well-known customers from logistics, retail and e-commerce’.
- 7) Former Commissioner Oettinger informed the Commission that HAM-LOG is managed by a managing partner and a Board of Directors. Mr Oettinger was invited to join the company’s Advisory Board, which has not yet been created. The objectives of setting up an Advisory Board are two-fold: (1) to discuss specific projects with the shareholder and the Board of Directors; (2) to act as ‘sounding Board’ for the management team. This Advisory Board is intended to be established in 2021. The Advisory Board is expected to meet four times during the financial year, in order to ‘ensure the continuous and sustainable and efficient functioning of the Board’.
- 8) According to the Financial Transparency System of the European Commission, HAM-LOG did not receive any funds from the European budget implemented directly by the Commission or other EU bodies such as executive agencies ('direct management') over the last years. HAM-LOG is not registered in the Joint Transparency Register of the European Parliament and the Commission.
- 9) The purpose of the company and the envisaged activity are not specifically related to Former Commissioner Oettinger’s previous portfolios. The fact that HAM-LOG provides logistics support services to companies in a variety of economic sectors does not constitute a sufficient link to create an obligation to consult the Independent Ethical Committee or create otherwise a sensitive link with the previous portfolios of Former Commissioner Oettinger. The consultation of the Independent Ethical Committee is therefore not necessary.
- 10) The activity does not present any risk of incompatibility either with Former Commissioner Oettinger’s role as Member of the Commission or with the interests of the institution, provided that Mr Oettinger 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 duties of collegiality and discretion with respect to the Commission’s decisions and activities during his terms of office, and the prohibition to lobby the Commission and its staff during a period of two years after his term of office on matters for which he was responsible within his portfolios.

HAS DECIDED AS FOLLOWS:

*Sole Article*

Former Commissioner Günther Oettinger's envisaged activity as member of the Advisory Board of the HAM-LOG Gruppe is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the respect of the obligations imposed by Article 339 of the Treaty on the Functioning of the European Union and by the Code of Conduct for the Members of the Commission, in particular Article 11(1), in conjunction with Article 5, and Article 11(4) as concerns the protection of confidentiality of sensitive information, the duties of collegiality and discretion with respect to the Commission's decisions and activities during his term of office, and the prohibition to lobby the Members of the Commission or its staff on behalf of or for the interests of the HAM-LOG Gruppe during a period of two years after his term of office on matters for which he was responsible within his portfolios.

Done at Brussels, on 24 March 2021.

*The President*  
*Ursula von der Leyen*