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**DECISION OF THE EUROPEAN COMMISSION**

**on Former Commissioner Vytenis Andriukaitis' post term of office professional activity  
as Special Envoy of the World Health Organization (WHO) for Universal Health  
Coverage for the European Region**

## DECISION OF THE EUROPEAN COMMISSION

### **on former Commissioner Vytenis Andriukaitis' post term of office professional activity as Special Envoy of the World Health Organization (WHO) for Universal Health Coverage for the European Region**

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 Article 11(3), second subparagraph, notably as concerns activities with international organisations dealing with public interests (Article 11(3), second subparagraph, lit. (c)).
- 4) Following preliminary contacts with the Commission, Former Commissioner Vytenis Andriukaitis informed the Commission, on 6 April 2020, about a contract with the Regional Office for Europe of the World Health Organization to provide, as WHO Special Envoy for Universal Health Coverage for the European Region, high-level

policy, advisory and political support to the WHO Regional Director for Europe. The contract signed involves 66 remunerated working days per year and its entry force is subject, *inter alia*, to the necessary Commission authorisation.

- 5) The WHO's aim is to provide expert and effective high-level technical support to its Member States to assist them in fast-tracking their work towards achieving Universal Health Coverage. It puts specific emphasis on strengthening national, regional and local health policies, public health and the health system pillars in line with the WHO Regional Office for Europe's strategies and technical documents. In this regard, WHO wants to strengthen its collaboration with European health institutions.
- 6) As special envoy, Mr Andriukaitis is expected to serve as special advisor to the WHO Regional Director for Europe and to facilitate and strengthen collaboration with relevant international organisations and bodies, particularly in the Eastern part of Europe. Mr Andriukaitis is expected to conduct high-level missions on Universal Health Coverage, participate in high-level events on this topic, apprise the Regional Director thereafter and advise the Head of the WHO Office at the European Union on collaboration between European institutions and the WHO.
- 7) The activity is related to Former Commissioner Andriukaitis portfolio on Health and Food Safety. According to Article 11(3), second subparagraph, lit. (c) of the Code of Conduct for the Members of the Commission, the consultation of the Independent Ethical Committee is, however, not necessary.
- 8) The activity does not present any risk of incompatibility either with Former Commissioner Andriukaitis' role as a Member of the Commission or with the interests of the institution as long as Mr Andriukaitis abides by the generally applicable provisions of the Treaty on the Functioning of the European Union (TFEU) and of the Code of Conduct for the Members of the Commission, namely Article 245 as concerns the general duties of integrity and discretion, and Article 339 TFEU as concerns the protection of confidentiality of sensitive information and Article 11(1), in conjunction with Article 5 of the Code, as concerns the duties of collegiality and discretion with respect to the Commission's decisions and activities during his term of office.
- 9) Article 11(4) of the Code regarding the prohibition of lobbying refers to activities falling under the scope of the Agreement between the European Parliament and the European Commission of 16 April 2014 on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation. According to paragraph 15 of this agreement, the register does not apply to Member States' government services, third countries' governments, international intergovernmental organisations and their diplomatic missions. Consequently, Article 11(4) of the Code does not apply to the present activity for the World Health Organization. The general duties of integrity and discretion mentioned above continue to apply, however, with regard to any contacts between the Former Commissioner in his capacity as Special Envoy and the Commission.

HAS DECIDED AS FOLLOWS:

*Article 1*

Former Commissioner Vytenis Andriukaitis' envisaged activity as Special Envoy of the World Health Organization (Regional Office for Europe) for Universal Health Coverage for the European Region is compatible with Article 245(2) of the Treaty on the Functioning of the European Union. The general obligations set out in Articles 245 and 339 of the Treaty on the Functioning of the European Union as well as in Article 11(1), in conjunction with Article 5, of the Code of Conduct for the Members of the Commission continue to apply.

Done at Brussels, on 10 June 2020.

*The President*  
*Ursula von der Leyen*