



EUROPEAN COMMISSION

Brussels,  
C(2009) 9384

Draft

**COMMISSION DECISION**

**of [...]**

**appointing the members of the ad hoc ethical committee established by Commission  
Decision C(2003) 3750 of 21 October 2003**

## MEMORANDUM TO THE COMMISSION

According to the second paragraph of article 245 of the Treaty on the Functioning of the European Union, 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 there from 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, which had the same drafting under the EC Treaty (article 213), the code of conduct for commissioners, adopted on 18 September 1999 (SEC(1999) 1479) and revised on 24 November 2004 (SEC (2004) 1487/2), enacted a specific procedure for the assessment of the activities to be carried out by former Commissioners. Under the code, when Commissioners intend to engage in an occupation during the year after they have ceased to hold office, whether at the end of their term or upon resignation, they shall inform the Commission in good time. The Commission shall, then, examine the nature of the planned occupation and, if the activity is related to the content of the Commissioner's portfolio during his or her full term of office, seek the opinion of an ad hoc ethical committee. In the light of the committee findings, the Commission will decide whether the planned occupation is compatible with the second paragraph of Article 245 of the TFEU.

In order to implement such a provision of the code, the Commission established the ad hoc ethical committee referred to by its Decision C (2003) 3750 of 21 October 2003.

According to Article 4 of this decision, the committee shall consist of three members selected for their competence, experience and professional qualities. Appointment as a member requires independence, an impeccable record of professional behaviour and a sound knowledge of the legal framework and working methods of the Commission. Article 5 of the same decision foresees that the Commission, on the proposal of its President, shall appoint the members of the committee. Article 6 stipulates that the members of the committee shall be appointed for a term of three years, renewable once.

The office of the members of the committee appointed under Commission decision C(2004)1866 expired on May 2007 and it is important to appoint the new members of the committee at present to allow them fulfil their role within the context of the end of office of the current Commission.

The Commission is hereby asked to adopt the attached proposal for a decision appointing the new members of the ad hoc ethical committee established by its Decision C(2003) 3750.

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**COMMISSION DECISION**

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**appointing the members of the ad hoc ethical committee established by Commission Decision C(2003) 3750 of 21 October 2003**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the code of conduct for commissioners,

Whereas:

- (1) The code of conduct for commissioners foresees the establishment of an ad hoc ethical committee to advise the Commission, on request, on whether a commissioner's intention to engage, during the year after she/he has ceased to hold office in the Commission, in an occupation related to the activities forming part of her/his portfolio during her/his full term of office is compatible with the second paragraph of article 245 of the TFUE;
- (2) Article 5 of Commission Decision C(2003) 3750, establishing the ad hoc ethical committee, provides that the Commission, on the proposal of its President, shall appoint the members of the Committee.
- (3) Article 6 of Commission Decision C(2003) 3750 stipulates that the members of the committee shall be appointed for a term of three years, renewable once.

HAS ADOPTED THIS DECISION:

*Sole Article*

Mr Terry WYNN, former Member of the European Parliament, Mr Rafael GARCÍA-VALDECASAS, former Judge at the Court of First Instance of the European Communities and Mr Michel PETITE, former Director-General of the European Commission's Legal Service, are appointed members of the ad hoc ethical Committee established by Commission Decision C(2003) 3750 .

Done at Brussels,

*For the Commission  
The President*