



Brussels, 8.7.2020  
C(2020) 9031 final

**DECISION OF THE EUROPEAN COMMISSION**

**on Former Commissioner Karmenu Vella's post term of office professional activity as  
Adviser to the Maltese Minister for Transport, Infrastructure and Capital Projects**

## DECISION OF THE EUROPEAN COMMISSION

**on Former Commissioner Karmenu Vella's post term of office professional activity as  
Adviser to the Maltese Minister for Transport, Infrastructure and Capital Projects**

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. This does not apply if the planned activity falls within the exceptions foreseen in Article 11(3), second subparagraph, lit.(a) to (f), notably as concerns functions in the national civil service of a Member State, at national, regional or local level (Art. 11(3) (b)).

- 4) On 9 June 2020, Former Commissioner Karmenu Vella informed the Commission about a remunerated assignment as Adviser to the Maltese Minister for Transport, Infrastructure and Capital Projects which he envisages to accept. The assignment is offered for a period of one year and renewable.
- 5) Mr Vella's duties will be carried out according to the instructions or directives given by the Minister for Transport, Infrastructure and Capital Projects or by a senior Government official delegated for the purpose by the Minister. Mr Vella will not enjoy executive powers on government matters and personnel.
- 6) The portfolio of the Maltese Ministry for Transport, Infrastructure and Capital Projects encompasses matters linked to ports, maritime affairs, manufacturing and servicing, public works, coordination of major Government projects, aviation, internal transport, roads, coordination of road building and maintenance. It is therefore likely that, at least, some of Mr Vella's future tasks will be related to his former Commission portfolio on Environment, Maritime Affairs and Fisheries.
- 7) Article 11(4) of the Code, which establishes restrictions on lobbying, applies only to activities which are performed for organisations that fall under the scope of the Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation<sup>1</sup>. 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, it does not apply to the Maltese Ministry for Transport, Infrastructure and Capital Projects.
- 8) However, Mr Vella has to abide by the relevant provisions of the Treaty on the Functioning of the European Union, notably Article 245 and Article 339, and of the Code of Conduct for the Members of the Commission, notably Article 11(1), in conjunction with Article 5, as concerns the protection of confidentiality of sensitive information and the protection of collegiality and discretion. 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 Former Commissioner Vella abides by these provisions.
- 9) The consultation of the Independent Ethical Committee is not necessary in view of the exception set by Article 11(3), second subparagraph lit. (b) of the Code of Conduct for the Members of the Commission.

---

<sup>1</sup> OJ L 277, 19.9.2014n p. 11.

HAS DECIDED AS FOLLOWS:

*Article 1*

Former Commissioner Karmenu Vella's envisaged activity as Adviser to the Maltese Minister for Transport, Infrastructure and Capital Projects is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, on the condition that he abides by the obligation of confidentiality laid down in Article 339 of the Treaty on the Functioning of the European Union, as well as by the general obligations set out in Article 11(1), in conjunction with Article 5, of the Code of Conduct for the Members of the Commission, as concerns the respect of collegiality, integrity and discretion with regard to the decisions and activities of the Commission during his term of office.

Done at Brussels, on 8 July 2020.

*The President*  
*Ursula von der Leyen*