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DECISION OF THE EUROPEAN COMMISSION

**on former Commissioner Karmenu Vella's post term of office professional activity as
Member of the Board of Administrators of Malta Airport Foundation**

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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 subparagraphs 3(a) to (f).
- 4) Commissioner Karmenu Vella informed the Commission on 20 January 2020 about his intention to accept an assignment as member of the Board of Administrators of the Malta Airport Foundation. This organisation was established in 2014 as a result of Malta International Airport's strategic decision to use its corporate responsibility funds

to contribute more directly to the tourism industry by investing in Malta's heritage and environment.

- 5) The Malta Airport Foundation is a non-profit organisation, independently run by its Board of Administrators. The Board is tasked with directing funds straight into the tourism industry by investing in Maltese heritage and environment. It manages the Foundation's assets and affairs and oversees the implementation of projects that are of cultural, environmental and/or touristic value. The Board of Administrators is supported by a Secretary, who is responsible for all the day to day administration of the Foundation. The members of the Board of Administrators are appointed by the Supervisory Council, which is composed of representatives from Malta International Airport.
- 6) Malta International Airport was registered as a company in 1991 and started operations on 1 January 1992. Initially, it managed and operated the air terminal but was later entrusted with the responsibility of the entire airport. Before 1992, these activities had been undertaken by the Government's Air Terminal Department since 1 January 1989 and, before that, by the Government's Department of Civil Aviation.
- 7) In July 2002, the Government of Malta signed an agreement with the Malta Mediterranean Link Consortium Ltd (MML) for the sale of 40% of Malta International Airport. MML is owned by Flughafen Wien AG (57%), SNC-Lavalin Inc. (39%) and Airport Investments Ltd, which is an associate company of the Maltese Bianchi Group of Companies. The Government of Malta further sold twice 20% of its shares in Malta International Airport, by means of Initial Public Offerings, first in 2002 and again in November 2005.
- 8) Former Commissioner Vella's envisaged activity is not linked to the former Commissioner's portfolio, even if the projects financed by Malta Airport Foundation are chosen taking into account, inter alia, their environmental value.
- 9) As for the substance, the nature of the envisaged activity does not present any risk of incompatibility either with former Commissioner Vella's role as a Member of the Commission or with the interests of the Institution, provided that Mr Vella refrains from any lobbying towards the Commission or the services previously under his political authority on behalf of, or for the interests of, the Foundation, Malta International Airport or the stakeholders of Malta International Airport and that he abides by the relevant provisions of the Code of Conduct for the Members of the Commission.

HAS DECIDED AS FOLLOWS:

Article 1

Former Commissioner Karmenu Vella's envisaged activity as Member of the Board of Administrators of Malta Airport Foundation is compatible with Article 245(2) of the Treaty on the Functioning of the European Union on the condition that Mr Vella refrains from any lobbying towards the Commission or the services previously under his political authority on behalf of, or for the interests of, the Foundation, Malta International Airport or the stakeholders of Malta International Airport.

In line with Article 11(1) of the Code of Conduct for the Members of the Commission, former Commissioner Vella remains bound by the duties of collegiality and discretion, as set out in Article 5 of the Code, with respect to the Commission's decisions and activities during his term of office.

Done at Brussels, on 18 March 2020.

The President
Ursula von der Leyen