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C(2025) 9003 final

DECISION OF THE EUROPEAN COMMISSION

on Former High Representative / Vice-President Josep Borrell i Fontelles post term of office professional arrangement with 'Thinking Heads'

**Decision of the European Commission
on Former High Representative / Vice-President Josep Borrell i Fontelles post term of
office professional arrangement with ‘Thinking Heads’**

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, of the Code.
- 4) Former High Representative / Vice-President Josep Borrell i Fontelles informed the Commission, on 13 February 2025, about his envisaged agreement with ‘Thinking Heads’, whereby this company will serve as an intermediary between Mr Borrell and entities requesting Mr Borrell’s remunerated conferences. Mr Borrell underlined that ‘Thinking Heads’ role will not encompass Mr Borrell’s non remunerated conferences.
- 5) The Commission has taken several decisions in the past authorising former Members to enter into arrangements with individual speakers bureaus or comparable agencies,

namely as concerns Former President Barroso (in 2014), Former Vice-Presidents Reding (in 2014) and Almunia (in 2015) as well as Former President Juncker and Former Commissioners Oettinger and Hogan (in 2020).

- 6) The consultation of the Independent Ethical Committee is not necessary in view of: (1) previous comparable decisions on former Members' arrangements with speakers bureaus or comparable agencies; (2) the fact that the arrangement envisaged is not, as such, a professional activity; and (3) the fact that the arrangement envisaged will give rise to one-off speeches, conferences or lectures which correspond to the exception formulated in Article 11(3), second subparagraph, lit.(e), of the Code, which exempts one-off activities for a short duration (1 or 2 working days) from the mandatory consultation of the Independent Ethical Committee.
- 7) On substance, in line with the Commission's previous decisions mentioned above, Former High Representative/Vice-President Borrell's envisaged arrangement with 'Thinking Heads' is, as such, compatible with Article 245 of the Treaty on the Functioning of the European Union, with his former function as Member of the Commission and with the interests of the institution.
- 8) As in previous decisions, the Commission considers nonetheless that Former High Representative/Vice-President Borrell should assess the context, circumstances and scope of each individual speaking engagement to fully ascertain its compatibility with: (1) the principles of integrity and discretion set out in Article 245 of the Treaty on the Functioning of the European Union; (2) Article 339 of the Treaty on the Functioning of the European Union; and (3) Article 11(1) of the Code of Conduct for the Members of the Commission, in conjunction with Article 5 of the Code, namely the compliance with the duties of collegiality and discretion with respect to the Commission's decisions and activities during his term of office.

HAS DECIDED AS FOLLOWS:

Article 1

Former High Representative/Vice-President Josep Borrell i Fontelles envisaged arrangement with 'Thinking Heads' is compatible with Article 245(2) of the Treaty on the Functioning of the European Union.

Article 2

Before committing to any individual speaking engagement via 'Thinking Heads', Former High Representative/Vice-President Josep Borrell shall assess its context, circumstances and scope in view of fully ascertaining its compatibility with:

- the principles of integrity and discretion set out in Article 245 of the Treaty on the Functioning of the European Union;

- Article 339 of the Treaty on the Functioning of the European Union, and
- Article 11(1) of the Code of Conduct for the Members of the Commission, in conjunction with Article 5 of the Code.

Done at Strasbourg, on 11 March 2025.

The President
Ursula von der Leyen