

**Opinion**  
of the  
**Independent Ethical Committee**  
established  
by the European Commission  
**14 January 2026**

**Subject: Consultation in the context of Former Commissioner Ferreira’s envisaged post term of office activity with the European Spatial Planning Observation Network - European Grouping on Territorial Cooperation (ESPON EGTC)**

On request of the President of the European Commission, the Independent Ethical Committee, composed of Ms Elisabeth Morin-Chartier, Ms Alexandra Prechal and Ms Gertrud Ingestad, delivers the present opinion:

**Procedure**

1. On 14 November 2025, Former Commissioner Elisa Ferreira notified the Commission of her intention to accept an assignment offered to her by the ESPON (European Spatial Planning Observation Network) EGTC (European Grouping on Territorial Cooperation) as chair of the panel of experts of the Territorial Futures Forum to be set by ESPON. Ms Ferreira was Commissioner for Cohesion and Reforms (2019-2024).
2. On 8 December 2025, the Secretary-General of the European Commission asked the Committee, on behalf of the President of the Commission, to deliver an opinion on two questions.
3. First, pursuant to Article 12(1) of the Code of Conduct for the Members of the European Commission, the Secretary-General requested the Committee’s view on whether the exception laid down in Article 11(3), second subparagraph, letter (a) could be used, by analogy, in the context of a post term of office activity with a body such as the ESPON EGTC.
4. Second, if the reply to the preliminary question above is negative, the Secretary-General, pursuant to with Article 11(3) of the Code of Conduct for the Members of the European Commission, requested the Committee’s opinion on the compatibility of Former Commissioner Ferreira’s envisaged activity with Article 245 of the Treaty on the Functioning of the European Union.

## Facts

### *ESPON*

5. The European Spatial Planning Observation Network (ESPON) is a European Union initiative, started in 2002, aimed at strengthening the knowledge base for spatial planning and territorial development across Europe, by providing data, analysis, and research regarding spatial and territorial development trends. It was established as part of the European Union's Cohesion Policy to support the European Spatial Development Perspective, in order to encourage and facilitate cooperation in spatial planning and development across EU Member States.
6. ESPON is funded by the European Regional Development Fund and involves collaboration among EU member states and other participating countries (Iceland, Liechtenstein, Norway and Switzerland). For the 2021–2027 programming period, ESPON operates with a budget of €60 million, 80% funded by the EU and 20% by the Member States, supplemented by contributions from the partner countries above mentioned.

### *The ESPON EGTC*

7. Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 creates the legal entity of the EGTC, to which legal personality is recognised and whose objective consists in facilitating and promoting cross-border, transnational and/or interregional cooperation. The ESPON EGTC is specifically mentioned in the official list of European Groupings of Territorial Cooperation ('EGTC Register') managed by the Committee of the Regions. In line with Article 5(2) of Regulation 1082/2006, its revised statutes were published in the Official Journal of the European Union. <sup>(1)</sup>
8. The ESPON EGTC is part of the Luxembourg Ministry of Housing and Spatial Planning. In accordance with the formal requirements mentioned in Regulation 1082/2006, it was established by Luxembourg together with the three Belgian regions of Flanders, Wallonia and Brussels-Capital, which are its official members. However, by contrast to the other EGTCs mentioned in the official list of EGTCs, the ESPON EGTC is entrusted with responsibilities at global EU level as the entity selected to manage the ESPON instrument.
9. The ESPON EGTC is engaged in the creation of evidence and knowledge, undertaking studies responding to the needs of European public authorities at all levels, including local, regional, and national authorities, as well as EU institutions. These studies are informed by the policy support needs identified by these authorities, who may become ESPON stakeholders by notifying the organisation of their requirements. The analyses conducted by the ESPON EGTC are tailored to the specific needs and characteristics of the territories in question. Within the framework of the ESPON 2030 Programme, the studies and events carried out by the ESPON EGTC are organised around thematic action plans aligned with the European Union's priorities and policy agendas. This

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<sup>(1)</sup> OJEU C 413/6 of 12.12.2015.

alignment enables the ESPON EGTC to provide research and analysis that is relevant to the EU's territorial development goals. The outcomes of these studies are utilised in a variety of ways, including informing policy debates at the EU, national, regional, and local levels, enhancing the effectiveness of the EU Cohesion Policy, and supporting the implementation of the Territorial Agenda of the EU 2030. Furthermore, the ESPON EGTC's research is designed to support the priorities of EU presidencies, inspire policy dialogues, and trigger policy transformation. The ESPON EGTC's work also enables citizens and policymakers to gain a deeper understanding of the performance of their local areas in comparison to other European regions, whilst providing timely and insightful analyses on topics of high relevance to the European agenda <sup>(2)</sup>.

*The panel of experts of the Territorial Futures Forum to be set by ESPON*

10. To provide the evidence base for the territorial development vision, the Member States have mandated the ESPON EGTC to organise a foresight study aimed to analyse the risks of territorially blind policies and illustrate their potential consequences if spatial considerations are not adequately integrated into the EU policymaking. In this context, during the meeting held in Copenhagen on 6 November 2025, the Directors-General for Territorial Cohesion endorsed a proposal to set up the so-called 'Territorial Futures Forum'.
11. The ESPON EGTC's upcoming Territorial Futures Forum is expected to become a meeting place between the Member States, the Commission, associated organisations and a panel of high-level European experts dedicated to a joint reflection on the conditions and territorial impacts of policies designed to address the global challenges identified in the Joint Declaration signed in Warsaw on 21 May 2025 by the Ministers responsible for Cohesion Policy, Territorial Cohesion and Urban Matters.
12. Fed by strategic analyses, forward-looking scenarios and experts' opinions, the Territorial Futures Forum is expected to be convened twice a year, under the auspices of the rotating Council presidencies and in conjunction with the Directors-General for Territorial Cohesion/Directors-General for Urban Matters meetings. Its inauguration is foreseen during the Cypriot presidency in the first half of 2026, and final conclusions during the Luxembourgish presidency in the first half of 2029.
13. Based on the information at the disposal of the Committee, the 'Territorial Futures Forum' and its panel of experts therefore do not exist yet.
14. Both the Territorial Futures Forum and the panel of experts would depend on the ESPON EGTC for their functioning.

*The envisaged activity*

15. As chair of the panel of experts of the Territorial Futures Forum, Former Commissioner Ferreira would be expected to: (1) prepare a roadmap for meetings of the Territorial Futures Forum; (2) coordinate the drafting of discussion papers and any other inputs expected from the panel of experts and (3) help draw conclusions for further steps.

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(<sup>2</sup>) <https://www.espon.eu/about>

## Legal context

16. Article 11 of the Code of Conduct provides:

*1. After ceasing to hold office, former Members shall continue to be bound by their duty of integrity and discretion pursuant to Article 245 of the Treaty on the Functioning of the European Union. They shall continue to be bound by the duties of collegiality and discretion, as laid down in Article 5, with respect to the Commission's decisions and activities during their term of office.*

*2. Former Members shall inform the Commission with a minimum of two months' notice of their intention to engage in a professional activity during a period of two years after they have ceased to hold office. For the purposes of the present Code, 'professional activity' means any professional activity, whether gainful or not, other than any unpaid activity which has no link with the activities of the European Union and which does not give rise to lobbying or advocacy vis-à-vis the Commission and its services such as:*

*(a) charitable or humanitarian activities;*

*(b) activities deriving from political, trade unionist and/or philosophical or religious convictions;*

*(c) cultural activities;*

*(d) the mere management of assets or holdings or personal or family fortune, in a private capacity;*

*(e) or comparable activities.*

*3. 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, and if the planned activity is related to the portfolio of the former Member, it shall decide only after having consulted the Independent Ethical Committee.*

*Without prejudice to the possibility for the President to seek its opinion in cases of doubt, the Independent Ethical Committee does not need to be consulted where former Members intend to:*

*(a) continue to serve the European interest in an Institution or Body of the European Union;*

*(b) take up functions in the national civil service of a Member State (at national, regional or local level)*

*(c) engage with international organisations or other international bodies dealing with public interests and in which either the EU or one or several of its Member States are represented;*

*(d) engage in academic activities;*

*(e) engage in one-off activities for a short duration (1 or 2 working days);*

*(f) accept honorary appointments.*

*4. Former Members shall not lobby Members or their staff on behalf of their own business, that of their employer or client, on matters for which they were responsible within their portfolio for a period of two years after ceasing to hold office.*

*5. In the case of a former President, the periods set out in paragraphs (2) and (4) shall be three years.*

*6. The duties set out in paragraphs (2) and (4) shall not apply where the former Member is engaging in public office.*

*7. Decisions taken under paragraph (3) determining compatibility with Article 245 of the Treaty on the Functioning of the European Union and related opinions of the Independent Ethical Committee shall be made public with due consideration to the protection of personal data.*

## **Opinion**

### ***Reply to the first question***

17. For the purposes of the present consultation, the Committee considers that an activity for the panel of experts of the Territorial Futures Forum to be set by the ESPON EGTC is an activity for the ESPON EGTC itself.

18. The issue is therefore whether the ESPON EGTC presents characteristics that are equivalent to those of an EU institution or body, which would make a consultation of the Committee not compulsory, even when the activity has a link with the portfolio responsibilities of the former Member.

19. In view of the above, the Committee notes that, while formally not an EU institution or an EU body, the ESPON EGTC is deeply embedded in the EU architecture and directly fulfils objectives that were set by EU institutions.

20. For these reasons, the Committee takes the view that, for the purposes of Article 11(3), second subparagraph, letter (a), of the Code of Conduct, the ESPON EGTC should be treated in the same way as EU institutions or bodies.

21. The Committee also notes that the application of Article 11(3), second subparagraph, letter (a), of the Code of Conduct, requires that the former Member of the European Commission continue to serve the European interest through his or her envisaged activity.
22. A consultation of the Committee is therefore not necessary when a former Member of the European Commission requests authorisation from the Commission to conduct an activity in such an entity, as long as he or she continues to serve the European interest through this activity.

***Reply to the second question***

23. In view of the reply to the first question above, the Committee considers that the exception laid down in Article 11(3), second subparagraph, letter (a) can be used, by analogy, for activities within the framework of the ESPON EGTC, provided the activity involves serving the European interest.
24. The Committee considers that the activity in question fulfils this condition, since it is fully embedded in the work of the ESPON EGTC which, as noted above, serves the European interest.
25. The Committee therefore takes the view that its opinion regarding whether Former Commissioner Ferreira's envisaged activity with Article 245 of the Treaty on the Functioning of the European Union is not necessary, pursuant to Article 11(3), second subparagraph, letter (a), of the Code of Conduct.
26. However, for the avoidance of any doubt, the Committee confirms that it did not identify any risk that should lead the Commission to impose specific obligations in addition to the respect of the Treaties and the Code of Conduct.

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Gertrud Ingestad

Alexandra Prechal