



Brussels, 11.12.2019  
C(2019) 9004 final

**DECISION OF THE EUROPEAN COMMISSION**

**on Commissioner Carlos Moedas' post term of office professional activity as member of  
the Board of Trustees of the Gulbenkian Foundation**

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,

Considering that:

- 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) With his letter of 17 September 2019 to the President of the Commission, Commissioner Carlos Moedas informed the Commission of his discussions regarding the possibility of joining the Board of Trustees of the Gulbenkian Foundation, after the end of his mandate as Member of the Commission.
- 5) The Calouste Gulbenkian Foundation is a perpetual Portuguese institution of public utility with charitable, artistic, educational and scientific statutory objectives. It was created in 1956 by the testament of Calouste Gulbenkian, and is a major player within the Portuguese cultural and scientific landscape.
- 6) In his letter, Commissioner Moedas laid down the overall scope of the activity which he envisaged to carry out for the Gulbenkian Foundation in the context of the latter's

large range of domains. He notably underlined that he did not intend to have a direct oversight of the Gulbenkian Foundation's Scientific Institute.

- 7) The President replied to Commissioner Moedas on 20 September 2019. The President noted the link between some of the activities of the Gulbenkian Foundation and Commissioner Moedas's portfolio on 'Research, Science and Innovation', as well as the fact that the informal contacts already established by the Commissioner with the Gulbenkian Foundation had already created a preliminary link with this body. The President therefore underlined that Commissioner Moedas should deal appropriately, until the end of his mandate, and in line with Article 4 of the Code of Conduct for the Members of the Commission, with any situation which might give rise to a conflict of interest or might reasonably be perceived as such.
- 8) Given the link between Commissioner Moedas' envisaged activity and his Commission portfolio, the President decided to consult the Independent Ethical Committee on the compatibility of Mr Moedas' envisaged activity as member of the Board of Trustees of the Gulbenkian Foundation with his obligations deriving from Article 245 of the Treaty on the Functioning of the European Union.
- 9) The Committee was consulted on 4 October 2019. On 11 October 2019, the Commission was informed, and subsequently informed the Committee, that Commissioner Moedas intended to serve in the Board of Trustees of the Gulbenkian Foundation as a remunerated executive trustee.
- 10) The Committee requested additional information from Commissioner Moedas on his envisaged future tasks. Mr Moedas replied on 28 October 2019 to a first set of questions and on 12 November 2019 to the Committee's additional questions.
- 11) The Independent Ethical Committee issued its opinion on 27 November 2019. The Committee considered the nature and overall thrust of the Gulbenkian Foundation and examined in particular, given Commissioner Moedas' former portfolio, the scope and activities of the Gulbenkian Foundation's Institute of Science. The Committee assessed carefully the links between the Commission and the Gulbenkian Foundation in the domains covered by Commissioner Moedas's portfolio and Mr Moedas' envisaged position and responsibilities within the Gulbenkian Foundation.
- 12) The Committee noted that Commissioner Moedas intends to become an executive member of the Board of Trustees of the Foundation and that this collegial body presides over the Foundation, with a maximum of nine members. The Committee noted that Commissioner Moedas' envisaged responsibilities would be to oversee programmes related to cohesion and sustainable development, health, education and scholarships, reflection and prospective activities.
- 13) The Committee noted that the portfolio related to research, science and innovation would have a particular link with the activities of the Foundation, due to its activities and to the funding that the Foundation had received from the EU budget in recent years. Yet, the Committee also noted that the Gulbenkian Foundation and Commissioner Moedas had agreed that Mr Moedas' precise assignment would not directly concern the Institute of Science or investment responsibilities.

- 14) The Committee concluded that there were no legal or ethical impediments which should prevent Mr Moedas from accepting the function of executive member of the Board of Trustees of the Gulbenkian Foundation after his term of office as Member of the Commission. The Committee recommended, however, a certain number of restrictions. Such restrictions should be either recalled or set out explicitly in the Commission decision, in order to ensure the compatibility of the envisaged activity with the obligations applying after the end of the mandate. The Committee considered that the restrictions should apply in particular to future decisions of the Commission on the allocation of funds.

HAS DECIDED AS FOLLOWS:

*Article 1*

Former Commissioner Carlos Moedas' envisaged activity as an executive member of the Board of Trustees of the Gulbenkian Foundation is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the following conditions and restrictions:

- In line with article 11(4) of the Code of Conduct for the Members of the Commission, during a period of two years following his term of office, former Commissioner Moedas shall refrain from lobbying the Members of the Commission or their staff, as well as the staff of the Executive Agencies for which the Directorate-General for Research and Innovation is a 'parent DG', namely the Executive Agency for SMEs (EASME), the European Research Council Executive Agency (ERCEA), the Innovation and Networks Executive Agency (INEA) and the Research Executive Agency (REA), on behalf of the Gulbenkian Foundation, on matters for which he was responsible; encounters at public events and general exchanges of, or about, publicly available information with Members of the Commission or staff of the Commission and the above-mentioned agencies do not fall under this restriction.
- In line with article Article 339 of the Treaty on the Functioning of the European Union, former Commissioner Moedas shall refrain from participating in any activity or decision-making procedure within the Gulbenkian Foundation, and in particular with regard to the investments of the Foundation, which might involve using information of the kind covered by the obligation of professional secrecy regarding, in particular, undertakings, their business relations or their cost components.
- In line with article 11(1) of the Code of Conduct for the Members of the Commission, former Commissioner Moedas remains bound by the duties of collegiality and discretion, as laid down in Article 5 of the Code of Conduct for the Members of the Commission, with respect to the Commission's decisions and activities during his term of office.

Done at Brussels, on 11 December 2019.

*The President*  
*Ursula von der Leyen*