



Brussels, 10.6.2020
C(2020) 9025 final

DECISION OF THE EUROPEAN COMMISSION

**on Former Commissioner Günther Oettinger's post term of office professional activity
as member of the Supervisory Board of CG Elementum AG**

DECISION OF THE EUROPEAN COMMISSION

on Former Commissioner Günther Oettinger's post term of office professional activity as member of the Supervisory Board of CG Elementum AG

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).
- 4) On 19 March 2020, Former Commissioner Günther Oettinger informed the Commission about his intention to engage in a post term of office activity as member of the Supervisory Board of CG Elementum AG.
- 5) CG Elementum AG is a real estate company registered in Berlin in 2020. The object of the company is the development of real estate projects, the holding, management, purchase and sale of all types of real estate and the provision of all services related to

real estate. The tasks of a Supervisory Board are set out in the German Federal Act on Stock Corporations ('Aktiengesetz'). The main task of the Board is to supervise the management of the company. The Board must meet at least four times a year and its members are remunerated if the General Assembly of the company decides so.

- 6) The purpose of the company and the envisaged activity are not specifically related to Former Commissioner Oettinger's previous portfolios since 2010. The consultation of the Independent Ethical Committee is therefore not necessary.
- 7) The activity does not present any risk of incompatibility either with Former Commissioner Oettinger's role as Member of the Commission or with the interests of the institution, provided that Mr Oettinger abides by the relevant provisions of the Treaty on the Functioning of the European Union, notably Article 339, and of the Code of Conduct for the Members of the Commission, namely Article 11(1), in conjunction with Article 5, and Article 11(4) as concerns the protection of confidentiality of sensitive information, the duties of collegiality and discretion with respect to the Commission's decisions and activities during his terms of office, and the prohibition to lobby the Commission and its staff during a period of two years after his term of office on matters for which he was responsible within his portfolios.

HAS DECIDED AS FOLLOWS:

Article 1

Former Commissioner Günther Oettinger's envisaged activity as member of the Supervisory Board of CG Elementum AG is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the respect of the obligations imposed by Article 339 of the Treaty on the Functioning of the European Union and by the Code of Conduct for the Members of the Commission, in particular Article 11(1), in conjunction with Article 5, and Article 11(4) as concerns the protection of confidentiality of sensitive information, the duties of collegiality and discretion with respect to the Commission's decisions and activities during his term of office, and the prohibition to lobby the Members of the Commission or its staff during a period of two years after his term of office on matters for which he was responsible within his portfolios and on behalf of or for the interests of CG Elementum AG.

Done at Brussels, on 10 June 2020.

The President
Ursula von der Leyen