

Opinion
of the
Independent Ethical Committee
established
by the European Commission
26 October 2020

Subject: Request for an opinion on Former Commissioner Bulc’s post-term of office activities as regards her consultancy firm ‘Vibacom’ and her activities for the ‘Fédération Internationale de l’Automobile’ and the company ‘BTC’

On request of the President of the European Commission, the Independent Ethical Committee, composed of Ms Dagmar Roth-Behrendt, Mr Allan Rosas and Mr Heinz Zourek, delivers the present opinion:

Procedure

1. On 14 September 2020, the Secretary-General of the Commission asked the Committee, on behalf of the President of the Commission, to deliver an opinion on the compatibility of former Commissioner Violeta Bulc’s post-term of office activity as regard her consultancy company ‘Vibacom’ and her consultancy activities for the Fédération Internationale de l’Automobile (hereafter FIA) and for the company BTC, in order to ensure compliance with Article 245 of the Treaty on the Functioning of the European Union.
2. On 25 September 2020, the Committee sent a letter to the Secretary-General of the Commission to comment on Ms Bulc’s envisaged activities. The Committee noted that former Commissioner Bulc started consultancy activities before sending a notification to the Commission and obtaining a positive decision, which constituted a clear breach of the obligations set out in the Code of Conduct. As regards the contracts with the FIA, the Committee underlined that this consulting project was clearly linked to Ms Bulc’s portfolio when she was a Member of the Commission and that the Committee envisaged issuing a negative opinion concluding that this particular activity would not be compatible with Article 245 TFEU. As regards the contract with BTC, the Committee asked the Commission to provide clearer information on Ms Bulc’s project with this company. If such information and

assurances could not be obtained, the Committee was of the opinion that Ms Bulc should suspend her activities with BTC and wait for the end of the period of two years after ceasing to hold office in compliance with Article 11(2) of the Code of Conduct before she would resume work with that firm.

3. On 6 October 2020, former Commissioner Bulc replied to the Secretary-General of the Commission in response to the Committee's request to further clarify her situation and describe the context in which she had engaged in the above-mentioned post-mandate professional activities. Ms Bulc highlighted that she had ceased both contracts and stopped her activities, and acknowledged that she had acted too hastily and should have waited for the approval or rejection of her activity.

Facts

General information

4. On 24 July 2020, former Commissioner Bulc informed the Commission that she had set up a consultancy company 'Vibacom', registered in Slovenia and already undertook consultancy projects for FIA in relation to the activities of the President of FIA in his capacity as Special Envoy of the United Nations for Road Safety as well as for the Slovenian-based company BTC.
5. This notification took place after she sent, in application of her obligations under Council Regulation (EU) 2016/3001, information on her post term office activity to the Commission's Office for the administration and payment of individual entitlements (PMO).
6. On 3 August 2020, the Secretary-General sent a letter to former Commissioner Bulc asking for more information about her consultancy company Vibacom and reminding her of her obligations as set out in Article 11(2) of the Code of Conduct that requires former Members to notify their intention to engage in post-mandate activities with a minimum of two months' notice.
7. On 28 August 2020, Ms Bulc informed the Commission that she had 'stopped all the activities as of the beginning of August until the situation is clarified and resolved'.

On 'Vibacom'

8. Vibacom is a Slovenian consultancy company founded by former Commissioner Bulc and set up on 14 March 2020. According to information she provided, Vibacom's main activities consist of 'policy, business and management consultancy' services. Secondary activities will include lecturing, publications and other educational activities.

On the 'Fédération Internationale de l'Automobile'

9. FIA is a not-for-profit organisation and an international association founded in 1904, gathering national automobile clubs, automobile associations, touring clubs and national federations for motoring and motor sport. FIA is composed of 243 members, representing 146 countries and over 80 million road users and enjoys a consultative status with the United Nations.
10. Initially, FIA aimed to 'bring coherent governance and safety to motor sport'. According to the statutes, its current objectives are not only to promote motor sport but also 'safe, sustainable and accessible mobility for all road users across the world'. In order to achieve these objectives, FIA works across three interlinked areas of activity, which are sport, campaigns and mobility. The organisation calls itself the 'governing body of motor sport' and ensures that 'fair, capable regulated and safe events are conducted in all corners of the globe'. In addition, FIA founded its own global campaign called 'FIA Action Road for Safety' in support of the UN's Decade of Action for Road Safety aiming at reducing road fatalities. To achieve these goals, FIA created the FIA Innovation Fund, which allocates funds to worldwide projects related to their objectives. Finally, FIA also operates by 'regulating and adjudicating at hundreds of events' and 'provides regulatory expertise and impartial sporting judicial system'.
11. FIA's headquarters are located in Paris and have offices in several countries worldwide. According to the organisation's statutes, FIA is composed of a President, a General Assembly, a secretariat, several committees, councils, panels and commissions and an administration. FIA is organised around regional offices, among which the FIA Region I is in charge, inter alia, of monitoring the work of the EU institutions and engage in advocacy in Brussels and Strasbourg.

On BTC

12. According to publicly available information, BTC is a company founded in 1954 and registered in Slovenia, which was initially a public warehouse company that built large warehouses and building centres. Today, BTC has grown into a 'modern European business and commercial centre company' active in the field of property renting, management of assets and properties, logistics and digital innovation.
13. According to BTC's website, the company offers a wide range of commercial office facilities in Slovenia, as well as additional services such as catering for conferences, advertising or team building. Moreover, since its creation, BTC participated in the building of sports centres, fashion retail centres, congress hall, theatre, logistics centres, cinema, renovations, water parks, car parks and other constructions in Slovenia.
14. BTC main activities are fivefold. First, BTC operates one of the largest shopping, business and leisure centres in Europe, located in Ljubljana and two additional shopping centres in Novo mesto and Murska Sobota, Slovenia. Second, BTC created an 'innovation hub', which is an incubator that helps businesses in their development

in the field of digital innovation. Third, BTC manages third party properties and ensures asset management. Fourth, BTC collaborates with the local community to create new business opportunities with special emphasis on environmental issues and green investments. Finally, BTC performs logistical activities through ‘reliable warehousing, efficient transportation management and distribution flow of goods’; it runs a logistics service unit, which is one of the leading FMCG [Fast-moving consumer goods] logistics providers in Slovenia’.

15. According to publicly available information, BTC governing structure depends on a Board of Directors, a Chief Executive Officer and Executive Directors.

Funding

On Vibacom

16. According to information provided by former Commissioner Bulc, Vibacom does not receive funding. Its income comes from direct earnings of commercial activities. This is corroborated by the Financial Transparency System of the European Commission, which indicates that Vibacom did not receive funds from the EU budget.

On the Fédération Internationale de l'Automobile

17. According to publicly available information, FIA’s revenues come from subscriptions, registration and entry fees, contracts, sales of products, operating income and financial income. According to their financial statement, the FIA total assets for 2018 amounted to €205 million.
18. Partners and official suppliers, such as international companies, financially support FIA. In addition, the FIA Innovation Fund allocates the proceeds from the sale of the FIA’s one per cent share in Delta Topco (the previous Formula One Commercial Rights Holder) to Liberty Media, for an amount of approximately €63 million. It ‘aims to support new and worthwhile project ideas submitted by members of the FIA family that could generate lasting benefit for the FIA and its community’.
19. According to the Financial Transparency System of the European Commission, FIA received funding from the EU budget over the last years. In total, between 2016 and 2019, FIA received more than €2 million, among which three budgetary commitments were made by DG MOVE and nine by the Innovation and Networks Executive Agency

On BTC

20. According to information available on BTC’s website, ‘the company is in majority owned by its employees, management and retired former employees’.
21. According to the Financial Transparency System of the European Commission, BTC did not receive any funds from the EU budget.

Links of Vibacom, the Fédération Internationale de l'Automobile and BTC with the European Commission

On Vibacom

22. Vibacom is not registered in the Joint Transparency Register of the European Parliament and the Commission.

On The Fédération Internationale de l'Automobile

23. The FIA is registered in the Joint Transparency Register of the European Parliament and the Commission. According to the register, the FIA met with representatives from the European Commission 27 times since 2015, including 9 meetings with former Commissioner Bulc and/or a member of her cabinet.

On BTC

24. BTC is not registered in the Joint Transparency Register of the European Parliament and the Commission.

Former Commissioner Bulc's position

25. Former Commissioner Bulc is the founder and Director of Vibacom. In her consultancy activity, she has accepted two contracts with the FIA and BTC. In her notification, Ms Bulc specified that her work with both organisations was deprived of decision-making powers and was only of an advisory nature.

26. As regard her engagement towards FIA, former Commissioner Bulc advised Jean Todt, the President of the FIA, in his capacity of Special Envoy of the United Nations for road safety, on 'possible ways forward to create a global safety culture for road' and 'develop a stronger presence of road safety on a UN level' and add it as 'part of the human rights topics'. At the time of the notification, this engagement was expected to last until the end of November 2020.

27. Regarding her contract with BTC, former Commissioner Bulc advised the company in 'restructuring their business model to get it better tuned with the EU long-term directions: circular economy, sustainable growth and zero net effect on nature'. Ms Bulc informed the Commission that BTC had already been a client before she became a Commissioner. At the time of the notification, former Commissioner Bulc specified that her engagement lasted for 4 months and would be extended.

28. Former Commissioner Bulc informed the Commission that she had suspended both her activities for the FIA and BTC as of the beginning of August 2020 and ceased both contracts.

29. In addition to these two above-mentioned positions, former Commissioner Bulc also informed the Commission about her willingness to participate in lectures and conference speeches, where she would ‘promote the EU values, the EU approach to problem solving, the EU’s priorities and goals and its role in the globalised world’.

Legal context

30. Article 245 of the Treaty on the Functioning of the European Union (TFEU) provides:

The Members of the Commission shall refrain from any action incompatible with their duties. Member States shall respect their independence and shall not seek to influence them in the performance of their tasks.

The Members of the Commission may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they 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. In the event of any breach of these obligations, the Court of Justice may, on application by the Council acting by a simple majority or the Commission, rule that the Member concerned be, according to the circumstances, either compulsorily retired in accordance with Article 247 or deprived of his right to a pension or other benefits in its stead.

31. Article 339 of the Treaty on the Functioning of the European Union (TFEU) provides:

The members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

32. Article 15(1) and (2) of the Charter of Fundamental Rights of the European Union provides:

1. Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.

2. Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.

33. Article 2(7) of the Code of Conduct for the Members of the European Commission (hereafter the ‘Code of Conduct’) provides:

7. Former Members shall respect the obligations arising from their duties that continue to have an effect after their term, in particular the duty to behave with integrity and discretion as regards the acceptance of certain appointments or

benefits in line with Article 245 of the Treaty on the Functioning of the European Union, and the obligations specified in this Code of Conduct.

34. Article 5 of the Code of Conduct provides:

1. Members shall comply with the duty of loyalty towards the Commission and discretion in discharging their duties. They shall act and express themselves with the restraint that their office requires.

2. Members shall refrain from disclosing what is said at meetings of the Commission.

3. Without prejudice to the disciplinary provisions applicable to officials and other agents, Members are responsible for the proper handling and any external transmission by members of their Cabinets of classified documents, of sensitive information or of confidential documents submitted to the College for adoption or information.

4. Members shall not make any comment that would call into question a decision taken by the Commission or which may harm the Commission's reputation.

35. 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

36. The Committee notes that Members of the Commission have a right to engage in work and to pursue a freely chosen or accepted occupation after the term of their office. This right needs to be balanced with the obligations set out in Article 245 TFEU and the Code of Conduct, which develops these obligations in more detail.

37. The balance must be proportionate. It can be achieved by imposing restrictions and conditions on a new professional activity where those restrictions and conditions are more proportionate than a simple prohibition or authorisation.

38. The Code of Conduct provides the framework in which the Commission has to establish this balance between the rights and obligations of its Members with regard to concrete, new activities. This balance cannot be established based on an automatic

scheme and requires a case-by-case approach, which takes into account the context and particularities of each individual case.

39. As such, the Committee recommended in a previous opinion¹, that the Commission should examine in all cases related to the provision of general consultancy services by a former Member of the Commission whether such restrictions and conditions should be imposed.
40. In the present case, the Commission seeks an opinion on the restrictions and conditions which should apply to the activities notified by former Commissioner Bulc as regards her consultancy firm Vibacom and the two contracts she accepted for Vibacom with FIA and BTC.

The envisaged activities of former Commissioner Bulc

On Vibacom

41. Former Commissioner Bulc notified the Commission that she had set up her own consultancy company in March 2020. Her role and responsibilities, as well as the scope of activities of her company remains, however, very broad and unspecified. According to the information she provided, these services could range from policy advice, business and management services to more general consultancy advice, and do not seem to target specific clients, economic sectors or policy areas. In addition, Ms Bulc might perform secondary activities that would include lecturing, publications and other educational activities through the company.
42. With regard to this activity, the Committee notes in line with Commission decision C(2020)9037² addressing restrictions and conditions to apply to consultancy services by former Commissioners and the related opinion of the Committee of 19 June 2020, that the potential wide range of activities leaves room for former Commissioner Bulc to focus on activities other than those directly linked to her former portfolio as Commissioner for Transport, which would be compatible with Article 245 TFEU.

On FIA

43. Former Commissioner Bulc informed the Commission that she had started to work for two clients, the Fédération Internationale de l'Automobile and the Slovenian-based company BTC.
44. As regards the contract with FIA, Ms Bulc has been advising the President of FIA, who is acting as a Special Envoy of the United Nations for road safety, on matters

¹ [Opinion](#) of the Independent Ethical Committee established by the European Commission on former Commissioner Günter Oettinger's envisaged post-term of office activity as Director of 'Oettinger Consulting, Wirtschafts- und Politikberatung GmbH' and as regards consultancy services by former Members of the Commission in general, 19 June 2020.

² https://ec.europa.eu/info/files/commission-decision-c-2020-9037_en.

related to road safety issues at the UN level. This activity is directly linked to Ms Bulc's former portfolio as Commissioner for Transport.

45. Ms Bulc informed the Commission that, while working for FIA's President in his capacity of UN Special Envoy, she was not directly involved in FIA's activities as such. The Committee notes, however, that Ms Bulc's contract is nevertheless with FIA, which also pays for the services.
46. The Committee notes that FIA has had a significant number of meetings with Commission representatives including several meetings with the former Commissioner herself. Moreover, FIA has listed several significant activities of interest representation in its entry in the Transparency Register which are related to the policy areas falling within the portfolio responsibilities of former Commissioner Bulc. In addition, FIA has been the recipient of funding from the European Union budget over the last years, including financial commitments from DG MOVE under the mandate of former Commissioner Bulc.
47. In the above-mentioned previous opinion of 19 June 2020 on another matter, the Committee concluded the following:

'The Committee considers therefore that former Members who intend to provide consultancy services should not accept mandates in relation to any area for which they were responsible, or provide services to clients in relation to other policy areas, if these clients were major stakeholders in their former areas of portfolio responsibility. 'Major stakeholder' is to be understood in this context in terms of significance of the stakeholder for the specific market, significance of the impact of the Commission activities in this area on the stakeholder and significance of the involvement of the stakeholder in the EU decision-making process in this area such as lobbying activities towards the Commission. The reason for this restriction on mandates and clients is not only the above-mentioned risk of conflicting duties with regard to the protection of information and insights obtained during the term of office. It is also to avoid that, retroactively, doubts are cast on decisions and activities of the Commission in the previous areas of responsibility of the former Member.'

48. Based on these considerations, the Committee does not deem the activity for FIA to be compatible with Article 245 TFEU.
49. The Committee has taken good note, however, that former Commissioner Bulc has already informed the Commission that she ceased the contract and stopped her activities for FIA in the light of the envisaged negative opinion of the Committee.

On BTC

50. Former Commissioner Bulc's contract with BTC led her to advise the company on restructuring their business model following the European Union's long-term directions on environmental issues. This activity is linked to Ms Bulc former

portfolio as Commissioner for Transport as BTC acts amongst other areas also in logistics. The Committee has taken good note that Ms Bulc did not provide additional detailed information about the company and her activity in reply to the Committee's request for further information, but decided instead to cease the contract and stop her activity for this company.

51. In the absence of more detailed information and in the light of the former Commissioner's decision, the Committee cannot declare the activity for BTC as such compatible with Article 245 TFEU given the potentially wide range of activities for BTC and the risk of overlap with areas for which Ms Bulc was responsible as Commissioner before, and the direct links of her activities with her former portfolio.

Restrictions in relation to consultancy services by Vibacom

Restrictions on 'lobbying' or interest representation

52. According to Article 11(4) of the Code of Conduct, 'former Members shall not lobby Members of 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'.
53. According to the Code, the term 'lobbying' refers to activities, which fall under the scope of the Agreement between the European Parliament and the European Commission of 16 April 2014 on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation. This would also cover any potential activity with a view to obtaining EU funding. This prohibition to lobby does not affect participation in public events or general exchanges of, and on, publicly available information with Members of the Commission or Commission.
54. As such, former Commissioner Bulc must not perform such lobbying activities towards the Commission, i.e. the Members of the current Commission and the staff of the Commission for a duration of two years after the end of her term of office, i.e. until 30 November 2021.
55. The Committee notes that Article 11(4) of the Code restricts this automatic prohibition on lobbying to matters for which former Commissioner Bulc was responsible within her portfolio. The situation is, however, different if former Commissioners engage in general consultancy activities, which can also be performed without offering and performing 'lobbying' and consultancy services towards the Commission. In this case, they would make use of their previous influential position in the Commission, with which they were entrusted in order to pursue the general interest of the Union, to attract clients, and would capitalise on the experience, insights and relationships that they built within the Commission to exert

influence for the benefit of specific individual interests. Given that Members of the Commission are well-known personalities and public persons associated with a wide range of EU policies and issues, the Committee considers that offering, and performing, lobbying service towards the Commission via a consultancy would not be compatible with the principle of integrity established by Article 245 TFEU and the need to preserve public trust in the Commission.

56. The Committee considers therefore that former Commissioner Bulc should not offer lobbying services towards the Commission on any matter for a period of two years after ceasing to hold office.

Restrictions based on the obligations of confidentiality and discretion

57. The Commission decision should recall that, in her consultancy activity, former Commissioner Bulc must strictly respect Article 339 TFEU, which provides that *‘The Members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their costs components’*.

58. In addition, the decision should insist on the fact that, according to Article 11(1) of the Code in conjunction with Article 5(2), former Commissioner Bulc must not disclose what was said at meetings of the Commission.

59. The Committee also wishes to underline that former Commissioner Bulc must show a high sense of discretion with regard to the use of information and insights that she obtained in the performance of her duties as Commissioner for Transport, be it with regard to the functioning of the Commission or the Commission’s relations with other institutions, Member States, third countries or third parties. She should not exploit any insights of a confidential or sensitive nature in policy, strategy or internal processes that she obtained during her term of office. If former Commissioner Bulc has any doubt in this regard, she must ‘inform the President in a timely manner and before acting on the matter relating to which the doubts arise’, according to Article 13(2) of the Code.

60. As set out in the above-mentioned Committee’s opinion of 19 June 2020 on consultancy activities, it is important that Ms Bulc does not accept mandates, which will necessarily lead to a conflict between the need to advise her client appropriately and her obligation not to use confidential information or other sensitive information and insights obtained during the performance of her duties. Therefore, former Commissioner Bulc should not accept mandates which refer to areas in which she disposes of such information or insights and for which this information and these insights would be essential to provide appropriate advice.

Restrictions based on the duties of collegiality and discretion

61. According to Article 11(1) of the Code, former Members continue to be bound by the duties of collegiality and discretion, as laid down in Article 5 of the Code, with respect to the Commission's decisions and activities during their term of office. As such, the Commission decision should recall that former Commissioner Bulc cannot advise a client in a way that serves to question or contest decisions and activities that the Commission adopted or performed while she was a Member of the Commission.

Restrictions based on the general duties of integrity and discretion

62. The Commission decision should recall that, based on Articles 2(6) and 11(1) of the Code, former Commissioner Bulc continues to be bound by her duty of integrity and discretion as regards the acceptance of certain appointments or benefits in line with Article 245 on the Treaty on the Functioning of the European Union.
63. Therefore, in line with the above-mentioned precedent opinion, the Committee considers that former Commissioner Bulc and her company should not, for clients of her company, contact the services previously under Ms Bulc's portfolio responsibilities. This affects namely the Directorate-General for Mobility and Transport, the European Maritime Safety Agency, the European Union Aviation Safety Agency, the SESAR Joint Undertaking, the Shift2Rail Joint Undertaking, the European Union Agency for Railways and the Innovation and Networks Executive Agency.
64. Moreover, the Committee considers that former Commissioner Bulc should not accept any consultancy mandate in any area of her previous responsibilities, or provide services to clients in relation to other policy areas, if these clients were major stakeholders in her former areas of portfolio. 'Major stakeholder' is to be understood in this context in terms of significance of the stakeholder for the specific market, significance of the impact of the Commission activities in this area on the stakeholder and significance of the involvement of the stakeholder in the EU decision-making process in this area such as lobbying activities towards the Commission. The reason for this restriction on mandates and clients is not only the above-mentioned risk of conflicting duties with regard to the protection of information and insights obtained during the term of office. It is also to avoid that, retroactively, doubts are cast on decisions and activities of the Commission in the previous areas of responsibility of the former Member. In the present case, FIA falls under this definition.
65. Finally, as regards the timeframe for these restrictions on the acceptance of certain clients and contracts, the Commission should recall that they will apply for two years after the end of her term of office, in line with Article 11(2) and (4) of the Code. The Commission decision should also recall that the duties of integrity and discretion established in Article 245 TFEU are unlimited in time. This means that the acceptance of a mandate or a client can, in exceptional cases even after two years,

constitute a breach of the duties of discretion and integrity. In case of doubt, Ms Bulc should inform the President in compliance with Article 13(2) of the Code.

Former Commissioner Bulc's notification of her activities

66. The Committee notes that former Commissioner Bulc started her consultancy activities before notifying the Commission and, consequently, before receiving an authorisation to engage in such activities, as required by Article 11(2) and (3) of the Code of Conduct.
67. The Committee is however aware that Ms Bulc immediately suspended her activities following her exchanges with the Commission at the beginning of August 2020. In addition, the Committee takes good note that Ms Bulc had sent before, in application of her obligations under Council Regulation (EU) 2016/300³, information on her post term of office activity to the Commission's Office for the administration and payment of individual entitlements.
68. Therefore, the Commission decision should explicitly recall that Ms Bulc has been in breach of Article 11(2) of the Code and that she should have notified the establishment of her company and her envisaged activities with a minimum of two months' notice.

Conclusions

69. The Committee considers that former Commissioner Bulc's activity for FIA is not compatible with Article 245 TFEU and has taken note that she stopped the activity and ceased the contract.
70. As regards her activity for the company BTC, the Committee notes that former Commissioner Bulc decided to stop the activity and to cease the contract.
71. As regards her consultancy company in general, the Committee concludes that the Commission should impose the following restrictions and conditions on former Commissioner Bulc's activity:
- 1) Former Commissioner Bulc should not lobby the Commission, its Members or staff, or any of its Executive Agencies on behalf of Vibacom or clients of Vibacom until 30 November 2021.
 - 2) Former Commissioner Bulc should strictly respect Article 339 TFEU, which provides that 'The members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required,

³ Council Regulation (EU) 2016/300 of 29 February 2016 determining the emoluments of EU high-level public office holders.

even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.’

3) Former Commissioner Bulc should not disclose what was said at meetings of the Commission.

4) Former Commissioner Bulc should not exploit any insights of a confidential or sensitive nature in policy, strategy or internal processes that she obtained during her term of office.

5) Former Commissioner Bulc should not accept mandates which concern areas in which she disposes of confidential or sensitive information or insights and for which this information and insights are essential to provide appropriate advice. This refers notably, but not exclusively to advice or work on specific files in which former Commissioner Bulc was personally involved through her portfolio responsibility or as Member of the College (e.g. contracts, policy files, grants, cases, claims, investigations, legislative procedures or negotiations) which are ongoing or, if those are already closed, which are directly connected to them.

6) Former Commissioner Bulc should not provide advice to clients, which serves to question or contest decisions and activities that the Commission adopted or performed while she was a Member of the Commission.

7) Former Commissioner Bulc and her company should not contact the services previously under Ms Bulc’s portfolio responsibilities on behalf of clients of her company until 30 November 2021.

8) Former Commissioner Bulc should not accept mandates in relation to areas for which she was responsible or provide services to clients in relation to other areas, if these clients were major stakeholders in her former areas of portfolio responsibility. This restriction should apply until 30 November 2021.

9) Former Commissioner Bulc should inform the Commission every 6 months, until 30 November 2021, about her clients and mandates. The Commission should treat this information as confidential, in case the former Commissioner asks for such confidentiality.

10) Given that the obligations of Article 245 TFEU are not limited in time, former Commissioner Bulc should continue to respect the general duty to behave with integrity and discretion as regards the acceptance of certain mandates or clients after 30 November 2021, too.

11) In case of doubt about the compliance of a mandate or client with these restrictions, former Commissioner Bulc should inform the President of the Commission according to Article 13(2) of the Code of Conduct.

12) Former Commissioner Bulc should notify any future envisaged post-mandate professional activity with a minimum of two months' notice, according to Article 11(2) of the Code of Conduct.

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