



COMMISSION EUROPÉENNE

SECRETARIAT GÉNÉRAL



Bruxelles, le

12 mai 2004

C(2004)1866

NOTE POUR LES MEMBRES DE LA COMMISSION

E/1124/2004

NORMALE

Délai:

MERCREDI 19 MAI 2004 - 11 H

Observations éventuelles : service des procédures écrites SG-A-2
Fax : 64316 - Tél.: 52362 / 52363

Objet : Code de conduite des Commissaires
- nomination des membres du comité d'éthique *ad hoc*

Proposition de M. le Président

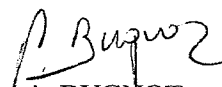
Décision proposée :

- approuver le projet de décision de la Commission portant nomination des membres du comité d'éthique *ad hoc* institué par la décision C(2003) 3750 de la Commission du 21 octobre 2003;
- ne pas publier au JO.

Commentaire :

Ce projet vise à nommer MM. PANDOLFI, VAN MIERT et MURRAY comme membres dudit comité d'éthique.

Selon le service responsable, ce projet ne comporte pas d'incidences financières sur le budget communautaire.


Patricia BUGNOT
Directeur du Greffe

Destinataires : les Directeurs généraux

PREPARATION DU DOCUMENT

Direction générale responsable

SG Secrétariat général

Service Associé

pour avis

SJ Service juridique

: Avis favorable

Langue originale

: EN

Dossier traité par Asuncion ZAMORA OCA - BREY 13/18 - 52613

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DRAFT MEMORANDUM FROM THE PRESIDENT TO THE COMMISSION

According to the last paragraph of Article 213(2) of the Treaty establishing the European Community, 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.

Further to this Treaty provision, the Commissioners' Code of Conduct, adopted on 18 September 1999 (SEC (1999) 1479), enacted a specific procedure for the assessment of the activities to be carried out by former Commissioners. Under the Code, when Commissioners intend to engage in an occupation during the year after they have ceased to hold office, whether at the end of their term or upon resignation, they shall inform the Commission in good time. The Commission shall, then, examine the nature of the planned occupation and, if the activity is related to the content of the Commissioner's portfolio during his or her full term of office, seek the opinion of an *ad hoc* ethical committee. In the light of the Committee findings, the Commission will decide whether the planned occupation is compatible with the last paragraph of Article 213(2) of the Treaty.

In order to implement such a provision of the Code, the Commission established the *ad hoc* ethical committee referred to by its Decision C(2003)3750 of 21 October.

According to Article 4 of this decision, the committee shall consist of three members selected for their competence, experience and professional qualities. Appointment as a member requires independence, an impeccable record of professional behaviour and a sound knowledge of the legal framework and working methods of the Commission. Article 5 of the same decision foresees that the Commission, on the proposal of its President, shall appoint the members of the committee.

The Commission is hereby asked to adopt the attached proposal for a decision appointing the members of the *ad hoc* ethical committee established by its Decision C(2003)3750 of 21 October.

Draft

COMMISSION DECISION

of [...]

appointing the members of the *ad hoc* ethical committee established by Commission Decision of 21. 10. 2003 C(2003)3750

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Code of Conduct for Commissioners,

Whereas:

(1) The Code of Conduct for Commissioners foresees the establishment of an *ad hoc* ethical committee to assist the Commission when it is required to take a decision, pursuant to that Code of Conduct, on the occupations in which Commissioners intend to engage during the year after they have ceased to hold office,

(2) Article 5 of Commission Decision C(2003)3750, establishing the *ad hoc* ethical committee, provides that the Commission, on the proposal of its President, shall appoint the members of the committee.

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Filippo Maria PANDOLFI, former Member of the Commission, Mr Karel VAN MIERT, former Member of the Commission, and Mr John L. MURRAY, former Judge of the Court of Justice, are appointed members of the *ad hoc* ethical committee established by Commission Decision C(2003)3750, from the date of adoption of the present decision.

Done at Brussels, [...]

*For the Commission
The President
Romano PRODI*