

Opinion
of the
Independent Ethical Committee
established
by the European Commission
21 March 2025

Subject: Request for an opinion on Former High Representative of the Union for Foreign Affairs and Security Policy and Former Vice-President of the European Commission Josep Borrell i Fontelles’ envisaged post term of office activity as member of the Advisory Board of PRISA Group organising the conference “World In Progress Barcelona” 2025

On request of the President of the European Commission, the Independent Ethical Committee, composed of Mr Allan Rosas, Ms Elisabeth Morin-Chartier, and Mr Jerzy Plewa, delivers the present opinion:

Procedure

1. On 16 December 2024, Former High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission Josep Borrell i Fontelles (‘Former HR/VP Borrell’) notified an envisaged post term of office activity as member of the Advisory Board of PRISA Group organising the conference “World In Progress Barcelona” 2025.
2. On 14 January 2025, the Secretary-General of the European Commission asked the Committee, on behalf of the President of the Commission, to deliver an opinion on the compatibility of the envisaged post term of office activity with Article 245 of the Treaty on the Functioning of the European Union (TFEU).

Facts

PRISA Group

3. PRISA Group (Spanish: Grupo PRISA, standing for “Promotora de Informaciones, S. A.”) is a global media and education business group headquartered in Madrid, Spain. It is active in the creation and distribution of education, news, and entertainment content across Spanish-speaking markets.

4. According to its website ⁽¹⁾, PRISA Group operates in 22 countries and has an audience of 240 million monthly users. Its two main business areas are Santanilla (“the leading educational company in Latin America”) and PRISA Media, which includes radio and news.
5. The group’s flagship publication, El País, is Spain's leading daily newspaper. It has a significant international presence, particularly in Latin America. It covers a broad range of topics including politics, economy, culture, and international affairs. Its editorial stance is centre-left.

The World In Progress Barcelona 2025 Conference

6. The World In Progress (WIP) Barcelona Conference ⁽²⁾ is an international event organised for the first time on 14-15 October 2024 in Barcelona, Spain. A new edition will take place in 2025. According to Former HR/VP Borrell, it is intended to be permanent.
7. The conference brings together leading politicians, intellectuals, and thought leaders from various regions, offering diverse viewpoints on global issues.
8. It aims to provide a space for dialogue and reflection on the most pressing global challenges and opportunities from a non-partisan perspective.
9. The agenda of the 2024 conference mentioned that the goal was to “explore the issues that will define our future, providing perspectives that inspire and actions that make an impact.” ⁽³⁾

Entities involved in the organisation of the “World in Progress Barcelona” 2025 Conference

10. According to its website, the WIP Conference is organised by “Prisa”, “El País” and “SER” ⁽⁴⁾ and sponsored by private entities (“Telefónica”, “Fundación La Caixa”, “Iberia”, “Indra”, “Naturgy” and “Foment del Treball Nacional” ⁽⁵⁾) as well as the City Council of Barcelona. Additionally, “Roman” and “Thinking Heads” are listed as collaborators.

⁽¹⁾ [PRISA, a global company | Prisa](#), last consulted on 6 March 2025.

⁽²⁾ [WIP](#), last consulted on 6 March 2025.

⁽³⁾ [AGENDA-EN - WIP](#), last consulted on 6 March 2025.

⁽⁴⁾ Both El País and SER are part of PRISA Group.

⁽⁵⁾ Federation representing the Catalan industry. [About us – Foment del Treball](#) – last consulted on 6 March 2025.

Governance of PRISA

11. According to its website ⁽⁶⁾, the management structure of PRISA Group involves the following governing bodies:

- Board of Directors,
- Delegated Committee,
- Audit, Risks and Compliance Committee,
- Nominations, Compensation and Corporate Governance Committee,
- Sustainability Committee.

Former HR/VP Borrell's envisaged activity

12. PRISA Group offered Former HR/VP Borrell to be a member of its Advisory Board responsible for organising the WIP Barcelona 2025 Conference. The advisory activity focuses on the main subjects addressed at the conference in order to reflect their geopolitical relevance.

13. This advisory activity will take place in the course of the year 2025.

14. According to Former HR/VP Borrell, the compensation will amount to 50,000 EUR.

15. According to Former HR/VP Borrell, the activity does not involve anything beyond advising on the organisation and the topics of the conference.

16. The Committee has not found publicly available information detailing the role of PRISA Group – or its Advisory Committee – in the organisation of the conference.

Links between PRISA Group and the European Commission

17. PRISA Group is not listed in the Transparency Register of the European Parliament, the Council of the European Union and the European Commission.

Legal context

18. Article 245 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

⁽⁶⁾ [Board of Directors and Board Committees | Prisa](#), last consulted on 6 March 2025.

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.

19. Article 339 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.

20. 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.

21. 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.

22. 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.

23. 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

- 24. 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.
- 25. The Committee also notes that the international dimension of the conference creates a strong link with Former HR/VP Borrell's portfolio.
- 26. However, Former HR/VP Borrell's envisaged task is advisory and limited to providing input for the topics and organisation of the conference.
- 27. This role does not involve any lobbying or responsibilities in securing funding on behalf of PRISA Group.
- 28. The Committee further notes that the conference aims to discuss topics of general interest and international relevance.

29. The Committee therefore considers that Former HR/VP Borrell's envisaged activity does not represent a risk with regard to the interests of the Commission and the European Union.
30. The Committee concludes that, in its view, this activity is compatible with Article 245 TFEU.
31. The Commission might however wish to recall that Former HR/VP Borrell remains bound by Article 11(4) of the Code of Conduct, laying down the obligation to refrain from lobbying ⁽⁷⁾ Members or staff of the European Commission on behalf of PRISA Group on matters for which he was responsible within his portfolio for a period of two years after ceasing to hold office. This does not affect a participation in public events or general exchanges of, and on, publicly available information with Members of the European Commission or its staff.
32. Given the fact that the envisaged activity is related to Former HR/VP Borrell's portfolio, the decision should also recall the confidentiality obligation laid down in Article 339 of the Treaty on the Functioning of the European Union, as well as the general obligations set out in Article 11(1) of the Code, in conjunction with Article 5. These Articles provide that former Members of the Commission continue to be bound by the duty of integrity and discretion as well as by the duties of collegiality and discretion with respect to the Commission's decisions and activities during their term of office.
33. Finally, the decision should also recall that, according to Article 13(2) of the Code of Conduct, former Members of the Commission shall inform the President in a timely manner if they have doubts with regard to the application of this Code before acting on the matter relating to which the doubts arise.

Allan Rosas

Jerzy Plewa

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⁽⁷⁾ The term 'lobbying' means any activity carried out with the objective of influencing the formulation or implementation of policy or legislation, or the decision-making processes of the Commission as set out in Article 3 of Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register; it includes indirect lobbying on behalf of clients through indirect measures with the same objective of influencing the formulation or implementation of policy or legislation, or the decision-making processes of the Commission such as organising or participating in meetings, conferences, events or consultation or hearings, organising communication campaigns or the preparation of position papers and applies independently of the location; it also covers any activity with a view to obtaining EU funding.