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## **DECISION OF THE EUROPEAN COMMISSION**

**on Former High Representative/Vice-President Josep Borrell's post term of office  
activity as member of the Council and of the Prize Committee of the Mo Ibrahim  
Foundation**

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### **on Former High Representative/Vice-President Josep Borrell's post term of office activity as member of the Council and of the Prize Committee of the Mo Ibrahim 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:

Whereas:

- 1) According to the second paragraph of Article 245 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 paragraph 3, second subparagraph, lit. (a) to (f).

- 4) On 16<sup>th</sup> December 2024, Former High Representative/Vice-President Borrell informed the Commission about his intention to accept an activity with the Mo Ibrahim Foundation, more precisely as member of its Board <sup>(1)</sup> and of its Prize Committee, responsible for selecting laureates for this Foundation's prize. Former High Representative/Vice-President Borrell underlined that his activity will not be remunerated and will be deprived of management duties.
- 5) The Mo Ibrahim Foundation is a non-profit organisation established in 2006 by Sir Mohammed Fathi Ahmed Ibrahim, a Sudanese-British entrepreneur. The foundation's primary objective is to enhance governance and leadership in Africa through a multi-faceted approach, comprising research, advocacy, and initiatives aimed at promoting accountability, transparency, and democratic principles. It seeks to advance Africa's socio-economic development by adhering to principles of good governance and the rule of law, strengthening institutional capacities, and fostering sustainable development.
- 6) The notified activity is linked to Former High Representative/Vice-President Borrell's previous responsibilities for Foreign Affairs and Security Policy. The Independent Ethical Committee was therefore requested, on 14 January 2025, to deliver its opinion on the compatibility of the notified activity with Article 245 of the Treaty on the Functioning of the European Union.
- 7) The Committee delivered its opinion on 21 March 2025. The opinion first established the facts regarding the nature of the Ibrahim Foundation, its activities, its partners, its governance structure and its funding, the precise scope of Former High Representative/Vice-President's Borrell envisaged position and the links between the Mo Ibrahim Foundation and the European Commission. The Committee then assessed the legal context applicable and drew its conclusions on the compatibility of the envisaged activity vis-à-vis the legal context.
- 8) The Committee noted that the Mo Ibrahim Foundation was founded in 2006 by Sudanese-English businessman and philanthropist Sir Mohammed Fathi Ahmed Ibrahim ('Mo Ibrahim'). It is headquartered in London (United Kingdom) and Dakar (Senegal). The Foundation describes itself as an "*African organisation providing an African voice on current global challenges, grounded in sound leadership and governance*". Its mission is to define, assess, and enhance sound leadership and governance in Africa, ensuring debates are informed by research and analysis while convening key stakeholders to identify practical solutions.
- 9) Based upon the Mo Ibrahim Foundation's website, the Committee indicated that the Foundation provides "*data and data-led analysis to assess these challenges at the continental level, bringing together stakeholders from Africa and beyond, including*

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<sup>(1)</sup> Former High Representative/Vice-President Borrell's notification mentioned a "Board". Based on the information available on the website of the Mo Ibrahim Foundation, both the Commission and the Independent Ethical Committee understood this indication as referring to the Foundation's "Council".

*Africa's youth, to discuss potential solutions*". It focuses on the following topics: climate, data availability, energy, finance, human development, multilateralism, public service, security and rule of law, and youth.

- 10) The Committee furthermore noted that the Foundation's activity is structured around four pillars: (1) the research activity includes publications, including interactive data stories and the Ibrahim Index of African Governance, which measures governance quality across African nations, focusing on various dimensions such as safety, rule of law, participation, human rights, economic opportunity, and human development (2) the Ibrahim Governance Weekend, the flagship event of the Mo Ibrahim Foundation, held every year in a different African country. It convenes prominent African political and business leaders, representatives from civil society, multilateral and regional institutions as well as Africa's major international partners to debate issues of critical importance to Africa, (3) the Now Generation Initiatives, a network for young leaders from across Africa, as well as fellowships and scholarships aiming to nurture the next generation of African leaders (4) and the Ibrahim Prize, which celebrates excellence in African leadership. It *"recognises and celebrates African executive leaders who, under challenging circumstances, have developed their countries and strengthened democracy and human rights for the shared benefit of their people, paving the way for sustainable and equitable prosperity"*. The prize is awarded to a former Executive Head of State or Government by an independent Prize Committee composed of eminent figures. The website of the Mo Ibrahim Foundation does not mention the amount of the prize. However, online sources refer to 5 million USD over ten years and 200,000 USD per year, thereafter.
- 11) The Committee went on listing the Mo Ibrahim Foundation's partners, including research organisations, civil society organisations and academic and institutional partnerships, based upon the Foundation's website:
  - African Development Bank
  - Africa Europe Foundation
  - Africa Leadership Institute
  - Afrobarometer
  - African Peer Review Mechanism (APRM)
  - Blavatnik School of Government
  - Club de Madrid – Next Generation Democracy
  - EU-Africa High level group, Friends of Europe
  - Femmes Africa Solidarité
  - Ghana Center for Democratic Development
  - Graça Machel Trust
  - International Crisis Group
  - International Trade Centre

- Kofi Annan Foundation – Electoral Integrity Initiative (EII)
  - African Union Development Agency (NEPAD)
  - Paris Peace Forum
  - Pedro Pires Institute
  - SOAS, University of London
  - The B Team
  - United Nations Economic Commission for Africa (ECA)
  - V-Dem
  - World Justice Project
- 12) As concerns the Mo Ibrahim Foundation’s governance, the Committee noted that the Foundation is structured around a small secretariat as well as a broad range of experts, gathered in a 21-member Council chaired by its founder, Mo Ibrahim, the 18-member Ibrahim Index of African Governance Expert Panel, as well as a 7-member Prize Committee.
- 13) Also based upon the Foundation’s website, the Committee noted that this Foundation is solely funded by its funder, Sir Mohammed Fathi Ahmed Ibrahim. The Committee noted also that the Mo Ibrahim Foundation is not registered in the Transparency Register of the European Parliament, the Council of the European Union and the European Commission. However, it appears as a beneficiary of a grant of 4.500.000EUR awarded to the Africa-Europe Alliance. <sup>(2)</sup>
- 14) As concerned Former High Representative/Vice-President Borrell’s envisaged position, the Committee underlined that the Mo Ibrahim Foundation for African Studies offered Former High Representative/Vice-President Borrell a position as member of its Council <sup>(3)</sup> and of the Prize Committee. The Committee recalled that, according to the information provided by Former High Representative/Vice-President Borrell, the activity is unpaid and does not involve management duties. The Committee noted that the Council of the Mo Ibrahim Foundation provides guidance to the Foundation yet observing that the Foundation’s website does not provide specific details about this role. As concerns Former High Representative/Vice-President Borrell’s responsibility within the Mo Ibrahim Foundation’s Prize Committee, the Committee noted that this function is framed by five objective criteria guiding the choice to be made.
- 15) The Committee finally noted that the Mo Ibrahim Foundation has engaged with the European Commission on various initiatives aimed at enhancing cooperation between Africa and Europe. Cooperation between the Mo Ibrahim Foundation and the Commission focus on youth employment, migration challenges, and sustainable

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<sup>(2)</sup> [https://ec.europa.eu/budget/financial-transparency-system/analysis\\_fr.html](https://ec.europa.eu/budget/financial-transparency-system/analysis_fr.html)

<sup>(3)</sup> cf. footnote 1, see above

development strategies. The Foundation has hosted dialogues involving European and African leaders to foster understanding and collaboration on these issues.

- 16) The Committee recalled the legal framework applicable to the assessment of the post term of office activities of former Members of the Commission and eventually concluded on the restrictions and conditions deemed necessary in order to ensure the compatibility of Former High Representative/Vice-President Borrell's envisaged activity with Article 245 of the Treaty on the Functioning of the European Union.
- 17) As a preliminary consideration, the Committee noted that former 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 for the Members of the European Commission, which develops these obligations in more detail.
- 18) The Committee noted that the international dimension of the work of the Mo Ibrahim Foundation creates a strong link with Former High Representative/Vice-President Borrell's portfolio.
- 19) This being said, the Committee noted that Former High Representative/Vice-President Borrell's envisaged tasks as member of the Council of the Mo Ibrahim Foundation and of its Prize Committee do not involve any management responsibilities, any lobbying and any responsibilities in securing funding on behalf of the Mo Ibrahim foundation.
- 20) The Committee came to the conclusion that Former High Representative/Vice-President Borrell's envisaged post term of office activity does not represent a risk with regard to the interests of the Commission and the European Union and concludes that, in its view, this activity is compatible with Article 245 of the Treaty on the Functioning of the European Union
- 21) The Committee considered nevertheless that the Commission might wish to recall that Former High Representative/Vice-President Borrell remains bound by Article 11(4) of the Code of Conduct, laying down the obligation to refrain from lobbying Members or staff of the European Commission on behalf of the Mo Ibrahim Foundation 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 possible participation in public events or general exchanges of, and on, publicly available information with Members of the European Commission or its staff.
- 22) The Committee considered that the Commission 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, as regards the duty of integrity, discretion and collegiality with respect to the Commission's decisions and activities during Former Commissioners' term of office.

- 23) Finally, the Committee considered that the Commission decision should recall that 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.
- 24) The Commission has considered the Committee's opinion and shares its conclusions.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

Former High Representative/Vice-President Borrell's envisaged post term of office activity with the Mo Ibrahim Foundation, as member of its Council and of its Prize Committee are compatible with Article 245 of the Treaty on the Functioning of the European Union, subject to the respect of the conditions and restrictions set out in Article 2.

#### *Article 2*

- 1) In accordance with Article 339 of the Treaty on the Functioning of the European Union, Former High Representative/Vice-President Borrell shall refrain from disclosing or using information of the kind covered by the obligation of professional secrecy that he obtained as Member of the Commission, in particular information about undertakings, their business relations or their cost components;
- 2) In line with Article 11(1) of the Code of Conduct for the Members of the Commission, in conjunction with Article 5 of the Code, Former High Representative/Vice-President Borrell remains bound by the duties of collegiality and discretion, with respect to the Commission's decisions and activities during his term of office. He shall not disclose what was said at meetings of the Commission and shall apply a high sense of discretion with regard to the use of information and insights that he obtained during his mandate in relation to the performance of his portfolio obligations and, in general, in relation to his duties as Member of the Commission;
- 3) Former High Representative/Vice-President Borrell shall refrain from lobbying the Commission on behalf of the Mo Ibrahim Foundation and of its Donor, Sir Mohammed Fathi Ahmed Ibrahim, on matters for which he was responsible within his former Commission portfolio, for a period of two years after ceasing to hold office, i.e. until 30 November 2026. This does not affect a possible participation in public events or general exchanges of, and on, publicly available information with Members of the European Commission or its staff.

- 4) In line with Article 13(2) of the Code of Conduct for the Members of the Commission, Former High Representative/Vice-President Borrell shall inform the President of the Commission, in a timely manner, if and when he has a doubt with regard to the application of the present Decision or the Code of Conduct in general before acting on the matter in relation to which the doubt arises.

Done at Strasbourg, on 1 April 2025.

*The President*  
*Ursula von der Leyen*