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DECISION OF THE EUROPEAN COMMISSION

**on Former Commissioner Johannes Hahn's post term of office professional activity as
non-remunerated adviser of the Federation of Austrian Industries**

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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 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 set out in paragraph 3, second subparagraph, litt. (a) to (f).

- 4) Article 12 of the Code of Conduct establishes that, on request of the President, the Independent Ethical Committee shall advise the Commission on any ethical question related to the Code and provide general recommendations to the Commission on ethical issues relevant under the Code.
- 5) On 13 November 2024, Commissioner Hahn notified the Commission about his intention to take up, following the term of his mandate as Member of the Commission, a non-remunerated position as adviser to the Federation of Austrian Industries, responsible for the development of international events organised by the Federation, for example, the European Congress ‘Salzburg Summit’, that will take place in July 2025, and the event ‘Impulse vom Schwarzenbergplatz’.
- 6) The envisaged activity would begin as soon as the necessary authorisation would be received from the College, ideally from January 2025. The activity was currently foreseen for an indefinite period and would be non-remunerated; the Federation would put its infrastructure in Vienna at the disposal of Mr Hahn.
- 7) Mr Hahn explained that he intended to be involved in the conceptual and content-related design of the program for these events, as well as in the selection of speakers and panellists, excluding any lobbying or advocacy work, including towards the EU institutions. Mr Hahn nonetheless noted that occasional contacts with members or staff of the EU institutions could not be excluded in the framework of the organisation of the events and/or of his participation in them.
- 8) Mr Hahn further explained that the Federation of Austrian Industries was the voluntary and independent representation of the interests of Austrian industry and its associated sectors. It was a recognised social partner in politics and represented the interests of more than 5,000 members from the manufacturing sector, the banking industry, infrastructure and industry-related services at state and federal levels in Austria and in Europe. The Federation was a non-profit organisation funded by voluntary membership fees. It was headquartered in Vienna, with regional representations across Austria and an office in Brussels. At European level it was associated with Business Europe and registered in the EU Transparency Register.
- 9) The activity as such, namely the conceptual and content-related design of the program for the events, does not appear to be related to Former Commissioner Hahn’s portfolio for Budget and Administration. Nevertheless, there have been regular contacts between the Federation of Austrian Industries and Commissioner Hahn or his Cabinet. Against this background, in line with Article 11(3) of the Code of Conduct for the Members of the European Commission, the Independent Ethical Committee was requested to provide an opinion on the compatibility of the activity with Article 245 of the Treaty on the Functioning of the European Union.

- 10) The Committee delivered its opinion on 12 December 2024. The opinion first established the relevant facts: (1) The Committee analysed the nature of Former Commissioner Hahn's notified activity against the framework of its envisaged scope and of the nature of the Federation of Austrian Industries: as regards the nature of the Federation, the Committee assessed notably the European dimension of its objectives, its outputs, namely as regards its communication activities, its financial organisation and its governance structure; (2) The Committee underlined the link between the Federation of Austrian Industries and the European Commission, noting in particular that the Federation held 55 meetings with Members of the Commission, members of Cabinets and high-ranking officials from 11 November 2014 to 8 November 2024, including 15 meetings with Commissioner Hahn; (3) The Committee recalled the legal framework applicable to the assessment of former Commissioners' post term of office activities. The opinion eventually concluded on the restrictions and conditions which the Committee deemed necessary in order to ensure the compatibility of Mr Hahn's envisaged activity with Article 245 of the Treaty on the Functioning of the European Union.
- 11) As a preliminary consideration, the Committee noted that former Members of the Commission had a right to engage in work and to pursue a freely chosen or accepted occupation after the term of their office. This right needed 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. In the present case, the Committee noted that given the broad scope of the economic interests of the Federation of Austrian Industries, Former Commissioner Hahn's envisaged activity required a careful assessment as regards the principles of integrity and discretion established by Article 245 of the Treaty on the Functioning of the European Union.
- 12) The Committee noted that Former Commissioner Hahn intended to accept a position as adviser to the Federation of Austrian Industries. According to his own description, the function would consist mainly in giving advice relating to the organisation of events and would not involve any lobbying or advocacy work towards the European institutions. Former Commissioner Hahn however indicated that occasional contacts with members or staff of the EU institutions could not be excluded.
- 13) The Committee considered that there was no direct link between Former Commissioner Hahn's portfolio responsibilities and the activities of the Federation of Austrian Industries. However, as evidenced by the number of meetings between Former Commissioner Hahn and the Federation of Austrian Industries recorded in the Transparency Register, he was a frequent contact point of the Federation.
- 14) In addition, the Committee noted that the information provided by Mr Hahn on the scope of his envisaged activity suggested work that may include advice on the content, programming, structure, audience, tone and technology integration of various events.

- 15) The Committee furthermore underlined that, according to Commissioner Hahn, his activity would not include any lobbying or advocacy work, including towards the EU institutions. However, Commissioner Hahn had indicated that occasional contacts with members or staff of the EU institutions could not be excluded in the context of the organisation of and/or his participation in the events.
- 16) The Committee noted that specific information, or insights that Former Commissioner Hahn had obtained during his term of office were very likely to be highly relevant for the Federation of Austrian Industries. This could concern information obtained in areas pertaining to his previous portfolios in the Commission, but also in other areas in which he had been involved via his collegial responsibilities in the Commission.
- 17) Hence, the Commission decision should recall and explicitly spell out a number of restrictions in order to ensure the compatibility of the activity with the obligations applying after the end of the mandate.
- 18) The Committee deemed it essential that the Commission's decision stresses explicitly the importance of strictly respecting the obligations resulting from 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 cost components'*.
- 19) The Committee noted that the Commission's decision should explicitly recall the importance of strictly complying with the duties of collegiality and discretion, as laid down in Article 11(1) and Article 5 of the Code, with respect to the Commission's decisions and activities during Former Commissioner Hahn's terms of office. This includes not only refraining from disclosing what was said at meetings of the Commission, but also a general duty to apply a high sense of discretion with regard to the use of information and insights that Former Commissioner Hahn had obtained during his mandates, be it within his portfolio responsibilities or within the College.
- 20) The Committee also noted that, while Former Commissioner Hahn's envisaged activity would not involve lobbying or advocacy work as such, the decision should nevertheless recall explicitly the provision of Article 11(4) of the Code of Conduct for the Members of the Commission. This provision states that former Members of the Commission shall not lobby the Commission on behalf of their own business, that of their employer or client, on matters for which they were responsible within their portfolio, including the portfolio in a previous term of office, for a period of two years after ceasing to hold office, in Mr Hahn's case until 30 November 2026. Nevertheless, in view of the object of the Federation of Austrian Industries Federation, which aims to influence policymaking at EU

level, the Committee considered that the Commission decision should extend this obligation not to lobby the Commission to all matters in which Former Commissioner Hahn had been involved at College level, even if he had not been directly responsible for them as part of his portfolio responsibilities.

- 21) The Committee considered in that context that, in view of the object of the Federation of Austrian Industries Federation, Former Commissioner Hahn should pay particular attention to any contact that he could have with Members or staff of the European Commission and should refrain from any professional contact with Members or staff of the European Commission during the period of two years after the end of the mandate.
- 22) The Committee considered it important that both Former Commissioner Hahn and the Federation of Austrian Industries were aware of the obligations, conditions and restrictions related to the envisaged activity. The Committee recommended therefore that the Commission decision should include a condition that Commissioner Hahn share a copy of the Commission Decision with the Federation of Austrian Industries and confirm this to the Commission. This would provide the Commission with an additional assurance that situations which could create a risk for the respect of those obligations would be avoided or addressed by both Former Commissioner Hahn and the Federation of Austrian Industries.
- 23) The decision should furthermore recall that, in case former Members have a doubt with regard to their obligations, they must inform the President of the Commission in a timely manner and before acting on the matter relating to which the doubts arise, according to Article 13(2) of the Code.
- 24) Under these conditions, the Committee considered that the envisaged activity would be compatible with Article 245 TFEU on the condition that the above-mentioned obligations, conditions, and restrictions were explicitly and in full set out in the decision and brought to the attention of the Federation of Austrian Industries by Former Commissioner Hahn.
- 25) By letter of 20 January 2025, the Secretary-General of the Commission has informed Former Commissioner Hahn of the opinion of the Committee and, in view of the recommended restrictions that could have a negative impact on the scope of his envisaged activity, has invited Former Commissioner Hahn to express his views.
- 26) By e-mail of 29 January 2025, Former Commissioner Hahn has replied and has reiterated that in his envisaged activity he would not lobby members or staff of the European Commission. Rather, the objective of that activity was merely to facilitate occasional events that constitute general public debates or discussions on pertinent economic or geopolitical topics of broad interest and that, therefore, he would fully comply with the

recommendation to pay particular attention when having any contact with members or staff of the European Commission.

- 27) The Commission has considered the Committee's opinion as well as the notification and reply of Former Commissioner Hahn. The Commission shares the conclusions and recommendations of the Committee. In particular, as regards the prohibition of lobbying, the Commission takes note that the activity of Former Commissioner Hahn does not imply any lobbying. Equally, the Commission is fully satisfied that, during the period of two years after the end of the mandate, Former Commissioner Hahn would pay particular attention to respecting his obligations laid down in the Treaties and the Code of Conduct when having any professional contacts with members of the Commission and staff on behalf of the Federation of Austrian Industries which would be limited to facilitating occasional events that constitute general public debates or discussions on pertinent economic or geopolitical topics of broad interest.

HAS DECIDED AS FOLLOWS:

Article 1

Former Commissioner Hahn's envisaged post term of office activity as non-remunerated adviser of the Federation of Austrian Industries is 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 Commissioner Hahn 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 Commissioner Hahn 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 mandates in relation to the

performance of his portfolio obligations and, in general, in relation to his duties as Member of the Commission.

- 3) Former Commissioner Hahn shall refrain from lobbying the Commission on behalf of Federation of Austrian Industries and/or of any of its members on matters for which he was responsible within his former Commission portfolios and on all matters in which he was involved at College level, for a period of two years after ceasing to hold office. It is recalled in this regard that 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 positions papers and applies independently of the location; it also covers any activity with a view to obtaining EU funding.
- 4) When having professional contacts, on behalf of the Federation of Austrian Industries, with Members or staff of the European Commission during the period of two years after the end of the mandate with a view to facilitating occasional events that constitute general public debates or discussions on pertinent economic or geopolitical topics of broad interest, Former Commissioner Hahn shall pay particular attention to respecting his obligations laid down in the Treaties and the Code of Conduct.
- 5) Former Commissioner Hahn shall share a copy of the present Decision with the Federation of Austrian Industries and inform the Secretary-General of the Commission thereof.
- 6) In line with Article 13(2) of the Code of Conduct for the Members of the Commission, Former Commissioner Hahn 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 11 March 2025.

The President
Ursula von der Leyen