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DECISION OF THE EUROPEAN COMMISSION

on Former Commissioner Violeta Bulc's post term of office professional activity as member of the Supervisory Board of Marina Portorož

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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 Article 245(2) 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.
- 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.

- 4) On 23 May 2021, Former Commissioner Bulc informed the Commission about her intention to engage in a post term of office professional activity as member of the Supervisory Board of Marina Portorož.
- 5) The Former Commissioner informed the Commission that Marina Portorož is a marina which is currently owned by company Luka Lucija, headquartered in Ljubljana. The company's commercial activities are focused solely on the further development and commercialisation of Marina Portorož.
- According to Former Commissioner Bulc, her envisaged activity as member of the Supervisory Board will consist of the supervision of the management, the alignment of planned activities with the company's strategy, overview of business, analysis of the reports prepared by the management and drawing attention to possible irregularities in business and/or documents. This activity involves a remunerated participation in the Supervisory Board's monthly meetings.
- As regards the possible links with her former Commission portfolio, the Former Commissioner stated that, as far as she was aware, there were no such links: Former Commissioner Bulc explained that the Commission actions during her mandate as Commissioner for transport had not specifically dealt with yachts and sailing boats, notwithstanding the fact that all marinas have to comply with sustainability standards.
- 8) According to the Financial Transparency System of the European Commission, neither Luka Lucija nor Marina Portorož received EU funds directly administered by the Commission departments. None of the entities are registered in the Joint Transparency Register of the European Parliament and the Commission.
- 9) The envisaged activity is not specifically related to Former Commissioner Bulc's portfolio. The fact that sailing boats and yachts are Marina Portorož's core business does not constitute a sufficient link with the Former Commissioner's portfolio which would require to consult the Independent Ethical Committee. The consultation of the Independent Ethical Committee is therefore not necessary.
- 10) The activity does not present any risk of incompatibility either with Former Commissioner Bulc's role as Member of the Commission or with the interests of the institution, provided that Ms Bulc abides by the relevant provisions of the Treaty on the Functioning of the European Union, notably Article 339, and of the Code of Conduct for the Members of the Commission, namely Article 11(1), in conjunction with Article 5, and Article 11(4) as concerns the protection of confidentiality of sensitive information, the duties of collegiality and discretion with respect to the Commission's decisions and activities during her term of office, and the prohibition to lobby the Commission and its staff during a period of two years after her term of office on matters for which she was responsible within her portfolio.

HAS DECIDED AS FOLLOWS:

Sole Article

Former Commissioner Violeta Bulc's post term of office professional activity as member of the Supervisory Board of Marina Portorož is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the respect of the obligations imposed by Article 339 of the Treaty on the Functioning of the European Union and by the Code of Conduct for the Members of the Commission, in particular Article 11(1), in conjunction with Article 5, and Article 11(4) as concerns the protection of confidentiality of sensitive information, the duties of collegiality and discretion with respect to the Commission's decisions and activities during her term of office, and the prohibition to lobby the Members of the Commission or its staff on behalf of or for the interests of the company Luka Lucija or of Marina Portorož, during a period of two years after her term of office on matters for which she was responsible within her portfolio.

Done at Brussels, on 30 June 2021.

The President Ursula von der Leyen