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DECISION OF THE EUROPEAN COMMISSION

on former Commissioner Günther Oettinger's post term of office professional activity in the framework of a publishing co-operation with DvH Medien's Institute for Geopolitical Questions (Institut der DvH Medien für Geopolitische Fragen GmbH & Co. KG)

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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.
- 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 Article 11(3), and in particular as concerns one-off activities for a short duration (1 or 2 working days - Article 11(3)(e).
- 4) On 26 February 2020, Former Commissioner Günther Oettinger informed the Commission about his likely intention to engage in a publishing co-operation with DvH Medien's Institute for Geopolitical Questions (*Institut der DvH Medien für Geopolitische Fragen GmbH & Co. KG*). On 17 March 2020, he confirmed his

intention and provided additional information on the framework and the scope of the envisaged co-operation.

- 5) DvH Medien GmbH is a family owned company founded by Dieter von Holtzbrinck in 2009 and established in Stuttgart. It is the owner, or a shareholder, of several major German media companies, including the Tagesspiegel Group, the Handelsblatt Media Group and the Die Zeit Group.
- 6) The purpose of DvH Medien's Institute for Geopolitical Questions GmbH & Co. KG is to research, analyse and publish geopolitical events in DvH Medien's publishing companies such as Die Zeit, Wirtschaftswoche, Handelsblatt and Der Tagesspiegel, as well as to discuss them via audio media and at events.
- 7) The institute intends to establish an independent co-operation with Mr Oettinger. Mr Oettinger will act as an independent author and expert for the institute. His activity will focus on providing a limited number of personal comments on economic and geopolitical developments in Germany, Europe and the world. He will produce and publish a limited number of contributions to DvH Medien's print and digital media and will give lectures and keynote speeches at events in Germany or abroad. He will also participate in discussions (conferences, symposia, etc.) with political, economic, social and media decision-makers. With regard to his activity, he will not be bound by any instructions from the institute.
- 8) The envisaged co-operation between Mr Oettinger and the institute is, as such, not related to the portfolios of the Former Commissioner. While some of the future individual assignments might be related to the former portfolios, they will merely constitute one-off activities for a short duration. Under these circumstances, and in the light of the Article 11(3), second subparagraph, lit. (e) of the Code of Conduct, the consultation of the Independent Ethical Committee is not necessary.
- 9) On substance, Former Commissioner Oettinger's envisaged co-operation with the institute is, as such, compatible with Article 245 of the Treaty on the Functioning of the European Union and with his former functions as Member of the Commission.
- 10) Nonetheless, Former Commissioner Oettinger should assess the context, circumstances and scope of each individual activity for the institute, in order to fully ascertain its compatibility with: (1) the principles of integrity and discretion set out in Article 245 of the Treaty on the Functioning of the European Union; (2) the confidentiality requirements set out in Article 339 of the Treaty on the Functioning of the European Union; and (3) the duties of collegiality and discretion with respect to the Commission's decisions and activities during his terms of office as set out in Article 11(1) of the Code of Conduct, in conjunction with Article 5 of the Code.

HAS DECIDED AS FOLLOWS:

Article 1

Former Commissioner Günther Oettinger's envisaged co-operation with DvH Medien's Institute for Geopolitical Questions (*Institut der DvH Medien für Geopolitische Fragen GmbH & Co. KG*) is compatible with Article 245(2) of the Treaty on the Functioning of the European Union.

Article 2

With regard to his specific activities in the framework of this co-operation, Former Commissioner Oettinger shall assess their context, circumstances and scope in view of fully ascertaining their compatibility with:

- the principles of integrity and discretion set out in Article 245 of the Treaty on the Functioning of the European Union;
- Article 339 of the Treaty on the Functioning of the European Union, and
- Article 11(1) of the Code of Conduct for the Members of the Commission, in conjunction with Article 5 of the Code.

Done at Brussels, on 6 May 2020.

The President
Ursula von der Leyen