



EUROPEAN
COMMISSION

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DECISION OF THE EUROPEAN COMMISSION

on Former Commissioner Miguel Arias Cañete's post term of office professional activity as President of the RACE Foundation ('Fundación Cultural Privada del Real Automóvil Club de España para el Estudio de la Historia y la Técnica del Automóvil')

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on Former Commissioner Miguel Arias Cañete's post term of office professional activity as President of the RACE Foundation (*'Fundación Cultural Privada del Real Automóvil Club de España (RACE) para el Estudio de la Historia y la Técnica del Automóvil'*)

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), second subparagraph.
- 4) On 14 May 2020, former Commissioner Miguel Arias Cañete informed the Commission about his intention to engage in a non remunerated post term of office activity as President of the RACE Foundation (*'Fundación Cultural Privada del Real Automóvil Club de España (RACE) para el Estudio de la Historia y la Técnica del Automóvil'*).

- 5) The RACE Foundation is a non-profit organisation established in 1991 which resulted from a commitment of the Spanish Royal Automobile Club (RACE) as regards the history and future of cars. Its first stated objective concerns issues of current societal relevance, namely sustainable mobility and road safety (through the promotion of quality, knowledge and preparation of drivers through driving schools; through studies, campaigns and training actions as are effective to improve both driver safety and that of other road users; through pedagogical work focused on the environment, ecological driving and responsible mobility). However, the core of the Foundation's activities corresponds to its other stated objectives among which : (a) to promote the study and historical research of cars and other mechanical traction road vehicles as concerns their scientific, technical, industrial, societal and sportive/touristic dimensions; (b) to foster the restoration, conservation, exhibition and use of historic vehicles; (c) to create a historical fund consisting of documents, archives, specialized libraries, film libraries, videolibraries, photographic archives and vehicles of historical interest; (d) to order, classify and ensure the custody and conservation of historical documents to facilitate the studies by scholars and researchers who are interested in the history of mechanized transport; (e) to disseminate the knowledge of these issues, collaborating in the realization and publication of general studies and monographic works; (f) to promote the conservation of manufacturing buildings related to the Spanish automobile industry, circuits, racetracks and speed tracks; (g) to collaborate with initiatives that lead to the creation and maintenance of transport and communications museums as well as to the management of their funds; (h) to cooperate with competent authorities to create, develop and support vocational training centers in the field of restoration techniques of bodywork and mechanical elements; (i) to convene and organize competitions, awards, meetings, tests and exhibitions of vehicles; etc.
- 6) Among its current activities, the RACE Foundation organises shows, manages a specialised library, grants a yearly prize for historical research and organises old-automobile car races.
- 7) The RACE Foundation finances its activities with a yearly grant of 250.000 € provided by the Royal Automobile Club of Spain and does not receive funding from the European Commission.
- 8) The Independent Ethical Committee was consulted on 29 June 2020 on a draft decision on the envisaged activity. The draft decision examined Former Commissioner Arias Cañete's notification and considered the nature of his envisaged post term of office activity. It noted that the RACE Foundation's stated commitment to sustainable mobility was linked to Former Commissioner Arias Cañete's portfolio. Nevertheless, it considered that the RACE Foundation's social purpose and core business was essentially of cultural nature and that the foundation dealt with cars in their historical and heritage dimension and not in their economic, industrial or commercial dimension. For this reason the draft decision considered that the link between the envisaged activity and Former Commissioner Arias Cañete's portfolio was marginal and not relevant against the framework of Article 11(3) of the Code of Conduct for the Members of the Commission.

- 9) The Independent Ethical Committee delivered its opinion on 3 July 2020. The Committee considered the nature of the activity envisaged, its non remunerated character as well as the statutes and objectives of the RACE Foundation and gave a positive opinion on the draft decision.
- 10) On this basis, the Commission considers that the envisaged activity does not present any risk of incompatibility with Former Commissioner Arias Cañete's function as Member of the Commission or with the interests of the institution. In any case, the general obligations set out in Articles 245 and 339 of the Treaty on the Functioning of the European Union as well as in Article 11(1), in conjunction with Article 5, of the Code of Conduct for the Members of the Commission continue to apply.

HAS DECIDED AS FOLLOWS:

Article 1

Former Commissioner Miguel Arias Cañete's envisaged activity as President of the RACE Foundation (*Fundación Cultural Privada del Real Automóvil Club de España para el Estudio de la Historia y la Técnica del Automóvil*) is compatible with Article 245(2) of the Treaty on the Functioning of the European Union.

Done at Brussels, on 24 July 2020.

The President
Ursula von der Leyen