



Brussels, 26.2.2020  
C(2020) 9006 final

**DECISION OF THE EUROPEAN COMMISSION**

**on former Commissioner Günther Oettinger's post term of office professional activities as President of United Europe, as member of the Steering Committee of the German Council on Foreign Relations (DGAP) and as member of the Advisory Board of the Society for the Promotion of the Württemberg State Museum**

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 subparagraphs 3(a) to (f).
- 4) On 18 December 2019, former Commissioner Günther Oettinger informed the Commission about his intention to engage in three post term-of-office activities as President of the Association United Europe (*'United Europe e.V.'*), as member of the Steering Committee of the German Council on Foreign Relations (*'Deutsche Gesellschaft für Auswärtige Politik e.V.'*) and as member of the Advisory Board of the Society for the Promotion of the Württemberg State Museum (*Gesellschaft zur Förderung des Landesmuseums Württemberg e.V.*).
- 5) The Commission has taken account of the nature of these three envisaged activities and considered that they were not related to former Commissioner Oettinger's portfolios on Energy (Barroso II Commission), on Digital Economy and Society (Juncker Commission) and on Budget and Human Resources (Juncker Commission).

### ***United Europe***

- 6) United Europe was founded in 2013 and is a non-profit association whose declared aims are to promote peace, freedom and prosperity in Europe for future generations, to shape Europe in a way that it can compete globally (morally, politically and economically) and to achieve a better understanding between Europeans based on their diversity and respective cultures.
- 7) United Europe organises lectures, conferences, research projects, workshops and seminars with participants from all European countries, as well as special events with prominent non-European personalities.
- 8) The association declares on its website that it does not represent any political or business special interests, does not seek grants from public authorities and is financed exclusively through membership fees and donations. It has both private and corporate members, including various international companies. United Europe has not received any funds by the European Commission during the time of former Commissioner Oettinger's mandates.
- 9) Former Commissioner Oettinger's non remunerated function as President of United Europe would include organising and chairing Board meetings, with a casting vote in case of tied votes.
- 10) The Commission has considered that the nature of this envisaged activity does not present any risk of incompatibility either with former Commissioner Oettinger's role as a former Member of the Commission or with the interests of the institution, provided that Mr Oettinger abides by the relevant provisions of the Code of Conduct for the Members of the Commission and notably refrains, in line with Article 11(4) of the Code of Conduct, from any lobbying of Members of the Commission or Commission staff on behalf of the association on matters for which he was responsible within his portfolios for a period of two years after ceasing to hold office.

### ***German Council on Foreign Relations***

- 11) The German Council on Foreign Relations was founded in 1955 as an independent and impartial non-for-profit body, whose declared purpose is the promotion of science, research, education and training in the area of international and European affairs and the promotion of tolerance in all areas of culture and of international understanding. The German Council on Foreign Relations is committed to promote a sustainable German and European foreign and security policy, focused on democracy, peace and the rule of law, and to shape the foreign policy debate in Germany.
- 12) The German Council on Foreign Relations conducts research, provides expertise and forms a network for young people under the age of 35 who are interested in foreign policy. The German Council on Foreign Relations publishes the "*International Politics*" review, and offers its services as a specialised public library on foreign policy issues in Germany.
- 13) The German Council on Foreign Relations is financed by the contributions of its members, by institutional support from the German Foreign Ministry and by numerous foundations, embassies, associations and companies. It has not received any grants

from the European Commission during the time of former Commissioner Oettinger's mandates.

- 14) Former Commissioner Oettinger's non-remunerated function as a member of the Steering Committee would notably be to advise the association and its bodies on strategic issues and on other matters of essential importance to the association and to participate in the adoption of fundamental guidelines by the Committee for the work of the German Council on Foreign Relations.
- 15) The Commission has considered that the nature of this envisaged activity does not present any risk of incompatibility either with former Commissioner Oettinger's role as former Member of the Commission or with the interests of the institution, provided Mr Oettinger abides by all the relevant provisions of the Code of Conduct for the Members of the Commission.

### ***Society for the Promotion of the Württemberg State Museum***

- 16) The Society for the Promotion of the Württemberg State Museum aims at promoting cultural projects in all museum-related areas of activity of the Württemberg State Museum, including the purchase of works of art and collecting funds and donations
- 17) The society is financed by membership fees and donations. The Commission notes that the Württemberg State Museum has not received any EU grants during Commissioner Oettinger's mandates at the Commission.
- 18) As a non-remunerated member of the society's Advisory Board, former Commissioner Oettinger would be asked to provide his advice when appropriate and would notably participate in the Board's function of supporting the society's Management Board in its management and donation raising activities.
- 19) The Commission has considered that the nature of this envisaged activity does not present any risk of incompatibility either with former Commissioner Oettinger's role as former Member of the Commission or with the interests of the institution.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

Former Commissioner Günther Oettinger's envisaged activities as President of the Association United Europe ('*United Europe e.V.*'), as member of the Steering Committee of the German Council on Foreign Relations ('*Deutsche Gesellschaft für Auswärtige Politik e.V.*') and as member of the Advisory Board of the Society for the Promotion of the Württemberg State Museum (*Gesellschaft zur Förderung des Landesmuseums Württemberg e.V.*) are compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the following conditions:

- In accordance with Article 11(4) of the Code of Conduct for the Members of the Commission, for a period of two years following his term of office, former Commissioner Oettinger shall refrain from lobbying Members or their staff on behalf

of the above-mentioned organisations, on matters for which he was responsible within his portfolios.

- In accordance with Article 339 of the Treaty on the Functioning of the European Union, former Commissioner Oettinger shall refrain from participating in any activity or decision-making procedure within any of these three associations which might involve using information of the kind covered by the obligation of professional secrecy regarding, in particular, undertakings, their business relations or their cost components.
- In line with articles 5 and 11(1) of the Code of Conduct for the Members of the Commission, former Commissioner Oettinger remains bound by the duties of collegiality and discretion, with respect to the Commission's decisions and activities during his terms of office.

Done at Brussels, on 26 February 2020.

*The President*  
*Ursula von der Leyen*