



Brussels, 22.4.2020
C(2020) 9013 final

DECISION OF THE EUROPEAN COMMISSION

on former High Representative / Vice-President Federica Mogherini's application and envisaged post term of office professional activity as Rector of the College of Europe

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 set out in paragraph 3, second subparagraph.
- 4) Former High Representative/Vice-President Federica Mogherini informed the Commission on 20 February 2020 about her intention to apply for the position of Rector of the College of Europe.
- 5) The College of Europe is a postgraduate institute of European studies with a campus in Bruges and a campus in (Natolin) Warsaw. It was founded in Bruges in 1949 by leading historical European figures such as Salvador De Madariaga, Winston Churchill, Paul Henri Spaak and Alcide De Gasperi in the wake of the first Congress of the European Movement in The Hague in 1948. It has the status of a registered Belgian non-profit foundation of public utility.

- 6) Ms Mogherini added to her notification a ‘Letter of Clarification and Intent’ in relation with her ‘potential candidacy’, dated 19 February 2020 and signed by the President of the Administrative Council of the College of Europe, former European Council President Count Herman Van Rompuy.
- 7) The letter from the President of the Administrative Council recalled that the College of Europe was currently the beneficiary of an annual institutional grant provided by the European Commission under the Jean Monnet Programme, which is part of the Erasmus+ Programme. It also underlined that the European Commission had already proposed the continuation of this institutional subsidy under the new 2021-2027 Multi-Annual Financial Framework.
- 8) The letter confirmed that the College of Europe was fully aware of the duties imposed on former Members of the European Commission by Article 245 TFEU and the provisions of the Code of Conduct for the Members of the European Commission, which result in a number of restrictions namely as concerns any influencing on decisions on EU funding allocations and related lobbying of Members of the European Commission.
- 9) From the College’s perspective, a ‘potential appointment’ of Ms. Mogherini as Rector of the College (from 1 September 2020 onwards) would not comprise any potential for infringement of these duties and restrictions because:
 - fund-raising and any lobbying related to it was the responsibility of the Treasurer of the College who was appointed, independently from the Rector, by the Administrative Council of the College,
 - the key decision of the European Commission regarding EU funding allocations for the College – the proposal of the continuation of the Jean Monnet institutional grant under the 2021-2027 MFF – had already been taken by the former Commission, and
 - the allocation of Erasmus+ Programme funds had never been part of Mrs. Mogherini’s Commission portfolio.
- 10) In order to keep the potential future Rector’s responsibilities entirely separate from the College’s position as a beneficiary of EU funding allocations, the College of Europe undertook to formally transfer the empowerment to sign the annual EU institutional grant application and any document relating to its execution from the Rector to the Treasurer of the College, in case Ms Mogherini is appointed as Rector.
- 11) The nature of the envisaged activity is not linked to Ms Mogherini’s former responsibilities as Commission Vice-President in charge of Foreign Affairs and Security Policy. Moreover, the letter received from the President of the Administrative Council, and in particular the measures announced therein, avoid any risk of real or perceived influence on decisions of the Commission in relation to EU funding by the former High-Representative/Vice-President in case she is appointed as Rector.
- 12) The duties of collegiality and discretion with respect to the Commission’s decisions and activities during the former Member’s term of office, as set out in Article 11(1) of

the Code of Conduct for the Members of the Commission, in relation with its Article 5, continue to apply after ceasing to hold office.

HAS DECIDED AS FOLLOWS:

Article 1

Former High Representative/Vice-President Federica Mogherini's application and envisaged activity as Rector of the College of Europe are compatible with Article 245(2) of the Treaty on the Functioning of the European Union on the condition to respect the measures announced in the letter received from the President of the Administrative Council of the College of Europe of 19 February 2020 in relation to her potential appointment, and to abide by the obligations set out in Article 11(1) of the Code of Conduct for the Members of the Commission, in conjunction with its Article 5.

Done at Brussels, on 22 April 2020.

The President
Ursula von der Leyen