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DECISION OF THE EUROPEAN COMMISSION

**on Former Commissioner Elżbieta Bieńkowska's envisaged post term of office
professional activity as member of the University Council of the University of Silesia in
Katowice**

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on Former Commissioner Elzbieta Bienkowska's envisaged post term of office professional activity as member of the University Council of the University of Silesia in Katowice

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 paragraph 3, second subparagraph, lit. (a) to (f).
- 4) With her e-mails of 30 November 2020 and 4 January 2021, Former Commissioner Elzbieta Bieńkowska informed the Commission about her intention to join the University Council of the *Uniwersytet Śląski w Katowicach* (University of Silesia in Katowice), for a two-year mandate which would start on 1 January 2021.

Ms Bieńkowska underlined her awareness of the obligations under the Code of Conduct for the Members of the Commission, and notably the prohibition to lobby the Commission on the matters for which she was responsible.

- 5) The University of Silesia in Katowice is an autonomous state-run university founded in 1968. It offers higher education and research facilities, namely undergraduate, masters and PhD degree programs, as well as postgraduate, postdoctoral research, continuous education and training programs. The University is divided into twelve faculties (Fine Arts and Music, Biology and Environmental Protection, Ethnology and Sciences of Education, Philology, Computer Science and Materials Science, Mathematics, Physics and Chemistry, Earth Sciences, Social Sciences, Pedagogy and Psychology, Law and Administration, Theology and a Film School) as well as two units (the College of Individual Interdisciplinary Studies and the School of Polish Language and Culture). It presents itself as one of the largest and most dynamically developing public universities in Poland, offering students a variety of programs and specialized fields of study. The University actively participates in European Commission initiatives focused both on educational and scientific development, and realises projects within the framework of programmes such as Erasmus+ and Horizon 2020.
- 6) The University of Silesia in Katowice's governance is essentially composed of a Rector (assisted by four Vice-Rectors), twelve Deans (one for each Faculty) assisted by Deputy Deans, a Senate (composed of the Rector, Vice-Rectors, Deans and faculty representatives of professors, students, and non-teaching staff), three Senate Committees, a Chancellor and four Vice-Chancellors and a University Council.
- 7) The University Council is an advisory body. On 26 February 2019, the University Senate appointed the first Council of the University of Silesia, whose two-year mandate lasted until 31 December 2020. The Council is composed of three members from the University Community and three persons from outside the University. The Council also includes the chairperson of the student government of the University of Silesia. The current Chairperson of the Council was elected from outside the university community. Mrs Bieńkowska will be among those members who are selected from outside the University's academic community.
- 8) In view of the institutional setting of the University of Silesia in Katowice, Ms Bieńkowska's responsibilities will not include a direct role in the management of the University. Nonetheless, it is appropriate to set the same restriction as regards lobbying as in previous decisions regarding other former Members' post term of office professional activities in the management of academic institutions, in order to rule out any possible influence on decisions of the Commission on the allocation of funds.
- 9) Without prejudice to the restriction stated above, the envisaged activity does not present any risk of incompatibility with Ms Bieńkowska's former role as Member of the Commission or with the interests of the institution, provided that Ms Bieńkowska 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 protection of collegiality and discretion and the prohibition of lobbying during a period of two years after her term of office until 1 December 2021.

HAS DECIDED AS FOLLOWS:

Article 1

Former Commissioner Elżbieta Bieńkowska's envisaged activity as member of the University Council of the Uniwersytet Śląski w Katowicach (University of Silesia in Katowice) is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the following conditions and restrictions :

- In accordance with Article 11(4) of the Code of Conduct for the Members of the Commission, during a period of two years following her term of office, Former Commissioner Bieńkowska shall refrain from lobbying the Members of the Commission or their staff on behalf of the University of Silesia in Katowice, on matters for which she was responsible within her portfolio, in particular as concerns possible future decisions of the Commission on the allocation of funds.
- In accordance with Article 339 of the Treaty on the Functioning of the European Union, Former Commissioner Bieńkowska shall refrain from participating in any activity or decision-making procedure within the University of Silesia in Katowice 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 Article 11(1), in conjunction with Article 5, of the Code of Conduct for the Members of the Commission, Former Commissioner Bieńkowska remains bound by the duties of collegiality and discretion, with respect to the Commission's decisions and activities during her term of office.

Done at Brussels, on 3 February 2021.

The President
Ursula von der Leyen