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DECISION OF THE EUROPEAN COMMISSION

**on Former Commissioner Vytenis Andriukaitis' post term of office professional activity
as member of the Political Advisory Panel of the 'Universal Health Coverage 2030'
Movement (UHC 2030)**

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on Former Commissioner Vytenis Andriukaitis' post term of office professional activity as member of the Political Advisory Panel of the 'Universal Health Coverage 2030' Movement (UHC 2030)

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 14 April 2020, Former Commissioner Vytenis Andriukaitis notified to the Commission his envisaged post term of office activity as member of the Political Advisory Panel of the 'Universal Health Coverage 2030' Movement (hereafter: UHC 2030).
- 5) The envisaged activity is related to the Former Commissioner's portfolio on Health and Food Safety. On 6 May 2020, the Commission requested an opinion of the Independent Ethical Committee on the compatibility of the notified activity with Article 245 of the Treaty on the Functioning of the European Union. The Committee delivered its opinion on 25 May 2020. It was composed of two members given that the third member recused herself from the file for the reasons mentioned in the opinion.
- 6) The Committee established the scope and context of Mr Andriukaitis' envisaged activity; noting that UHC 2030 is a global, multi-stakeholder partnership recognised by the United Nations and supported by the World Health Organisation and the World Bank. According to UHC 2030, the initiative aims to build stronger health systems in order to reach universal health coverage by 2030. UHC 2030's stated mission is to 'create a movement for accelerating equitable and sustainable progress towards universal health coverage'.
- 7) UHC 2030's work follows the principle that 'all individuals and communities should have access to quality essential health services without suffering financial hardship'. In order to achieve its declared goals, UHC 2030 reports to have six main activities: (1) the coordination of health system strengthening, (2) advocacy, (3) accountability checks, to ensure progressive realisation at country level, (4) knowledge exchange and learning, (5) promotion of civil society engagement and (6) of private sector engagement.
- 8) UHC 2030's members are currently 84 countries and territories, including the EU (through the European Commission, Directorate-General for International Cooperation and Development - DG DEVCO), 15 multilateral organisations and global health initiatives, 3 philanthropic foundations, 37 private sector organisations and companies and 40 civil society organisations, according to the Core Team Report in 2018.
- 9) According to publicly available information, UHC 2030 receives funds from its members and partners. The European Union (DG DEVCO), the WHO and the World Bank are the most significant contributors according to UHC2030's activity report
- 10) UHC 2030's governance structure is essentially composed of a Steering Committee, responsible for overall strategic direction and oversight of UHC 2030, a Core Team Operations, serving as secretariat, several teams and working groups tasked with specific missions, a Civil Society arm and a Political Advisory Panel, which Mr Andriukaitis is asked to join.
- 11) The Political Advisory Panel's role is to advise and provide guidance to the Steering Committee to strengthen political support for universal health coverage. It also conveys UHC 2030's message to high-level political leaders for ensuring their commitment translates into action.

- 12) In his capacity as member of the Political Advisory Panel, Mr Andriukaitis would be expected to advise, provide guidance and knowledge to the movement and use his network to promote universal health coverage and mobilise political support. His role would have no legal status and would not include any binding obligations or decision-making role. He would be expected to participate in meetings in person once per year and engage quarterly in teleconferences.
- 13) Mr Andriukaitis would serve a one-year term and would be eligible for re-appointment for maximum two additional terms. He informed the Commission that this function would not include any remuneration apart from travel and accommodation costs associated with relevant UHC 2030 events or UN official meetings on behalf of UHC 2030.
- 14) The Committee reviewed the legal context applicable to former Commissioners' post term of office activities. In general terms, the Committee recalled that former Members of the Commission have a right to engage in work and to pursue a freely chosen or accepted occupation after the term of their office, yet knowing that this right needs to be balanced with the obligations set out in Article 245 of the Treaty on the Functioning of the European Union and in the Code of Conduct for the Members of the European Commission.
- 15) On the specific activity envisaged by Former Commissioner Andriukaitis, the Committee underlined that UHC 2030 is an international initiative dealing with public interests in which the EU and several of its Member States are represented. The objectives of UHC 2030 are widely shared at global level, including by the European Union. The Committee also took into consideration the nature and conditions of Mr Andriukaitis envisaged activity, and notably that it is not remunerated and will not involve any decision-making power.
- 16) The Committee came to the conclusion that the envisaged activity is compatible with Article 245 of the Treaty on the Functioning of the European Union, yet noting that the general obligation of confidentiality set out in Article 339 of the Treaty on the Functioning of the European Union, as well as the general duties of collegiality and discretion with respect to the Commission's decisions and activities during the term of office set out in Article 11(1) of the Code of Conduct in conjunction with Article 5, continue to apply.
- 17) The Commission shares the Independent Ethical Committee's assessment and considers that the nature of Mr Andriukaitis' envisaged activity does not present any risk of incompatibility with his former role as Member of the Commission or with the interests of the institution, provided that Mr Andriukaitis abides by the provisions and principles mentioned above as well as with the obligation not to lobby Members of the Commission or Commission staff on matters for which he was responsible within his portfolio for a period of two years after ceasing to hold office as set out in Article 11(4) of the Code of Conduct.

HAS DECIDED AS FOLLOWS:

Article 1

Former Commissioner Vytenis Andriukaitis' envisaged activity as member of the Political Advisory Panel of the 'Universal Health Coverage 2030' Movement (UHC 2030) is compatible with Article 245(2) of the Treaty on the Functioning of the European Union. 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, and in Article 11(4) of the Code of Conduct for the Members of the Commission, apply.

Done at Brussels, on 17 June 2020.

The President
Ursula von der Leyen