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DECISION OF THE EUROPEAN COMMISSION

on former Commissioner Sir Julian King' post term of office professional activity as Distinguished Fellow of the Royal United Services Institute for Defense and Security Studies

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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 Article 11(3), second subparagraph, notably as concerns academic activities (lit. (d)).
- 4) Former Commissioner Sir Julian King informed the Commission on 11 March 2020 about the invitation sent to him on 4 March 2020 by the Director-General of the Royal United Services Institute for Defence and Security Studies in London, to become a Distinguished Fellow of the Institute for a three-year period following the Commission's authorisation.

- 5) The Royal United Services Institute for Defense and Security Studies was founded in 1831 at the initiative of the Duke of Wellington and its original mission was to study naval and military science. It receives patronage from the Queen and presents itself as the world's oldest independent think-tank engaged in defence and security research. It is a registered charity in the United Kingdom and as such follows the United Kingdom's Charity Commission's guidance on public benefit and political independence.
- 6) It is a research-led institution, which produces periodicals, reports, publications and books. The Institute performs a wide range of multidisciplinary research activities. It focuses on the areas of Military Sciences, International Security Studies, National Security and Resilience Studies, Nuclear Proliferation, Financial Crime and Defence, Industries and Society.
- 7) The Institute funds itself independently, drawing income from its membership subscriptions, the sale of its various outputs, research contracts, donations, and from events funded by a wide range of sources, private and governmental, UK-based and international. The Institute has a policy of rejecting funding which is incompatible with its independence or honesty as set out in its Ethics Statement and its Ethics Policy for Research Projects, both published on its website.
- 8) The Institute has been a regular recipient of EU funds managed by Commission services which were not under Former Commissioner King's political authority.
- 9) The Former Commissioner's envisaged activity will not be remunerated even if some form of collaboration in the future might give rise to payment. The activity will mainly consist of: (1) contributing to the research of the Institute; (2) chairing, speaking or acting as discussant at events; (3) expanding the Institute's portfolio of expertise, (4) assisting in stakeholder engagement and (5) supporting the Institute in its relationships with research institutes and academic organisations with which the Institute maintains partnerships, particularly overseas.
- 10) In view of the Institute's areas of work, the activity is linked to the Former Commissioner's portfolio on the Security Union. Nevertheless, being focussed on independent research, the activity can be considered as an academic activity in the meaning of Article 11(3), second paragraph, lit. (d) of the Code of Conduct for the Members of the Commission. The consultation of the Independent Ethical Committee is therefore not necessary.
- 11) The former Commissioner's envisaged activity does not present any risk of incompatibility with his former function as Member of the European Commission or with the interests of the institution, provided he abides by all the relevant provisions of the Treaty on the Functioning of the European Union, namely Article 339, and of the Code of Conduct for the Members of the Commission. As concerns the Code of Conduct, Former Commissioner King must notably abide by the duties of collegiality and discretion with respect to the Commission's decisions and activities during his term of office, as provided for by Article 11(1) of the Code in conjunction with Article 5, and by his duty to refrain from lobbying the Members of the Commission or their staff, on behalf of the Royal United Services Institute for Defence and Security Studies, on matters for which he was responsible within his portfolio of Security Union for a period of two years after ceasing to hold office, as set out in Article 11(4).

HAS DECIDED AS FOLLOWS:

Article 1

Former Commissioner Sir Julian King's envisaged activity as Distinguished Fellow of the Royal United Services Institute for Defense and Security Studies is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the respect of the duties set out in Article 339 of the Treaty on the Functioning of the European Union, in Article 11(4) of the Code of Conduct for the Members of the Commission and in Article 11(1) of the Code in conjunction with Article 5.

Done at Brussels, on 22 April 2020.

The President
Ursula von der Leyen