



Strasbourg, 26.11.2024
C(2024) 9006 final

DECISION OF THE EUROPEAN COMMISSION

on Commissioner Mairead McGuinness' post term of office professional activity as Co-Chair of the Strategic Advisory Council of the European Forum Alpbach

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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 the second paragraph of Article 245 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, of the Code of Conduct for the Members of the Commission.
- 4) On 15 October 2024, Commissioner Mairead McGuinness informed the Commission about her intention to engage, following the term of her mandate as Member of the Commission, in a post term of office non-remunerated professional activity as Co-Chair of the Strategic Advisory Council of the European Forum Alpbach.

- 5) The European Forum Alpbach is an Austrian non-profit association and foundation based in Vienna. It is best known for hosting an annual event of the same name in the village of Alpbach but also organises other events on current social and political issues in various locations in and outside Austria. The association intends to promote science and research as well as cooperation with universities, colleges and other scientific and cultural organisations and institutions. Its declared aim is to strengthen international cooperation, European integration, democracy, a strong balance between freedom and responsibility, between economy, ecology and social responsibility through innovative forms of events and working methods as well as high-quality dialogue and discourse. According to the association's website, it brings together young people from Europe and all over the world, leading scholars, thinkers, scientists, policy makers, businesspeople, and civil society actors to engage and contribute to shaping a stronger Europe.
- 6) The Forum was founded in 1945 as "International University Weeks". Since then, its conferences have been held annually in August, from 1949 under the name of "European Forum Alpbach". Nowadays, more than 4,000 people from over 70 countries are said to participate in the Forum each year. Participation is open to all interested parties. In August 2024, the theme was "Moment of Truth", referring to decisions to be made in 2024 focusing on four key challenges: Climate, Finance and Economy, Security, and Democracy and Rule of Law.
- 7) In addition to its annual conference, the European Forum Alpbach organises various events at the European level which take place in different locations in and outside Austria, including briefings, roundtables, think tanks, discussions, as well as policy breakfasts, roundtables, lectures, etc. These events intend to promote science, research and cooperation with universities, colleges and other scientific and cultural organizations and institutions.
- 8) According to Ms McGuinness's notification and to the European Forum Alpbach's website, its institutional setting is structured as follows: an *Executive Board* consisting of 17 persons, chaired by the President of the association and Chairman of the foundation, Mr Othmar Karas, Former First Vice-President of the European Parliament; the *Strategic Advisory Council*, which McGuinness has been invited to co-chair; a *Scientific Advisory Board* composed of up to 40 academics and public and cultural personalities; and the *International Advisory Board*, which consists of up to 40 personalities from politics, business, academia, and society which advises the Board on programme development and speaker selection and supports the Association's networking activities. The Forum's *Organizational Team* is composed of 36 persons.
- 9) Ms McGuinness is invited to be Co-Chair of the Strategic Advisory Council. This body is supposed to ensure, through advice and other contributions from its members, that, in all its activities, the association maintains and strives for continuity in its connection to the historical roots and values of the European Forum Alpbach and its pluralistic anchoring in democratic society. The Strategic Advisory Council meets twice a year to discuss and advise on issues and proposals from the Executive Board or the General Assembly, or on initiatives within the organisation. The term of office is limited to 3 years with the possibility of re-election. The duration of activity is 3 years, and the starting date envisaged by the association was 28 October 2024.

- 10) The Forum has many partners cooperating with the Forum, among which the ERSTE Group, the Open Society Foundation or the ERSTE Foundation as main partners, but also many ministries, public entities and private companies.
- 11) According to the Forum, its financial resources are raised in general through membership fees, donations and other voluntary contributions, participation fees and other revenues from events, sponsorships and advertising revenue, fundraising for scholarships from third parties, regular and one-time contributions, inheritances and legacies, as well as other payments and services.
- 12) According to the Financial Transparency System of the European Commission, the European Forum Alpbach received €39,800 in 2022 under the Innovation for Education programme (I4E) which aims to support innovative approaches to education and training, and which is managed by the European Education and Culture Executive Agency (EACEA).
- 13) Ms McGuinness' notification stressed that she would not be involved in any funding activities.
- 14) The European Forum Alpbach is registered in the Transparency Register under the category of 'non-governmental organisations, platforms and networks and similar'.
- 15) The activities organised by the European Forum Alpbach broadly concern issues related to the EU in general and various policy areas, but they do represent a direct significant link with Commissioner McGuinness' portfolio. The Commission concludes therefore that the envisaged activity does not require a consultation of the Independent Ethical Committee.
- 16) In substance, the Commission considers that Commissioner McGuinness' envisaged activity after the end of her term of office does not present any risk of incompatibility with her functions as Member of the Commission or with the interests of the institution, provided that she abides by Article 339 of the Treaty on the Functioning of the European Union and the relevant provisions of the Code of Conduct for the Members of the Commission, namely Article 11 in conjunction with Article 5, as concerns the obligation of confidentiality with regard sensitive information, the obligations related to the principle of collegiality and discretion and the prohibition of lobbying the Commission during a period of two years after her term of office for the European Forum Alpbach, including for the interests of the entities supporting or cooperating with the European Forum Alpbach.

HAS DECIDED AS FOLLOWS:

Sole Article

Commissioner Mairead McGuinness' envisaged post term of office professional activity as Co-Chair of the Strategic Advisory Council of the European Forum Alpbach is, after the end of her mandate, compatible with the second paragraph of Article 245 of the Treaty on the Functioning of the European Union, subject to the following conditions:

- In accordance with Article 339 of the Treaty on the Functioning of the European Union, Commissioner McGuinness shall refrain from participating in any activity within the European Forum Alpbach 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) of the Code of Conduct for the Members of the Commission, in conjunction with Article 5 of the Code, Commissioner McGuinness remains bound by the duties of collegiality and discretion, with respect to the Commission’s decisions and activities during her term of office;
- In accordance with Article 11(4) of the Code of Conduct for the Members of the Commission, Commissioner McGuinness shall refrain from lobbying the Members of the Commission or their staff on behalf of the European Forum Alpbach, including for the interests of the entities supporting or cooperating with the European Forum Alpbach obtains funding.

Article 2

In line with Article 13(2) of the Code of Conduct for the Members of the Commission, Commissioner McGuinness shall inform the President of the Commission, in a timely manner, if she has doubts on any situation regarding the application of the Code of Conduct for the Members of the Commission in relation to her activity for the European Forum Alpbach.

Done at Strasbourg, on 26 November 2024.

The President
Ursula von der Leyen