



Strasbourg, 17.12.2024
C(2024) 9012 final

DECISION OF THE EUROPEAN COMMISSION

on Former High Representative / Vice-President Josep Borrell i Fontelles' post term of office Distinguished Fellowship with the Elcano Royal Institute

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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,

Considering that:

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 foreseen in paragraph 3, second subparagraph, lit. (a) to (f).

- 4) On 3 December 2024, Former High Representative / Vice-President Josep Borrell i Fontelles informed the Commission about his intention to accept an honorary appointment as a Distinguished Fellow with the Elcano Royal Institute (*Fundación Real Instituto Elcano de Estudios Internacionales y Estratégicos*). Mr Borrell underlined the honorary nature of this appointment, which is deprived of any management or representation responsibilities and of any concrete teaching or research activities.
- 5) On 26 May 2021, the Commission authorised a post term of office activity of one Former Member of the Commission as member of the Board of Trustees and of the Executive Committee of the Elcano Royal Institute⁽¹⁾. In this context, the Commission noted that the Elcano Royal Institute was created in 2001 and presents itself as a think-tank specialised in international and strategic studies conducted from a Spanish, European and global perspective. This Institute's goal is to promote knowledge of the current international situation and of Spain's foreign relations, as well as to provide a focal point for debating and generating ideas that may prove useful in the decision-making processes of political office-holders, the leaders of private enterprises and public institutions, social actors and academics. Its overall priority is to be a meeting point for the exchange of ideas and the search for consensus in a spirit dominated by the defence of democracy, multilateralism, the social market economy, freedom and human rights.
- 6) The Institute carries out research structured along thematic and geographical lines. The former include –among others– foreign policy, security and defence, energy and climate change, the global economy, international terrorism, the image of Spain abroad, and demography and migration. Geographically, Europe, transatlantic dialogue, Latin America, Asia-Pacific, North Africa and the Middle East are of particular interest to the Institute.
- 7) The Institute's work appears in the form of a wide variety of publications and reports, which are freely accessible via its website and blog. It also organises working groups, seminars and conferences. In order to enhance its presence and influence abroad it participates in numerous international networks and projects.
- 8) The Distinguished Fellowship offered to the Former High Representative / Vice-President is linked to his former responsibilities on Foreign Affairs and Security Policy. Nonetheless, in view of its honorary nature, and in line with Article 11 (3) lit (f) of the Code of Conduct for the Members of the Commission, the Independent Ethical Committee does not need to be consulted.
- 9) As for the substance, the Distinguished Fellowship offered to Mr Borrell i Fontelles does not present any risk of incompatibility with his former role as High Representative / Vice-President for Foreign Affairs and Security Policy provided that

⁽¹⁾ Commission Decision C(2021) 9010 final of 26 May 2021

he 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 in conjunction with Article 5, as concerns the protection of confidentiality of sensitive information, the protection of collegiality and discretion and the restrictions in relation to lobbying the Commission during a period of two years after his term of office.

HAS DECIDED AS FOLLOWS:

Sole Article

Former High Representative / Vice-President Josep Borrell i Fontelles' Distinguished Fellowship with the Elcano Royal Institute is compatible with the second paragraph of Article 245 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 Strasbourg, on 17 December 2024.

The President
Ursula von der Leyen