



Brussels, 8.12.2021
C(2021) 9019 final

DECISION OF THE EUROPEAN COMMISSION

**on former President Jean-Claude Juncker's post term of office activity as President of
the Governing Board of the Academy of European Law (ERA)**

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, litt. (a) to (f).
- 4) Former President Jean-Claude Juncker informed the Commission by letter of 24 November 2021 about his intention to accept, subject to the Commission's authorisation, an assignment as President of the Governing Board of the 'Academy of European Law' (ERA). The former President underlined his full awareness of his obligations arising from the treaties, namely Articles 245 and 339 of the Treaty on the Functioning of the European Union and from the Code of Conduct for the Members of the Commission.
- 5) Founded in 1992, the 'Academy of European Law' is a not-for-profit foundation based in Trier, Germany.

- 6) According to the foundation's Statute, the 'Academy of European Law' aims to enable individuals and authorities involved in the application and implementation of European law in Member States and in other European States interested in close cooperation with the European Union, to gain a wider knowledge of European law, in particular European Union law and its application and to make possible a mutual and comprehensive exchange of experiences.
- 7) The governing structure of the 'Academy of European Law' is composed of the Governing Board ('Rat'), the Board of Trustees ('Kuratorium'), the Executive Board ('Vorstand') and the Management Board ('Geschäftsführung'). The Governing Board lays down the general guidelines for the activities of the Academy. It appoints the Members of the Board of Trustees, the Members of the Executive Board and the Management Board. It also adopts the budget and receives the annual accounts from the Management Board. According to the Statutes, the 'Governing Board shall consist of one representative of each founding donor and of each Member State of the European Union and the applicant states, in as far they are subsequent donors in accordance with Art. 5(1) no. 2, as well as a joint representative for the states of the Federal Republic of Germany and a representative of Scotland'. The President of the Parliament of the State of Rhineland-Palatinate as representative of the state is holding the post of Vice-President of the Governing Board. In addition, a Vice-President of the European Parliament and the President of the Court of Justice of the European Union are currently Members of the Governing Board, together with representatives of each of the European Union's Member States, of the City of Trier and of the Association for the Promotion of the Academy.
- 8) According to the Financial Transparency System of the European Commission, the 'Academy of European Law' has received, for many years, EU funds directly administered by different Commission departments or executive agencies.
- 9) The Commission has considered that these financial commitments have been continuous for many years, supporting the core functions of the organisation, by delivering trainings and seminars to law practitioners. The Commission notes furthermore that financial commitments of the Commission are normally the result of procedures managed and decided at the different decentralised management levels of the Commission departments. Therefore, the Commission has considered that there are no grounds which could reasonably create the perception of a link between those financial commitments and Former President Juncker's appointment as President of the Governing Board.
- 10) Moreover, the Commission has taken into account that Former President Juncker will succeed Mr Jacques Santer, also former President of the European Commission and former Prime Minister of Luxembourg in his functions. The Commission has also acknowledged the nature of Former President Juncker's envisaged post term of office activity and noted the commitment he made in his letter to the President of the Commission to respect the obligations imposed on him by Articles 245 and 339 of the Treaty on the Functioning of the European Union and by the Code of Conduct for the Members of the Commission.
- 11) The Commission has therefore concluded that the consultation of the Independent Ethical Committee was not necessary, in view of its previous decisions on similar

activities for academic and educational institutions and of President Juncker's commitments above mentioned.

- 12) The Commission has also concluded that Former President Juncker's envisaged activity does not present any risk of incompatibility with his former function as President of the Commission or with the interests of the institution, provided the former President respects the duties imposed on him by the Code of Conduct for the Members of the Commission, namely as concerns the respect of collegiality and discretion as well as the duty to refrain from lobbying in favour of the 'Academy of European Law' or other entities related to the Academy, as set out in Article 11(1) in conjunction with Article 5, and Article 11(4) and (5) of the Code.

HAS DECIDED AS FOLLOWS:

Article 1

Former President Jean-Claude Juncker's envisaged activity as President of the Governing Board of the 'Academy of European Law' (ERA) is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the respect by the Former President of the obligations imposed on him

- by Articles 245 and 339 of the Treaty on the Functioning of the European Union
- and by the Code of Conduct for the Members of the Commission, in particular Article 11(1), in conjunction with Article 5, and Article 11(4) and (5)

as concerns the protection of confidentiality of sensitive information, the protection of collegiality and discretion with respect to the Commission's decisions and activities during his term of office and the prohibition of lobbying Members of the Commission or their staff during a period of three years after his term of office on behalf of the 'Academy of European Law', or other entities related to the Academy.

Done at Brussels, on 8 December 2021.

The President
Ursula von der Leyen