

*Ilze Juhansone
Acting Secretary-General
European Commission*

*by e-mail:
Ilze.Juhansone@ec.europa.eu*

Subject: Opinion on Vice-President Katainen's post term of office activity as President of the Finnish Innovation Fund SITRA

2 October 2019

Dear Secretary-General,

On 27 September 2019, you consulted the Independent Ethical Committee, on behalf of the President of the Commission, to deliver an opinion on the notification of a post term of office activity of Vice-President Katainen as President of the Finnish Innovation Fund SITRA.

You asked the Committee either to confirm its opinion of 17 June 2019 on the application of Vice-President Katainen for the position of President of SITRA or to amend its opinion as the Committee considers it appropriate.

The Committee has decided to confirm its opinion of 17 June 2019.

In its opinion, the Committee already analysed whether an activity as President of SITRA would be compatible with Article 245 of the Treaty on the Functioning of the European Union.

The Committee concluded that the envisaged activity would be compatible with Article 245 TFEU under a number of restrictions set out in paragraphs 45 to 49 of that opinion.

It noted that these restrictions should be recalled or explicitly set out in order to avoid any undue influence on the decision-making of the Commission and to exclude that market

operators which are or could be affected by SITRA's investment projects or decisions have a benefit or disadvantage from the Vice-President's responsibilities or status as former Member of the Commission.

These restrictions were namely:

- 45. The general interdiction of Article 11(4) of the Code of Conduct to lobby Members of the Commission or their staff on behalf of SITRA for a period of two years after ceasing to hold office applies. This should be explicitly recalled by the Commission.*
- 46. Given the Vice-President's close relations with the European Investment Bank and the European Investment Fund in the framework of his portfolio responsibilities, this interdiction should be extended to any form of lobbying of these two bodies on investment decisions. Since the Vice-President represented the European Union in the Board of Governors of the European Bank for Reconstruction and Development, the interdiction should also cover this financial institution.*
- 47. The interdiction to lobby does not affect encounters at public events or general exchanges of and on publicly available information.*
- 48. It should also be recalled that, according to Article 339 TFEU, Members of the Commission are required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.*
- 49. Moreover, in line with this Treaty provision and Article 11(1), second sentence of the Code of Conduct, the Vice-President should not use any internal information or insights acquired during the mandate for specific investment decisions of SITRA, including divestments.*

The Committee therefore confirms its opinion of 17 June 2019 and concludes that the activity is compatible with Article 245 TFEU under the above-mentioned conditions.

Dagmar Roth-Behrendt

Christiaan Timmermans

Heinz Zourek