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DECISION OF THE EUROPEAN COMMISSION

**on Former Commissioner Ylva Johansson's post term of office speeches and leadership
counselling activities**

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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 foreseen in paragraph 3, second subparagraph, litt. (a) to (f).
- 4) On 7 November 2024, Commissioner Ylva Johansson notified the Commission about her intention to establish a small company of which she would be the only owner, which would have no employees and whose defined field of activity would be her

delivering speeches and counselling in leadership. Ms Johansson underlined her awareness of her obligations deriving from the Code of Conduct for the Members of the Commission and her determination to fully comply with them.

- 5) Single speaking engagements or publications of former Members are not considered as professional activity but as mere use of their freedom of expression as politicians, citizens and former office holders. They are therefore not covered by the obligation to notify envisaged activities to the Commission provided for in Article 11(2) of the Code of Conduct. This is without prejudice to the generally applicable obligation of former Members to respect the principles of integrity and discretion set out in Article 245 of the Treaty on the Functioning of the European Union; the duty of confidentiality set out in Article 339 of the Treaty on the Functioning of the European Union; and the duties set out in Article 11(1) of the Code of Conduct for the Members of the Commission, in conjunction with Article 5 of the Code, namely the compliance with the duties of collegiality and discretion with respect to the Commission's decisions and activities during the term of office of the former Member.
- 6) As regards the envisaged activity of counselling in leadership, the Commission recalls that it has taken several decisions in the past regarding the independent provision of services by former Members such as services provided as lawyer or consultancy services. These Commission decisions took into account opinions of the Independent Ethical Committee of 4 May 2021 (related to Commission decision C(2021) 9011), of 18 December 2020 (related to Commission decision C(2021) 9008), of 26 October 2020 (related to Commission decision C(2021) 9000) and on 19 June 2020 (related to Commission decision C(2020) 9037).
- 7) In view of the so far undefined and potentially large scope of Former Commissioner Johansson's activities related to counselling in leadership, the Commission considers that the main thrust of the restrictions and conditions imposed in the past on the post term of office consulting activities should also apply with regard to Former Commissioner Johansson's envisaged activities.

HAS DECIDED AS FOLLOWS:

Sole Article

Former Commissioner Johansson's activities of counselling in leadership through her company are compatible with Article 245 of the Treaty on the Functioning of the European Union subject to the following conditions and restrictions:

Former Commissioner Johansson :

- a. shall not lobby the Commission, its Members or staff, or any of its Executive Agencies on any matter on behalf of her clients until 30 November 2026; lobbying means any activity carried out with the objective of influencing the formulation or implementation of policy or legislation, or the decision-making processes of the Commission as set out in Article 3 of Interinstitutional Agreement of 20 May 2021 between the European Parliament, the Council of the European Union and the European Commission on a mandatory transparency register; it includes indirect lobbying on behalf of clients through measures such as organising or participating in meetings, conferences, events or consultation or hearings, organising communication campaigns or the preparation of positions papers and applies independently of the location; it also covers any activity with a view to obtaining EU funding;
- b. shall strictly respect Article 339 of the Treaty on the Functioning of the European Union;
- c. shall not disclose what was said at meetings of the Commission;
- d. shall not exploit any insights of a confidential or sensitive nature in policy, strategy or internal processes that she obtained during her term of office;
- e. shall not counsel clients in areas in which she had access to confidential or sensitive information or insights and for which these information and insights are essential for providing advice;
- f. shall not provide advice to clients, which serves to question or contest decisions and activities that the Commission adopted or performed while she was a Member of the Commission;
- g. shall not, on behalf of clients, contact the services previously under her portfolio responsibilities until 30 November 2026;
- h. shall not accept contracts from clients in relation to areas for which she was responsible or provide services to clients in relation to other areas, if these clients were major stakeholders in her former areas of portfolio responsibility. ‘Major stakeholder’ is to be understood in this context in terms of significance of the stakeholder for a specific market, significance of the impact of the Commission activities in this area on the stakeholder and significance of the involvement of the stakeholder in the EU decision-making process in this area such as lobbying activities towards the Commission. The areas concerned are Migration and Home Affairs;
- i. shall continue to respect the duty to behave with integrity and discretion as regards the acceptance of certain contracts or clients even after 30 November 2026, given that the obligations of Article 245 Treaty on the Functioning of the European Union
- j. shall inform the President of the Commission, according to Article 13(2) of the Code of Conduct, in case of doubt with regard to the application of the Code of

Conduct or the application of this decision, before acting on the matter relating to which the doubts arise.

Done at Strasbourg, on 17 December 2024.

The President
Ursula von der Leyen