



Brussels, 5.2.2020
C(2020) 9000 final

DECISION OF THE EUROPEAN COMMISSION

**on former Commissioner Marianne Thyssen's post term of office professional activity as
Chair of the Board of Trustees and of the Board of Governors of the University of
Leuven
(*'Katholieke Universiteit Leuven'*)**

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:

- 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 subparagraphs 3 (a) to (f).
- 4) Following a preliminary information sent to the President of the Commission on 29 October 2019, former Commissioner Marianne Thyssen notified the Commission, with her letter dated 26 November 2019, about her intention to take up the position of Chair of the Board of Trustees and of the Board of Governors of the University of Leuven (*Katholieke Universiteit Leuven*), from 1 June 2020 onwards.
- 5) Founded in 1425, the University of Leuven is currently subdivided into three units: the University, fulfilling academic tasks, KU Leuven University Hospitals, fulfilling clinical tasks, and KU Leuven Research and Development, which performs the valorisation tasks intrinsic to its public mission. Each subdivision has its own structure and bodies for the day-to-day management. This day-to-day management is supervised and controlled by the Board of Trustees and the Board of Governors.

- 6) The University consists of 16 faculties and offers a wide variety of internationally oriented programmes, namely 78 bachelor's programmes, 205 master's programmes, and 44 advanced master's programmes (enrolling in total more than 58.000 students). It applies for and receives funding from the European Budget, in the same vein as many other academic institutions in the European Union. During the last five years, it received grants from the Commission amounting to EUR 221,665,131 of which EUR 441,550 were granted by the Directorate-General for Employment, Social Affairs and Inclusion, which is the Directorate-General for which former Commissioner Thyssen was directly responsible as Commissioner for Employment, Social Affairs, Skills and Labour Mobility.
- 7) The President of the Commission sought the Independent Ethical Committee's opinion on the compatibility of Ms Thyssen's envisaged activity with Article 245 of the Treaty on the Functioning of the European Union on 29 November 2019.
- 8) The Committee issued its opinion on 23 December 2019. It considered the nature and overall thrust of the University of Leuven, namely as concerns its internal organisation, Commissioner Thyssen's envisaged position in the structure of the University and the funding situation of the University, in particular as regards funding received from the European Commission.
- 9) The Committee underlined that the Board of Trustees and the Board of Governors are part of the management structure of the University of Leuven, sharing a strategic and high-level decision-making function, without being involved in operational day-to-day management. The Board of Trustees principally controls whether the University complies with its identity and mission statement, whereas the Board of Governors oversees the University's activities, decides on the global strategy and approves the budget and financial spending of the University, on a yearly basis. The Committee furthermore noted the responsibility of the faculties and research departments to secure research-funding allocation and noted that the Board of Trustees and the Board of Governors are not responsible for securing the University's funds.
- 10) Former Commissioner Thyssen will be responsible to draw up the agenda and call for the meetings of the two Boards and will perform all functions which are typically attributed to a chairperson of a board. Her envisaged position will not be directly linked to the acquisition or distribution of funds.
- 11) Moreover, the Committee considered that the former Commissioner's envisaged contribution to fostering education and research development by chairing the boards of a university does not represent a risk with regard to the interests of the Commission.
- 12) The Committee concluded that there were no legal or other impediments which should prevent Ms Thyssen from accepting the position of Chair of the Board of Trustees and the Board of Governors of the University of Leuven. The Committee recommended, however, a certain number of restrictions. Such restrictions should either be recalled or set out explicitly in the Commission decision, in order to ensure the compatibility of the envisaged activity with the obligations applying after the end of the mandate. The Committee considered that a restriction should apply in particular to future decisions of the Commission on the allocation of funds.

HAS DECIDED AS FOLLOWS:

Article 1

The envisaged activity of former Commissioner Marianne Thyssen as Chair of the Board of Trustees and of the Board of Governors of the University of Leuven (*Katholieke Universiteit Leuven*) is compatible with Article 245(2) of the Treaty on the Functioning of the European Union, subject to the following conditions and restrictions:

- In accordance with Article 11(4) of the Code of Conduct for the Members of the Commission, during a period of two years following her term of office, former Commissioner Thyssen shall refrain from lobbying the Members of the Commission or their staff on behalf of the University of Leuven, on matters for which she was responsible, in particular as concerns future decisions of the Commission on the allocation of funds. Participations in public events and general exchanges of, and on, publicly available information with Members of the Commission or staff of the Commission do not fall under this restriction.
- In accordance with Article 339 of the Treaty on the Functioning of the European Union, former Commissioner Thyssen shall refrain from participating in any activity or decision-making procedure within the University of Leuven 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 accordance with Article 11(1) of the Code of Conduct for the Members of the Commission, former Commissioner Thyssen remains bound by the duties of collegiality and discretion, as laid down in Article 5 of the Code of Conduct for the Members of the Commission, with respect to the Commission's decisions and activities during her term of office.

Done at Brussels, on 5 February 2020.

The President
Ursula von der Leyen