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DECISION OF THE EUROPEAN COMMISSION

**on Former Commissioner Miguel Arias Cañete's post term of office professional
activity as Emissary of the International Renewable Energy Agency (IRENA)**

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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 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 Article 11(3), second subparagraph, notably as concerns commitments with international organisations dealing with public interests and in which either the European Union or one or several of its Member States are represented (Article 11(3), second subparagraph, lit.(c)).
- 4) On 14 May 2020, former Commissioner Miguel Arias Cañete informed the Commission about his intention to engage in a post term of office activity as Emissary of the International Renewable Energy Agency (IRENA).

- 5) IRENA is an intergovernmental organisation that supports countries in their transition to a sustainable energy future and, more generally, the widespread adoption and sustainable use of all forms of renewable energy. It was founded in 2009 and its statute entered into force on 8 July 2010. Membership in the agency is open to states that are members of the United Nations, and to regional intergovernmental economic-integration organisations. Currently, the Agency has 161 members, amongst which the European Union as one of its founding members and most Member States of the EU. IRENA's headquarter is in Masdar City, Abu Dhabi. It has observer status with the United Nations.
- 6) IRENA serves as the principal platform for international cooperation, a centre of excellence and a repository of policy, technology, resource and financial knowledge on renewable energy. IRENA promotes the use of all forms of renewable energy, including bioenergy, geothermal, hydropower, ocean, solar and wind energy in the pursuit of sustainable development, energy access, energy security and low-carbon economic growth and prosperity. IRENA encourages governments to adopt enabling policies for renewable energy investments, provides practical tools and policy advice to accelerate renewable energy deployment, and facilitates knowledge sharing and technology transfer to provide clean, sustainable energy for the world's growing population.
- 7) In line with these aims, IRENA provides a wide range of products and services, including: (a) annual reviews of renewable energy employment; (b) renewable energy capacity statistics; (c) renewable energy cost studies; (d) renewables readiness assessments ; (e) the 'Global Atlas', which maps resource potential by source and by location; (f) renewable energy benefit studies; (g) 'Remap', a roadmap to double renewable energy use worldwide by 2030; (h) renewable energy technology briefs; (i) facilitation of regional renewable energy planning; (h) renewable energy project development tools like the 'Project Navigator', the 'Sustainable Energy Marketplace' and the IRENA/ADFD Project Facility.
- 8) IRENA's institutional structure is composed of an Assembly, a Council and a Secretariat. The Assembly is IRENA's main institutional governing body, which includes one representative from each member. The Assembly meets once a year to discuss and decide upon issues such as the work programme, budget, adoption of reports, applications for membership and potential amendments to agency activities. The Council is composed of 21 Member States elected for two years on a rotating basis and is accountable to the Assembly. The Council's responsibilities include facilitating consultation and cooperation among IRENA Members and reviewing the draft work programme, draft budget and annual report. The Secretariat is the executive branch of IRENA and consists of the Director-General and the secretariat's staff. It is notably responsible for preparing and submitting the agency's draft work programme, budget and annual report and for implementing the work programme.
- 9) IRENA established a network of eminent persons who serve as 'Emissaries' and whose function consists of facilitating the advancement of IRENA's work. The Emissaries serve in their personal capacity, subject to their interest and availability. Non-exhaustive examples of Emissaries' potential areas of participation include: (a) raising awareness among policy makers and the general public about IRENA's aims, objectives and priorities; (b) identifying opportunities, trends and challenges in relation to the development of renewables and the associated technologies; (c)

facilitating the advancement of IRENA's agenda at the international, regional and national level, by seeking to strengthen co-operation and building consensus in relation to action required for the development of renewables and the fulfilment of IRENA's mission and vision. This function does not create any employment or associated relationship between IRENA and its Emissaries.

- 10) Mr Arias Cañete confirmed that he would not be remunerated, although he would receive an allowance to cover any costs he may incur or to compensate for the time spent for the performance of his honorary function as Emissary of IRENA. In addition, he may be entitled to travel and daily subsistence allowances in case he travels for IRENA.
- 11) The Commission considered the nature of Former Commissioner Arias Cañete's envisaged post term of office activity, which is related to his portfolio on Climate Action and Energy. The Commission came nonetheless to the conclusion that the consultation of the Independent Ethical Committee was not necessary as the envisaged activity corresponds to the category mentioned in Article 11(3), second subparagraph, lit.(c) of the Code of Conduct for the Members of the Commission.
- 12) The Commission also considered that the envisaged activity does not present any risk of incompatibility either with Former Commissioner Arias Cañete's function as Member of the Commission or with the interests of the institution provided that Mr Arias Cañete abides by the obligations of collegiality, discretion and confidentiality set out in Article 339 of the Treaty on the Functioning of the European Union and in Article 11(1), in conjunction with Article 5, of the Code of Conduct for the Members of the Commission.
- 13) Article 11(4) of the Code regarding the prohibition of lobbying refers to activities falling under the scope of the Agreement between the European Parliament and the European Commission of 16 April 2014 on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation. According to paragraph 15 of this agreement, the register does not apply to Member States' government services, third countries' governments, international intergovernmental organisations and their diplomatic missions. Consequently, Article 11(4) of the Code does not apply to the present activity for the IRENA. The general duties of integrity and discretion mentioned above continue to apply, however, with regard to any contacts between the Former Commissioner in his capacity as Emissary of IRENA and the Commission.

HAS DECIDED AS FOLLOWS:

Article 1

Former Commissioner Miguel Arias Cañete's envisaged activity as Emissary of the International Renewable Energy Agency (IRENA) is compatible with Article 245(2) of the Treaty on the Functioning of the European Union. The general obligations set out in Articles 245 and 339 of the Treaty on the Functioning of the European Union as well as in Article 11(1), in conjunction with article 5, of the Code of Conduct for the Members of the European Commission continue to apply.

Done at Brussels, on 24 July 2020.

The President
Ursula von der Leyen