



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

The Secretary-General

Brussels
SG/IJ

Mr [REDACTED]
By e-mail:

[REDACTED]

Dear Mr [REDACTED]

On 14 September 2020, you lodged a complaint with the European Ombudsman. The Ombudsman suggested the Commission provide you with a written reply to your questions and concerns, and I am happy to do so.

You asked in general about the compliance of the contract with the Code of Conduct for the Members of the Commission, the potential influence of the company ‘StoryMachine’ on the Commission’s work, the Commission’s failure to make public information about the services provided under the contract, and explained this in more detail in your complaint to the Ombudsman.

With regard to the registration in the Transparency Register of ‘StoryMachine’ and the meetings held with this company, I would like to stress that the different interactions between this firm and Ms von der Leyen were in no way akin to interest representation or lobbying. Consequently, they did not fall within the scope of the Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation¹. Consequently, there is no breach of Article 7 of the Code of Conduct.

As a matter of fact, in the early days after the European Council proposed Ms von der Leyen as candidate for President of the Commission to the European Parliament, the agency helped logistically and graphically to set up within days a Twitter account. Since Ms von der Leyen has been in office as Commission President, the service provider's contribution was essentially limited to a regular, retrospective (approximately every 6 weeks) view on her personal social media appearance.

It was about suggestions for improvement, such as how her personal appearance and the range of the posts can be improved, e.g. via tags and links, or what favourable mix of

¹ https://eur-lex.europa.eu/legal-content/en/TXT/?uri=uriserv:OJ.L_.2014.277.01.0011.01.ENG.

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text, video, images, templates, graphics, etc. can be achieved. The service provider had no influence whatsoever on the political content of the social media presence.

The contract under private law concluded between Ms von der Leyen and the company dated back to a period before she took office as President of the Commission and has been terminated because the President no longer deemed the advice necessary.

Since the beginning of the mandate of the current Commission in December 2019, all social media accounts of the President have been managed in-house, solely by Commission services.

There are no explicit rules on contracts concluded by Members of the Commission in their private capacity. It is nevertheless clear that private contracts - like any other private activity of a Member - must not lead to a situation of conflict of interest, must not have any influence on the independent performance of their duties as Member of the Commission and cannot replace activities to be performed by the institution. In the case of the contract with 'StoryMachine', there is no indication that this was the case.

Concerning the allegation of a breach of Article 245 of the Treaty on the Functioning of the European Union and Article 2(2) of the Code of Conduct as regards the independence or integrity of the President, there is no breach given the scope of the services provided by the company as set out above.

For the same reasons, there is also no indication of a breach of the Code of Conduct as regards Article 2(6).

In this regard, I would like to mention that the contract is not an item to be declared in the declaration of interests. The items to declare are listed in Article 3(4) of the Code. Independently of the declaration, Article 4(1) of the Code of Conduct of Members would of course have applied also to the President with the consequences set out in Article 4(4) if a conflict of interest situation had occurred, which was not the case.

With respect to a consultation of the Independent Ethical Committee, I would like to point out that there is no obligation under the Code of Conduct to consult the Committee in the present case, and also no need to consult it, since the contract did not raise ethical issues. Moreover, the contract has been terminated for the reason set out above.

Concerning the statement of the Commission's spokesperson in April to which you refer regarding a further check on whether having a private contact with a public relation agency could violate the legal ethical framework in place, I can inform you that the Commission has made its position public on several occasions since then. The Commission responded to several individual media inquiries and provided information in a reply to a parliamentary question (PQ E-2618/20²).

² https://www.europarl.europa.eu/doceo/document/E-9-2020-002618-ASW_EN.html.

I hope that these clarifications will dissipate your concerns. Please be assured that the Commission remains committed to observing the highest standards of ethical conduct.

Yours sincerely,

