



Ursula von der Leyen

President of the European Commission

Brussels, 12 September 2023

**Subject: Possible breach of the Commission Code of Conduct**

Dear President,

The European Commission has a wide range of powers and responsibilities. It has the prerogative to initiate legislation, but as per Article 17.1 TEU it also is the enforcer-in-chief of EU Treaties and laws. The Treaty requirement of independence of the Commission (Article 17.3 TEU) is particularly relevant for its enforcement tasks, which entails taking measures against, and even imposing sanctions on member states. The Commission and its members should therefore refrain from any conduct that may compromise its independence, neutrality and objectivity. There is a body of rules governing the actions of the Commissioners, such as the Code of Conduct.

In this context, your recent stay on the island of Crete, from the 12th until the 14th of August, raises questions. It reportedly concerned a private holiday at the private summerhouse of Greek Prime Minister Mitsotakis, in the company of the respective spouses. In responding to questions raised by this trip, a Commission spokesperson indicated that this was “a private trip that fully complies with the Commission’s guidelines”.<sup>1</sup>

While private holidays are not a public matter in principle, it is clear that members of the Commission have to maintain the appropriate professional distance to persons, organisations or situations on which they may be called to take decisions in their professional capacity and where a conflict of interest could arise. It would for example not be appropriate for the Competition Commissioner to spend private holidays with the CEO of a big tech firm, or for the Research Commissioner with a big beneficiary of EU funds, or the Agriculture Commissioner with the President of a farmers’ union. In such cases, Commissioners will either have to refrain from such private contacts, or they have to recuse themselves when the College discusses and takes decisions regarding those persons or

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<sup>1</sup> <https://www.berliner-zeitung.de/politik-gesellschaft/von-der-leyen-in-der-kritik-nach-urlaub-mit-griechischem-ministerpraesidenten-li.379121>



organisations. In situations that may raise doubt, Commissioners are well advised to err on the side of caution.

Private holidays with the very government leaders that the Commission is supposed to scrutinise casts doubt over the impartiality of the Commission members. Let me underline that in all of this, it matters not only whether an actual conflict of interest has arisen, but also that the perception thereof should be avoided at all times. The President of the Commission has an exemplary role and has to apply the highest possible standard of ethical conduct and integrity.

This is especially important in light of the many files in which the Greek government is facing questions about its application of EU law. The Greek societal and political debates have recently been marked by fundamental questions about the Rule of Law. This raises concerns about the application of EU law and/or the correct spending of EU funds, such as related to push-backs, the abuse of and illicit trade in spyware and railway safety. In this context, it is even more crucial that the Commission is perceived as the guarantor of EU citizens' rights and safety, enforcing EU law without any reservations or ties.

In light of this, I have the following specific questions:

1. Have any Commission services or infrastructure been used for the organisation of the visit?
2. Did you make a detailed and written assessment of the political and public relations risks associated with this trip, in particular as regards the possible damage done to the Commission's reputation as an independent EU institution vis-a-vis the Greek government?
3. Did you make a detailed and written assessment of the potential security vulnerabilities associated with this trip, in particular concerning the protection of privacy and personal data of you and your family?
4. Did you make a detailed and written assessment of the compatibility of this trip with the Commission's Code of Conduct, in particular the following provisions thereof:
  - Article 2(2), stipulating that Commissioners should act "with complete independence, integrity, dignity, with loyalty and discretion" and "observe the highest standards of ethical conduct".
  - Article 2(5), stipulating that Commissioners shall not act in any way that "adversely affects the public perception of their independence, their integrity or the dignity of their office".
  - Article 2(6), stipulating that Commissioners shall "avoid any situation which may give rise to a conflict of interest or which may reasonably be perceived as such", and defining a "conflict of interest" as a situation "where a personal interest may influence the independent performance of their duties. Personal interests include, but are not limited to, any potential benefit or advantage to Members themselves, their spouses, partners or direct family members".



- Article 6(5), stipulating that Commissioners “shall not accept hospitality, except in accordance with diplomatic and courtesy usage. Attendance upon invitation to any events where Members represent the Commission shall not be considered as hospitality.”
5. Would a detailed assessment referred to in the questions above result in the conclusion that your decision to holiday at the private villa of Mr Mitsotakis may not meet the highest possible standard of ethical conduct and integrity, and creates the perception of a conflict of interest?
  6. If your answer to question 7 is negative, could you explain how such a perception could have possibly been avoided and whether it has effectively been avoided?
  7. If your answer to question 7 is positive, will you apply Article 4(1) of the Commission’s Code of Conduct, entailing that you will now recuse yourself from “any decision or instruction of a file and from any participation in a discussion, debate or vote” in relation to matters concerning the actions of the Greek government and their compatibility with EU law?
  8. Moreover, as Commissioners are required to “inform the President” of a conflict of interest “as soon as they become aware of it” under Article 4(2) of the Commission’s Code of Conduct, whom would you inform in this case?
  9. Under Article 12 of the Code of Conduct, are you willing to request an opinion of the Independent Ethical Committee on this matter?

I would very much appreciate a specific reply to each individual question, within 15 working days.<sup>2</sup>

In addition, I would hereby also like to make an application for access to all documents related to the concerns and questions raised above, under Regulation 1049/2001.

With kind regards,

Sophie in 't Veld

Member of the European Parliament (MEP)

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<sup>2</sup> In line with Article 4 of the Commission Code of Good Administrative Behaviour.