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**A8-0197/2015**

19.6.2015

# REPORT

on procedures and practices regarding Commissioner hearings, lessons to be taken from the 2014 process  
(2015/2040(INI))

Committee on Constitutional Affairs

Rapporteur: Richard Corbett

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### **on procedures and practices regarding Commissioner hearings, lessons to be taken from the 2014 process (2015/2040(INI))**

*The European Parliament,*

Having regard to:

- Article 17(7) of the Treaty on European Union,
- Article 246 of the Treaty on the Functioning of the European Union,
- its resolution of 1 December 2005 on guidelines for the approval of the Commission<sup>1</sup>,
- its decision of 20 October 2010 on the revision of the framework agreement on relations between the European Parliament and the Commission<sup>2</sup>,
- its decision of 14 September 2011 on amendment of Rules 106 and 192 of, and Annex XVII to, Parliament's Rules of Procedure<sup>3</sup>,
- the code of conduct for European Commissioners, particularly Articles 1.3 to 1.6 thereof,
- Rules 52 and 118 of, and Annex XVI to, its Rules of Procedure,
- the report of the Committee on Constitutional Affairs and the opinions of the Committee on the Environment, Public Health and Food Safety, the Committee on Transport and Tourism and the Committee on Legal Affairs (A8-0197/2015),

Whereas:

- A. hearings of Commissioners-designate, first used in 1994, are now a well-established practice which increases the democratic legitimacy of the European Union institutions and brings those institutions closer to European citizens;
- B. the hearings are indispensable in enabling Parliament to make an informed judgement on the Commission when it holds its vote of confidence allowing the Commission to take office;
- C. the hearing process gives Parliament and EU citizens the opportunity to discover and evaluate the candidates' personalities, qualifications, preparedness and priorities as well as their knowledge of their designated portfolio;

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<sup>1</sup> OJ C 285 E, 22.11.2006, p. 137.

<sup>2</sup> Texts adopted, P7\_TA(2010)0366.

<sup>3</sup> OJ C 51 E, 22.2.2013, p. 152.

- D. the hearing process increases transparency and enhances the democratic legitimacy of the Commission as a whole;
- E. equality between women and men must be ensured in all areas, including employment; whereas this requirement must be reflected in the composition of the European Commission; whereas despite repeated requests from Jean-Claude Juncker in 2014 the governments proposed a far greater number of male rather than female candidates; whereas the women who were proposed primarily come from Member States with smaller populations and the larger Member States largely ignored this requirement; whereas the only fair solution is to ask each Member State to propose two candidates, one male and one female, so that the President-designate is able to propose a high quality College with an equal number of men and women;
- F. the hearing process, while having demonstrated its effectiveness, can always be improved, in particular by means of more flexible and dynamic exchanges between the Commissioner and members of the committee responsible for the hearing;
- G. the hearing of Commissioner-designate for Vice-President, Frans Timmermans, highlighted the need to adapt Parliament's procedures in the event that future Commissions have a special status for one or more Vice-Presidents;
- H. Article 3(3) of the TEU states that the Union 'shall promote [...] equality between women and men' and Article 23 of the Charter of Fundamental Rights of the European Union states that 'equality between women and men must be ensured in all areas, including employment, work and pay';
1. Considers that public hearings of Commissioners-designate present an important opportunity for the European Parliament and EU citizens to assess the priorities of each candidate and their professional suitability for the role;
  2. Considers that it would be useful to set a deadline by which all Member States have to put forward their candidates, so as to leave adequate time for the Commission President-elect to allocate the portfolios taking into account the work experience and background of the candidate, and for Parliament to conduct its hearings and evaluations, and asks its President to enter into discussion with the other institutions with a view to achieving this objective;
  3. Considers also that each Member State should henceforth put forward at least two candidates – male and female on a footing of equality – for consideration by the Commission President-elect; considers it important that the Union should also attain within its own institutions the gender equality objectives which it has set;
  4. Considers that checks on declarations of the financial interests of Commissioners designated by the Committee on Legal Affairs should be improved; considers that, to this end, declarations of financial interests should include family interests as provided for by Article 1.6 of the code of conduct for Commissioners; considers that confirmation by the Committee on Legal Affairs of the absence of any conflict of interests, based on a substantive analysis of the declarations of financial interests, constitutes an essential precondition for the holding of the hearing by the committee

responsible;

5. Recalls that it is the committees which are responsible for conducting the hearings; considers, however, that when a vice-president of the Commission has responsibilities which are primarily horizontal, the hearing could exceptionally be carried out in a different format such as a meeting of the Conference of Presidents or a meeting of the Conference of Committee Chairs, provided that such a meeting enables dialogues and includes the respective committees responsible in order to allow them to hear its Commissioner-designate;
6. Considers that the written questionnaire sent ahead of each hearing should allow for 7 questions instead of 5, but that there should not be several sub-questions under each question;
7. Considers that it would be better to have around 25 questions, but with each questioner allowed immediate follow-up, so as to enhance the effectiveness and inquisitorial nature of the hearings;
8. Considers that procedures for monitoring replies by Commissioners-designate during hearings could help improve control and increase the responsibility of the Commission as a whole; calls therefore for a periodic review of the priorities referred to by Commissioners-designate following the start of their term of office;
9. Considers that the following guidelines should apply for the coordinators' evaluation meeting after the hearings:
  - if the coordinators unanimously approve the candidate – letter of approval;
  - if the coordinators unanimously reject the candidate – letter of rejection;
  - if coordinators representing a clear majority approve the candidate – letter stating that a large majority approve (minorities may request that it be mentioned that their group does not share the majority view);
  - if there is no clear majority, or there is a majority (but not a consensus) against the candidate, and if the coordinators consider it necessary:
    - first request additional information through further written questions;
    - if still dissatisfied – request for a further 1.5-hour hearing, with the approval of the Conference of Presidents;
    - if there is still no consensus or overwhelming majority among the coordinators – vote in committee;
  - a clear majority in this context should be coordinators who together represent at least two-thirds of the committee membership;
10. Notes that the 2014 hearings generated more media and public interest than previous

hearings, partly because of the evolution of social media; believes that the impact and influence of social media is likely to grow in the future; considers that provision should be made to use social media and networks to include EU citizens more effectively in the hearing process;

11. Considers that:
  - there should be a specific section of Parliament’s website where the CVs of the Commissioners-designate and responses to written questions are made available, in advance of the public hearings, in all the official languages of the Union;
  - there should be a specific and visible place on Parliament’s website where the evaluations are placed within 24 hours;
  - the rule should be changed to refer to 24 hours after the evaluation, given that some evaluations are completed only following further procedures;
12. Considers that horizontal issues affecting the composition, structure and working methods of the Commission as a whole, which cannot be adequately addressed by an individual Commissioner-designate, are a matter for the Commission President-elect; considers that such issues should be addressed at meetings between the President-elect and the Conference of Presidents (one before the hearing process has started and one after it has ended);
13. Considers that the scrutiny of Commissioners’ declarations of interests should remain the competence of the Committee on Legal Affairs; considers, however, that the current scope of Commissioners’ declarations of interests is too limited, and invites the Commission to revise its rules on this as soon as possible; considers it important, therefore, that the Committee on Legal Affairs should, in the coming months, issue guidelines in the form of a recommendation or initiative report, with a view to facilitating reform of the procedures relating to Commissioners’ declarations of interests; considers that the declarations of interests and financial interests of the Commissioners should also cover family members living with them in the same household;
14. Instructs its President to forward this resolution to the Council and the Commission.

## EXPLANATORY STATEMENT

### *1. Background*

The public hearings of prospective members of the European Commission are an exercise that is well worthwhile. Even if there had been no problems whatsoever with any of the candidate Commissioners, the hearings provide an opportunity for Parliament and the public to discover the personalities, the general approach and the priorities of each candidate Commissioner and assess their qualifications. And when there are problems, it is better that they are discovered prior to the Commissioner taking office, rather than afterwards.

Indeed, one may ponder on what would happen if such an exercise were to take place at national level when ministers are appointed – a three hour public grilling prior to them taking office would be revealing!

The hearings process is not provided for by the Treaty. It is a practice developed over the last 20 years at the insistence of Parliament, which simply required the candidate Commissioners to appear for a hearing before the parliamentary committee(s) corresponding to their portfolio, before Parliament held its vote of confidence in the Commission (which is provided for in the treaty, Art 17 TEU). It is now a well-established practice.

Formally, Parliament as a whole votes on the Commission as a whole, and the opinion of individual committees on individual Commissioners has no legal significance. Nonetheless, this time, last time and the time before that, the negative opinions of committees on a candidate resulted in changes to the composition of the Commission or to the distribution of portfolios.

Such an outcome is in practice only possible when there is a pretty wide agreement across different political groups in Parliament that a candidate is unsuitable. Certainly, the hearings are not an opportunity to try to change the political composition of the Commission, which reflects the political balance among national governments rather than that within Parliament. Any failed candidate will be replaced by a new nominee from the very same government. That is indeed the reason why Groups and Parliament use the whole exercise and the vote of confidence to focus more on programme and policy rather than on personalities – the Commission remains a coalition in political terms.

Although the media tends to focus almost exclusively on whether one or another candidate commissioner has failed, the process produces other developments which may be less spectacular in media terms, but are nonetheless important. These can include political clarifications and commitments, adjustments to portfolios, and, this time, some further clarity on the matter of the relationships between the Vice Presidents and other Commissioners (although this will no doubt be an ongoing issue). For example, the attribution of responsibility for sustainability to First Vice President Timmermans, the clarification of the roles and working relationship between Commissioners Katainen and Moscovici, and the clarification that the Health Commissioner will keep responsibility for medicines and pharmaceuticals are all good illustrations of this.

There is always room for improvement. Like five years ago (Duff report), we should evaluate procedures and methods and see what lessons should be drawn for improving the process next time.

## ***2. Rules of the Game***

- The hearings are conducted in conformity with Parliament's Rules of Procedure 118 and Annex XVI thereof, as well as the Framework Agreement of 2005 between Parliament and Commission.
- The Treaty's criteria for Commissioners are general competence, indubitable independence and 'European commitment' (a new criterion added by Lisbon) (Article 17(3) TEU). In particular, Parliament looks to ensure that each Commissioner has a good grasp of his or her own portfolio, the capability to be a team player, and good communication skills (Annex XVI of the Rules).
- Parliament shall have particular regard to gender balance. It may express itself on the allocation of portfolio responsibilities by the President-elect (Annex XVI of the rules).
- Parliament may seek any information relevant to its reaching a decision on the aptitude of the Commissioners-designate. It shall expect full disclosure of information relating to their financial interests. The declarations of interest of the Commissioners-designate shall be sent for scrutiny to the committee responsible for legal affairs (Annex XVI of the rules).

## ***3. Technical Arrangements***

These were successful. The meeting rooms (2Q2 and 4Q2) were large enough for Members, their staff, interested parties and media. These were also equipped with two screens and a clock for the comfort of the Commissioner-designates and the smooth running of the process. All hearings lasted 3 hours and each was held in parallel to another, except Commissioner designate for Vice President Frans Timmermans.

Parliament's staff should once again be thanked and congratulated for the smooth running of the proceedings.

## ***4. Questionnaire***

Questions were submitted on time to all Commissioners Designate by European Parliament President Martin Schulz. The questionnaires had two common questions, the first on the issue of general competence, European commitment and personal independence, the second on the management of the portfolio and cooperation with Parliament. Three questions were for the committee responsible (two each if the process was joint with another committee). The written replies from Commissioners-designate were returned in good time allowing Committee members to evaluate these before the hearings.

The questions are a useful tool to ask Commissioners about their commitment to the EU and to gauge what they want to do with the portfolio. This in turns sets up the oral questions for the Commissioners.



## ***5. Structure of hearings***

The hearings were organised by the Conference of Presidents on a recommendation of the Conference of Committee Chairs. The Chair and coordinators of each committee were responsible for the detailed arrangements. Committees are entitled to appoint rapporteurs but few did as their utility in this context is not evident.

There were 9 hearings with joint committees and 9 with associated committees.

- Most committees gave the Commissioner designates up to 15 minutes for their introductory remarks
- Most committees followed a simple Q&A with 45 1 minute questions and 2 minute answers.
  - Some allowed a ‘ping pong’ Q&A & Q&A for the initial round of Group coordinators (with questions and answers of duration 1:00, 2:00, 0:30, 1:00 respectively; or 1:00, 1:45, 0:25, 0:30 respectively)
  - Some allowed occasional follow-up questions if it was requested and if there was still unused time left within the 3’ slot.
  - None used a systematic Q&A & Q&A ‘ping pong’, given the decision of the Conference of Presidents to have 45 single questions and answers.

## ***6. Outcome***

*Of the 27 initial hearings:*

- 18 cases of consensus by coordinators with letters accepting or approving the nominee
- 7 cases of committee approving the nominee only after a vote of the committee/joint committee
  - 1 of these 7 was after a second hearing (Hill).
  - 1 of these 7 was after a new assessment of the nominee’s declaration of interest by the Legal Affairs Committee (Arias Canete).
- 1 case of a committee voting to reject the nominee outright (Bratusek).
- 1 case of the committee voting to approve the nominee for the Commission but not the proposed portfolio (Navrascics)

*Of the 2 subsequent hearings:*

- 2 cases of consensus by coordinators with letters approving the nominee.

*The results of the Parliament vote*

The result of the vote on the new college of Commissioners was similar to the previous vote on Juncker for Commission President. This has not always been the case as the table below shows;

<b>EUROPEAN PARLIAMENT VOTES ON EUROPEAN COMMISSION</b>				
	+	-		
Barroso as President 21 July 2004	413 58.33%	251 35.45%	44 6.21%	708
Commission as a whole 18 November 2004	449 66.03%	149 21.9%	82 12.06%	680
Barroso as President 16 September 2009	382 53.2%	219 30.5%	117 16.30 %	718
Commission as a whole 9 February 2010	488 70.01%	137 19.66%	72 10.33%	697
Juncker as President 15 July 2014	422 57.88%	250 34.29%	47 9.87%	729 (10 not validated)
Commission as a whole 22 October 2014	423 59.66%	209 29.47%	67 9.44%	709

### *Media*

There was considerable media interest in the hearings, and not just via traditional media outlets but also via the internet (much of it through the European Parliament website) and social media. The latter has grown enormously since five years ago: during the hearings, there were, according to Parliament services, some 38,981 mentions on social media platforms, 36,303 on news platforms, 75,284 on blogs, and 210 on forums - a total of 150,778 mentions, many then read by thousands of follower's. Similarly, the EP Twitter dashboard counted over 300,000 tweets. In addition, most MEPs received thousands of email messages about the hearings.

11.5.2015

## **OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY**

for the Committee on Constitutional Affairs

on procedures and practices regarding Commissioner hearings, lessons to be taken from the 2014 process  
(2015/2040(INI))

Rapporteur: Aldo Patriciello

### **SUGGESTIONS**

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Acknowledges that public hearings of Commissioners-designate are an important element in European democracy which, although not provided for by the Treaty, are a well-established practice developed over the last 20 years and represent an important opportunity for Parliament and EU citizens to assess the skills and priorities of each candidate and their suitability for the role;
2. Emphasises that, as far as opening statements are concerned, it would be preferable, in line with section 1(b)(7) (Hearings) of Annex XVI to the Rules of Procedure, to give all candidates the same amount of time, so that all Commissioners-designate enjoy an equal and fair opportunity to present themselves and their opinions;
3. Considers that it would be desirable for each Member State to put forward at least two candidates – one male and one female – for consideration by the Commission President-elect;
4. Considers that it would be useful, for practical and political reasons, to set a deadline by which all Member States have to put forward candidates;
5. Notes that the 2014 hearings generated more media and public interest than previous hearings, partly because of the evolution of social media; believes that the impact and influence of social media is likely to grow in the future; considers that provision should be made to use social media and networks to include EU citizens more effectively in the hearing process;

6. Recommends that section 1(b)(7) (Hearings) of Annex XVI to the Rules of Procedure (Guidelines for the approval of the Commission) provide that questions ‘may’, rather than ‘shall, where possible’, be grouped together by theme; believes that such a change would be consistent with the need for political groups to set their own political priorities in questioning and would enable greater flexibility in arrangements for the increasing number of joint committee hearings (involving two or more committees);
7. Considers that the lack of follow-up questions to Commissioners-designate during the 2014 process arguably enabled some candidates to avoid responding to more sensitive issues; considers that, having regard to the democratic function of the hearings, their structure should be altered to enable members to put supplementary, targeted follow-up questions to a Commissioner-designate so as to allow better evaluation of the candidates; underlines the importance of allocating political groups the maximum possible amount of question time, particularly in the case of joint committee hearings;
8. Considers that it should be possible to extend the hearing of Vice-Presidents and Commissioners-designate with extensive powers beyond three hours, given their enlarged competences as compared with ordinary Commissioners, not least so that all the committees involved are able to properly assess the candidate and their preparedness in relation to all the topics in their portfolio;
9. Recalls that section 1(a)(1) of the abovementioned annex provides that ‘Parliament shall evaluate Commissioners-designate on the basis of their general competence, European commitment and personal independence. It shall assess knowledge of their prospective portfolio and their communication skills.’; suggests, however, that prior professional experience and conduct be considered as supplementary suitability criteria; notes further that under paragraph 1(a) Parliament is entitled to seek any information relevant to its reaching a decision on the aptitude of the Commissioners-designate, including in particular, where applicable, information concerning activities performed, or offices held, in any European institution and the declarations of interest submitted in that connection; considers that an assessment by the Committee on Legal Affairs of the compliance of a declaration of financial interests can only be a formal check and cannot replace a political assessment of the candidate’s independence on the basis, inter alia, of their declaration of interests; considers that the scrutiny of the declaration of financial interests of Commissioners-designate should be broadened to include their wider family if possible;
10. Stresses that Members of the European Parliament should have the possibility of obtaining a full and exhaustive reply from Commissioners-designate;
11. Recommends that Commissioners-designate be given the option of submitting a written statement within 12 hours after the hearing is declared closed, in cases in which they have not succeeded in giving a full and exhaustive reply to a question;
12. Stresses that committee coordinators should endeavour to reach a consensus on the evaluation; considers that, where they are unable to do so, they should be able to act on the basis of a decision by coordinators representing the majority of the component members of the committee; stresses that, given the limited time available to reach a position, coordinators should, where appropriate, limit their comments to those covering the criteria outlined in section 1(a)(1) of the abovementioned annex; considers further that

groups which dissent from the majority view should be able to request an appropriate reference in the evaluation letter; recalls that, in any event, the Rules of Procedure also allow a political group to request that the Chair convene a full committee meeting, including a vote on the evaluation of the candidate;

13. Notes that methods and practices in respect of the post-hearing evaluation vary between committees;
14. Believes, as regards the deadlines applicable to the evaluation statements, and in order to make the process clearer and avoid any kind of confusion which may arise from an interpretation of section 1(c)(6) of Annex XVI to the Rules of Procedure, that the Rules of Procedure should explicitly provide for the statement of evaluation to be adopted as soon as possible, and to be made public on Parliament's website within 24 hours after the end of each individual hearing; calls for the strict and uniform application of this rule across all committees.

## RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	6.5.2015
Result of final vote	+:            60 -:            0 0:            0
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Ivo Belet, Biljana Borzan, Lynn Boylan, Nessa Childers, Birgit Collin-Langen, Mireille D'Ornano, Miriam Dalli, Angélique Delahaye, Jørn Dohrmann, Ian Duncan, Stefan Eck, Bas Eickhout, Eleonora Evi, José Inácio Faria, Karl-Heinz Florenz, Iratxe García Pérez, Elisabetta Gardini, Gerben-Jan Gerbrandy, Jens Gieseke, Sylvie Goddyn, Françoise Grossetête, Jytte Guteland, György Hölvényi, Anneli Jäätteenmäki, Jean-François Jalkh, Josu Juaristi Abaunz, Karin Kadenbach, Kateřina Konečná, Giovanni La Via, Peter Liese, Norbert Lins, Susanne Melior, Miroslav Mikolášik, Massimo Paolucci, Gilles Pargneaux, Piernicola Pedicini, Pavel Poc, Marcus Pretzell, Michèle Rivasi, Daciana Octavia Sârbu, Annie Schreijer-Pierik, Davor Škrlec, Dubravka Šuica, Tibor Szanyi, Claudiu Ciprian Tănăsescu, Damiano Zoffoli
Substitutes present for the final vote	Renata Briano, Nicola Caputo, Mark Demesmaeker, Esther Herranz García, Merja Kyllönen, James Nicholson, Aldo Patriciello, Gabriele Preuß, Bart Staes
Substitutes under Rule 200(2) present for the final vote	Arne Gericke

17.4.2015

## **OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM**

for the Committee on Constitutional Affairs

on procedures and practices regarding Commissioner hearings, lessons to be taken from the 2014 process  
(2015/2040(INI))

Rapporteur: Michael Cramer

### **SUGGESTIONS**

The Committee on Transport and Tourism calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Notes that the formation of the Juncker Commission was delayed owing to the late nomination by some Member States of their candidate commissioner, while an acceptable degree of gender balance was only achieved at the last minute thanks to Parliament's firm insistence that the new Commission must contain at least the same number of women as the outgoing Commission; considers that such a situation could be prevented in future by setting a deadline by which Member States have to nominate their candidates, and by encouraging Member States to propose at least two candidates for consideration by the President-elect, taking due regard of gender balance by nominating, for example, at least one woman; notes that this will enable the President-elect to select the most suitable candidates, taking into account their specific skills and field of expertise, as well as the need to ensure an appropriate degree of gender balance;
2. Considers that a deadline should also be set for the President-elect and the Council to adopt, by common accord, the list of persons proposed for appointment as members of the Commission, so as to give Parliament sufficient time for the proper preparation and conduct of the hearings, including supplementary hearings where necessary;
3. Acknowledges that public hearings of Commissioners-designate present an important opportunity for Parliament and EU citizens to assess the priorities of each candidate and their suitability for the role;
4. Considers that when a Vice-President of the Commission has responsibilities which are primarily horizontal, the hearing could exceptionally be carried out in a different format,

- such as a meeting of the Conference of Committee Chairs, provided that such a meeting would be open to all Members, or a joint meeting of the relevant committees;
5. Believes that the Commissioner-designate should be required to clearly set out the programme priorities for the considered portfolio in his or her opening statement;
  6. Points out that the generally applicable rule of 45 questions of three minutes, as decided by the Conference of Presidents, did not give committees sufficient flexibility to vary their practices where necessary, for example by introducing a catch-the-eye procedure or allocating more time to the speakers in the first round, while three minutes was completely insufficient for a follow-up question; considers that, in future, arrangements should be made to provide committees with more flexibility, while also ensuring the inquisitorial nature of the hearings through the effective application of the ‘ping-pong’ principle;
  7. Believes that the questions during the hearing should – at least partly – be answered in a language different from the mother tongue of the Commissioner-designate;
  8. Notes that the allocation of speaking time between groups and the number of questions allocated to associated/invited committees was finally decided by the Conference of Presidents and the political groups respectively, although in the past those arrangements had been made at committee level; notes that the procedure was confusing, as the Conference of Committee Chairs had initially suggested to committees to arrange bilaterally the number of questions to be allocated to associated/invited committees;
  9. Stresses that the d’Hondt rule for allocating speaking time among the political groups should be thoroughly applied;
  10. Considers that if the evaluation shows no clear majority, or if there is a majority but not a consensus against the candidate, the coordinators should – as a next step – request an additional 1.5-hour hearing;
  11. Stresses that Parliament’s request for the replacement of a Commissioner-designate or the allocation to him or her of a different portfolio, on the basis of the evaluation made by the committee(s) responsible, should be fully taken into account; considers that, where Parliament asks for the replacement of a Commissioner-designate, a deadline should be set for the nomination of a new candidate by the Member State concerned; opposes a ‘take-it-or-leave-it’ approach in an exceptional situation where the second nominee proposed by a Member State is also found to be unqualified to be a member of the College or to carry out the particular duties assigned to him or her; considers that a limited extension of the outgoing Commission’s term of office can be acceptable, as a last resort, only in exceptional cases where the need for the proper preparation of supplementary hearings does not allow Parliament to approve the new Commission before 1 November;
  12. Expresses its dissatisfaction regarding the procedure that led to the replacement of the Commissioner-designate for Transport at very short notice and without prior consultation with the Committee responsible; deplores the fact that the subsequent nominee did not enjoy equal and fair conditions in presenting herself to the Committee,



as she had very limited time at her disposal to prepare for the hearing; reiterates that transport is a key policy area which should not be the victim of last-minute changes;

13. Emphasises that, under Annex XVI to the Rules of Procedure, the opinions of all the committees associated with a hearing are to be included in the single evaluation statement; notes, however, that this requirement has not always been entirely fulfilled; considers, therefore, that the corresponding provision must be strengthened by specifying that the opinions of the associated committees should be annexed in their entirety to the single evaluation statement without any alterations;
14. Recalls that, under Annex XVI to the Rules of Procedure, evaluation statements must be adopted and made public within 24 hours after the hearing; notes, however, that the procedure actually followed was not in conformity with that provision, as evaluation statements were made available only after the Conference of Presidents had declared the hearings closed; stresses the need to clarify that provision to allow publication of evaluation statements on a visible place on Parliament's website 24 hours after the evaluation;
15. Asks for clarification of the following provisions in Annex XVI to the Rules of Procedure:
  - 'Where possible, questions put during the course of the hearing shall be grouped together by theme.' This provision has been interpreted as bundling together questions from associated/invited committees, but the actual theme of a question is not supposed to be known in advance, as questions should not be disclosed before the hearing;
  - 'As a last resort, the Chair shall put the two decisions to the vote by secret ballot.' The 'two decisions' are meant to refer to whether 'the Commissioners-designate are qualified both to be members of the College and to carry out the particular duties they have been assigned'. However, there is no evident link between these two sentences in Annex XVI, which could lead to misinterpretation.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	14.4.2015
<b>Result of final vote</b>	+: 44 -: 1 0: 0
<b>Members present for the final vote</b>	Daniela Aiuto, Lucy Anderson, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Deirdre Clune, Michael Cramer, Luis de Grandes Pascual, Andor Deli, Karima Delli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Bruno Gollnisch, Tania González Peñas, Dieter-Lebrecht Koch, Stelios Kouloglou, Merja Kyllönen, Miltiadis Kyrkos, Bogusław Liberadzki, Peter Lundgren, Georg Mayer, Gesine Meissner, Cláudia Monteiro de Aguiar, Renaud Muselier, Jens Nilsson, Markus Pieper, Salvatore Domenico Pogliese, Tomasz Piotr Poręba, Christine Revault D'Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, David-Maria Sassoli, Claudia Schmidt, Claudia Tapardel, Keith Taylor, Pavel Telička, István Ujhelyi, Wim van de Camp, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska
<b>Substitutes present for the final vote</b>	Rosa D'Amato, Markus Ferber, Olga Sehnalová, Patricija Šulin

11.5.2015

## **OPINION OF THE COMMITTEE ON LEGAL AFFAIRS**

for the Committee on Constitutional Affairs

on Procedures and practices regarding Commissioner Hearings, lessons to be taken from the 2014 process  
(2015/2040(INI))

Rapporteur: Jean-Marie Cavada

### **SUGGESTIONS**

The Committee on Legal Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Reiterates the importance of guaranteeing the independence of Commissioners-designate; considers that scrutiny of Commissioners' declarations of interest should remain the exclusive competence of the Committee on Legal Affairs; considers, however, that the current scope of Commissioners' declarations of interest is too limited, and invites the Commission to revise its rules on this as soon as possible;
2. Takes the view that scrutinising the declarations of financial interests of the Commissioners-designate involves not only checking whether a declaration has been duly completed, but also establishing whether its contents reveal a conflict of interest; considers, therefore, that the Committee on Legal Affairs should have enhanced powers of scrutiny, including, in particular, the option of demanding the disclosure of any further information needed in order to carry out an in-depth assessment of the declarations and the power to require the presence of the Commissioner-designate to answer further questions on the basis of the financial declarations without encroaching upon the privilege of the lead committee to conduct the hearing;
3. Considers that declarations of financial interests must include family interests, as provided for in Article 1.6 of the Code of conduct for Commissioners;
4. Points out that it is for the Commission to identify any conflict of interest which might prevent one of its Members from performing his or her duties, and takes the view, therefore, that the Commission should be in a position to check and guarantee the accuracy and completeness of the declarations of financial interests submitted by

Commissioners-designate prior to their hearings before Parliament;

5. Proposes that an own-initiative report should be undertaken specifically into the issue of conflicts of interest in the financial declarations made by Commissioners-designate;
6. Considers it desirable that there be a greater alignment between the Commissioners' portfolios and the respective remits of the parliamentary committees, without the privilege of each institution to determine its own internal structure and composition being infringed by the other;
7. Takes the view that the hearings conducted by the committees responsible are important as a means not only of assessing nominees' personalities and political priorities, but also of verifying their aptitude and ability to perform their intended duties; emphasises that nominees for posts as Commission Vice-Presidents should be treated in the same way as all other nominees;
8. Stresses that the purpose of the hearings is to give the Commissioners-designate an equal and fair opportunity to present themselves and their opinions in accordance with Annex XVI of the Rules of Procedure of the European Parliament, with particular emphasis on the impartiality and political neutrality of the procedure;
9. Emphasises the need to achieve gender parity among the members of the College of Commissioners;
10. Takes the view that there should be more flexibility, especially as regards the time allowed for supplementary questions and the candidates' replies;
11. Takes the view that the authors of questions should be allowed to put follow-up questions immediately (for example, 30 seconds could be allowed for the follow-up question and one minute for the answer);
12. Takes the view that rules, in particular concerning deadlines, should be laid down to govern hearings of replacement nominees, so that the latter are not placed at a disadvantage vis-à-vis the Commissioners-designate originally heard; calls, therefore, for rules governing hearings of Commissioners-designate to be set out in an interinstitutional agreement;
13. Takes the view that, in cases where the coordinators have not reached a consensus on the assessment of a Commissioner-designate, the final decision should be put to a roll-call vote in the committee.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	7.5.2015
<b>Result of final vote</b>	+ : 14 - : 0 0 : 7
<b>Members present for the final vote</b>	Max Andersson, Joëlle Bergeron, Jean-Marie Cavada, Therese Comodini Cachia, Rosa Estaràs Ferragut, Laura Ferrara, Lidia Joanna Geringer de Oedenberg, Dietmar Köster, António Marinho e Pinto, Evelyn Regner, Pavel Svoboda, József Szájer, Axel Voss, Tadeusz Zwiefka
<b>Substitutes present for the final vote</b>	Daniel Buda, Sergio Gaetano Cofferati, Pascal Durand, Angel Dzhambazki, Jytte Guteland, Sylvia-Yvonne Kaufmann, Virginie Rozière, Cecilia Wikström
<b>Substitutes under Rule 200(2) present for the final vote</b>	Morten Messerschmidt

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	17.6.2015
<b>Result of final vote</b>	+ : 19 - : 2 0 : 2
<b>Members present for the final vote</b>	Mercedes Bresso, Fabio Massimo Castaldo, Richard Corbett, Pascal Durand, Esteban González Pons, Danuta Maria Hübner, Ramón Jáuregui Atondo, Maite Pagazaurtundúa Ruiz, György Schöpflin, Barbara Spinelli, Josep-Maria Terricabras, Kazimierz Michał Ujazdowski, Rainer Wieland
<b>Substitutes present for the final vote</b>	Max Andersson, Charles Goerens, Enrique Guerrero Salom, Sylvia-Yvonne Kaufmann, David McAllister, Andrej Plenković, Marcus Pretzell, Helmut Scholz
<b>Substitutes under Rule 200(2) present for the final vote</b>	Adam Szejnfeld, Csaba Sógor, Dario Tamburrano