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Euroopa Parlament Ευρωπαϊκό Κοινοβούλιο European Parliament Parlement européen Parlaimint na hEorpa
Europski parlament Parlamento europeo Eiropas Parlaments Europos Parlamentas Európai Parlament
Parlament Ewropew Europees Parlement Parlement Europejski Parlamento Europeu Parlamentul European
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

Rule 118: Election of the Commission

1. The President shall invite the President-elect of the Commission to inform Parliament about the allocation of responsibilities (portfolios) in the proposed College of Commissioners in accordance with the political guidelines of the President-elect.

2. The President shall, after consulting the President-elect of the Commission, request the nominees proposed by the President-elect of the Commission and by the Council for the various posts of Commissioner to appear before the appropriate committees or bodies according to their prospective fields of responsibility.

3. The hearings shall be conducted by the committees. Exceptionally, a hearing may be carried out in a different format when the responsibilities of a Commissioner-designate are primarily horizontal in nature, provided that such a hearing involves the committees responsible.

The hearings shall be held in public.

4. The appropriate committee or committees shall invite the Commissioner-designate to make a statement and to answer questions. The hearings shall be organised in such a way as to enable Commissioners-designate to disclose to Parliament all relevant information. Provisions relating to the organisation of such hearings shall be laid down in an annex to these Rules of Procedure¹.

5. The President-elect shall be invited to present the college of Commissioners and their programme at a sitting of Parliament. The President of the European Council and the President of the Council shall be invited to attend. The statement shall be followed by a debate.

6. In order to wind up that debate, a political group or Members reaching at least the low threshold may table a motion for a resolution. Rule 123(3) to (8) shall apply.

7. Following the vote on the motion for a resolution, Parliament shall elect or reject the Commission by a majority of the votes cast, by roll call. Parliament may defer the vote until the next sitting.

8. The President shall inform the Council of the election or rejection of the Commission.

9. In the event of a substantial portfolio change or a change in the composition of the Commission during the Commission's term of office, the Commissioners concerned or any other Commissioners designate shall be invited to participate in a hearing held in accordance with paragraphs 3 and 4.

¹ See Annex VI.

10. In the event of a change in the Commissioner's portfolio or in the financial interests of a Commissioner during his or her term of office, this situation shall be subject to scrutiny by Parliament in accordance with Annex VI.

If a conflict of interests is identified during a Commissioner's term of office and the President of the Commission fails to implement Parliament's recommendations for resolving that conflict of interests, Parliament may ask the President of the Commission to withdraw confidence in the Commissioner in question, pursuant to paragraph 5 of the Framework agreement on relations between the European Parliament and the European Commission and, where appropriate, to take action with a view to depriving the Commissioner in question of his or her right to a pension or other benefits in lieu of pension in accordance with the second paragraph of Article 245 of the Treaty on the Functioning of the European Union.

ANNEX XVI: APPROVAL OF THE COMMISSION AND MONITORING OF COMMITMENTS MADE DURING THE HEARINGS

Part I – Parliament's consent with regard to the entire College of the Commission

Article 1: Basis for assessment

1. Parliament shall evaluate Commissioners-designate based on their general competence, European commitment and personal independence. It shall assess knowledge of their prospective portfolio and their communication skills.
2. Parliament shall have particular regard to gender balance. It may express itself on the allocation of portfolio responsibilities by the President-elect.
3. 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.

Article 2: Examination of declaration of financial interests

1. The committee responsible for legal affairs shall examine the declarations of financial interests and assess whether the content of the declaration made by a commissioner-designate is accurate and complete and whether it is possible to infer a conflict of interests.
2. The confirmation by the committee responsible for legal affairs of the absence of any conflict of interests is an essential precondition for the holding of the hearing by the committee responsible for the subject matter. In the absence of such confirmation, the procedure for appointing the Commissioner-designate shall be suspended while the procedure laid down in paragraph 3(c) is followed.
3. The following guidelines shall be applied when the declarations of financial interests are scrutinised by the committee responsible for legal affairs:

(a) if, when scrutinising a declaration of financial interests, the committee responsible for legal affairs deems, on the basis of the documents presented, the declaration to be accurate, complete and to contain nothing indicating an actual or potential conflict of interests in connection with the portfolio of the Commissioner-designate, its Chair shall send a letter confirming this finding to the committees responsible for the hearing or to the committees involved in the event of a procedure taking place during a Commissioner's term of office;

(b) if the committee responsible for legal affairs considers that the declaration of interests of a Commissioner-designate contains information which is incomplete or contradictory, or that there is a need for further information, it shall, pursuant to the Framework Agreement on relations between the European Parliament and the European Commission, request the Commissioner-designate to provide supplementary information without undue delay and shall consider and properly analyse it before making its decision; the committee responsible for legal affairs may decide, where appropriate, to invite the Commissioner-designate to a discussion;

(c) if the committee responsible for legal affairs identifies a conflict of interests based on the declaration of financial interests or the supplementary information supplied by the Commissioner-designate, it shall draw up recommendations aimed at resolving the conflict of interests; the recommendations may include renouncing the financial interests in question or changes to the portfolio of the Commissioner-designate by the President of the Commission; in more serious cases, if no solution is found to the conflict of interests, and as a last resort, the committee responsible for legal affairs may conclude that the Commissioner-designate is unable to exercise his or her functions in accordance with the Treaties and the Code of Conduct; the President of Parliament shall then ask the President of the Commission what further steps the latter intends to take.

Article 3: Hearings

1. Each Commissioner-designate shall be invited to appear before the appropriate committee or committees for a single hearing.

2. The hearings shall be organised by the Conference of Presidents on a recommendation of the Conference of Committee Chairs. The Chair and coordinators of each committee shall be responsible for the detailed arrangements. Rapporteurs may be appointed.

3. Appropriate arrangements shall be made to associate relevant committees where portfolios are mixed. There are three options:

(a) if the portfolio of the Commissioner-designate falls within the remit of a single committee, the Commissioner-designate shall be heard by that committee alone (the committee responsible);

(b) if the portfolio of the Commissioner-designate falls more or less equally within the remit of more than one committee, the Commissioner-designate shall be heard jointly by those committees (joint committees); and

(c) if the portfolio of the Commissioner-designate falls mainly within the remit of one committee and only to a small extent within the remit of at least one other committee, the Commissioner-designate shall be heard by the committee mainly responsible, with the association of the other committee or committees (associated committees).

4. The President-elect of the Commission shall be fully consulted on the arrangements.

5. The committees shall submit written questions to the Commissioners-designate in good time before the hearings. For each Commissioner-designate there shall be two common questions drafted by the Conference of Committee Chairs, the first relating to the issues of general competence, European commitment and personal independence, and the second relating to the management of the portfolio and cooperation with Parliament. The committee responsible shall submit five other questions; sub-questions shall not be allowed. In the case of joint committees, they shall each be given the right to submit three questions.

The curriculum vitae of the Commissioners-designate and their response to the written questions shall be published on Parliament's website in advance of the hearing.

6. Each hearing shall be scheduled to last three hours. Hearings shall take place in circumstances, and under conditions, in which Commissioners-designate enjoy an equal and fair opportunity to present themselves and their opinions.

7. Commissioners-designate shall be invited to make an opening oral statement of no longer than 15 minutes. Up to 25 questions, grouped together by theme whenever possible, shall be put during the course of the hearing. One follow up question may be asked immediately within the allocated time. The bulk of the speaking time shall be allotted to political groups, mutatis mutandis in accordance with Rule 162. The conduct of the hearings shall aim to develop a pluralistic political dialogue between the Commissioners-designate and the Members. Before the end of the hearing, the Commissioners-designate shall be given the opportunity to make a brief closing statement.

8. There shall be a live audio-visual transmission of the hearings made available free of charge to the public and media. An indexed recording of the hearings shall be made available to the public within 24 hours.

Article 4: Evaluation

1. The Chair and coordinators shall meet without delay after the hearing to evaluate the individual Commissioners-designate. Those meetings shall be held in camera. The coordinators shall be invited to state whether, in their opinion, the Commissioners-designate are qualified both to be members of the College and to carry out the particular duties they have been assigned. The Conference of Committee Chairs shall design a pro forma template to assist the evaluation.

2. In the case of joint committees the Chair and the coordinators of the committees concerned shall act jointly throughout the procedure.

3. There shall be a single evaluation letter for each Commissioner-designate. The opinions of all the committees associated with the hearing shall be included.

4. The following principles shall apply to the coordinators' evaluation:

(a) If the coordinators unanimously approve the Commissioner-designate, the Chair shall submit a letter of approval on their behalf.

(b) If the coordinators unanimously reject the Commissioner-designate, the Chair shall submit a letter of rejection on their behalf.

(c) If coordinators representing a majority of at least two-thirds of the committee membership approve the Commissioner-designate, the Chair shall submit a letter on their behalf stating that a large majority approve the Commissioner-designate. Minority views shall be mentioned upon request.

(d) If coordinators cannot reach a majority of at least two-thirds of the committee membership to approve the candidate, they shall

- first request additional information through further written questions;

- if coordinators are still dissatisfied, request a resumed hearing of 1,5 hour subject to the approval of the Conference of Presidents;

(e) If, further to the application of point (d), coordinators representing a majority of at least two-thirds of the committee membership approve the Commissioner-designate, the Chair shall submit a letter on their behalf stating that a large majority approve the Commissioner-designate. Minority views shall be mentioned upon request.

(f) If, further to the application of point (d), there is still no majority of coordinators representing at least two-thirds of the committee membership to approve the Commissioner-designate, the Chair shall convene a committee meeting and put to vote the two questions mentioned in paragraph 1. The Chair shall submit a letter stating the committee's evaluation.

5. The committees' letters of evaluation shall be transmitted within 24 hours after the completion of the evaluation process. The letters shall be examined by the Conference of Committee Chairs and conveyed subsequently to the Conference of Presidents. Unless it decides to seek further information, the Conference of Presidents, following an exchange of views, shall declare the hearings closed and authorise the publication of all letters of evaluation.

Article 5: Presentation of the college

1. The President-elect of the Commission shall be invited to present the whole College of Commissioners-designate and their programme at a sitting of Parliament which the President of the European Council and the President of the Council shall be invited to attend. The presentation shall be followed by a debate. In order to wind up the debate, a political group or Members reaching at least the low threshold may table a motion for resolution. Rule 123(3) to (8) shall apply.

2. Following the vote on the motion for resolution, Parliament shall vote on whether or not to give its consent to the appointment, as a body, of the President-elect and Commissioners-designate. Parliament shall decide by a majority of the votes cast, by roll call. It may defer the vote until the following sitting.

Article 6: Monitoring of commitments made during the hearings

The commitments made and priorities referred to by Commissioners-designate during the hearings shall be reviewed, throughout his or her mandate, by the committee responsible in the context of the annual structured dialogue with the Commission undertaken in accordance with paragraph 1 of Annex 4 to the Framework Agreement on relations between the European Parliament and the European Commission.

Part II – Substantial portfolio change or change in the composition of the College of Commissioners during its term of office

Article 7: Vacancy

When a vacancy caused by resignation, compulsory retirement or death is to be filled, Parliament, acting with dispatch, shall invite the Commissioner-designate to participate in a hearing under the same conditions as those laid down in Part I.

Article 8: Accession of a new Member State

In the event of the accession of a new Member State, Parliament shall invite the Commissioner-designate to participate in a hearing under the same conditions as those laid down in Part I.

Article 9: Substantial portfolio change

In the event of a substantial portfolio change during the Commission's term of office, the Commissioners affected shall be invited to participate in a hearing under the same conditions as those laid down in Part I before taking up their new responsibilities

Article 10: Vote in plenary

By way of derogation from the procedure laid down in Rule 118 (7), when the vote in plenary concerns the appointment of a single Commissioner, the vote shall be by secret ballot.