

**Question for written answer E-001643/2011  
to the Commission**  
Rule 117  
**Luigi de Magistris (ALDE)**

Subject: Failure of EU Commissioners to comply with the Code of Conduct

In response to my Written Question E-1470/2010 entitled 'Compliance by EU Commissioner with code of conduct', concerning the procurement scandal in Italy involving the Italian Head of Civil Protection, Guido Bertolaso, and the revelations by the newspaper *La Repubblica* on information given in confidence by the current Commissioner for Industry, Antonio Tajani, to the State Secretary of the Italian Prime Minister's Office, Gianni Letta, in relation to possible infringement proceedings against Italy, on 13 April 2010 Commission President José Manuel Barroso replied that 'the Commission wishes to point out that it is not in the habit of commenting on press articles.'

According to the transcript of telephone conversations intercepted by the Carabinieri in Florence and submitted to the public prosecutor's office in Perugia, on 7 March 2009 Gianni Letta did actually call Bertolaso to tell him that Tajani had called him to say that infringement proceedings were about to be opened against Italy for infringement of environmental legislation on the island of Maddalena (Sardinia). The transcript reads: 'He (*Tajani - Ed.*) has found out that Dimas (*Commissioner for the environment - Ed.*) plans to initiate infringement proceedings regarding Maddalena.'

Article 17(3) of Title III — Provisions on the Institutions – of the consolidated version of the Treaty on European Union stipulates that all Commissioners have fundamental duties regarding independence and autonomy vis-à-vis their Member States of origin. It states that 'The members of the Commission shall be chosen on the ground of their general competence and European commitment from persons whose independence is beyond doubt. [...] the members of the Commission shall neither seek nor take instructions from any Government or other institution, body, office or entity. They shall refrain from any action incompatible with their duties or the performance of their tasks.'

In the light of the above, does the Commission not agree that Tajani's conduct is incompatible with the duties of independence and autonomy in relation to his own country and with the principles of collective responsibility and confidentiality laid down in the Code of Conduct for Commissioners?

Does the Commission not agree that under the current process to review the Code of Conduct for Commissioners, provisions should be laid down to ensure that Commissioners themselves do not make any comments which call into question the decisions of the Commission, and that they refrain from disclosing what is said at Commission meetings?