

**Question for written answer E-004442/2011
to the Commission**
Rule 117
Luigi de Magistris (ALDE)

Subject: 'No comment' by the Commission on suspected failure of EU Commissioners to comply with the Code of Conduct

In response to my Written Question E-1643/2010 entitled 'Failure of EU Commissioners to comply with the 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, as confirmed by the transcripts of telephone calls intercepted by Florence Police which were submitted to Perugia Public Prosecutor's Office on 7 March 2009, the President of the Commission, José Manuel Barroso, replied on 6 April 2011 that 'it is not the customary practice of the Commission to comment on articles in the press or on transcripts of intercepted telephone calls, as this does not fall within its powers'.

In the same reply, Mr Barroso adds that the Commission 'reaffirms the importance of compliance with the obligations arising from Article 17(3) of the TEU, which lays down that members of the Commission have a duty to remain independent and to refrain from any action incompatible with the performance of their tasks'. Despite this, Mr Barroso asserts that 'the Commission considers that the provisions of the Code of Conduct for Commissioners concerning the collective responsibility and confidentiality of the deliberations of the College of Commissioners are clear and that it does not believe them to have been infringed'.

How can the Commission be so sure that Commissioner Tajani has not infringed the Code of Conduct for Commissioners by refusing *a priori* to consider either the articles in the press or the judicial telephone taps which have been drawn to its attention?