

European Parliament Resolution on the approval by the European Parliament of the President of the Commission (13 January 1999)

Caption: European Parliament resolution of 13 January 1999 on the institutional implications of the approval by the European Parliament of the President of the Commission and the independence of the members of the Commission.

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European Parliament Resolution of 13 January 1999 on the institutional implications of the approval by the European Parliament of the President of the Commission and the independence of the members of the Commission

A4-0488/98

The European Parliament,

— having regard to Articles 213, 214, 216 and 219 (ex Articles 157, 158, 160 and 163), and Declaration No 32 annexed to the Treaty of Amsterdam ⁽¹⁾,

— having regard to its resolution of 21 April 1994 on the investiture of the Commission ⁽²⁾,

— having regard to its resolutions of 17 May 1995 on the functioning of the Treaty on European Union with a view to the 1996 Intergovernmental Conference ⁽³⁾, 13 March 1996 on the convening of the Intergovernmental Conference and an evaluation of the work of the Reflection Group and the definition of the political priorities of the European Parliament with a view to the Intergovernmental Conference ⁽⁴⁾, 10 December 1996 on the constitutional status of the European political parties ⁽⁵⁾, 19 November 1997 on the Treaty of Amsterdam (CONF 4007/97 — C4-0538/97) ⁽⁶⁾, 16 July 1998 on the new co-decision procedure after Amsterdam ⁽⁷⁾, and 16 September 1998 on the modification of the procedures for the exercise of implementing powers conferred on the Commission — ‘commitology’ (Council Decision of 13 July 1987) ⁽⁸⁾,

— having regard to the report of the Committee on Institutional Affairs and the opinions of the Committee on Legal Affairs and Citizens’ Rights and the Committee on the Rules of Procedure, the Verification of Credentials and Immunities (A4-0488/98),

A. whereas the new provisions introduced by the Treaty of Maastricht concerning the appointment of the President and composition of the Commission and bringing the Commission’s term of office in line with that of Parliament provided the starting point for the changes established by the Treaty of Amsterdam,

B. whereas, under the new provisions, ‘the governments of the Member States shall nominate by common accord the person they intend to appoint as President’, ‘the nomination shall be approved by the European Parliament’ and that person therefore acts in the capacity of the person jointly responsible for forming the Commission,

C. whereas ‘the governments of the Member States shall, by common accord with the nominee for President, nominate the other persons whom they intend to appoint as Members of the Commission’ and whereas the Members thus nominated and the person jointly responsible for forming the Commission ‘shall be subject as a body to a vote of approval by the European Parliament’,

D. whereas the EC Treaty, as amended successively by the provisions of the Treaty of Maastricht and the Treaty of Amsterdam, by giving the European Parliament the power to approve the nominations under an ‘assent’ procedure (compulsory and binding), has introduced an important element of democracy into the Community institutions and requires Parliament to display the necessary determination in exercising its new prerogatives, by conferring on the Commission a mandate of trust, which must as far as possible be given substance in terms of policies and programmes,

E. whereas the need for strict respect of the new Treaty provisions concerning the nomination of the President of the Commission should be stressed,

F. whereas the Commission President has been given a shared role in nominating individual members of the Commission and, under Article 219 and Declaration No 32 annexed to the Treaty of Amsterdam, is required to play the very important institutional role, among others, of drawing up a programme covering the whole parliamentary term of the European Parliament,

G. whereas Parliament, in paragraph 21 of its resolution of 17 May 1995 mentioned above, called for greater powers of leadership for the President and an internal restructuring of the Commission with a view to adapting its structure and composition to its new tasks and to the needs of enlargement so as to maintain its collegiate responsibility and effectiveness and whereas this is in keeping with the letter of the Treaty of Amsterdam,

H. whereas the increased powers deriving from the Treaty of Amsterdam, including those in the legislative field, confer upon the European Parliament a new dimension in the decision-making process which will inevitably strengthen the political dimension of its relations with the Commission,

I. whereas the gradual elimination of the continuing political imbalance between the level of integration already achieved and the participation of citizens and political forces in the European process requires the forging of a clear, strong and public link, in keeping with the spirit of the Maastricht and Amsterdam Treaties, between the choices made by Europe's citizens in the European elections and the nomination of the Commission President, with a view also to preventing these elections from being seen as little more than a national electoral exercise,

J. whereas the terms of this link should be determined in advance, given the political and institutional implications and those for Parliament's Rules of Procedure,

K. whereas the amendments to the Treaty concerning the nomination of the President of the Commission can become the catalyst for fundamental changes in Community interinstitutional relations,

L. whereas the election of the President of the Commission not only means that choices must be made as regards the persons nominated, but also the structure of the Commission, its institutional commitments and its programme for the parliamentary term, and whereas Parliament's final vote of collective approval must be a vote of confidence in the body as a whole, on the basis of a positive assessment of the method and substance of its proposed actions and the quality of its relations with the European Parliament,

M. whereas the Commission would be in danger of becoming a weak body with too many national interests at stake, incapable of taking initiatives and overseeing the application of Community law and whereas only a president with great authority will be able to ensure that one of the Union's key institutions continues to play the politically dynamising role conferred on it by the Treaty,

N. whereas prior to the 1996 IGC, Parliament had called for the Treaty to be amended to enable it, like the Council, to request compulsory retirement of members of the Commission pursuant to Articles 157 and 160 of the EC Treaty,

O. whereas, although Article 213 of the Treaty of Amsterdam (ex Article 157 of the EC Treaty) on the conditions guaranteeing the independence of the Commission has not been amended, it must be strictly applied in order to provide firmer and more effective guarantees for one of the cornerstones of the Community's institutional order,

P. whereas Parliament's Rules of Procedure must be amended to take account of the new Treaty provisions,

I. Method of nomination and vote of approval on the Commission President

Considers that:

1. The person nominated as Commission President by 'common accord' by the governments of the Member States — whose policies and complexions differ widely and whose electoral terms are out of step with that of Parliament — must possess the personal and political qualities that will enable him to secure the support of a newly elected European Parliament;

2. It would be an important step of the political integration process if, during future campaigns for European elections, European political movements each proposed the candidate they would like to see appointed President of the European Commission; in such a way, the campaign would be focused on those candidates, which in turn would increase the visibility of the European elections;
3. The governments of the Member States would be well advised to consider the outcome of the European elections and the preference indicated by European political parties when nominating the candidate for the Presidency of the European Commission by common accord;
4. Consequently, it would not be possible to nominate the Commission President at the Cologne European Council if the date of that meeting were to be confirmed as 3 and 4 June 1999, since the European elections will not yet have been held at that time;
5. Following negotiations between the European Parliament and the nominee for President, Parliament should as soon as possible hold a vote on the approval of the President nominated by common accord by the governments of the Member States. This vote should take place on the basis of the undertakings given by the latter with regard to the political guidelines he intends to follow in office, the quality of interinstitutional relations, the criteria he will follow when cooperating with the governments over the nomination of members of the Commission, and the timetable and methods for introducing institutional reform prior to enlargement of the Union;

II. Composition and internal reorganisation of the Commission

Stresses that:

1. A significant number of the members of the Commission should be chosen from among sitting Members of the European Parliament and all persons nominated should have significant political, institutional and parliamentary experience in European affairs, with due respect in all cases for the balance between men and women and between political tendencies, on the basis of the approved programme;
2. The internal organisation of the Commission and the distribution of portfolios should be done in such a way as to ensure the unity of the Commission, the coherence, the coordination and the efficiency of its activity, without the kind of duplication and overlapping which occurred during the vote of approval on the Commission in January 1995;
3. In determining the procedure for Parliament to consider the conditions required for its overall vote of approval, Parliament should again organise hearings with individual Commissioners, whilst taking account of the shortcomings and inconsistencies encountered under the procedure introduced in 1995;
4. The European Parliament should be informed of any reshuffling of Commissioner portfolios by the President of the Commission;

III. Independence of the Commission

Stresses that:

1. The need to safeguard the Commission's role as protector of the Community interest, guardian of the Treaties and the only body with the right of legislative initiative, means that the concept of independence and the instruments needed for parliamentary supervision of such independence should be strengthened, including the possibility that the Council complies with any request of the European Parliament to initiate the procedure of compulsory retirement of individual Commissioners in accordance with Articles 213 and 216 of the EC Treaty (ex Articles 157 and 160);
2. The European Parliament must take care to ensure that the process of presidentialisation of the Commission goes ahead and that arrangements are drawn up swiftly to improve its internal organisation, so

as to fully guarantee its independence;

3. Further measures should be adopted, in addition to those already provided for in Article 213 of the EC Treaty, to strengthen the guarantees designed to avoid conflicts of interest created by the increase in the Communities' powers and deriving from personal links Commissioners may have with a wide range of interests. These measures should include in particular:

— the need for a public declaration of interests and sources of external income;

— the obligation to refrain from taking part in discussions relating to interests that are incompatible with their office;

— the use of a 'blind trust', i.e. assigning to a trustee the management of activities relating to property or finance which may give rise to conflicts of interest;

4. The guarantee of independence must also be extended to cover Commissioners' private offices and their composition, in order to safeguard the European civil service, since any renationalisation of the Community administration would seriously damage not only the functioning of the institution but also its ability to achieve the objectives of the Union,

5. It must be possible to hold Commissioners politically responsible for serious misconduct committed by their subordinates;

IV. Programme and timetable

1. Wishes to see the reformed procedures for the nomination, appointment and approval of the President and members of the Commission give rise to a process that will begin with the European elections next spring and end by December 1999, so that the new Commission can take up its duties in January 2000 once the final vote of overall approval has been held;

2. Takes the view that the Member State governments should ensure that the figure proposed by them as Commission President is capable of securing a broad majority during the vote of investiture within Parliament and that that person will have the necessary authority to carry out the duties of political guidance incumbent on him under the Treaty of Amsterdam;

3. Requests that the nominee for Commission President should make a statement of intent, as far as possible, at the July 1999 part-session, followed by a debate;

4. Requests that the Commission President discharge his responsibility pursuant to Article 214 (2) in selecting the members of the Commission, drawing thereby on the full weight of his democratic legitimacy;

5. Considers that the nominations for Commissioner put forward by the governments, by common accord with the President of the Commission, should be submitted by 1 November 1999 so that hearings can be held in good time by the parliamentary committees to enable Parliament to hold its final vote on the Commission as a whole during the December 1999 part-session;

6. Recalls the significance of the hearings of candidates nominated for the post of Commissioner before Parliament's committees and stresses the importance of ensuring proper publicity for these hearings, which provide the vote of investiture with its full dimension and strengthen the democratic legitimacy of the Commission;

7. Recommends that preparations be made for the rule changes needed to ensure that the institutional order and effective balance of interinstitutional relations described in this resolution can be fully achieved;

Instructs its President to forward this resolution to the Council, the Commission and the parliaments and governments of the Member States.

- (1) OJ C 340, 10.11.1997, p. 137.
- (2) OJ C 128, 9.5.1994, p. 358.
- (3) OJ C 151, 19.6.1995, p. 56.
- (4) OJ C 96, 1.4.1996, p. 77.
- (5) OJ C 20, 20.1.1997, p. 29.
- (6) OJ C 371, 8.12.1997, p. 99.
- (7) OJ C 292, 21.9.1998, p. 140.
- (8) OJ C 313, 12.10.1998, p. 101.