

Independence of Members of the European Commission

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Independence of Members of the European Commission

When the **High Authority** was established, its founder, Jean Monnet, resolutely insisted upon the independence of its members. In his view, this was the best guarantee that European integration would be fair and balanced.

Initially, those who negotiated the Treaty establishing the European Coal and Steel Community (ECSC) wanted to appoint international experts to the High Authority, irrespective of their nationality. But, given the strategic position of the steel and coal sector, they feared that such individuals would act purely as scientists and would be relatively insensitive to the well-being of Member States and the smooth functioning of national economies. To protect against this danger, the negotiators decided that members of the High Authority must be Member State nationals.

However, the negotiators also feared that the Member States would exert too much influence on the members of the High Authority. Jean Monnet wanted to limit the tendency of nationals of a particular State to defend their own national interests. To avoid this second risk, a specific appointments procedure was introduced, and the High Authority could not include more than two members holding the same nationality. Moreover, Member States pledged to respect the supranational nature of the institution.

The dependence of members of the High Authority on private interests also constituted a risk. Members could no longer be involved in another professional activity or have an interest in businesses concerned with coal or steel.

In 1957, the Commissions of the European Economic Community (EEC) and of the European Atomic Energy Community (EAEC or Euratom) adopted this principle of members' independence.

With the entry into force of the Treaty establishing the **Single Commission of the European Communities** of 1 July 1967, Article 9 of the ECSC Treaty, Article 126 of the Euratom Treaty and Article 157 of the EEC Treaty were repealed and replaced by Article 10 of the Merger Treaty. According to this article, Commission members must be completely independent in the performance of their duties, in the general interest of the Communities. They must neither seek nor accept instructions from any government or any organisation, and they must abstain from any action incompatible with the nature of their duties. Each Member State has pledged to respect this principle and not to seek to influence the members of the Commission in the performance of their duties.

Commission members may not carry out any professional activity during the course of their duties. Upon taking office, they solemnly pledge to respect the obligations deriving from their position, throughout and after termination of their duties. In the event of a breach of this pledge, the Court of Justice may demand the resignation of the person concerned or the forfeiture of pension rights or other benefits.

The Treaty on European Union of 7 February 1992 took over the substance of Article 10 of the – henceforth repealed – Merger Treaty in Article 157 of the Treaty establishing the European Community (EC Treaty), Article 126 of the Euratom Treaty and Article 9 of the ECSC Treaty concerning the composition of the Commission. The Treaty of Amsterdam and the Treaty of Nice did not introduce any substantial amendments to Article 213 of the EC Treaty.