

European Parliament resolution on the election of the new Commission (18 November 2004)


Caption: European Parliament resolution of 18 November 2004 on the election of the new Commission headed by José Manuel Barroso.

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European Parliament resolution of 18 November 2004 on the election of the new Commission

The European Parliament,

- having regard to the vote on 22 July 2004 electing Mr Barroso as President of the Commission,
- having regard to the statements made by the President-elect of the Commission to the European Parliament in July 2004 and on 26 and 27 October 2004, and to the Conference of Presidents on 21 October 2004 and 5 November 2004,
- having regard to the written and oral statements made by each Commissioner-designate in the course of the hearings organised by the parliamentary committees, and the assessments of the candidates made by the committee chairmen after the hearings,
- having regard to President-elect Barroso's decision of 27 October 2004 — following the evaluation of the hearings and the debate in the European Parliament — to withdraw the new Commission proposed to Parliament,
- having regard to the President-elect's formal presentation of a proposal for a new Commission on 5 November 2004 before the Conference of Presidents, and his statement of 17 November 2004 before the European Parliament,
- having regard to the additional hearings held on 15 and 16 November 2004 by the parliamentary committees and the evaluations of the Commissioners-designate following those hearings,
- having regard to the current Framework Agreement on relations between the European Parliament and the Commission, which was approved by the Conference of Presidents on 29 June 2000,
- having regard to Article 214 of the EC Treaty,
- having regard to the Treaty establishing a Constitution for Europe,
- having regard to Rules 99 and 103 of its Rules of Procedure,

A. whereas Article 213(1) of the Treaty provides that the Commission is to consist of Members "who shall be chosen on the grounds of their general competence and whose independence is beyond doubt",

B. whereas it is essential for the Commission to be able to serve the common interest in the European Union, given the challenges ahead of us, with a view to making Europe a leading player on the world stage in support of peace, security and sound economic and social development,

C. whereas, in that context, independence, lack of national bias and impartiality, full respect for the EU's values and objectives and a lack of conflicts of interest are key elements in winning the trust of European citizens,

D. D whereas Parliament identified various concerns with regard to certain Commission candidates, and expressed its disappointment at the lack of professional knowledge and expertise displayed by some,

1. Welcomes the democratic and legal validity of the approval process and the essential contribution it makes to building the good working relationship between the Commission and Parliament that the Union needs;

2. Welcomes the steps taken by President-elect Barroso in presenting his new team on 4 November 2004; regrets, however, that no significant solution has been found so far on the potential problems concerning

conflicts of interest; requests, therefore, that steps be taken as a matter of urgency to define in detail the procedures under which the code of conduct is to be implemented;

3. Expects that the specific commitments made by President-elect Barroso during the plenary sitting of 26 October 2004 regarding the active protection and promotion of fundamental rights, equal opportunities and anti-discrimination by his Commission will be fully applied by the new Commission, and will closely monitor their application;

4. Calls for the Framework Agreement between the European Parliament and the Commission which governs bilateral relations between those two institutions to be reviewed and updated as soon as possible on the basis of the commitments made on behalf of the new Commission by its President-elect, Mr Barroso;

5. Calls, in the light of those commitments, for the following points to be included in that agreement:

(a) if Parliament votes to withdraw confidence (subject to political support for such a view, in terms both of substance and of form) in an individual Member of the Commission, the President of the Commission will consider seriously whether he should request that Member to resign; the President shall either require the resignation of that Member or justify his refusal to do so before Parliament;

(b) in the event of a resignation, the replacement Commissioner shall not appear before Parliament or the Council in an official capacity until his or her nomination has been validated by the normal parliamentary procedure (hearing and vote in plenary);

(c) if the President reshuffles the portfolios in the Commission during its term of office, the same procedure shall be applied to the Commissioners affected;

(d) the President of the Commission shall be fully accountable for identifying a conflict of interest which renders a Commissioner unable to perform his or her duties; the President shall likewise be responsible for any subsequent action taken in those circumstances;

(e) the Union's multi-annual work programme shall be drawn up by the Commission on the basis of close cooperation and coordination with the European Parliament and its bodies;

(f) ensuring a Commission presence at plenary sittings and meetings of the European Parliament's committees shall be a priority for Commissioners; it is agreed that the Commission shall inform the European Parliament immediately, preferably in plenary sitting, of its decisions, proposals and initiatives;

(g) in the context of ongoing dialogue with the European Parliament, the President of the Commission and the Vice-President responsible for interinstitutional relations shall establish, and remain in, regular contact with the Conference of Presidents;

(h) a commitment to follow-up action, if Parliament requests the Commission to submit a legislative proposal pursuant to Article 192 of the Treaty; in any case, the Commission shall regularly inform the European Parliament of the action it intends to take in response to positions adopted by Parliament, particularly if the Commission does not intend to follow them up;

(i) revision of Regulation (EC) No 1049/2001 ^[1] regarding public access to documents, with a view to defining better rules on the transparency of legislative preparatory work, comitology and the implementation of EU legislation in Member States, and confidential documents;

(j) the code of conduct for Commissioners shall be sent to the European Parliament for its opinion, which shall be taken into account;

(k) the Commission shall take all the necessary steps to ensure that the European Parliament is better informed both about European Union legislation and about international agreements as soon as negotiations

are underway;

6. Instructs its President to forward this resolution to the Council and the new Commission.

[1] OJ L 145, 31.5.2001, p. 43.