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COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS
THE CHAIR

Mr Josep BORRELL FONTELLES
President of the European Parliament

- CONFIDENTIAL -

through the good offices of

Mr Joseph DAUL
Chairman of the Conference of
Committee Chairs

29. IX. 2004

Dear President,

In accordance with Rule 99 of Parliament's Rules of Procedure the Committee on Economic and Monetary Affairs held on 28 September 2004 a public hearing with Mrs Neelie KROES, Commissioner-Designate, who, subject to the positive conclusion of the nomination procedure, will be in charge of Competition Policy.

Prior to the hearing, the committee submitted a written questionnaire to which the Commissioner-Designate replied in writing, in a satisfactory manner overall.

In her introductory statement, Mrs Kroes touched upon her professional background in the public and private sectors, emphasising her independent and entirely professional approach to her new functions. She also set out her personal ideas on how European competition policy should evolve over the next few years, and affirmed her willingness to engage in open dialogue with the Committee and the Parliament as a whole.

Following the debate the majority of Members considered that the Commissioner-Designate showed the required personal and professional capacity to assume the high office she has been proposed for, and that her actions and commitments, some of which go beyond that which would be strictly required, are sufficient to deal with the risk of future conflicts of interest.

However, the majority of Members were to some degree disappointed with her performance at the hearing, finding her detailed grasp of certain specific subjects to be insufficient. In particular we would urge Mrs Kroes to specify in writing how she would respond to a negative view of the European Parliament on her suitability for the office of Competition Commissioner. Furthermore, all members would request from the President of the European Commission the publication of the legal opinion drawn up by the Commission's legal service on Mrs Kroes' former business interests, after she clearly agreed to such a publication during the hearing.

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Finally, prior to the debate and vote in plenary, President-Designate Barroso should be called upon to clarify the procedures by which the code of conduct undertaken by Mrs Kroes will be implemented. Concretely, how will potentially sensitive cases be identified, how will the transparency of implementation be ensured, and how will substitute Commissioners be designated for cases from which Mrs Kroes might have to withdraw, according to her self-imposed code of conduct?

The elements contained in the present letter reflect the opinion expressed by a large majority of the members of my committee.

Yours sincerely,

Pervenche BERES