

ASSESSING CONFLICTS OF INTEREST IN THE VDL COMMISSION

A FAULTY PROCESS



LACK OF TRANSPARENCY REMAINS A MAJOR PROBLEM IN THE EU

The need for democratic control and transparency in EU decision-making has never been more pressing, especially after major scandals such as Qatargate, which exposed how external actors and powerful lobbies can unduly influence the EU's institutions. The appointment process for the College of Commissioners should embody the highest standards of integrity, as the Treaty on European Union demands that Commissioners be chosen "from persons whose independence is beyond doubt." Yet, the process led by the Committee on Legal Affairs (JURI) remains deeply flawed and politicised.



LIMITED SCOPE OF EXAMINATION

The current examination still fails to account for the complexities of potential conflicts of interest:

- 1. Narrower Review Than in 2019:** The JURI review is now restricted to only Parts III and IV of the Declaration of Interest (DI), unlike the 2019 process, which covered the entire DI. For example, if a Commissioner-designate has financial ties such as investments or advisory roles that aren't explicitly listed in Part III (personal financial interests) or Part IV (spouses, partners, and minor children's interests), JURI won't examine them. This means potential conflicts from other financial interests outside these narrow categories can be tackled during the hearings, but can be easily overlooked.
- 2. Ignoring Key Issues:** Despite high-profile scandals, such as Qatargate, involving undue influence from external actors, the examination of financial interests by JURI has not adapted to consider such emerging threats adequately. For instance, the activities of Commissioner-designates with past ties to lobbying firms, or those who have been investigated for misconduct, are frequently overlooked.
- 3. Insufficient Information:** The questionnaires provided to Commissioner-designates still demand very limited details, excluding crucial financial information such as indirect assets or connections to powerful lobbies. As a result, significant conflicts often go undetected, allowing vested interests to remain hidden.



IMPOSSIBLE TO VERIFY

The JURI Committee continues to be deprived of the tools necessary to conduct an effective review:

- 1. No Mandate to Investigate:** Members rely on self-declarations from Commissioner-designates, with no ability to verify the accuracy or completeness of this information. The declarations are often presented in a way that obscures potential conflicts, and the Committee has no investigative powers to challenge or verify these assertions.
- 2. Lack of Expertise and Resources:** As in 2019, the JURI Committee lacks the necessary expertise and resources to perform a thorough assessment. Recent cases have shown that without the ability to conduct in-depth investigations, Members are unable to identify complex financial arrangements or links to lobbyists.



LACK OF TIME

The time constraints imposed on JURI continue to hinder the process:

- 1. Late Submission of Declarations:** The Code of Conduct of members of the Commission requires Commissioner-designates to “submit the declaration to the European Parliament in due time in order to allow the Parliament to examine the declarations.” In practice, Declarations of Interest (DI) were received on Monday, 30th September, for an assessment scheduled to start on Thursday, 3rd October. This timeframe makes it nearly impossible to conduct a comprehensive review. Furthermore, MEPs’ teams and group staff responsible for assessing these declarations do not have the right to consult national authorities when similar declarations are not public in Member States. This severely limits their ability to verify the information.
- 2. Insufficient Means for Follow-Up:** JURI Members can only request additional information from Commissioner-designates, and if unsatisfied, they may invite them for a ‘discussion’. This process, however, lacks the necessary rigour and investigative depth to ensure transparency and accountability.
- 3. Insufficient Debate:** The limited time allocated for discussions—only a few minutes per declaration—prevents an in-depth examination of potential conflicts. This constraint leads to superficial assessments, allowing candidates with questionable backgrounds to pass through unchallenged.



A POLITICISED OUTCOME

The involvement of politicians in the examination process remains problematic, as it creates an inherent conflict of interest. Major political groups continue to use the review to defend their own Commissioner-designates or attack those from rival parties. This politicisation results in inconsistent treatment and undermines the credibility of the entire process, especially when high-profile scandals reveal the influence of vested interests.

THE WAY FORWARD

The recent scandals have demonstrated that the current system is inadequate and that meaningful reforms are urgently needed:

- 1. Strengthen Financial Declarations:** Commissioner-designates should be required to submit comprehensive financial declarations that include bank accounts, revenue sources, investments, and any potential ties to lobbying activities. These declarations should be made public, allowing civil society to monitor for potential conflicts of interest.
- 2. Introduce Longer Cooling-Off Periods:** To address the revolving door issue, stricter cooling-off periods should be implemented, preventing former Commissioners from taking up lobbying roles or engaging with sectors they were previously involved in. This measure would significantly reduce the risk of undue influence from powerful lobbies.
- 3. Empower the newly established Independent Ethics Body,** despite its current limitations, to thoroughly assess the financial declarations of Commissioner-designates. The body should be granted sufficient time, greater investigative powers, resources, and expertise. It should also have the authority to compel the disclosure of additional information and conduct thorough investigations into Commissioner-designates' backgrounds. Such an approach would avoid the politicised dimension of the process.

CONCLUSION

The review process for conflicts of interest among EU Commissioners remains fundamentally flawed, as demonstrated by recent scandals such as Qatargate and the undue influence of powerful lobbies. Without a comprehensive overhaul of the system, these loopholes will continue to undermine the credibility and integrity of the European Commission. The empowerment of the Independent Ethics Body, coupled with stronger financial disclosure requirements and the depoliticisation of the whole process are essential steps toward restoring public trust and ensuring that Commissioners serve with the independence and integrity that the role demands.

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