

José Manuel Barroso  
President of the European Commission

Mr President,

Article 2.4 of the Code of Conduct for Commissioners C (2011) 2904 states clearly the principle of independence in their obligations.

Treaty on the European Union, Article 17 (3): "In carrying out its responsibilities, the Commission **shall be completely independent**. Without prejudice to Article 18(2), the members of the Commission shall neither seek nor take instructions from any Government or other institution, body, office or entity. They **shall refrain from any action incompatible with their duties or the performance of their tasks.**"

The same text is incorporated into the Solemn Declaration before the Court of Justice.

However, we must inform you, Mr President Barroso, that your deputy and commissioner responsible for transport issues, Mr Siim Kallas has unfortunately violated these principles in the Treaty, as he is now about to form a government in Estonia *without* having officially given up the position of EU commissioner.

Short chronology

11th of February 2014 Estonian daily *Postimees*<sup>1</sup> writes that Mr Kallas sent a letter to his party, *Reformierakond*, on the **4<sup>th</sup> of February**. He states he would be ready to be prime minister, if the party agrees to nominate him. He also indicates that current prime minister Andrus Ansip is may "replace" him in the Commission.

He utterly fails to mention neither, Estonian Parliament nor the European Parliament as actors or decision-makers in the process.

**21<sup>st</sup> of February** the Reform Party gave Mr Kallas authorisation to form a government, *should the current prime minister step down*. Mr Kallas also introduced his program and views.

These actions seem completely incompatible with the duties and the obligation for independence of a European Commissioner. Mr Kallas therefore seems to be in violation of the Code of Conduct and the Treaties.<sup>2</sup>

**23<sup>rd</sup> of February** the current prime minister Mr Ansip said he will hand in his resignation on the 4<sup>th</sup> of March. In a radio interview Mr Kallas stated that Mr Ansip will replace him as a commissioner, and that "has been all agreed with Mr Barroso". However, the European Parliament and its TRAN Committee particularly, should definitely have a hearing and make their decision only after that. Mr Kallas has

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<sup>1</sup> <http://www.postimees.ee/2693496/siim-kallase-kiri-erakonnakaaslastele-peaministriks-kandideerimise-asjus>

<sup>2</sup> <http://www.postimees.ee/2705626/reformierakonna-juhatus-volitas-siim-kallase-jargmist-valitsust-moodustama>

misinformed the Estonian public about the rules of democratic scrutiny in European institutions.<sup>3</sup>

**1<sup>st</sup> of March** - The extended board of the Reform Party, after hearing Mr Kallas' vision of Estonia's future at a meeting on Saturday, supported his candidacy for the post of prime minister.<sup>4</sup>

**4<sup>th</sup> March** Mr Ansip hands in his resignation. The President, who according to the constitution gives authorisation to form a new government, says consultations with parties will begin on the **10<sup>th</sup> of March**.<sup>5</sup>

Having regard to all aforementioned facts, we urge you, Mr Barroso, to apply article 247. Mr Kallas can seek his fortunes in Estonian politics or in any other member states, but cannot under these circumstances continue as a Commissioner in your College.

Furthermore, Mr Kallas' plan to exchange his post as commissioner with prime minister Ansip as the election campaigns for the European Parliament are about to start, seems to be a challenging undertaking at best. It is unclear how a hearing of an incoming Commissioner would be held before the European Parliament at this point. And a nomination of a new Commissioner without such hearing violates the treaties.

Regards,

Indrek Tarand, MEP  
Gerald Häfner, MEP  
Reinhard Bütikofer, MEP  
Marije Cornelissen, MEP  
Bas Eickhout, MEP  
Bart Staes, MEP  
Angelika Werthmann, MEP  
Hannu Takkula, MEP

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<sup>3</sup> <http://www.postimees.ee/2707028/loe-andrus-ansipi-konet-taismahus>

<sup>4</sup> <http://uudised.err.ee/v/tele-ak/eab7d33d-366a-4f60-996a-0238752b07b1>

<sup>5</sup> <http://uudised.err.ee/v/eesti/952bb555-a1e6-41b2-9104-410acd4433f0>