



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Economic and Monetary Affairs*

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22.12.2009

## **NOTICE TO MEMBERS**

Subject: Hearing with Joaquín ALMUNIA, Commissioner-designate for Competition

Please find enclosed the written answers sent by Joaquín ALMUNIA.

The Secretariat

**ANSWERS TO EUROPEAN PARLIAMENT  
QUESTIONNAIRE FOR COMMISSIONER -DESIGNATE**

**Joaquín ALMUNIA  
(Competition)**

**General competence, European commitment and personal independence**

- 1. What aspects of your personal qualifications and experience are particularly relevant for becoming Commissioner and promoting the European general interest, particularly in the area you would be responsible for? What motivates you? Which guarantees of independence are you able to give the European Parliament, and how would you make sure that any past, current or future activities you carry out could not cast doubt on the performance of your duties within the Commission?**

I took over as Member of the Commission in April 2004. Since then I enjoyed one of the most exciting periods of my professional and political life. As a convinced supporter of the European integration, and having participated in the process that led Spain to become a Member of the EU, being Member of the College has been a great honor for me. Now, almost six years after I started to work here, my view of the role of the Commission in promoting the European general interest is fully confirmed. The reform of the Stability and Growth Pact, together with the revision of the Lisbon Strategy and the adaptation of Economic and Monetary Union to the EU-27, were my priorities in the first part of my mandate. But in the last two and a half years, Europe has faced a deep economic and financial crisis. As Commissioner I have spared no efforts to mobilize an effective and coordinated European response to the crisis, including the financial support to some non euro-area economies, in close cooperation with the President and my colleagues, the other European institutions, the Member States and the European Central Bank. I have participated in the design of the European Economic Recovery Plan, the interpretation of the EU rules when analyzing the support to the banking sector, as well as in the reform of financial regulation and supervision, participating actively in the G-20 and international organizations such as the International Monetary Fund. The crisis has shown how much European Union institutions and Treaty instruments can contribute to a better coordination of the national responses to such a deep economic crisis, protecting the Internal Market and the European social model. But we cannot ignore the limits and difficulties of such a coordination.

After more than five years of contributing to creating the macroeconomic conditions to reach those objectives, I am now highly motivated to strengthen the European economy by acting at the level of markets and companies in the capacity of Commissioner for Competition.

Competition policy, like the euro or the internal market, is a key instrument to providing Europe with an economy that can compete on the global scene.

As I have done over the past years as Member of the Commission, I will continue to exert my responsibilities as Commissioner in full respect of the Treaty provisions on independence and ethics, in accordance with Article 17 paragraph 3 of the Treaty of the European Union (TUE), Article 245 of the Treaty on the Functioning of the European Union (TFEU), and the Code of Conduct for Commissioners. I will avoid any position or situation which could put in question my independence, impartiality and availability to the Commission. I will refrain in particular from holding any public office of whatever kind and from engaging in any other professional activity, whether paid or unpaid. My updated declaration of interest - foreseen by the Code of Conduct for Commissioners - is completed and accessible to the public. I will update it regularly in case of changes and I will inform the President of the Commission of any situation which might involve a conflict of interest in the performance of my official duties.

### **Management of the portfolio and cooperation with the European Parliament and its committees**

#### **2. How would you assess your role as a Member of the College of Commissioners? In what respect would you consider yourself responsible and accountable to the Parliament for your actions and for those of your departments?**

My role will be to apply a very specific policy addressed essentially to companies, in the case of merger control and antitrust decisions, and to governments and companies for what concerns state aid control. My duty will be to ensure that the rules and procedures are firmly and consistently applied for the sake of fairness and predictability as perceived by all involved, starting with the College of Commissioners that takes collective responsibility for all decisions it adopts and finishing with the European Union Courts. To this end, as I have been doing until now, I will continue to require from my Cabinet and from DG Competition the highest professional and integrity standards and a commitment to work together in a spirit of mutual trust and transparency. I would abide by the same standards and spirit and to provide the necessary guidance for their daily work and strategic orientations. The same principles will guide me in the College of Commissioners as I will propose decisions for their consideration or will participate in deliberations on others' proposals, with the pursuit of the general interest of Europe and its citizens always in my mind. Beyond the role of guardian of the Treaties, which it undoubtedly must uphold, I see the role of the Commission also as an engine and the catalyst for effective action at European level on issues of concern to European citizens. I also believe that my duties as Member of the Commission include actively communicating to the public both on my portfolio responsibilities and on the work of the Commission.

After 25 years as member of the Spanish Parliament and almost six years as Commissioner, I am fully convinced that the public scrutiny by the European Parliament is at the core of the democratic transparency and accountability required for citizens to have confidence in the European Commission. Since 2004, I have attached great importance to establishing a close and fruitful relationship with the European Parliament, in particular I had a very good relationship with the Committee on Economic and Monetary Affairs. I will continue, in the same spirit of openness and transparency, to be available to the European Parliament and its

committees to report on my portfolio, providing all the information necessary within established constraints such as confidentiality. I will equally take individual responsibility for my actions, without prejudice to the principle of Commission collegiality, as well as political responsibility for the activities of my services.

- 3. What specific commitments are you prepared to make in terms of enhanced transparency, increased cooperation, and effective follow-up to Parliament's positions and request for legislative initiatives, also in the light of the entry into force of the Treaty of Lisbon? In relation to planned initiatives or ongoing procedures, are you ready to provide Parliament with information and documents on equal footing with the Council?**

I believe that the Treaty of Lisbon provides the European Union with a more effective and democratic framework for action. This is due, to a large extent, to the enhanced role of the European Parliament. I am therefore truly committed, for the sake of a more democratic European public sphere, to work closely with the Parliament at all levels. I will be available to the Parliament and its committees to present and explain every general policy initiative taken under my responsibility and I will ensure that they are well prepared following the Commission's policy on impact assessment, consultation and evaluation. I will report in detail to the Parliament about the follow-up to Parliament's recommendations on general policy issues, explaining any diversion from them.

The democratic legitimacy of the European Union actions stems from the role of its institutions foreseen by the Treaty. I see my duty as a Member of the Commission, and it is also my democratic conviction, to treat both institutions on an equal footing according to their respective role as defined by the Treaty. I will strictly apply this principle to the planned or ongoing procedures in the field of competition policy wherever it is foreseen by the Treaty. And lastly, I commit to fully respect all the commitments under the Framework Agreement, including its rules on the provision of confidential information.

### **Policy-related questions**

- 4. What are the three main priorities you intend to pursue as part of your proposed portfolio, taking into account, where relevant, the financial, economic and social crisis and concerns related to sustainable development.**

My core priority will be to use all tools of competition policy to make markets deliver more benefits to consumers, businesses and society as a whole. I will use the Commission's powers to protect and foster competition in the internal market as a means to promote the welfare of European consumers, to improve the competitiveness of European companies and to contribute to sustainable growth and employment creation. I will therefore not hesitate to take action against companies or governments when I find evidence of unlawful behaviour – be it anti-competitive agreements between competitors, abusive behaviour by dominant companies, attempts by governments to distort competition in the internal market by means of unlawful State aid, or in case of measures concerning public or private undertakings to which the Member States grant special or exclusive rights. I will prevent mergers when they would significantly impede competition, harming consumers and competitiveness.

In particular, I will ensure that competition policy supports a successful exit from the crisis

while maintaining a level playing field and safeguarding the internal market. I will use the competition instruments to help Member States to restructure companies in the financial sector and the real economy and to facilitate companies' access to finance. But I will not hesitate to act to prevent damaging subsidy races or undue distortions.

At the same time, the crisis has made clearer that a revision of the State aid procedural framework is needed. I will use all instruments in the competition policy toolbox to contribute to making the EU a sustainable social market economy. Many of the relevant policy guidelines will have to be revised during the next mandate, and in this context I will ensure that competition policy will be an important driver to achieve the Commission's vision of the EU in 2020. Growth must be based on knowledge, skills and innovation – and State aid guidelines for research and development aim at promoting them. Growth must be green and socially inclusive – and State aid guidelines for environmental protection, for training and for delivering high-quality services of general economic interest will help achieving this. Finally, growth must be based on open and competitive markets – and enforcing the competition rules in key areas like energy, information technology and transport will support this. In this context, I am happy that I will be able to direct all competition policy instruments towards those goals also in the area of transport and energy.

**5. What are the specific legislative and non-legislative initiatives you intend to put forward, and according to what timetable? What specific commitments can you make regarding in particular the committees' priorities and requests attached hereto which would fall within your portfolio? How would you personally ensure the good quality of legislative proposals?**

I will develop and, where necessary, propose EU competition law and policy to reflect market realities and contemporary economic and legal thinking. I also want to continue to ensure the Commission provides clear guidance to courts, national authorities and companies.

As regards the management of the financial and economic crisis, the Commission has over the past year put a framework in place that provides transparency on how the Commission applies the state aid rules in the banking sector, with the aim to bring that sector back to viability. For the real economy, the Temporary Framework for State Aid adopted in December 2008 gives Member States the necessary flexibility to channel substantial funds to the worst-affected companies and sectors, while at the same time protecting the internal market from undue distortions of competition. I will ensure that these frameworks continue to be applied consistently to ensure a level playing field in the internal market, including as support measures are gradually phased out in due course in line with the implementation of the wider exit strategy. I intend to continue on that path of providing guidance and transparency to Member States and companies in a way that contributes to long term sustainable objectives in the EU.

At the same time, the crisis has shown that a revision of the State aid procedural framework is needed. Building on and consolidating the progress achieved over the last years, it is my ambition to modernise the way State aid investigations are conducted. This should ensure speedy handling of cases and may require improving and upgrading our investigative methods and tools.

I also want to minimise costs for businesses and reduce continuing fragmentation of the internal market. I will therefore push for further coherence and convergence in the antitrust and merger control areas across the EU. I want to maintain the strong leadership of EU competition policy world-wide and contribute to fostering convergence and co-operation among competition authorities both bilaterally and at the global level.

I intend to explore more in depth the issue of antitrust damages and the compensation of victims, bearing in mind the necessity of safeguards to prevent us from the kind of excessive litigation often experienced in the US. I would like to take soundings on this and in particular with the European Parliament.

I consider the Commission's institutional set-up and decision-making system for competition to be a very strong one, with guarantees as regards effectiveness, fairness and due process. Having competition policy within the Commission's portfolio alongside other policies has proven to be crucial and will continue to be crucial in dealing with the financial crisis, where financial policy, smart regulation and effective state aid control must go hand in hand. DG Competition, as an integrated part of the European Commission, can also better contribute to the achievement of other policy objectives, in particular by sharing in-depth market knowledge gained through enforcement, market monitoring and sector inquiries.

I am committed to presenting high quality legislative and non-legislative proposals, respecting the principles of better regulation, relying on extensive public consultation, on market knowledge and using every opportunity for a productive dialogue with the European Parliament.