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Committee on the Environment, Public Health and Food Safety
 The Chairman

18.JAN2010 200140

IPOL-COM-ENVI D(2010)1471

CONFIDENTIAL

Mr Jerzy BUZEK
 President of the European Parliament
 European Parliament

Dear President,

In accordance with Parliament's Rules of Procedure, in particular Rule 106 on the Election of the Commission and Annex XVII on Guidelines for the Approval of the Commission, the Committee on the Environment, Public Health and Food Safety held on Thursday 14 January 2010 a public hearing with Commissioner-designate John Dalli. The Committee on the Internal Market and Consumer Protection participated as an associated committee, whereas the Committee on Agriculture and Rural Development dispatched a delegation. Subject to the positive outcome of the nomination procedure, Mr Dalli will be responsible for Health and Consumer Policy.

Prior to the hearing, a written questionnaire with general and specific questions was submitted. The Commissioner-designate replied to those questions in writing in advance of the hearing.

In his introductory statement, Mr Dalli highlighted his main priorities in the area of health, consumer policy, food safety and animal welfare. He replied to 35 questions, including supplementary questions, with twenty questions asked by the Members of the Committee on the Environment, Public Health and Food Safety, ten by the Committee on the Internal Market and Consumer Protection and five by the Committee on Agriculture and Rural Development. The hearing was concluded by a final statement by the Commissioner-designate. The verbatim record of proceedings is attached to this letter (see Annex).

Policy-related issues

Health, Food Safety and Animal Welfare

During the debate the Commissioner-designate answered a wide range of questions relating to cross-border health care, human organ donation, information to patients, counterfeiting of pharmaceuticals, pharmacovigilance, food information to consumers,

cloned animals in food, application of the hygiene regulations, genetically modified organisms, nano-materials, animal health and welfare, in particular animal transport, imported meat and agricultural produce as well as antibiotic resistance caused by stock-farming practices.

In general, Members were satisfied with the answers given by the Commissioner-designate and welcomed his general commitment to give priority to patients rights. A number of specific statements of Mr Dalli were appreciated by all Members, such as his promise to re-assess the proposal on information to patients, to submit within a year a report on animal transport, to strengthen the independence of patient groups, to apply the principle of voluntary and unpaid organ donation and to tackle food imitates.

With regard to 'cloned animals', Members were not satisfied that Mr Dalli only promised a report on food from cloned animals within one year, rather than a concrete proposal on all aspects of cloning, such as animal welfare, impact on human and animal health of food and feed from cloned animals etc., based on independent scientific studies and knowledge. As regards animal transport, Members would also have preferred a clear commitment to have existing legislation revised instead of being promised merely a report.

His emphasis to step up prevention and education in health matters was highly appreciated, notably with a view to reduce health inequalities.

His commitment to the independence of science in risk assessments as a basis for risk management decisions was very appreciated. Members expect him to follow this up with concrete actions to implement this in practice, in particular with regard to the agencies for which he is responsible.

Consumer policy

Mr Dalli stated that he would endeavour to maintain the high profile of consumer issues which has been built-up over the past years, and promised to keep a critical eye on how well markets work for consumers.

During the debate the Commissioner designate answered questions relating to the following issues: the splitting of responsibility for consumer affairs between different Commissioner portfolios, collective redress, unfair commercial practices and misleading advertising, the use of Internet as a supplementary source of information for consumers, product safety and market surveillance, full harmonisation on consumer rights, consumer information and education, underrepresentation of SMEs and consumer interests in the standardisation process.

Members welcomed his unequivocal assurance that, as Commissioner designate with responsibility for Consumer Policy, he would assume the lead role in the College for coordination on consumer policy. His pledge to be the 'guardian of consumer interests' was warmly welcomed. His commitment to ensure that policy initiatives across the Commission reflected consumer concerns was duly noted.

Horizontal issues

The assessment of Mr Dalli's replies on the relationship between the completion of the internal market on the one hand, and the possibility for Member States to maintain or introduce more

stringent national measures on the other hand, gave rise to a number of considerations. Several political groups expressed worries that some of Mr Dalli's statements might give the impression that the completion of the internal market could take precedence over public health and consumer protection policies. Other groups noted that the Treaties (in particular Article 114 TFEU) oblige the Commission in internal market matters to 'take as a base a high level of protection' and, therefore, took the view that the EU's approach should depend on the concrete circumstances of the issue to be tackled. Since other Commissioners are in charge of internal market and innovation, several political groups asked for a strong commitment from the Commissioner-designate to focus on the main mission of his portfolio which implies guaranteeing a high level of consumer and health protection.

The Commissioner-designate promised to establish an open working relationship with the European Parliament and to consult the concerned committees as early as possible in the decision-making process.

The portfolio of Mr Dalli as the Commissioner-designate on health and consumer policy would imply, in particular to promote high standards of protection of human and animal health and the empowerment and safety of consumers, to ensure the safety of our food chain, to support the effectiveness and efficiency of European healthcare systems as well as to ensure the independence of various agencies. Although some political groups would advocate transferring the responsibility for genetically modified organisms back to the portfolio of the Commissioner-designate for Environment, the political majority agrees to maintain the portfolio as it stands, on the understanding that he will ensure a comprehensive assessment of health and environmental aspects in his decisions on GMOs and launch and support financing of studies about impacts of GMOs on public health.

Overall assessment

On the basis of the reactions of the Members present at the hearing and the results of the evaluation meeting which took place right after the meeting, I am able to provide you with the following assessment of the Commissioner-designate:

On balance, Mr Dalli made a positive and constructive impression and demonstrated firm convictions on certain issues, while evading clear answers on others. He showed a pragmatic and open approach. He demonstrated a very good knowledge of the main issues regarding public health and a reasonable grasp of all other issues. The committees concerned expect that the promises to re-assess pending legislative proposals will also be followed by the submission of new legislation.

As regards consumer policy, Members agreed with the objectives expressed by the nominee and made a positive assessment of Mr Dalli's answers, considering that he had demonstrated a good understanding of these issues. Some Members, however, felt that his statements might have been more specific. A minority of Members also expressed their concern that his portfolio is too broad and questioned whether he would really have the capacity to cover effectively the consumer policy area.

In general terms, the Commissioner-designate has given a convincing impression of his personal and professional capacities and his aptitude to assume the high office for which he has been proposed.

In conclusion, and taking into account the above considerations, I can now inform you that a substantial majority of Members in the Committee on Environment, Public Health and Food Safety and in the Committee on the Internal Market and Consumer Policy can express their support for the nomination of Mr Dalli. We look forward to him demonstrating, by his deeds over the next five years, that the reservations expressed by some were groundless.

Yours sincerely,



Jo LEINEN

Annex: Verbatim record of proceedings