



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Industry, Research and Energy

22.12.2009

NOTICE TO MEMBERS

Subject: Hearing with Neelie KROES, Vice-President designate of the Commission/Commissioner-designate for Digital Agenda

Please find enclosed the written answers sent by Neelie KROES.

The Secretariat

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

**Neelie KROES
(Digital Agenda)**

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 am pleased to have been designated to serve a second term as a European Commissioner. I am an economist by training, and so I tend to think in terms of efficiency and welfare and of finding common sense solutions. These fundamental principles, together with my sense of public duty and determination, have proved invaluable to me during my career in business and in politics.

I served 12 years in the Dutch government, as Vice Minister and then Minister for Transport, Public Works and Telecommunications. During this time I was responsible, for example, for the privatisation of the Dutch Post and Telecoms sectors and so I was no stranger to market liberalisation and regulation when I was nominated by President Barroso as Commissioner responsible for Competition in 2004.

In my current role, I have seen how competition and regulation sometimes have to co-exist in order to ensure allocative efficiencies, which benefit consumers and businesses. I have gained a lot of experience of regulated industries, and in particular of Information and Communications Technology.

Through our investigations into and decisions regarding the behaviour of incumbent telecommunications operators, software and hardware producers, I have gained a deeper understanding of the role of the EU in those sectors both today and tomorrow. Today, our actions are designed to make network liberalisation a reality and to stimulate competition through encouraging market entry. But we are also thinking about tomorrow through

encouraging the development of Next Generation Access and by creating a State aid framework for the promotion of high-speed next generation Broadband. I have had joint responsibility for advising Member States' authorities on the regulation of telecoms markets in accordance with the Framework Directive and look forward to assuming sole responsibility for this in the next Commission.

I've also had to learn more about the technology that is developing as well as the means of distribution available. I've gotten to grips with open standards and the challenges of interoperability, the need to ensure adequate protection of online content as well as with the full range of web browsers available!

As Commissioner for Competition, I've worked hard to bring the EU's policies closer to its citizens. I haven't shied away from taking on big business and have continually championed consumer interests. I've put consumers at the heart of my agenda.

I believe that the single market is Europe's crown jewel. Not only is it the vehicle for lasting peace, but also for economic stability, growth and jobs, including in the context of the global economic and financial crisis. To ensure that it prospers, we must say no to protectionism that can divide the single market along national lines and yes to liberalised industries that maximise consumer welfare on a fair level playing field.

I see it as my public pledge that I will act independently and in the best interests of all Europeans, in accordance with the obligations and ethical standards set out in the Treaty as well as in the Code of Conduct for Commissioners. I will not accept instructions from any government or any other body, as I demonstrated during my last term. The special responsibilities that come with accepting public office make efficient strategies for managing conflicts of interest essential. I have completed a new Declaration of Interests which will be available for public inspection. I undertake to inform President Barroso of any situation which might lead to a conflict of interests with my duties. During my last term in office I committed not to take other professional activities outside my portfolio and this commitment remains.

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?

As a Commissioner, I see my role as threefold: within the college; within my team; and most importantly for the people of Europe, represented by the European Parliament and the Council. Overall, it is a role at the service of all relevant stakeholders.

I am a good team player and a consensus builder by nature and that is how I see my role within the College. When there are difficult decisions to make, a collegiate body runs the risk of deadlock. In order to move forward, we first have to understand the difficulties our colleagues are facing and then look for creative compromises, where we believe that this is in the best interests of all Europeans. For me, this is also why gender balance within the College of Commissioners is so important.

On a day-to-day basis I work closely with my Cabinet and services. During my time as Competition Commissioner, we took the necessary steps through internal restructuring to enhance transparency and communication and to improve delivery and efficiency at DG Competition. This was particularly important to me, as I have political responsibility for my portfolio.

I believe that transparency and good communication are a key part of all of the work that I carry out within the Commission. I am accountable for my actions both through you, as Members of the European Parliament, and to the public at large. Parliament plays a key role in safeguarding democracy in Europe and reflecting the general interest of all Europeans. This is why we need to continue to work closely together. For my part, I am always willing to attend committee meetings, receive delegations and respond to oral and written questions, both in Brussels and in Strasbourg. I feel strongly about this and look forward to developing a constructive political dialogue with you and working together through the co-decision procedure, which, even before the Lisbon Treaty, applied to the majority of legislative acts covered by the Digital Agenda portfolio.

In addition, I keep everyone updated as to my progress by regular press conferences and interviews. Of course, effective communication is a two-way street, and so I am always keen to let people know that they are able to contact me via my website with any queries they might have about my work.

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 requests 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 an equal footing with the Council?

For me the entry into force of the Lisbon Treaty is a step forward in terms of European democracy. It enables better interinstitutional co-operation and greater accountability which will help us to work together for a more efficient and effective European Union which is closer to the people of Europe.

Now more than ever, we will be able to draw on European political consensus to develop legislative initiatives where that is needed. The Commission will be able to work more closely with you, not least because co-decision will be the predominant legislative procedure. It goes without saying that in order for you to participate fully in the co-decision procedure, it is essential that you receive the same level of information as the Council.

The Commission is fully committed to better regulation, which for me means legislation only where its added value is manifest, more targeted legislation, adopted after full consultation which respects the principles of proportionality and subsidiarity. It also means better follow-up on initiatives so that we can adopt a more end-to-end approach to legislation in accordance with the Framework Agreement.

With enhanced co-decision, better regulation will also mean improving our procedures and our dialogue and cultivating an atmosphere of mutual trust based on transparency. I believe that these hearings are a good way for us to get that ball rolling, and as I have said, I am keen for us to develop a good working relationship, and look forward to meeting you bilaterally and to getting involved in meetings of the Committee on Industry, Research and Energy and of the Committee of Culture and Education. I believe that once we have achieved this, the free movement of information between us will improve.

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?

Information and Communication Technologies (ICT) now permeate all sectors of our society, so many Commission policies will play a positive role in their development – from Structural and Rural development funds to single market and consumer Directives. My priority is to develop and implement a European Digital Agenda that contributes to the achievement of the EU 2020 vision¹ and which has consumers and citizens at its core. I intend to develop the European Digital Agenda in close cooperation with the European Parliament and the Council as well as with my Commission colleagues. My initial priorities are: (i) building the high speed networks of the future; (ii) making the online single market a reality; (iii) ensuring that all citizens participate in the information society; and (iv) generating more, better targeted support for ICT research and innovation. Both citizens and industry have a role to play in driving innovation, whether big or small, incumbent or challenger, blue-chip or start-up.

i. Building the high speed networks of the future

A key element of Europe's competitiveness is widespread high speed access to the Internet. The Commission is committed to further developing its European broadband strategy which is based on competition, a mix of mobile and fixed technologies, and public-private partnerships. We will vigorously pursue the twin goals of giving all Europeans access to basic broadband by 2013 and of stimulating the rapid and widespread upgrade to new generation networks over the next 5 to 10 years. The first steps have been taken to promote public and private investment through the revised Telecoms framework and the State aid framework, but we must continue to remove obstacles and create incentives, while respecting the principle of technological neutrality, to invest in the new services and the world class infrastructure that Europe needs.

ii. Making the online single market a reality

The e-economy has huge economic potential, but too often, individual consumers and businesses do not engage in online transactions across Member States because of legal and regulatory barriers. Over the past 18 months, I've chaired a series of consensus-building roundtable meetings about online commerce. The roundtable participants have agreed to develop new licensing platforms and multi-territorial licenses and to establish a common framework for the exchange of rights ownership information, while some participants (such as Apple and Amazon) committed to increase geographic coverage of their services in the EU.

¹ Consultation on the future "EU 2020" Strategy, COM(2009)647, 24 November 2009

However, there is much more to be done, on issues ranging from provision of digital content to reassuring consumers about electronic payments and their contractual rights. I want to continue to ensure, in close cooperation with my colleagues, that the Commission is instrumental in the development of practical, proportionate and innovative solutions which will create a true EU online economy.

iii. Ensuring that all citizens participate in the information society

We must continue to improve the quality of online services in the public and private sector (such as eHealth, eGovernment, e-Inclusion). For this, we need effective ICT standards which promote notably interoperable solutions. We also need to ensure that the new technologies are secure, respect privacy, and that networks are reliable and resilient, open and neutral. All Europeans - including of course our younger generations - must be made aware of their rights and obligations on the Internet. This will require reinforced work for a safer Internet, for example regarding violent videogames, and efforts to increase media literacy. We must continue our efforts to avoid a digital divide in our societies, for more vulnerable groups such as low-income households, older citizens and unemployed youths, and enhance instead the positive effects ICT brings for a sustainable digital economy.

iv. Generating more, better targeted support for ICT research and innovation

European research and innovation is still fragmented, and our national research and education networks are underdeveloped, which together threaten our global competitiveness. I feel strongly that ICT research and innovation is the key to meeting some of Europe's most serious challenges – from the development a low-carbon green economy to caring for our ageing population, and so needs to be at the centre of many of our future policy initiatives. We need to create better conditions for private investment in ICT Research & Development and strengthen and facilitate coordination of public support. Our research funding should be accessible to SMEs and innovative start-up companies in order to foster new European talent. I will be keeping a close eye on the management of the budget of the ICT part of the R&D Framework Programme (FP), of the Competitiveness and Innovation Programme (CIP), and of the other financial instruments under my responsibility. I also intend to take an active role in the development of the next financial perspectives for the ICT parts of the 8th FP and the successor to the current CIP. I will also review the operation of the existing Joint Technology Initiatives (Artemis and ENIAC) and prepare for new Public Private Partnerships in the ICT field.

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 the initiatives that will make up the Digital Agenda within the first six months of my mandate. The aim of this agenda is to promote an integrated ICT policy framework, addressing both supply and demand for digital services, products and contents, and ensuring that Europe remains at the technological forefront. I will also look at the issues of how to promote roll-out and uptake of high speed internet networks in the EU, fixed and mobile, as well as a coordinated spectrum policy. I look forward to receiving input from the European Parliament, the Spring 2010 European Council and the informal meeting of the Telecom

ministers in Granada in April, as well as other stakeholders and civil society. I expect the finalised Digital Agenda to be presented in Summer 2010.

I fully share the need to make sure that the EU only legislates where public consultation has confirmed that it is necessary and proportionate to act at European level and where European action can achieve the objectives outlined above at the lowest possible economic cost. President Barroso attaches great importance to "smart" legislation and ensuring that the Commission carefully and systematically evaluates not only its spending programmes but also its legislative proposals and the implementation of existing legislation. I intend to implement the Digital Agenda through both legislative and non legislative initiatives in the following three areas: (i) building the high-speed networks of the future; (ii) European digital content; and (iii) digital citizenship.

i. Building the high speed networks of the future

This year the Commission will also present a Recommendation on Regulated Access to Next generation Access Networks to further promote the uptake of high speed networks. We will also take immediate action to set up the Body of European Regulators of Electronic Communications (BEREC).

The Commission will launch a wide ranging public consultation on the issue of universal service obligations during the course of 2010. I look forward to the European Parliament's active contribution to this debate, which will form the basis of a Commission Communication, to be followed up by legislative proposals by the end of 2010, should these prove necessary.

The Commission is actively encouraging the Member States complete their digital switch over by January 2012 and to open up the 800 MHz band for the further development of wireless communication services. I believe that Europe must fully seize the opportunity offered by the reallocation of spectrum and that the adoption of a co-ordinated approach will make a valuable contribution to economic recovery. I also believe the development of an ambitious spectrum policy in Europe will also bring about favourable conditions for the development of a wealth of new services, notably mobile broadband.

The European Parliament and Council will adopt a multi-annual policy spectrum programme that will provide strategic direction for spectrum use in Europe. I look forward to taking part in the first Spectrum Summit with the European Parliament, which I see as a good forum for discussing our future priorities in more detail.

ii. Developing Policy on European Digital Content

As an early priority, I want to focus on creating a real single market for content and facilitating the digitisation of Europe's cultural heritage. This action will require coordinated measures within the Commission and with the other institutions to eliminate the current fragmentation of the EU market. I will be carrying out a thorough examination of the licensing provisions that allow access to content, notably for out of print and orphan works, and for the establishment of a sustainable basis for the European Digital Library (Europeana) and large-scale digitisation of cultural works in Europe. I will contribute, in close cooperation with the Commissioner for Internal Market, to the Commission's objectives to create a favourable environment for the development of a credible, competitive and Europe-wide offer of content online, including effective protection of the Intellectual Property of those who offer

content online, in order to turn the tide of illegal downloads.

The Commission will also be seeking the renewal of the mandate of the European Network and Security Agency's mandate (ENISA). I also expect that the results of last year's debate on cyber-attacks will form the basis of proposals for the modernisation and reinforcement of Network and Information Security at European level. We also plan to report on the Audiovisual and Media Services Directive as well as carrying out a review of the Public Sector Information Directive and assessing the need for further action on the European Video Game Classification System.

iii. Developing Policy for a Digital Citizenship

I will pay special attention to Europe's contribution to producing high-quality open ICT standards. In addition, the Commission will be reporting on the European Parliament and the Council of Ministers before the end of 2010 on the issue of net neutrality, taking as a starting point the new provisions of the Telecoms Package.

European citizens should benefit from digital services also when they exercise free movement rights. The Commission will issue an interim report on the Roaming Regulation in June, with a full review to follow. I'll be following the evolution of roaming charges in Europe with keen interest and I am expecting to see much lower retail prices for data roaming and an end to bill shocks.

The challenges of protecting personal data increase with the development of new technologies. I look forward to working with Commissioner Reding on the assessment of the results of the public consultation on the General Data Protection Directive. The Commission will also monitor carefully the effective enforcement of the new privacy rules, which are due to be transposed by 2011. I, in close co-operation with the European Data Protection Supervisor, also intend to take a proactive role towards the issue of breach notification.

Further key actions include: following up on the eGovernment, e-Inclusion and eHealth Action Plans and Ministerial declarations. I will also be considering proposals for a Regulation on the eCall vehicle safety system and for the development of our policy on ICT for Energy Efficiency.