



EUROPEAN PARLIAMENT

2009 - 2014

*Committee on Civil Liberties, Justice and Home Affairs
Committee on Legal Affairs
Committee on Women's Rights and Gender Equality*

7.1.2010

NOTICE TO MEMBERS

Subject: Hearing with Viviane REDING, Commissioner-designate for Justice,
Fundamental Rights and Citizenship

Please find enclosed the written answers sent by Viviane REDING.

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? What 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?**

Having grown up in Luxembourg – a small country with many neighbours – I experienced from an early stage the practical meaning of borders in Europe for the daily lives of citizens. As a Luxembourger, "Schengen" is therefore much more than just a political notion. Removing borders in both a physical and a legal sense, thereby facilitating the lives of citizens, reducing cost for business transactions and bringing Europeans closer together, has been my main motivation for entering European politics.

It was this personal experience which encouraged me to work on matters related to justice and home affairs when I was Vice-Chair of the Committee on Civil Liberties and Internal Affairs of the European Parliament (1997-1999). Already at that time, I pleaded in favour of a stronger involvement of the European Parliament and of the Court of Justice in this important policy field. This is now a reality with the entry into force of the Lisbon Treaty. My designation as Commissioner for Justice, Fundamental Rights and Citizenship only three days before the entry into force of the new Treaty therefore brings me to the centre of my policy beliefs.

My experience first as a national and then as a European Parliamentarian will strongly influence my work in the portfolio for which I have been designated. I began my political career in 1979 as a Member of the Luxembourg Parliament, where I served for ten years. I then served two terms in the European Parliament from 1989 until 1999.

Throughout my political life, I have been guided by the need to achieve tangible results for citizens. Instrumental in this respect has been the time I served – from 1981 to 1999 – as a local councillor in the city of Esch-sur-Alzette in Luxembourg. Also my experience as Chair of the Petitions Committee of the European Parliament (1989-1992) allowed me to gain a thorough understanding of citizens' problems and of their expectations regarding the European institutions. This has had a strong influence on my later work in the European Commission.

As a Member of the European Commission responsible for Education and Culture (1999-2004), I focussed on initiatives which were of direct relevance to citizens (e.g., the student exchange programme "Erasmus Mundus"). During my second mandate as Commissioner for Information Society and Media (since 2004), I was able, with the strong support of the European Parliament, to inject a new consumer and citizens' rights dimension into telecommunications legislation, including lower roaming charges, the single European emergency number 112, stronger provisions on the protection of personal data, and reinforced rights of Internet users.

Naturally, for me as a female politician, the equal treatment of women and men has been a permanent theme. This started when I was National President of the Christian-Social Women in Luxembourg (1988-1993). It was reinforced when I worked as Vice-Chair of the Committee on Social Affairs, Employment and the Working Environment of the European Parliament (1992-1994). It continued until my time in the more technical Information Society and Media portfolio, where I worked to encourage a stronger participation of young women in IT jobs. For me, the equality achieved for women since the insertion of Article 119 EEC (now Article 157 TFEU) in the Rome Treaty is one of the most revolutionary societal achievements of European integration.

As regards the responsibility entrusted to me by President Barroso to look, jointly with him, after the Communication work of the Commission, I can rely on my experience as a former journalist. In addition, I have consistently made it a priority in my work to communicate effectively EU policies which directly affect the citizen. I am looking forward to building upon this experience to make communication on EU issues more effective and better targeted towards local and regional media to make Europe better understood by the citizen.

As a Member of the Commission since 1999, I have fully respected the letter and spirit of the Treaty, in particular the obligation to act in the European interest and without taking any instructions from my home country or any other body. I will continue to do so in compliance with Article 17(3) TEU and Article 245 TFEU, which take account of the obligation for the Commission to act independently. I am also committed to comply with all the principles laid down in the Code of Conduct for Commissioners and will refrain from any action which would be incompatible with my function. In conformity with the Code of Conduct for Commissioners, I will update, in case of changes, my Declaration of Interest which is available on the web.

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 Vice-President-designate and having been a Member of the College since 1999, I fully intend to continue to put my experience at the service of the College. I will continue to place strong emphasis on collegiality while taking full political responsibility for the activities carried out by the services within my portfolio. I will of course continue to be at the disposal of the European Parliament and its committees and will regularly report to and exchange information with the Parliament. I certainly intend to play my institutional role in assisting the European Parliament to implement the new competences provided by the Lisbon Treaty in the area of Justice, Fundamental Rights and Citizenship. A strong partnership with the European Parliament will be instrumental for me to ensure policies oriented to citizens' needs and protecting their rights. As in the past, the European Parliament can count on me to participate personally in important negotiations and debates.

- 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?**

I am wholeheartedly committed to fully implementing the provisions of the Framework Agreement with the European Parliament regarding the exchange of information between the Commission and the European Parliament and to give full effect to the provisions of the Treaty. I intend to work very closely with the European Parliament if it requests the Commission to present legislative proposals. In my area of responsibility, I intend to keep the European Parliament, both in committee and in plenary, fully and promptly informed about ongoing procedures and also when contemplating new initiatives. For me, equal treatment of Parliament and Council is not only legally required in the context of the ordinary legislative procedure; it is a political must for a Commissioner who needs to account for her work, first of all, to the directly elected Members of the European Parliament.

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?**

The Lisbon Treaty provides the European Union with new competences in the field of Justice, Fundamental Rights and Citizenship, and this under the "Community method". My overall priority will be to fully implement the new possibilities offered by the Lisbon Treaty in the interest of all citizens. My three concrete priorities (which all have equal importance for me) will be: first, the development of a truly European area of Justice without frontiers; second, a strong and coherent European area of fundamental rights; third, the strengthening of a Citizens' Europe.

As regards the first priority (Justice), my main aim is to ensure that differences between national judicial systems no longer constitute barriers to citizens' access to justice; and that mutual recognition and mutual trust are enhanced across the 27 Member States and combined with appropriate harmonisation measures. As regards civil and commercial justice, I want to help put contractual relations in our internal market, notably in business-to-consumer relations, on a more secure and coherent footing to facilitate cross-border transactions. I therefore intend to work on the three first building blocks of a coherent European contract law, namely standard terms and conditions, consumer rights and common principles of contract law, with the purpose of paving the way for one day developing a European Civil Code (which could take the form either of a voluntary tool to improve coherence, or of an optional 28th contract law regime or of a more ambitious project). I will also launch a debate on how to better regulate business law in the internal market, such as defining common rules on the law applicable to company law, insurance contracts and transfer of claims. Moreover, I intend to propose actions to support economic activity by ensuring that

legal decisions are enforced more effectively (such as the abolishment of exequatur), including by the use of modern technologies. Cross-border-aspects of family law will also be high on my Justice agenda. On criminal justice, we should focus both on measures strengthening citizens' rights in the framework of cross-border criminal procedures; and assisting relevant authorities to fight cross-border crime on the basis of comparable deterrent sanctions. This includes the development of a comprehensive system for obtaining evidence in cross-border criminal cases. The strengthening of Eurojust and its development into a European Public Prosecutor's Office is a key Treaty objective on which I envisage making substantial progress during my mandate.

My next objective of creating a strong and coherent European area of fundamental rights signifies that the three systems of fundamental rights we have in the EU (the EU Charter of Fundamental Rights, the European Convention for the protection of Human Rights and Fundamental Freedoms and the fundamental rights guaranteed by the constitutions of the Member States) work effectively together, complement and mutually reinforce one another in the interest of every person of the EU. As regards the EU Charter (which is addressed first of all to the EU institutions and bodies), it will be my core task to ensure compliance of all proposed EU legislation with all the fundamental rights of the Charter, including with human dignity, freedom of expression, right to privacy, right to property, freedom to conduct a business, equality before the law, non-discrimination, access to justice and fairness in judicial proceedings. I will pay particular attention to other Commission departments' Impact Assessments and proposals to ensure their full compatibility with the EU Charter of Fundamental Rights. I also intend to strengthen EU legislation protecting the rights of the child and to ensure that we are equipped with a modern and coherent policy strategy addressing discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (cf. Article 10 and 19 TFEU). Data protection is an issue of particular importance. The right to privacy (Article 7 of the EU Charter) is essential to individual freedom. It requires special attention at a time when modern data sharing and storage technologies are becoming the standard tool both in business (especially for new marketing techniques via the Internet) and in government (especially as regards crime prevention and law enforcement activities). It is my firm belief that there can be no trust of citizens towards Europe if we do not remain vigilant in ensuring that personal data are protected against unauthorised use; and that citizens have the right to decide themselves whether or not their data are processed. I therefore intend to bring together the EU's data protection rules into a modern and comprehensive legal instrument. As regards the European Convention for the Protection of Human Rights and Fundamental Freedom, I will work closely with the Council of Europe to ensure effective coherence of our action in the field of fundamental rights, taking due account of our different competences. I will work with the President on the proposal to be presented as soon as possible under his authority for a negotiation mandate for the accession of the EU to the Strasbourg Convention, as foreseen by the Lisbon Treaty. As regards the national level of fundamental rights protection, I intend to closely follow constitutional changes and the jurisprudence of national constitutional or supreme courts, and to promote an exchange of judicial expertise between national and European level to help in establishing a European fundamental rights culture. I will ask the Fundamental Rights Agency in Vienna to assist the Commission in this respect.

Concerning my further priority (Citizens' Europe), I want to focus on concrete measures to promote and protect citizens' rights in their daily lives. More can and needs to be done in this respect, as highlighted by the report of Alain Lamassoure "Le citoyen et l'application du droit communautaire" of 8 June 2008. I intend to work closely with the European Parliament to step up our efforts to make sure that citizens are better informed about their rights and that the existing gaps in the legislative framework are filled. For me, particular care needs to be taken to ensure that European laws conferring rights on citizens are implemented and applied in a swift and effective manner. I will continue the dual approach of partnership with Member States to ensure quick compliance with EU law but, will not hesitate, should this fail, to take a robust approach with regard to infringements of EU legislation on citizens' rights by Member States, with special emphasis on the effective implementation of Directive 2004/38/EC on free movement in all 27 EU Member States. Similar attention will be accorded to the implementation of our comprehensive antidiscrimination legislation. I would also like to launch a reflection on how best to remove discrimination on grounds of nationality, including residence, within the EU, so far not covered by existing anti-discrimination legislation. In the spirit of a Citizens' Europe, I furthermore intend to use – in cooperation with other Commissioners – the new possibilities offered by the Lisbon Treaty to make citizens' rights to diplomatic and consular protection more effective.

With regard to these three policy priorities, I will use the instruments available to the Commission to ensure a more effective communication of EU policies and their concrete impact for the citizen, including making use of the Internet. In addition, I will make sure, together with the President, that all EU issues of relevance to the citizens are communicated forcefully and professionally. I intend to play my role in ensuring, in partnership with the Parliament, that all citizens are well informed about their rights and obligations in the EU context and are aware of what the EU does and stands for.

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?

Soon after the start of the new Commission, I intend to submit (together with the Commissioner for Home Affairs) an Action Plan delivering the Stockholm Programme. It will include a comprehensive overview of concrete future EU actions in order to develop and strengthen the European area of justice, freedom and security at the service of the citizen. The Stockholm Programme includes around 170 initiatives; it is therefore a legislative programme that is in many ways comparable to the Single Market Programme for 1992. Focus and priorities will be required to implement the Stockholm Programme effectively.

During the first part of my mandate (2010-2012), I intend to dedicate my time and energy in particular to the following initiatives:

- I want to make substantial progress in the work towards a European contract law in order to facilitate cross-border transactions, especially in a business-to-consumer context. I therefore intend to complete – with the help of academic expertise from across Europe – the work on the common frame of reference in the course of 2010, and to include it thereafter into a well-publicised legal instrument. I would also like to accelerate the work on standard terms and conditions, which are an essential tool for more reliable and less costly business-to-consumer relations in our internal market. Furthermore, I would like to work closely together with Parliament and Council on completing successfully the pending legislative procedure on the Consumer Rights Directive. This Directive is of crucial importance both for solid consumer rights and for a level-playing field for businesses. A priority for me will be ensuring that the further evolution of this Directive is consistent with the broader work on European contract law, and that it leads to overall strengthening of consumer rights, thereby ensuring a high level of consumer protection. On all issues related to consumers, I will work closely together with the Commissioner for Health and Consumer Policy.
- I want to make fast progress on the pending proposal on the applicable law in matrimonial matters ("Rome III"). I am a firm believer in participation of all Member States in all EU policies. However, I am also convinced that the human dimension of this proposal – which could remove substantial legal uncertainty for children and their parents in often conflicting bi-national situations – does not allow us to wait any longer. If there is no other solution, I am ready to present a proposal for enhanced cooperation on “Rome III” within the first months of my mandate. Enhanced cooperation in this matter will send a strong signal to all Member States. Of course, I sincerely hope that a sound proposal from the Commission, supported by many Member States, would soon attract all Member States to join.
- In relation to enforcement of rights conferred by EU law, I believe we urgently need to bring procedural coherence into the present forms of collective redress which exist or are being proposed in different areas of EU policies. I therefore intend to propose to Commissioners for Health and Consumer Policy and for Competition to consult, in cooperation with them, in 2010, all relevant stakeholders in view of ensuring coherence of civil procedural law and of assessing possible solutions to avoid piecemeal legislation - Regarding data protection, I plan to thoroughly review the EU’s acquis in data protection with a view to modernizing it swiftly. My intention is to bring the existing legal instruments (in particular the General Data Protection Directive of 1995 and the 2008 Framework Decision applicable to police and judicial cooperation in criminal matters) together into a modern and comprehensive legal instrument that reflects the changes brought about by the Lisbon Treaty and is - 7 - fully compliant with Article 7 of the EU Charter, while taking into account the rapid developments in the information society.
- EU citizens still face too many obstacles when seeking to exercise their right of free movement or to source goods and services across national borders. They should be able to make use of their rights as EU citizens in the same way as they enjoy their rights as national citizens. My first priority in this respect will be to ensure a full implementation of Directive 2004/38/EC on free movement in all 27 Member States. In addition, I want to draw up, in 2010, a comprehensive report on further direct or indirect obstacles created by national borders for the daily life of citizens and for the effective exercise of their

rights resulting from Union citizenship. On this basis, I intend to present proposals to further facilitate (beyond already existing legislation) the exercise of the rights of EU citizens to move and reside freely within the territory of the Member States, on the basis of Article 21(2) TFEU. I also want to explore the potential added value of making use of Article 18(2) TFEU to remove, where appropriate and practical, discrimination on grounds of nationality, including residence, which still reduces the full effect of Union citizenship.

- In civil matter, I intend to revise the Brussels I Regulation on jurisdiction, recognition and enforcement of judgments in civil and commercial matters in order to abolish exequatur for civil and commercial decisions and to extend mutual recognition to areas not yet covered.
- With regard to non-discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (cf. Article 10 and 19 TFEU), I intend to fully play my institutional role in view of the adoption of the legislative proposals presented by the Commission in 2008 (anti-discrimination outside the workplace, maternity leave, self-employed workers). I will also work for making equal treatment between women and men fully effective across the EU and more visible as regards its practical results, inter alia by supporting the work on a Women's Charter to commemorate the 15th anniversary of the Beijing conference in 2010, which has been advocated by President Barroso in his speech to the European Parliament plenary in September 2009. I attach great importance to the European Institute for Gender Equality and intend to give all my support to help it become operational in Vilnius by summer 2010. At the same time, we must develop a modern strategy to promote equality between women and men, and I intend to present a multiannual strategy in this regard in 2010. A disability strategy to cover the period as from 2010 will also be presented in the course of the first year of my mandate. More generally, I want to enhance awareness-raising among the general public about the societal progress achieved by the EU over the past decades with regard to non-discrimination. I intend to work closely on all non-discrimination issues – in particular regarding the situation of Roma in the EU – and on social rights with the Commissioner for Employment, Social Affairs and Inclusion.
- I believe that violence against women is a serious issue in our society which touches European values and concerns all 27 Member States. This is why I want to work on a determined common response to this phenomenon and to develop a policy framework within which the EU institutions and the Member States can jointly fight violence against women.
- I will work with the President on the proposal to be presented under his authority to prepare the accession of the EU to the European Convention on Human Rights and Fundamental Freedoms (Article 6(2) TEU) and to present recommendations for starting negotiations with the Council of Europe as soon as possible in 2010.
- I will work with the President and the Vice-President for Inter-institutional relations and Administration to present, under the authority of the President, on the basis of Article 24(1) TFEU and of the results of the public consultation started in 2009, a regulation on

the procedure and conditions required for the new citizens' initiative, foreseen in Article 11 TEU.

- I will also make use of the first part of my mandate to strengthen the work on E-Justice as an effective tool for easy and non-bureaucratic access to the law across the 27 Member States; and to explore further concrete measures for improving judicial training and the development of a European legal culture among national lawyers (e.g., via a new programme "Erasmus for Judges").
- I would like to renew the existing "Citizens for Europe" programme which expires in 2013. The next generation of this programme should focus on practical programmes which strengthen European identity (such as town twinning), exchange of cultures and languages as well as concrete experiences of our common European values.

Let me also flag two projects which I would like to approach in the medium term:

- the move from the first building blocks of European contract law (common frame of reference, standard terms and conditions, consumer rights) to a European Civil Code, which could take the form either of a voluntary tool to improve coherence, or of an optional 28th contract law regime or of a more ambitious project;
- the development of Eurojust into a European Public Prosecutor's Office, as foreseen by Article 86 TFEU.

I see citizens' access to information about the EU institutions and EU law as an important part of European citizenship. I therefore will fully support the efforts of the Publications Office – which is common to all EU institutions – to create during my mandate a single access portal to European Union law, covering all stages of the decision making procedures, including the transposition of EU law into national law, as well as the jurisprudence of the Court of Justice and of national courts applying EU law.

Regarding the need to ensure a good quality of legislative proposals, this will be for me a horizontal task across my portfolio. Good quality proposals are the first step of successful implementation and an effective enforcement of the *acquis* to deliver a Europe of concrete results serving the citizen.

The secretariat