

Commitments made at the hearing of **DIDIER REYNDERS** Commissioner-designate Justice



The commissioner-designate, Didier Reynders, appeared before the European Parliament on 02 October 2019 to answer questions put by MEPs from the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Legal Affairs and the Committee on the Internal Market and Consumer Protection. During the hearing, he made a number of commitments which are highlighted in this document. These commitments refer to his portfolio, as described in the [mission letter](#) sent to him by Ursula von der Leyen, President-elect of the European Commission, including:

- Upholding the rule of law; and
- Justice and consumer protection.

Please note that the quotes included in this document only make reference to oral commitments made during the [hearing](#). The [verbatim report](#) of the public hearing is available on the [Commissioners-designate hearings website](#). The Commissioner-designate was also sent some written questions in advance of the hearing to which he provided [written answers](#).



Upholding the rule of law

Comprehensive discussion on Rule of Law, fundamental rights and democracy

"I will ... work on the report on the rule of law – about how it's possible to build a process – with an interinstitutional discussion on the whole, comprehensive issue ... of the rule of law, fundamental rights and democracy."

European Rule of Law Mechanism

"In July, the Commission presented its proposals for a comprehensive European rule of law mechanism. I will promote a rule of law culture, prevent the development of rule of law concerns and respond when necessary."

"I ... want to see this new mechanism up and running next year, with an inclusive non-discriminatory and preventive annual process. This will lead to an annual report and be backed-up by the justice scoreboard."

Monitoring Rule of Law in the Member States Dialogue and cooperation with Member States and other institutions

"The monitoring will cover all Member States, but will go into more depth in Member States where particular risks have been identified. I will pay particular attention to ensure the objectivity and fairness of this monitoring how we build dialogue and ensure that we share best practice to help Member States."

Using the full toolbox, including sanctions

"We must use all the tools at our disposal ... Trust me, I will not hesitate to act whenever the rule of law is in danger. I will not compromise when democracy is at stake."

Recommendations

"[I]t's also very important to send recommendations to all the Member States and to make remarks to all the Member States without any discrimination ... I was surprised that for so many years it has been possible to make remarks on the budgetary situation – it's a necessity to do that—but not so evident to make remarks about the values that we share."

Article 7 procedures

"[I]t is very clear: I want to go forward with the Article 7 procedure, not only in the actual cases that we have but, if it's needed, in other cases. I know that there may be other different kinds of problems in other Member States, and if it's needed we need to apply it in the same way."

EP to present its initiative on Art. 7 procedure on Hungary in the Council

"[A]bout Hungary – and you have seen that there is a procedure now – that I have asked in the Council, and this is also the position of the current Commission, for it

to be possible for Parliament to come and explain Parliament's position – because this procedure started in Parliament – exactly in the same way and on a very solid basis."

Annual cycle, media and democracy

"My first task will be to lead the work of the Commission to produce a report on human rights, it is going to be not just on rule of law, but it will also have a wider area. In the first year of the Commission I would come back with a paper which will be a basis for discussion both in the Parliament and, I hope, in the Council."

Rule of Law conditionality

"I believe that we will get an agreement rapidly between the co-legislators on that subject, because this will then mean that it is possible to take the right budget action with suspension, or losing money all together in the event of a generalized failure to uphold rule of law obligations."

Reports on a New strategy for Democracy and on the Charter of Fundamental Rights

"The Commission also intends a report on the Charter of Fundamental Rights so it's possible to come with a report on that. We will work on a new strategy for democracy so maybe with a report on democracy."

Interinstitutional arrangement

"[I]t's possible to discuss an interinstitutional arrangement. I don't know if it will be a formal one because it will be long – maybe for the medium term – but to start immediately."

Working Group of Commission, Council and European Parliament

"I will propose organising a working group with the three institutions ... and to see how it's possible to build the process together. I will of course first work on the report on the rule of law – about how it's possible to build a process – with an interinstitutional discussion on the whole, comprehensive issue, as you said, of the rule of law, fundamental rights and democracy ... So I'm hoping that it will be possible to start such a working group as soon as possible ... I'm not against some possibilities to consult and to discuss with independent experts, independent bodies, but maybe not to create a new one."

Article 2 in external relations

"I am very much committed to Article 2 being respected within the EU and also in exporting our values."

Minorities and vulnerable groups

"[I] am committed ... to defending minorities and certainly the rights of minorities. You spoke about LGBT and it's the case in all the possible occasions. Of course it will be one of the concerns, they are all vulnerable groups, you know that, but we need to be very active on

the ground and not only in the general procedures that we have in our toolbox.”

Justice and consumer protection

Developing the Justice area through judicial cooperation

“We need to strengthen judicial cooperation in civil and political matters. European citizens have the right to live and work in the EU with the full respect of the freedom of movement.”

Mutual trust

“It is also about respecting our diversity but guaranteeing on our different legal traditions at the same time, but they should not be an obstacle to our freedoms or security. I will work to build an atmosphere of trust between our different legal systems.”

Fundamental rights protected in law enforcement?

“[T]he answer is yes ... [I]f I have such a portfolio, I will be defending fundamental rights ... Certainly ... [I]t’s very clear.”

The European Arrest Warrant

“Concerning the European Arrest Warrant, I will continue to monitor its application and work closely with you and with the Member States to continue to improve it ... We will consider whether infringement proceedings are necessary in light of the compliance assessment. I will also seriously consider whether to bring forward a proposal to revise the European Arrest Warrant.”

Prisons conditions and pre-trial detention

“I will also look into how prison conditions in the Union could be improved, and I will explore the idea of establishing minimum standards for pre-trial detention in order to strengthen trust.”

Europol negotiations with partners

“I think we should be able to pay attention, there too, to fundamental rights, to human rights, in the way we negotiate and conclude agreements. I will, of course, be watching over agencies that are more directly dependent on DG Justice.”

European Public Prosecutor’s Office

“[M]y first concern is to be sure that we will have a correct implementation of the EPPO at the end of next year. I will work with the Chief Prosecutor and the ad interim administration to do that and we have a lot of steps to take to go in such a direction ... First, we need to have a College of Prosecutors. So we need to put pressure on the Member States to organise a College. Second element, we need to put more pressure to have correct implementation of the PIF Directive, because without that it would be difficult for the new European Prosecutor to work on the situation in the European budget. And then ... it will be important to give enough

resources – human resources and financial resources – to the EPPO, and I will take care that in the MFF it will be possible to protect it.”

Eurojust

“In the area of justice, Eurojust in particular is there to facilitate the coordination of judicial bodies, particularly when it comes to the fight against intellectual property crime. It is therefore an element on which stronger action is desirable, and Eurojust is preparing a report on judicial challenges and best practices to deal with this type of crime. We will therefore be able to work on exchanges of best practices between States.”

General Data Protection Regulation, promoting the European approach as a global model

“One of my priorities will be to ensure that fundamental rights are fully protected in the digital age ... We need to make sure that the new legal framework is fully implemented and at the same time continue to promote our values and standards on the world stage ... I often hear criticism of the general regulation on data protection, which nevertheless contains simplified mechanisms for small and medium-sized enterprises. It is therefore in this spirit that I will try to work, in order to remove, if possible, a number of unnecessary constraints on small and medium-sized enterprises or start-ups.”

Fundamental rights, human and ethical implications of artificial intelligence

“[I]n the first 100 days we will try to work on new horizontal legislation, about the human and ethical aspects of the artificial intelligence ... [W]e need to ask for more and more information about the algorithms and the logical working of the algorithms ... So with the Commission, we need not only to put into place new legislation, we need also to help national authorities to organise tests and controls to receive information ... [W]e will work in sectorial situations, because the difficulties are more detailed in the transportation sector or in healthcare and other kinds of activity.”

Golden Visas

“[T]here are some rights to freedom of movement, the capacity to vote for the European Parliament, so we need to be strict ... Because there are risks, you have said: corruption, money laundering, but many other risks due to that. So I’m committed to fight against that, because we need to protect the European citizenship. It’s a real important element of our values.”

Whistleblowers

“[I] believe that not only must we move towards the application of the Directive by all the Member States, but it is quite possible, and I wish to debate with the Member States, that we adopt additional measures, as I said, of assistance and of support. This can go through legal assistance, financial, as I mentioned, psychological assistance too. And so, on these different points, I am

quite ready to see whether the Member States want to go further and if it is necessary to go further also at European level."

European citizenship

"I want to continue to advance on priorities: ... to protect the free movement of citizens, especially in the context of Brexit, which will be again on the agenda very quickly."

Company law

"I am very committed to work with you and with the Council, about the way to install new requirements into company law. You also spoke about human rights ... There are some voluntary commitments for the moment at the level of many companies, but it is not enough. I am sure that we need to go through a real change in company law to ask more obligations about the social interest of the companies, and I'm also sure that it is quite important to discuss about the supply chain."

Representative actions

"I will ... push for swift adoption of the proposal on representative actions. Collective redress possibilities are very much needed by European consumers."

"...we need first to adopt the new directive, the Representative Actions Directive, to organise a collective redress, because you know that we need to get to a Council position if it's possible in November, so we are at the first step and I fully share the view that we need to do that and we need to organise the process."

Dual quality products

"We must continue to crack down on dishonest and aggressive selling and protect vulnerable consumers. We need to keep a high level of vigilance about the risk of dual quality products ... We expect the same fairness wherever a consumer lives."

Product Safety

"I will look into updating the General Product Safety Directive so that all players in the online supply chain reduce the number of unsafe products. I also want clear rules in terms of liability for all providers involved in the online consumer journey."

Liability in AI

"[A]bout the human and ethical aspects of artificial intelligence and we need to see how it's possible to go further with liability ... Safety is a very important aspect, human and ethical aspect and liability, but in the first

100 days, I don't want to assure you that we will have a new regulation on liability. It may be longer than that."

Effective enforcement of consumer law

"[I] intend to place particular emphasis on effective enforcement. ... We now need to ensure it is effectively enforced both inside the Union and with our international partners."

Strengthening consumers' capacity

"In the Green Deal strategies, in the first 100 days, we will try to see how it's possible to work more with the supply side and see how it would be possible for the consumer to take part in a more rapid transition to the green economy. I'm sure that we need to give more information to consumers, as a first element of course, to have the capacity to decide to make another choice and to go another product."

Sustainability, durability, repairability

"First of all, we are all committed as European Union Member States to fulfil our engagement about the SDGs, the Sustainable Development Goals, on the UN level."

"I want to repeat that, as I've said in my introductory remarks, it's very important to use the demand side – so consumer capacity – to organise a real process to a sustainable economy, and I'm sure that if we want to fully respect our commitment on SDGs at the UN level, we need to do that and to be very active on that."

"I said very clearly that I believe that, on a number of issues concerning sustainability and sustainable development, we need to effectively inform consumers. And so, it is up to companies to provide correct information, for example on ... the durability, the repairability of a number of products but also the availability of spare parts. And with respect to reparability, I would add ... reparability by third parties and not necessarily by the company that sold the product ... So on all these points, I think that it will probably be necessary to legislate... We will examine all situations to see if we move towards a sustainability obligation."

Programmed obsolescence

"And when you talk about planned obsolescence, I think that if it is actually planned, it must become an offense and allow the authorities to punish. We can not imagine introducing this logic of obsolescence into products on a voluntary basis, without any consequence."

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