



Summary of hearing of Viviane Reding - Justice, fundamental rights and citizenship

In the last decade, justice has been neglected in favour of security, but the Lisbon Treaty now allows a balance to be struck, Commissioner-designate for Justice, Fundamental rights and Citizenship Viviane Reding told the Civil Liberties, Justice and Home Affairs, Legal affairs and Women's committees. Ms Reding pledged to plug gaps in free movement of citizens, and said that fundamental rights such as data protection would be "top of the line".

Members of the three committees questioned Ms Reding on the actions she would take as Commissioner to reinforce data protection and privacy, enhance copyright protection, and facilitate cross-border divorce cases, but also in the field of the protection of minorities, children's rights, mutual recognition of legal acts, and discrimination against women.

Simon Busuttill (EPP, MT) asked the Commissioner designate to give examples of specific rights to be guaranteed to citizens. She replied that she would address gaps in free movement rights, if necessary with infringement procedures against Member States, and quickly take action in the field of civil justice to remove uncertainty as to the law in cross-border divorce cases.

Data protection

Claude Moraes (S&D, UK) asked her how she would resolve any conflict of responsibility with the home affairs Commissioner and "mainstream" fundamental rights. Louis Michel (ALDE, BE) asked how Member States could be obliged to abide by the Charter of fundamental rights.

Ms Reding replied that the Commission "has been working as a team and will continue to do that" and underlined that every new Commission proposal would undergo a fundamental rights impact assessment. She added that once the EU has joined the European Convention on Human Rights, the Luxembourg and Strasbourg courts would need to co-operate in developing case law.

Raül Romeva i Rueda (Greens/EFA) and Rui Tavares (GUE/NGL, PT) asked about personal data protection in international agreements, such as SWIFT on banking data and air passenger name records (PNR) and the possible use of body scanners in airports. Ms Reding said that "you can be very sure that fundamental rights and data protection will be top of the line. We will not let anyone dictate to us rules that go against fundamental rights on anti-terrorism grounds (...) our need for security cannot justify any violation of privacy. We should never be driven by fear, but by values".

Citizens' initiative

Jacek Protasiewicz (EPP, PL) asked Ms Reding how she intends to make the new right of citizens' initiative work. She replied that the conditions under which this initiative can operate would first have to be "clarified". For example, a citizens' initiative to introduce the death penalty would be precluded, because it would run counter to EU values.

A European Prosecutor's Office?

Replying to Rosario Crocetta (S&D, IT) on Europol, Eurojust, assets of criminals and mutual recognition, Ms Reding said that if the idea of a European Prosecutor's Office were to come to fruition, it would deal mainly with financial cross-border issues. Such a step would be possible under the treaties, but "for that we need the Member States on board", she admitted. Ms Reding argued that Member States need to step up cross-border co-operation against paedophiles and pay more than "lip service" to the protection of victims.

A law for cross-border divorce cases

Replying to a question by Tadeusz Zwiefka (EPP, PL) on a new regulation for cross-border divorce cases, Ms Reding said: "Let's go ahead, let's not wait", even if the new law is adopted and implemented only by some Member States. She added that she did not like such "enhanced co-operation", but when on an important matter like this unanimity is impossible, there is no other solution.

Balance between industry and consumer rights

Asked by Bernhard Rapkay (S&D, DE) to comment on an article in a German newspaper describing her as a "friend of European business", Ms Reding said that the telecoms industry, with which she had dealt in her current portfolio, would disagree. She added that a balance needs to be struck between the rights of the industry and those of the consumers.

Mutual recognition of legal acts

Raffaele Baldassare (EPP, IT) asked whether she planned to extend the mutual recognition by Member States of legal acts beyond authentic acts by notaries. She replied that its extension to cross-border succession documents was under way and that she would like to proceed further, but only after a public consultation to ascertain needs.

Copyright protection

Lidia Joanna Geringer de Oedenberg (S&D, PL) asked for her views on copyright protection. Ms Reding advocated "new instruments, based on cross-border offers and not repression" to promote copyrights.

Respect for all legal traditions

Diana Wallis (ALDE, UK) and Sajjad Karim (ECR, UK) stressed the need for the Commission to respect the legal traditions of all Member States, including those with a common law system, in elaborating the European civil justice system. Ms Reding said that in doing so she would take into consideration all 27 national situations and put forward "a common proposal on how we should advance".

Maternity leave

Marije Cornelissen (Greens/EFA, NL) asked about paternity leave. Ms Reding replied that the Commission proposal to extend maternity leave from 14 to 18 weeks would be difficult to get through the Council of Ministers. She stressed that including paternity leave could stop the proposed maternity leave directive.

Gender pay gap

Edit Bauer (EPP, SK) highlighted the difference between legislation and practice. Ms Reding regretted that despite measures taken there is still a gender pay gap of 17% between men and women. She added that one very important instrument, the European Employment Strategy, could be used to this end.

Combating violence against women

The arsenal of legal measures should be reinforced, said Ms Reding in reply to a question by Britta Thomsen (S&D, DK) as to whether she was willing to recognise violence against women as a breach of fundamental rights.

Press release

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