EUROPEAN PARLIAMENT HEARINGS

ANSWERS TO QUESTIONNAIRE FOR COMMISSIONER DESIGNATE

Mr. Franco FRATTINI

(Justice, Freedom and Security)

Partie B – Specific questions

Parliamentary Committee LIBE

1. Do you undertake to take over the Commission's June 2004 submission to the European Council on Tampere II or do you undertake to inform Parliament which points you do not intend to take over, or intend to amend, stating the reasons for doing so ?

Yes. I warmly share the first orientations for the new JHA Multi-annual programme presented by the Commission in June and, if I am confirmed as Commissioner, it will be my firm commitment to promote the timely and effective application of the Hague Programme, as endorsed by the European Council on 5 November. I was also very interested by the opinion of the European Parliament of 14 October 2004. In particular, I would like to congratulate you for the way in which you presented the priorities, firmly oriented towards the needs and rights of the citizens and peoples of Europe. I was also pleased to note that our views coincide on the need to fully exploit the current treaties, notably article 67§2. I will return to this issue in detail under answer 3.

As I have already had the chance to say many times, I truly appreciate and respect the current Commissioner, Mr Antonio Vitorino. His contribution was also crucial in the definition of the Hague Programme.

2. Do you undertake, in agreement with the other Member of the College, to exploit the full scope of the Treaties in force for bolstering the principle of democratic representation of the Union's institutions?

The Union's institutions must act as democratically as possible, as regards the respective roles accorded to them by the treaties. In the area of freedom, security and justice it is necessary, in the first place, as outlined below in question 3, to widen the field of co-decision when taking the decisions foreseen in article 67 (2) EC.

Do you undertake:

3. To encourage the Council to adopt by 5 November 2004, at the latest, the decision it should already have taken on 1 May 2004 to change over to the codecision procedure for measures under title IV of the EC Treaty, in particular as regards immigration (Article 67 of the EC Treaty and Declaration No 5 annexed to the Treaty of Nice)?

Yes. As I have already mentioned, I share the view that the opportunities provided by the Treaties of Amsterdam and Nice must be fully exploited as soon as possible. Following the Conclusions of the European Council of 5 November 2004, the Council should take a decision – under article 67§2 of the EC Treaty - to introduce the co-decision procedure for some or all of the areas covered by Title IV subject to the Nice Treaty, with the exception of legal immigration, immediately after the consultation of the European Parliament and at the latest on April 2005. I cannot but welcome the decision of the European Council, even if the ideal solution, in my opinion, would have been also to include legal immigration. The civil law area, most of which has been under co-decision since 1 February 2003, shows how decision-making benefits from the efficiency of qualified majority and the democratic legitimacy which the Parliament as co-legislator brings.
The results of recent Eurobarometer surveys are clear: EU citizens rightly expect common policies on asylum, immigration, and borders to be put in place without delay. In Declaration no. 5 annexed to the Nice Treaty the Member States made a clear and precise political commitment to deliver the procedural arrangements allowing this.
The Council should now honour its commitments and the sooner the better.
The European Council meeting of 5 November was a turning point here. The agreement on the Constitutional Treaty demonstrated the political will to extend codecision to practically all decisions in the justice, freedom and security field. That Treaty must now be ratified by Member States. A clear decision by the European Council in favour of codecision showed a shared commitment to developing a common approach and is going to be essential for the implementation of the new multi-annual program for JHA.

4. to acknowledge a genuine right for the European Parliament to promote legislative initiative, in particular where the proposed legislation falls within a codecision area (Article III-234 o the draft Constitution, replacing Article 192 of the EC Treaty) ?

In accordance with the EC Treaty, the European Parliament, like the Council; can ask the Commission to submit each relevant proposal (art 192 EC), even if the area concerned is not governed by co-decision. Normally, the Commission follows up these requests, however, according to the framework agreement with the EP (point 5) the Commission must give a quick and sufficiently detailed reply to such requests.

The European Convention debated the question of who would have the right of legislative initiative but, in conclusion, maintained in the Constitution the current situation, in giving the Commission the exclusive right of initiative (art 1-26) and putting down in the Constitution

the obligation of the Commission of justifying its reply to the requests of the EP and the Council (art. III-332 and III-345). As the Commission now carries out its responsibilities under the political control of the European Parliament, these present and future measures would seem to me to form a balanced and coherent package.

In this context, I would like to underline the crucial importance for the coherent action of the Union as far as a sound inter-institutional work programming is concerned. I welcome the fact that the Constitution explicitly foresees the principle of an annual and multi-annual programme, agreed between the institutions (art. I-26 (1)). In my view, it would be more efficient and coherent to consider and evaluate the wishes of the European Parliament regarding future legislative initiatives in the context of discussions between the institutions on the programming, rather than on an ad hoc basis according to art. III-332. In this spirit, I consider crucial an active participation of the European Parliament in defining the new multi-annual programme in the area of freedom, security and justice, which will be a fundamental condition for putting the programme into action.

5. not to overrule Parliament rejection either of ordinary legislative proposals or of Commission proposals adopted under the « comitology » procedure, and to amend Council Decision 468/99 accordingly in the process (as provided for by Article 1.35(2) of the draft Constitution) ?

On ordinary legislative proposals, the Commission must be able to keep its right of initiative and decide on the timeliness and the contents of its proposals. If the European Parliament disagrees with a Commission proposal, it is up to the Parliament, as legislator, to adopt the corresponding amendments.

As regards the Reform of the comitology, the Commission undertook, in its modified proposal of 22 April 2004, to – I quote « take account of the positions of the European Parliament and of the Council in case of objections from one/and or the other branch of the legislative authority," for all general implementing measures which aim at applying the essential elements or adapting some other elements of the basic acts adopted in codecision. In the event of disagreement with one or the other branch of the legislator, the Commission will be able therefore, taking into account the legislator's positions, either to submit a legislative proposal in codecision, or to adopt its initial measure project, or to adopt an amended project, i.e. to withdraw its draft measure. In all these cases, the above-mentioned proposal stipulates that the Commission will inform the legislator of the reasons which led it to take, as a Community executive, one or other decision. This amended proposal, which shows on its account the amendments formulated in the Corbett report of 3 September 2003, has still to be the subject of negotiations in the Council.

The legal situation will be modified by article I-35(2) of the Constitution, because this gives legislative delegation to the Commission who will remain under the control of the legislator. In this case, it will be the legislator himself who revokes the delegation and/or blocks the adoption of a delegated regulation.

6. To propose to the Council that the European Parliament be at least systematically consulted when any international agreement is concluded or a third-pillar "common position" is adopted, given that there is no parliamentary scrutiny even at national level and to give the committee exhaustive information and systematically adopt a position on Member States' legislative initiatives or on the implementation of measures adopted by the EU?

There are international agreements based on Community competence which address important issues such as readmission, judicial co-operation in civil matters or justice and home affairs provisions in general Association or Co-operation Agreements. In these cases, I would be committed to ensuring that the European Parliament is fully associated as stipulated in Article 300 of the Treaty establishing the European Community. When it comes to Agreements dealing more specifically with third-pillar issues which are based on Articles 38 and 24 of the Treaty on European Union, the Council Presidency leads negotiations, the role of the Commission being to assist it. There is at present no legal obligation for the Council to consult Parliament, but the Council is certainly not prevented from doing so. I would very much favour this and will encourage successive Council Presidencies to take this on board. I am pleased that the Constitutional Treaty extends the rights of the European Parliament to be duly associated in this field.

In accordance with the Inter-institutional Agreement, I do agree that it is vital that the Commission should continue to keep the European Parliament fully informed about Member States' initiatives. I believe that loyal cooperation amongst the institutions – a principle enshrined in the Treaties – has to be reflected in an appropriate and continuous exchange of information. The Union works best when all institutions understand each other and together deliver mutually beneficial results. Of course the Member States which present initiatives are better placed than the Commission to explain their purpose and usefulness. As Commissioner I would propose that the College endorse the current practice where the Commission systematically adopts a formal position on Member States' legislative initiatives. These positions should be presented orally both to the Committee and in the plenary session.

As concerns implementation, for First Pillar areas the normal and existing procedures should be followed in respect of Member States' legislation implementing adopted Community directives. For the Third Pillar, in addition to the reports required from the Commission under several Framework Decisions, I would also consider reinforcing dissemination of information on implementation via the Scoreboard, a tool which I would be committed to retaining under the new multiannual programme, as requested by the European Council of 5 November, and develop the follow-up of the third pillar initiatives and the tools for a more close follow-up. However, pending the ratification of the Constitutional Treaty which extends the Commission's normal monitoring role to all justice and home affairs legislation, I have to emphasise that information on the implementation of Third Pillar instruments would depend on that made available to the Commission by the Member States.

7. to amend Regulation No 1049/2001 so as (a) to ensure that the Council's legislative debates are transparent (as provided for by Articles I-23(5), I-45(3), I-49(2) and II-42 of the draft Constitution) and (b) to ensure parliamentary access to, and/or scrutiny of, confidential information handled by the institutions with regard to the AFSJ (as is standard practice at national level in dealings between national parliaments and governments) ?

I fully share the Parliament's concern to ensure transparency in the legislative debates in the Council. Under the existing treaty provisions, there are two ways in which the objective of openness is being pursued:

- The public has access to relevant documents on the basis of Regulation 1049/2001 ; the Council's legislative documents are frequently made directly available through its website on the Internet ;

- In accordance with Article 207 of the EC Treaty, the results of votes, explanations of votes and statements for the minutes are made public.

The draft Treaty establishing a Constitution for Europe takes a further step towards greater openness: Article 49(2) states the Council shall meet in public when examining and approving a legislative proposal. This provision will apply when the Constitution enters into force; no amendment of Regulation 1049/2001 is required to that effect.
On the other hand, Parliament raises the question of its access to confidential information relating to the area of freedom, security and justice held by the other institutions in order to enable it to exercise effective control. The purpose of Regulation 1049/2001 is to establish the principles and limits of the public's right of access to documents, as granted by Article 255 of the Treaty. Parliament's prerogatives obviously go beyond the general public's right of access. . I would like to recall that specific rules already govern the transmission to Parliament of confidential information held by the Commission; these rules are contained in annex III of the Framework Agreement signed by both Presidents on 5 July 2000.

8. To provide the European Parliament and national parliaments, during the annual debate on the AFSJ, with more detailed information on problems encountered in the process of establishing the area, providing a comprehensive account of national positions and reservations and possible solutions for overcoming them? Will you undertake to ensure that the Parliament is kept informed about the work of the 'G5' group of member states or any enhanced cooperation pursued according to article 40 and 40b TUE?

Yes, I would be most honoured to take part as responsible Commissioner in the European Parliament's annual debate on the Area of Freedom, Security and Justice. I believe that an annual stocktaking meeting is crucial to allow a joint exchange of views on objectives delivered, failings identified, and priorities for future work. I would intend to use such debates to provide you with my detailed assessment of the main problems encountered in the establishment of an area of freedom, security and justice, and to discuss possible solutions

with you. However, I have to state clearly that it would not be my role as Commissioner to provide a comprehensive account of national positions and reservations. This role lies with the Council, represented during the annual debate by its Presidency.

This policy area is in a unique phase of growth, and requires close democratic scrutiny at European and national level. I would see the retention of the Scoreboard tool as one of the means to facilitate this process. I, together with my services, would also be at your disposal to discuss specific issues, an offer I would gladly extend to national parliaments too.

Concerning the work of the 'G5' group, this is – as you know – a purely informal forum which I understand represents an opportunity for some of the Member States to exchange their views on issues of the day. The Commission does not take part in these meetings.

I would of course undertake to inform you about work taking place involving a limited number of Member States which might develop in the future on the basis of enhanced cooperation, a mechanism which falls within the current Treaty framework.

I believe that this might prove useful when a minority of Member States does not share an objective to be pursued but only, I would underline, when it is done within the Treaty framework.

9. What action do you intend to take to strengthen the requirement of ensuring greater protection of fundamental rights, since it alone can ensure that the Member States and citizens have faith in each other in the European integration process ? Do you undertake to give form and substance to the European Union's adherence to the European Convention on Human Rights as soon as possible?

First, I wish to state that I would be honoured to be responsible for the protection of fundamental rights and citizenship in the European Union. As outlined by Presidenct-designate Barroso, I will work in close cooperation with my colleagues in charge of the different aspects of non-discrimination policies. Fundamental rights and citizenship form the basis for the European social contract. Respect for them will underpin everything I would plan to do during my mandate as Commissioner for Justice, Freedom and Security.

The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. I will do my utmost to keep our citizens informed about their rights, in close cooperation with the other Commissioners responsible. I would continue to promote the Charter of Fundamental Rights, a fundamental text setting out the personal, civic, political, economic and social rights enjoyed by the citizens and residents of the European Union. The present Commission has presented a Communication on Article 7 of the Treaty on European Union. I support that Communication and its focus on prevention of breaches of fundamental rights through information, education and cooperation. I support the idea of an inter-institutional dialogue to be conducted in that framework.

I see the Union's accession to the European Convention on Human Rights as a corollary to the inclusion of the Charter in the Constitutional Treaty with legally binding effect and as a crucial element of an effective commitment by the European Union to protection of fundamental rights . It is time to build on the work already done in the past. Although the entry into force of the Constitutional Treaty is required before the Union can enter into a Treaty of Accession to the ECHR, I would propose that the Commission launch, as soon as

possible, in agreement with the European Parliament and the Council, all necessary work aimed at speeding up the process leading to such a Treaty.

10. What will be your programme to foster a genuine culture of fundamental rights within the EU? Are you going to make it available the resources and the tools for promoting ongoing debate and exchanges of information between national and European parliamentarians, and between European-level courts and Member States' constitutional courts, with a view to sharing best experience and practices and laying down reference norms at Union level?

The decision to extend the mandate of the European Monitoring Centre for Racism and Xenophobia to create an Agency for Fundamental Rights is in my view the logical consequence of the growing importance of fundamental rights issues within the European Union. I am glad that the present Commission is launching a consultation with the European Parliament and civil society to prepare its proposal on the creation of the Agency. I would be committed to taking account of the views expressed when taking this work forward. The Agency will have a key role in the development of a real fundamental rights culture in Europe.

I would also propose to the College the maintenance and reinforcement, via the impact assessment tool, of internal checking of all legislative proposals to ensure their compatibility with the Charter of Fundamental Rights.

I believe that sharing information and best practices between Member States is essential if we are to foster and promote dialogue on rights issues. I would be committed to encouraging this networking and ready to help facilitate it in areas such as the dialogue between European-level Courts and Member States' constitutional Courts.

As regards exchanges of information between national and European parliamentarians, I personally support the arrangements set out in the Protocol on the role of national parliaments within the European Union annexed to the Treaty of Amsterdam. I would very much welcome all contributions from COSAC on legislative activities in the area of justice, freedom and security and fundamental rights. I consider that democratic scrutiny is essential and I would emphasise national parliaments' role in ensuring the respect of the principle of subsidiarity as regards legislative proposals in this area, for which the Constitutional Treaty provides a reinforced mechanism.

11. Do you agree that free and pluralist media are an essential requirement for the full respect of the right of freedom of expression and information? Do you accept that the EU has a political, moral and legal obligation to ensure within its fields of competence that the rights of EU citizens to a free and pluralist media are respected?

Yes, of course! I can only agree with this pro-democratic statement: free and pluralist media are indeed an essential requirement for the full respect of the right of freedom of expression and information. I am fully aware of the valuable work accomplished by this Committee at

the beginning of this year, aiming at measuring, in a rigorous manner, the situation in some of the Member States and examining scope for improvements. The Union - and the Commission in particular – have the duty to ensure, within their respective powers, that the rights of EU citizens are respected. Article 11 (2) of the Charter of Fundamental Rights – as you know – requires such respect. To that effect - although media do not fall into my portfolio - I would encourage a high level of respect of the rights of EU citizens in this area.

12. Would you agree that legislation should be adopted at European level to prohibit political figures or candidates from having major economic interests in the media to prevent any conflict of interest? Would you submit proposals to ensure that members of government are not able to use their media interests for political purposes?

This question raises another important issue dealt with in the report of this Committee adopted last May. All political players, parties as well as individual candidates, must observe the principles of freedom and democracy and respect for human rights and fundamental freedoms. As a member of the College, I would support consideration of possible measures to prevent any conflict of interests, within the limits of the Commission's competence. I believe that enhancing transparency concerning the economic interests of political representatives - including property or interests in the media - is an important step.

13. Do you undertake to bring forward European legislation for the combating of racism, anti-Semitism and discrimination, in order to ensure respect for fundamental rights ? What action will you propose the Commission takes to combat discrimination and promote the protection of minorities, in particular the Roma people, which post-enlargement on 1 May totals 9.5 million EU citizens? Will you propose a medium term strategy to co-ordinate programmes and policy for the Roma, rooted in respect for their human rights? Do you favour a "Roma Secretariat" in the Commission?

As you know, progress has been made in recent years under Article 13 of Amsterdam Treaty with the adoption of the two anti-discrimination Directives. In this respect, I would encourage the College to ensure that the new rights guaranteed by Community law are effectively implemented and enforced across the EU. Infringement procedures against those Member States that have not fully transposed the Directives are now well under way. I believe that the €100 million action programme backing up the two Directives should be continued. It certainly contributes to improve understanding of racism and other forms of discrimination.

In my view the establishment of specialised "equality bodies" in each Member State will play an important role in helping citizens to assert their rights. I would also like to see the continuation of the five-year information campaign "For Diversity – Against Discrimination".

Furthermore, the present Commission has already presented a Proposal for a Framework Decision on combating racism and xenophobia. I understand that the purpose is twofold: firstly, to ensure that racism and xenophobia are punishable in all Member States by effective,

proportionate and dissuasive criminal penalties, which can give rise to surrender, and secondly, to improve and encourage judicial cooperation by removing potential obstacles. The instrument now needs to be adopted by the Council as soon as possible.

One issue I am particularly conscious of is the need to step up actions to protect and promote the integration of minorities following the enlargement of the EU. This applies particularly to the Roma, who collectively form the largest ethnic minority in the enlarged Union. I would encourage the College to ensure that all of the relevant EU policy and funding instruments[1] work together in a coherent and effective way.

I am aware that the present Commission is already taking steps to have a more "joined-up" approach to actions and funding instruments which can combat the problems faced by the Roma. In my view, we should also continue to gather good practice examples (from EQUAL, ESF, PHARE etc), which may be further disseminated to other Member States with a Roma population. We might not be able to find a solution to all problems but I assure you that I would encourage the new Commission to do its utmost also as regards Roma issues. I would mention for example the question of education, which is of crucial importance.

14. Do you intend that the Commission will push for agreement on two further legal instruments which are necessary parts of the legal framework on migration and asylum, namely a directive on long-term residence status for refugees and persons benefiting from subsidiary protection and a directive on minimum standards in the implementation of returns? How do you intend to initiate further work towards establishment of a common asylum procedure and uniform status of asylum as foreseen under the new Constitutional Treaty (art. III-167 p.2)?

Yes, I believe that it is important to extend the legal framework of the common asylum and immigration policies with a Directive on long-term residence status for refugees and persons benefiting from subsidiary protection as well as with a Directive on minimum standards concerning return. The Commission is currently preparing draft directives in these areas, in consultation with the Member States, and I would intend to put these proposals to the Council and to the Parliament early in 2005.

In July this year the Commission issued a Communication on the Single Procedure which outlines more generally how work can be taken forward towards the establishment of a common asylum procedure and a uniform asylum status. In particular it outlines the need for a preparatory phase which will draw on the lessons learned from the negotiation and implementation of the first phase of the Common European Asylum System and identify those elements suitable for legislation. Simultaneously such an approach will identify those elements where harmonisation can be achieved without legislation but where enhanced administrative cooperation between Member States on practical issues seems to be more appropriate. It is an approach which I deem to be prudent, sensible and politically feasible and which I therefore intend to endorse.

15. With regard to the development of a political partnership with the countries of origin of refugees and migrants, what is your position on the joint initiative by Italy and Germany to open reception centres for migrants to process asylum applications outside European territory ?

First of all, we should not consider immigration policy as an isolated initiative, but as a part of the general policy of the European Union. This idea should be developed in our future discussions.

The events surrounding the ship Cap Anamur have strongly influenced the debate on new approaches to managing migratory movements, including forced migration. This incident has underlined that the pressures which drive people to come to the EU to seek work and/or protection are a continuing reality, and that the EU needs to develop a clear, credible and vigorous response to this particular issue. We have to find a viable alternative to the clandestine and dangerous practices of smugglers which threaten both people with a legitimate need for international protection and migrants trying to enter the Member States in search of a better life. It is clear that this can only be done in full partnership with the countries of origin and transit. Italy and Germany have shown a genuine determination to address these issues and have made some concrete suggestions for doing so. Their ideas are a valuable addition to the ongoing debate within the EU and I am looking forward to their further elaboration as well as to the discussions in the Council and the European Parliament on the merits and feasibility of their proposals. In the Hague Programme, the Commission has been asked to launch studies on these issues.

These ideas should be compatible and complementary to the two track policy approach taken by the Commission so far. These proposals first require the creation of a Common European Asylum System (CEAS) which guarantees protection in the EU to those who genuinely need it whilst also offering effective tools to the Member States to address the misuse of the asylum channel by people seeking a better life but who have no protection requirements. The CEAS is based upon the premise that a common policy should reduce unwarranted secondary movements and enable Member States to deal with the consequences of asylum seeking in the EU in a spirit of solidarity and burden sharing. Complementing this internal dimension of EU asylum policy is the balanced approach taken in the Commission's June 2004 Communication "Improving Access to Durable Solutions" which sets out a role for the EU in improving the international protection regime, in full partnership with countries in the region. This approach is based on the better management of access to the territory of the Member States for persons requiring international protection and on the enhancement of the protection capacity of regions of origin so that refugees can access effective protection quickly and as closely as possible to their needs, reducing the need for irregular secondary movements.

The initial ideas put forward by the two Member States cited address the specific situation of last countries of transit where migrants and refugees stop before entering the EU. The particular character of these countries and the complex problems they face require a specific approach within the dual approach outlined above. The EU should aim to build upon the notion of safe third countries as incorporated in the Council Directive on asylum procedures which should be formally adopted shortly, after re-consultation of the European Parliament. Our first aim should be to address humanitarian needs and prevent the Mediterranean from becoming a "graveyard". A viable, legal and safe alternative to smuggling should be offered to those who find themselves in these circumstances who require protection and for whom there is no integration potential in these countries, amongst others by offering resettlement schemes to the EU. However, these policies simultaneously need to be able to address the

mixed migratory character of the transitory populations in these countries and to facilitate information sharing on the real possibilities for migration to the EU. The action plans which will be concluded later this year in the framework of the European Neighbourhood Policy between the EU and various countries of North Africa provide an important framework to promote policy dialogue on these matters and will pave the way for concrete cooperation and reinforced assistance.

Any new approaches will however need to respect a number of basic principles, in particular full respect for the international legal obligations of Member States, including the full and inclusive application of the 1951 Refugee Convention, the non-refoulement principle, and the European Convention on Human Rights and Fundamental Freedoms. In addition, any new approach should be built upon a genuine burden-sharing system both within the EU and with host third countries, rather than shifting the burden to them. Such systems should therefore be based upon full partnership with and between countries of origin, transit, first asylum and destination. Finally, and most importantly, any new approach should be complementary to and not a substitute for the Common European Asylum System and the legal right of persons to seek asylum individually and spontaneously in the EU Member States.

16. How will you develop initiatives for legal migration, and integration of legal migrants, bearing in mind that legal channels can relieve the pressure on the asylum system to the benefit of people in genuine need of international protection? Does the Commissioner designate undertake to develop legal immigration, if necessary by laying down European quotas, while ensuring the integration of immigrants, as is envisaged by the new legal basis provided for by the constitutional treaty (Article III-168(4))?

I believe that it is very important to fill the gap in EU legislation on legal immigration by setting up a common framework for the admission of labour migrants. However, the new Constitutional Treaty maintains the right of Member States to determine the volumes of third country nationals admitted and any proposal for European quotas would therefore be excluded. I would point out, however, that the recent study by the Commission on the links between legal and illegal migration shows that national quotas can be used, with other measures, to improve the management of migration flows.

The Commission has been asked in the framework of the Hague Programme to present a comprehensive 'Policy Plan' on legal immigration by the end of 2005. Of course, I would honour this commitment.

I strongly believe that EU initiatives on legal migration must be accompanied by a vigorous integration policy. Admission and integration policies are inseparable and must reinforce each other. Member States can learn from each others' experiences in this field and the Commission is working very closely with them to improve the exchange of information and best practice. In line with the new Constitutional Treaty, national integration policies should develop within a European framework, as referred to in the Hague Programme, and I am therefore pleased that the Netherlands Presidency is working with the support of the Commission to defining common basic principles for integration.

I would also continue to support and facilitate networking between all stakeholders in the integration field and to promote the exchange of best practice between Member States. My intention would be to give special priority to increasing the participation of immigrants in the

labour market; promoting integration courses; addressing the growing diversity of populations in European cities; and developing a dialogue with migrant organisations.

Of course, all this will be possible only if the new financial perspectives from 2007 onwards provide the necessary practical means.

*17. **Given the EP's rejection of the Italian initiative on joint flights, do you continue to support the proposal for a preparatory measure to finance returns, which is to say an initiative with no legal basis?***

A financial solidarity mechanism to support return policy fully is consistent with a coherent, comprehensive and balanced approach to migration policy and ensures the credibility of the legal immigration policy. I would continue to defend this policy line, in line with that taken by the present Commission, and would develop it in partnership with the Council and the Parliament and, of course, with the third countries concerned. The Commission proposal for preparatory actions in 2005 and 2006 (with a budget of 15 M€ each year) to support the common return policy by financing specific programmes represents a first step in the development of a specific Community financial instrument. The idea of such an instrument was endorsed by the European Council at its Thessaloniki and Brussels meetings, which asked the Commission to take initiatives in this area.

The instrument naturally needs a permanent legal basis and, under the new financial perspectives, should from 2007 be integrated into the Justice, Freedom and Security framework programmes. The Hague Programme also asks for the setting up of a European Return Fund in 2007. The present preparatory actions aim to prepare and evaluate better both the content and the procedural and financial mechanisms of this permanent instrument, as well as developing complementarity with other instruments such as the Aeneas programme on cooperation with third countries. I do know that this preparatory action is financially very important; nevertheless, it is, in my opinion, quite necessary, considering the complexity of the problem.

The integrated return programmes must deal with the various stages of the process in order to ensure the sustainability of return. I propose that these programmes should cover voluntary as well as forced returns. I would like to emphasise that this initiative will support EU legislation as I would propose that a draft Directive on common standards on return be put forward by the Commission at the beginning of 2005. Again, this is an area where I welcome the move to codecision through the application of Article 67 (2) TEC.

18. How will you ensure that partnerships with third countries on migration and asylum take adequate account of the need to respect the rights of refugees and other people in need of international protection, including through promoting respect for human rights in countries of origin, and developing capacity to provide effective protection in countries of first asylum? How does he propose to further opportunities for resettlement in Europe?

The promotion of human rights and the consolidation of democracy are key objectives of the external policies of the EU. They are therefore a fully fledged part of the background against which the EU is putting its comprehensive external policies on asylum and migration in place. In an effort further to promote their importance, respect for democratic principles and the rule of law as well as for minority rights and fundamental freedoms were defined as an essential element of the AENEAS programme, adopted in March 2004, which provides assistance to third countries in the area of migration and asylum.

On asylum more specifically, I support the balanced approach taken in the Commission's June 2004 Communication on "improving access to durable solutions" which outlines the role of the EU in improving the international protection regime, in full partnership with countries in the region. This approach is based, on the one hand, on better management of access within the territory of the Member States for persons requiring international protection and, on the other, on the enhancement of the protection capacity of regions of origin aiming at facilitating refugees' access to effective protection as quickly and as close as possible to their needs, thereby helping to reduce irregular secondary movements.

I share the view expressed in the Communication that the best way forward is to establish EU Regional Protection Programmes with measures to enhance protection in the region concerned. The objective will be to find ways through which the EU can improve and ultimately even resolve protracted refugee situations. These programmes are practical, operational and aimed at effecting change on the ground. The present Commission has indicated that it would see the need to draw up a pilot EU Regional Protection Programme in relation to a refugee situation identified by the Commission, in close cooperation with UNHCR and in consultation with the Council, with a plan of action by July 2005 and a full EU Regional Protection Programme by December 2005, and I would intend to adhere to that work plan. The June 2004 Communication also proposes that an EU wide Resettlement Scheme should play an important part in EU Regional Protection Programmes. Such a scheme, to be applied where appropriate, could help ensure the more orderly and managed entry into the EU of persons in need of international protection and would be flexible and situation-specific. The present Commission has underlined the need to make a proposal for such a scheme by July 2005, and I fully endorse this objective.

19. ***What steps will you take to prioritise the monitoring of Member States fulfilment of their obligations to implement the Community laws on asylum so far agreed? Will you take proactive steps within the Commission's power, including legal action where necessary, against Member States which fail to fulfil their obligations correctly to transpose and implement Community Directives? Where monitoring reveals inadequacies and gaps in the existing Community legal framework on refugee protection and asylum, will you use the Commission's right of initiative to propose amendments or new laws to fill these gaps?***

I attach the utmost importance to the monitoring of Member States' implementing measures in the field of immigration and asylum. I think that increased transparency is necessary. To this end, I would intend to use two different approaches.

The first one will be a truly proactive approach. The Commission would organise and chair a series of meetings - contact committees - with experts of Member States to help them implement the legislation correctly and deal with questions of interpretation as they arise. The establishment of contact committees, one for each key legal instrument, would offer Member States and the Commission a structural basis for discussion of practical solutions to the challenges of implementation. This approach is geared towards assisting Member States as much as possible with the implementation and application of Community law. These committees would therefore meet regularly before the deadline for implementation passes, as well as afterwards to discuss issues of interpretation and a more coordinated approach.

Secondly I will ensure there is rigorous monitoring of the transposition of EU legislation in the field of immigration and asylum by the Commission in its role of guardian of the Treaty. This will follow the well-established procedures for verifying the correct implementation of EU legal instruments. If this process reveals a serious infringement by a Member State, I would not hesitate to propose that the Commission bring the case to the Court of Justice. I think that the present Commission was right when it decided this summer to bring 14 cases of non transposition by Member States of Directives in the field of immigration and asylum to the Court of Justice.

I can also reassure you that where monitoring reveals serious inadequacies and gaps in the minimum standards legislation adopted under Article 63, I would use the Commission's right of initiative to propose amendments.

20. What measures do you envisage to strengthen the Union's common external border? How do you envisage the role of the Border Control Agency developing, and what are yours views on the possible future role of agencies for controlling both maritime and air traffic borders?

I expect the Agency to be the cornerstone of a truly integrated management of the external borders of the Member States of the European Union, and I would like to emphasise that the Agency is itself a measure designed to improve and strengthen the solidarity between the Member States and the Community on these important tasks. In this context, of course, I think that it could be useful that the Agency develops cooperation with national authorities

responsible for security and custom controls. As for the possible future role of managing agencies for both maritime and air traffic borders, I would underline that the Agency is competent with regard to all external borders. The Agency will establish a number of specialised branches responsible for land, air and maritime borders, which, *inter alia*, will be responsible for implementing operational activities. There is therefore no need to establish further agencies specifically tasked with managing maritime and air borders.

The Commission is currently taking the necessary steps to prepare the implementation phase of the Agency, which is expected to take up its responsibilities from the outset of 2005. However, the first two years, until the next Financial Perspectives enter into force in 2007, will be a "warming-up" period for the Agency, which should be used to explore new ways to improve co-operation on management of the external borders and return of third country nationals illegally present in the European Union. The entry into force of the new Financial Perspectives for 2007 onwards should also mark a new phase in the development of greater solidarity and burden-sharing at Community level in the area of external border management. In this context, part of the increased financial means for JFS should be channelled towards the development of the capacity and intensification of operations of the Agency, to the mutual benefit of all Member States. At that future stage, possible new tasks for the Agency could be looked at (e. g. carrying out of Schengen Evaluations and management of large-scale IT systems), also considering the evaluation of the Agency's functioning asked for by the Hague Programme to be done in 2007. Indeed, the Communication on the Financial Perspectives 2007 – 2013 of 14 July 2004 makes it clear that the feasibility of using the Agency as a co-ordination point to ensure co-operation between all key bodies responsible for border management will be examined.

21. How will the Commission work with the Member States and the Counter-Terrorism Coordinator to ensure that the EU implements what it has already said it will do; what measures will the Commission undertake to work effectively to ensure cooperation between Member States and also between the EU and third countries, notably the USA? Will the Commission take into account of terrorism concerns in all its policies and develop a coherent approach to tackle this issue from both internal and external point of view? What measures does the Commissioner Designate envisage to help the victims of terrorism?

I would propose that the Commission continue to contribute actively to the work of the Council, in close cooperation with Council Secretary General/ High Representative for CFSP and the Council Counter Terrorism Coordinator. Particular attention should be given to implementing the measures called for in the Action Plan to Combat Terrorism – which identifies more than 100 actions – with specific emphasis on the financing of terrorism, coping with its consequences and the protection of critical infrastructure. I am informed that Mr de Vries and the Commission services have agreed on practical modalities to carry work forward in the coming months. The Commission recently presented Communications on these three topics. The Council will help to integrate this into a single report to the December European Council. In the longer term, the Commission should also concentrate on addressing the root causes of terrorism.

More generally, in order to coordinate internal and external action, the Commission has already set up a High Level Working Group among its Directors General, whose task is to ensure consistency in our policies. I would work closely with the Commissioner for External Relations and other colleagues to that end. Various mechanisms have been developed to integrate counter-terrorism fully into EU's external relations. Agreements with third countries provide frameworks for comprehensive strategies that can help address root causes of terrorism. Consequently, new agreements systematically include counter-terrorism clauses which provide for specific technical assistance for the implementation of relevant resolutions of the United Nations Security Council. Development assistance and political dialogue also have an important role to play.

As for cooperation with the US, let me mention the two US-Europol agreements and the EU-US agreements on Mutual Legal Assistance and Extradition. The latter two agreements in particular represent an historic precedent and demonstrate the strength of transatlantic solidarity, notably when it comes to fighting terrorism. Continued cooperation with the US in will be ensured through the various EU-US dialogues under the New Transatlantic Agenda framework. The newly established EU-US Policy Dialogue on Border and Transport Security co-chaired by my Director General is a good example of focused cooperation.

Solidarity between the Member States should also entail common care for our citizens who become victims. I warmly welcome the European Parliament's support for victims of terrorism in the form of a new budget line for the implementation of a pilot project. The Commission is presently examining the proposals submitted. After the Madrid terrorist attacks the European Council invited the Commission to ensure that funds available in its 2004 budget are allocated, as a matter of urgency, to supporting victims of terrorism. I am committed to look at ways of extending the use of the solidarity mechanism to provide for compensation of victims of terrorism, as it has already been clearly suggested in the October Commission's Communication on the fight against terrorism. The EP should be regularly informed.

22. Will the Commission undertake to develop a European security plan on the basis of national security plans, while restricting direct intervention within both institutions and agencies (Europol, Eurojust plus the prospective European Public Prosecutor's Office) to what is absolutely essential ? Will the Commission undertake to introduce security communications and information exchange networks, e.g. in connection with a European criminal records function, while ensuring that there is democratic oversight both by the European Parliament, and by national parliaments and European-level courts, of any cooperation which develops between intelligence services? Will it undertake to ensure, as soon as possible, that there is a legal basis and that Parliament genuinely is given information and involved, in particular when security research projects with several million euros in funding are established (PASR-2004)?

I agree that as part of the response to the terrorist attacks in Madrid earlier this year, the development of a European Security plan is an idea which merits attention. The development and implementation of a European Security Plan would of course rely a great deal on the contributions of Member States. I am convinced, however, that sharing information about and

understanding the criminal threat at Union level is key. Since Europol is in the unique position of being able to analyse information from all 25 Member States, it has a crucial role to play. With this goal in mind one of my main objectives would be to develop the concept of intelligence-led law enforcement in order to enable the Council to take its decisions on the basis of accurate strategic and operational evaluations supplied by Europol. Eurojust too has a key role to play here. That said, I harbour no ideas about replacing national law enforcement bodies with either Europol or Eurojust. For me their role is important but complementary.

Enhanced exchange of information and intelligence is essential. I believe that Member States' reluctance fully to exchange intelligence is caused by a lack of mutual trust and of a common European vision of a shared threat. There is a need for a European information policy that ensures the right balance between, on the one hand, enhancing all the necessary means for law enforcement agencies to fight terrorism and serious crime with the certainty that intelligence can be exchanged in confidence, while on the other hand ensuring the necessary protection of data and fundamental rights and judicial and parliamentary controls. . Preserving such a balance would be a guiding principle for me. The same principle should also inspire future work on the interconnection of criminal records databases and rules on the protection of personal data within the sphere of judicial and police co-operation.

I consider that EP has to find its place in this field.

The Preparatory Action on Security Research (PASR) – which as you know does not require a legal basis - started in 2004 and is planned to continue until 2006. It is intended to prepare the way for the Community funded "European Security Research Programme" (ESRP) whose launch is planned for 2007. The Preparatory Action was prepared following a wide consultation of stakeholders including representatives of the European Parliament.

For the future, EP should be better included in the control of this action. I would work closely with my colleague responsible for security research and support the inclusion of the wider ESRP (2007-2013) programme within the 7th Framework programme for Research and Technological development (FP7).

23. Does the Commissioner-designate undertake to promote high standards for the protection of privacy and personal data in all areas of EU action by revising strategies for systematic and disproportionate gathering of personal data from private individuals (as stated by Parliament in its resolution of 31 March 2004)? Does the Commissioner-designate undertake to submit as soon as possible a proposal for a framework decision laying down standards for third-pillar data protection and establishing, as a European authority, a committee made up of national authorities (meeting at Community level within the group provided for by Article 29 of Directive 95/46)?

I am committed to striking the appropriate balance between legitimate law enforcement requirements and the protection of privacy, in conformity with the Treaties and the EU Charter of Fundamental Rights. High European standards for the protection of fundamental rights of individuals, in particular their right to privacy, already exist. The Commission must continue to ensure that these provisions are properly observed.

But we cannot ignore the fact that threats from international terrorism and crime have become a major security challenge. The Council Declaration on Terrorism of 25 March 2004 called for action on the collection and facilitation of the exchange of information. Delivering on this means creating the conditions for making relevant and necessary data and information accessible to EU law enforcement authorities, based on common standards, including data protection provisions.

The EU has a duty to promote stability and security beyond our borders. But here, as in our internal policies, the gathering of personal data must be proportionate and balanced by the necessary safeguards.

Protection of personal data in the third pillar is a priority. The preparation of a legislative proposal laying down relevant standards is in the Commission's legislative and work programme for 2004. A general rule does not exist, as Directive 95/46/EC does not apply to the processing by public enforcement authorities of personal data for the purposes of Title VI of TEU. We have to build on the specific data protection rules for Schengen, Europol, Eurojust and the Customs Information System. Proposals in this area must be developed in consultation with Member States and with Europol and Eurojust.

The setting up of a specific authority should be distinguished from the Article 29 Working Party, which was established by Directive 94/46/EC and which does not have supervisory but advisory status. The cooperation with national authority should be improved.

24. In its resolution of 31 March 2004 on the protection of passenger name record date, Parliament called on the Commission to block the initiatives for establishing European centralised management of passenger name records. Parliament then decided to refer to the courts both the Commission's Decision and the agreement concluded by the Council. In the meantime, the Commission has continued its negotiations at ICAO level, apparently with the aim of circumventing through a multilateral agreement something that might be blocked at the level of the bilateral EU/USA agreement. Do you not consider the Commission should suspend these negotiations at ICAO level at least until such time as the Court has ruled on the matters raised by the EP? Do you not consider that the principle of sincere cooperation between Institutions and the bond of trust that should characterise relations between the EP and the Commission have to be respected?

I am aware that there is a divergence of views between the Parliament, on the one hand, and the Commission and the Council on the other hand, regarding the adequacy decision and the international agreement on the transfer of PNR data to the USA, which is pending before the Court of Justice. The Commission will not, of course, do anything that could prejudice the future decision of the Court in that case.

Although it is not an area which falls under the direct responsibility of the Commissioner for Justice, Freedom and Security, I believe that the Commission can not isolate itself from developments in other fora such as ICAO. Our Member States are amongst some 188 ICAO Contracting Parties. It is also in the interest of the European Parliament that the European Union position is defended in current discussions within ICAO.

Having said that, together with my colleagues responsible for Transport and for the Internal Market, I would seek to ensure that Commission initiatives or activities take account of important public interests such as security in the face of terrorism and other serious threats while at the same time limiting the impact upon passenger rights and air carriers to the strict minimum.

25. Does the Commissioner-designate undertake to promote, by means of appropriate initiatives, better quality of both civil justice (beyond cross-border cases) and criminal justice by laying down minimum guarantees for defendants in order to overcome any Member States reluctance to implement the European arrest warrant and other measures concerning mutual recognition?

Yes. As regards civil matters, this is an area where Community action can directly respond to the day-to-day concerns of citizens. The reality as I see it is that the primary responsibility lies with the Member States themselves, but the national justice systems do not, and cannot, work independently from each other in a European Union without internal borders where people and capital can move freely. The challenge for the EU is to provide an efficient articulation between these systems, ensuring that they respond to the highest quality standards when they are called upon to function together. I would intend to complete work on mutual recognition and expand it into new areas as well as delivering the progressive removal of "exequatur". I would also work to secure the effective enforcement of judicial decisions.

As regards criminal matters, and in particular defence rights, I am committed to continuing the development of a policy to implement the commitment made in Tampere to devise measures to combat crime "while protecting the freedoms and legal rights of individuals". Procedural rules must offer equivalent guarantees throughout the EU so that Member States have the trust in each other's criminal justice systems which is needed if tools such as the European Arrest Warrant are to operate properly. I would like to see the Council adopt the existing proposal for a Framework Decision on certain procedural rights applying to proceedings in criminal matters throughout the European Union as soon as possible. The Hague Programme fixes the deadline for adoption of this proposal by the Council at the end of 2005. Then I would like to build on this by examining minimum evidence-based safeguards such as the right to silence and a common European definition of what is meant by an *in absentia* judgment. This work is essential in order to facilitate the operation of mutual recognition. Once the instruments are in force I would recommend proper evaluation to ensure that Member States do not merely pay lip service to the ideal of proper safeguards, but rather implement them fully on the ground.

26. How will you ensure that the proposed Human Rights Agency will be an effective mechanism for monitoring the observance across Europe of the highest possible human rights standards including the rights of suspects and defendants in criminal proceedings?

I intend to do everything necessary to implement the decision to extend the mandate of the European Monitoring Centre on Racism and Xenophobia to become an Agency of

Fundamental Rights, as decided by the Representatives of the Member States meeting within the European Council.

I know that the present Commission is launching a public discussion with all stakeholders of the future Agency on the basis of a Communication which has recently been adopted. I very much support that approach for such an important and sensitive project. This public discussion – in which I would also become deeply involved - will allow the next Commission to propose the tasks and responsibilities for the new Agency. In my view, the Agency has to become a key actor in the Union in view of promoting Fundamental Rights in the sphere of Union competences, while avoiding any overlap with work already done very efficiently by other institutions, like the Council of Europe. Key issues are independence of the Agency both from the institutions of the Union, from Member States and also from NGOs; sufficient resources in terms of budget and people employed; collection of accurate and comparable data; a platform for exchange of good practices between Member States; adoption of opinions helping the institutions and the member States – and in particular the legislator – to exercise their responsibilities.

As regards high standards for the rights of suspects and defendants in particular, I already expressed in the previous answer to this questionnaire my determination to support the adoption of the existing Commission proposal for a Framework Decision on certain procedural rights applying in criminal proceedings. Specific proposals include among others the right to legal advice, the right to interpretation and translation for non-native defendants and the right to specific measures for persons who cannot understand or follow the proceedings. The proposal also includes a section on evaluation and monitoring of compliance and allows Member States to keep higher levels of protection where they already exist. The mechanism for evaluation and monitoring has yet to be decided but it could be considered when discussing the possible tasks for the proposed Fundamental Rights Agency.

27. What are your priorities on new instruments based on mutual recognition? Mutual recognition should be based on confidence building measures, what do you intend to do in order to strengthen mutual confidence? In particular, what will be your policy on the development of judicial training at European level?

I consider the Hague Programme as the guide for future action in the next years and I would suggest the College to present all the measures included in it. This also means that the "Mutual Recognition Programme" adopted in 2000 will have to be the cornerstone of EU policy in this sector.

In order to implement it in civil matters, my first priority would be to conclude the "Tampere agenda" presenting proposals on maintenance obligations and small claims as soon as possible. Then, I would like to complete the mutual recognition programme in two areas: wills, successions and property aspects of family law; and evaluating how the instruments already adopted, mainly the Brussels I and Brussels II regulations, are functioning. This would enable them to be improved and facilitate the progressive removal of "exequatur". In this respect, it would be necessary to develop ancillary measures, such as certain minimum procedural guarantees in order to enhance trust between Member States. Moreover, I intend to explore in which areas, other than those covered by the Mutual Recognition Programme, EU mutual recognition rules will be needed. For instance, I feel that citizens and economic

operators would also benefit from the extension of mutual recognition to private and public documents, so that they circulate freely within the internal market.

As far as criminal matters are concerned, I think that the mutual recognition programme should be updated. In the pre-trial phase, instruments based on mutual recognition, should facilitate the obtaining of evidence. In the post trial phase, a comprehensive system of mutual recognition of final decisions should be created to enable cross-border execution of decisions. This system should also include the creation of a criminal register for convictions and disqualifications, as strongly advocated in the Hague Programme. In addition, work should continue on a mechanism and criteria for the choice of jurisdiction in criminal matters.

The Parliament is absolutely right in linking the progress of mutual recognition and the strengthening of mutual confidence. In an enlarged European Union, mutual confidence shall be based on the certainty that all EU citizens have access to a judicial system which meets high quality standards .. Strengthening procedural guaranties and standards, creating a system for an objective and impartial evaluation of the quality of justice in the criminal process, as well as increasing judicial training are key issues in this regard. This is why we must make full use of the "exchange programme for judicial authorities" created by the European Parliament for 2004 and 2005.

28. ***How does the Commission intend to react to the lack of implementation or the incorrect implementation of the Framework Decision on the European arrest warrant by some Member States? Will you engage the Commission to undertake, as soon and as ambitiously as possible, the approximation of definitions of crimes and penalties for the offences mentioned in the Tampere Conclusions and in the draft Constitutional Treaty ?***

On the basis of the information available I would ensure that the Commission submits a report on the operation of the European Arrest Warrant to the European Parliament and the Council before the end of the year. Notwithstanding the fact that a number of conflicting provisions or inaccuracies may appear in the implementing legislation and would naturally be identified in the report, current information on the practical functioning of the European Arrest Warrant shows that the new system works well and represents a real improvement in comparison with the former extradition procedures.

In case of non-existent or incorrect implementation of the European arrest warrant the Commission has under the present Treaty no right to start open an infringement procedure and, if necessary, take a Member State before the Court of Justice.

However, in case of divergent interpretations or disputes between Member States regarding the application of the instrument, the case could well be brought before the Court if no settlement could be found by the Council and if a Member State decided to use this possibility. It is also possible that the Court might be asked to give a preliminary ruling in an individual case. The report may provide useful information in this regard.

Since the entry into force of the Amsterdam Treaty, a considerable number of legislative proposals to approximate the definition of criminal offences and sanctions have been adopted at European level, or have been proposed but are still being discussed in the Council. This is in particular true for most of the areas of crime mentioned in the Tampere conclusions and in the draft Constitutional Treaty. Supplementing these achievements, further legislation will be needed to render the fight against serious cross-border crime more effective, in particular in

the fields of organised crime, financial crime, including terrorism financing, and cyber-crime. More specifically, I would propose harmonising the constituent elements and penalties for counterfeiting, attacks against information infrastructures, and for various forms of participation in a criminal organisation.

I would also be particularly attentive to the reaction to the Green Paper on sanctions, and would examine whether harmonisation is needed on certain points of general criminal law, in order to allow and facilitate the enforcement of a criminal sentence in a Member State other than that in which the sentence was passed.

29. The European Council will adopt by the end of the year the new EU Drug Strategy (2005-2012). Do you not think that the Commission can play an important role in bringing EU policy closer to the citizens in a field like drugs, which is one of society's main concern, with the support of the EP and Committee of the Regions which are the two institutions more strictly closed to the citizens ? When will the Commission put forward the proposal for the first Action Plan under the new Strategy ? Given the clear expectation on the part of European citizens that the EU will deal effectively with this problem, do you not believe that it is time for the Commission to adopt a more transparent and high profile approach to the way it handles drug policy issues ? And if so, what would you change in the current situation ?

I agree with you that the European institutions have a major role to play in bringing EU policy closer to the citizens. Drugs are one of the main concerns for citizens. Arecent Eurobarometer showed that 76% of citizens consider that the fight against drugs should be one of the EU's top priorities.

I intend to reinforce the response of the Commission to this concern. The new EU Drugs Strategy for the next 8 years will be endorsed by the European Council in December, which shows the high level of commitment against this threat. But we need to translate this commitment into concrete actions. This is why at the beginning of 2005 the Commission should put forward a proposal for the first EU Drugs Action Plan under the new Strategy.

The Commission intends to boost the dialogue between policy makers and civil society in particular on issues like drugs. Therefore I would propose incorporating a dynamic dialogue with civil society on drugs issues in the 2005 Commission work programme.

I also absolutely agree that we must respond to this clear expectation, by developing a more transparent and high profile approach towards the drugs problem. The coordination of drug policies – which is part of my portfolio – is in my view a political priority for a number of reasons:

1. EU citizens and, Member State governments, but also third countries and international organisations clearly need to be able to deal with a "unified structure" at Commission level. This will probably require a review of the way things are being done at the moment.

2. Even if the EU's role on drugs is complementary to that of the Member States, we must exploit all the possibilities offered by the Treaty to combat this scourge, i) by reinforcing the fight against drugs trafficking, ii) by paying attention to the victims, offering them every

possibility to reintegrate into society and iii) by including an anti-drugs dimension in external relations policy.

3. We must ensure that the EU continues to demonstrate its commitment to a balanced approach which also includes prevention, demand reduction, risk reduction and treatment, as well as security aspects.

As Commissioner for Justice, Freedom and Security I shall therefore seek – with my colleagues responsible for other policy areas concerned with drugs – to sharpen up the Commission's coordination of drugs policies and to give it the profile that both efficiency and public expectations require.

30. Which action will you take to ensure that the establishment of the AFSJ is not affected by the particular circumstances of certain Member States, that the Schengen rules (now applying to 22 Member States) are accepted as standard Union practices and that enhanced cooperation can develop where Member States prevent the adoption of measures ensuring a higher level of protection for fundamental rights?

Yes. Article 6 of the Treaty on European Union together with the Charter of Fundamental Rights of the Union, which is now part of the Constitutional Treaty, must apply whenever Member States are acting within a European framework, including in any enhanced cooperation measures.

My long-term ambition would be that in an area of justice, freedom, and security, our common rules would apply to all Member States equally, and the present situation of 'variable geometry' would be gradually abolished. But I recognise that enhanced cooperation may be necessary in some cases in order not to hinder the EU from making progress, when a minority of Member States does not share the objective to be pursued. Schengen, a *sui generis* form of enhanced cooperation, is a clear example of this: indeed, in spite of the fact that not all Member States shared the objective of abolishing internal border controls, it was possible to achieve the establishment of an area of free movement of persons and to develop all parallel "flanking measures", such as a common visa policy, a common regime of control of the external borders as well as enhanced police and judiciary cooperation between Member States. The 10 new Member States have all accepted the Schengen rules and standards, although their full implementation of the Schengen 'acquis' will be gradual in order to allow for all the necessary legal, technical, administrative and practical measures to be in place.

31. Which action will you take to ensure not only that budget resources given over to the AFSJ – in particular when the financial perspective is revised over the period 2007-2013, when it will include a specific heading entitled 'citizenship, freedom, security and justice', will make it possible to realise the objectives laid down in the prospective Tampere II programme, but also that there is efficient and transparent management of these resources?

Absolutely.

Looking at the development of the Community budget over the past few years, it is clear that the implementation of the Tampere programme has been accompanied by a rapid growth in the number of financial programmes, pilot projects and preparatory actions. The new financial perspectives provide an opportunity for simplifying and rationalising these instruments, an objective which I very much support in the interests of transparency.

I agree with the present Commission that European Citizenship has to be one of the high-level political goals of the Union for the years to come. I think it is entirely right that "European citizenship must serve to guarantee concrete rights and duties, in particular, freedom, justice and security. Freedom, Security and Justice are core values which constitute key components of the European model of society."

Simplification and rationalisation will increase transparency, as potential "clients" of the programmes will know immediately to which EU overall policy goal their participation will contribute. In my view the new financial instruments should have similar common delivery, management and implementation mechanisms to the greatest extent possible.

The new arrangements should serve to improve the effectiveness of programmes as policy instruments, drawing policy lessons through appropriate monitoring and evaluation systems. They should also ensure greater flexibility in the allocation of resources to different actions within the same policy area, and should therefore help in providing a swift response to unexpected events.

Finally, I can assure you of my commitment to ensure the appropriate supervision of financial management within the services. I would require my services to report to me regularly on financial circuits, the results of audit work, any allegations of irregularity and all comments made by the European Parliament as concerns financial management.

32. Further to the adoption of the Daphne II programme (2004-2008), what measures do you intend to take in order to continue combating trafficking in women and children in the EU?

The Commission recognised the importance of this phenomenon in due time and has played an active role in combating trafficking of human beings by means of:

- Communications presented in 1996, 1998 and 2000;
- Legislative proposals e. g. on criminal sanctions for trafficking offences and on short term resident permits for victims who cooperate with the competent authorities against the

offenders;
and

- Promoting exchange of best practice between experts e.g. through workshops funded under programmes such as AGIS and DAPHNE and the creation of an Experts Group on Trafficking in Human Beings.

The prevention of trafficking in human beings, the protection of victims and efficient prosecution and punishment of the traffickers will remain the three major elements of the Commission's comprehensive policy against trafficking in human beings. Coordination and cooperation between public agencies and civil society organisation (NGOs) are crucial components of this policy. The issue is and will remain an integral part of the Commission's dialogue with third countries.

The Commission will pursue and reinforce its activities mainly by evaluating the implementation of the Framework Decision on combating Trafficking in Human Beings of 19 July 2002, launching a report by the Experts Group, and a report to the Council on the results of the Childoscope study concerning the contribution of civil society in finding missing and sexually exploited children. A Communication will be presented in 2005 assessing progress in the fight against this scourge and proposing further measures where appropriate.

Parliamentary Committee JURI

1. *Do you intend to promote the harmonisation of private law in sectors relating to market integration, such as commercial law and contract law?*

My priority is the creation of a European area of justice in civil and commercial matters. This must primarily be based on the principle of mutual recognition as set out by the Tampere European Council and in the "Mutual Recognition Programme" adopted in 2000. I therefore believe that mutual recognition of judicial decisions in the EU is to be realised in the first place by the adoption of harmonised rules on jurisdiction in an increasing number of areas, as well as of harmonised conflict-of-law rules. In fact, the emphasis put on mutual recognition does exclude, however, that harmonisation of private law may be necessary in order to enhance mutual trust between Member States' legal systems. Furthermore, it may be necessary to ensure compliance with, or harmonisation of, a certain number of minimum standards of procedural law, as already foreseen in the Mutual Recognition Programme.

In any case, I want to underline that, with respect to commercial law and contract law, a number of instruments exist that create a certain degree of harmonisation in certain sectors, such as consumer and insurance law. These measures not only promote further market integration but also enhance mutual trust between the legal systems in Europe. With this in mind, I am committed to working closely with my fellow Commissioners in order to ensure that harmonisation of substantive civil law in the areas under their responsibility contributes to those goals.

2. *What, in your view, are the limits imposed by the principle of subsidiarity on action in the field of civil law? Could you ever envisage a Community code of contract and non-contractual obligations?*

It is difficult to assess the impact of the principle of subsidiarity on Community action *in abstracto*, not only with regard to civil law but also in other areas of the law. I am of the opinion that compliance with the principle of subsidiarity must be evaluated for each action proposed at EU level in the light of the objectives of the action concerned. In this respect, I strongly support the increased role of the national parliaments as foreseen in the future Constitution.

The idea of a Community code of contract and non contractual obligations is interesting for the long-term but we need a step-by-step approach. An Action Plan on European contract law has been launched. It is my strong belief, in any case, that the future work on a "Common Frame of Reference" has to be undertaken in close contact with the different stakeholders and should not be a purely academic exercise. Moreover, the form of any future action needs to be carefully chosen in the light of the principle of subsidiarity.

In any case, I intend to pursue the harmonisation of conflict-of-law rules in the area of contractual and non-contractual obligations by pushing for the adoption of the draft Regulation known as "Rome II", and by giving appropriate follow up to the Green Paper on the modernisation and transformation into a regulation of the Rome Convention of 1980 ("Rome I"). I am sure that the existence of harmonised conflict rules will constitute an

important step in the creation of a genuine area of civil justice. I am confident that this can be achieved in the short-term.

3. ***What further action would you take to improve and build upon the European judicial and extra-judicial networks? Would it be helpful to give more of a European dimension to the training of lawyers and members of the judiciary?***

I believe that the creation in 2001 of a European Judicial Network in civil and commercial matters represents a major contribution to the reinforcement of judicial cooperation, the promotion of access to justice for citizens, and the effective application of Community law. But to attain its objectives, the European Civil Network needs to count on the committed participation of the contact points designated by the Member States and on strong support from Member States' authorities. I would like to improve its operation in the next years, consolidating its action and developing its relations with other European networks (such as the European Extrajudicial Network for cross-border dispute resolution -EEJ-NET-). I would therefore encourage Member States to provide proper resources for the network at national level.

In the field of criminal justice, the European Judicial Network has benefited from integrating its secretariat and budget into those of Eurojust. I want to see this cooperation strengthened even further.

As regards training of the judicial professions, a number of Community programmes (Civil Framework Programme, AGIS), already provide support for this type of activity. I believe in particular that the promotion of exchanges between judges and prosecutors within the European Union is very important in order to develop mutual confidence, to increase the level of knowledge of EU instruments, to ensure their proper implementation in Member States, and to develop regular contacts between those officials responsible for judicial training institutions in Member States and candidate countries. I would like to build on the "exchange programme for judicial authorities" created by the European Parliament by looking at a permanent structure for the exchange and training of magistrates.

4. ***What are the real advantages for individuals and companies in case of harmonisation of the procedural legislation in cross-border cases? Are the measures adopted so far in this field sufficient?***

I see several advantages for individuals and companies from some harmonisation of the procedural law related on obtaining judgement: easier access to justice, simpler and more efficient procedures and better guarantees of the rights of the parties, which will also facilitate mutual recognition of the final decisions. For instance, today a company with debtors in several countries has to use a different procedure to collect the money in each country, with different forms, different deadlines, different procedural steps to be followed, etc. I support the proposal for a Regulation on a European order for payment procedure. What I find interesting is that the proposal does not interfere with existing procedural laws, but creates a new optional procedure at the disposal of the creditors. It is then up to them to decide, freely, in each specific case, if they want to use the national procedure or the European one.

I strongly feel that harmonisation has to be carried out with respect for national traditions, be limited to what is necessary, and take place only in matters with "cross-border implications", which does not mean, for me, that it should be limited to the so-called "cross-border cases". For instance, we should not forbid companies located in one Member State from using against debtors located in the same Member State a European procedure which will be available to their international competitors. This would be inconsistent with the aim of a single area of justice for all and could raise questions of discrimination. The same applies to any future European legislation aimed at providing minimum procedural guarantees in order to facilitate mutual recognition: by definition that legislation cannot distinguish between "internal" and "cross-border" cases.

The benefits from harmonization will depend, of course, on the quality of the European legislation; I have high ambitions in this area and count on your support.

5. As far as private international law is concerned, how would you envisage future relations with the Hague Convention, particularly as regards a more active role for Parliament? Do you see any difficulty in squaring the country-of-origin principle with private international law? What steps, if any, would you take international with a view to securing a uniform approach to the law applicable to transactions conducted via the Internet?

I see the Hague Convention on Private International Law as one of our best fora to develop our relations with third countries in the field of judicial cooperation in civil and commercial matters, in a coherent, organised and multilateral way. This is why I will work hard to complete, as soon as possible, the ongoing negotiations related to the accession of the European Community to that organisation, as requested by the European Council of 5 November in the Hague Programme. I will also do my best to find ways, within the terms of the Treaty, to take into account the legitimate interests of the European Parliament in the different negotiations of the Hague Conventions.

I think that private international law and the principle of the country-of-origin are complementary. Rules on conflicts of law (whether included in pure national law, in Community law or in international treaties) aim at determining, in international situations, which law shall be applicable to a situation. The criteria for doing so is not so much concerned with the content of the different laws, but with the connections between those laws and the specific situation. The country-of-origin principle is very important. It implies that, within the European Community, the application of the law of a Member State to companies established in another Member State shall not entail an unjustified restriction to the free circulation of goods and services.

Discussions in various international fora on the law applicable to transactions conducted via the Internet are very complex, taking into account the different interests at stake and the different national traditions. I will be glad to contribute actively to those discussions in order to find appropriate solutions which could work in a global context.

6. ***What measures do you intend to take to ensure that Member States fully transpose and correctly apply EU law ? Will you call for sanctions in accordance with Article 228, notably through the infringement procedure before the ECJ ? Are there alternative mechanisms to achieve the same result ?***

The prime responsibility for implementing Community law, both the Treaty and secondary legislation (regulations, directives and decisions), lies with the Member States. However, cooperation between the Commission and the Member States is a crucial element in the effective monitoring of the application of Community law.

I will pursue all efforts to collect accurate information from Member States about their legislation transposing EU instruments, and practical measures taken to implement them. I will insist that inconsistencies be identified on the basis of careful analysis and I will not hesitate to make them known. Under the current legal framework, in matters falling under Title VI TEU, Article 226 TEC is not applicable and the means of control are limited.

I therefore intend to improve, on the one hand, the preventive action to enforce EU law, and, on the other, the monitoring tools and practices to control the correct application of it.

My intention is to develop these methods as well as to ensure that they apply in all areas of Community law under my responsibility where they can be of use, in order to boost the preventive stage of monitoring. Examples of the kinds of methods to be used are: interpretative communications on specific areas of Community law (both the Treaty and secondary legislation), the use of expert committees and networks to assist the Commission and the setting up of *ad hoc* groups of experts in particular fields for the purposes of the exchange of information and good practice between Member States.

I would however make sure that the correct implementation of the instruments adopted is systematically and carefully monitored and that the report prepared by the Commission on the basis of information provided is made available with its conclusions to the Parliament. Such reports have a political impact and in sensitive matters, like implementation of the European arrest warrant, they are likely to be broadly discussed.

The prosecution of suspected infringements of Community legislation is conducted in several stages through the infringement procedure established in Articles 226 end 228 of the Treaty. These procedures are used to dispel any doubts as to the meaning of Community law, to bring any infringement to an end and so to ensure the correct operation of the Community legal system.

Following the earlier stages in arriving at a ruling of the European Court of Justice on an infringement issue under Article 226 of the Treaty, any failure of a Member State quickly to comply with a judgment given by the Court of Justice has to be considered a most serious violation of EU law. There should be no doubt about the fact that the Commission will proceed in these cases with the application of Article 228, which can eventually lead to a second referral to the Court of Justice, this time accompanied by the imposition of a penalty.

As I have indicated already, the main objective of the infringement procedure is to achieve conformity of the Member State with EU law, thus allowing the European citizens and business fully to enjoy the rights they are entitled to.

This can sometimes be effectively achieved through mechanisms that complement or substitute for formal proceedings for failure to fulfil an obligation.

The following complementary mechanisms may be mentioned:

1- In cases of numerous and repetitive violations of the Community rules in a given sector, overall negotiation with the Member State concerned has sometimes proved more effective than infringement proceedings.
2- The so-called "package meetings", which allow for constant dialogue and cooperation between the Commission and the relevant authorities in a Member State with a view to examining a "package" of cases and finding solutions outside legal proceedings.

3- As regards the application of directives which have established rights for a very large number of citizens and which require case-by-case handling and resolution, ad hoc contact points can prove effective.

4- Finally, establishing independent and specialised national authorities contributes in some cases to facilitate achievement of the Commission's tasks in its role as guardian of the Treaty.

7. What concrete steps do you intend to take to make sure that Member States transpose Community legislation in time? Imagine a situation in which several Member States, including your own, have failed to implement a major liberalisation directive. The measure is unpopular in certain quarters and local elections are coming up. Parliament is pressing for infringement proceedings and the Legal Service is ready to go. The Minister telephones you from home. What do you tell him? What do you tell Parliament?

In order to guarantee that Community policies are effectively implemented and have the desired effect, thereby gaining the public's confidence, the institutions must ensure that the application of Community law is efficiently monitored. This monitoring task has been entrusted to the European Commission in its exclusive role as "guardian of the Treaty".

The Commission already operates a simplified and accelerated procedure to follow-up on the initial requirements of national implementation in the form of the notification of national implementing measures. This procedure provides for an automatic review of what Member States have done and a very immediate follow-up. This procedure has functioned efficiently over past years and will continue to be used to ensure the comprehensive pursuit of late notifications.

A series of measures have already been introduced by the Commission to improve the transposition of directives. The Commission needs to apply these measures pro-actively and enhance them to ensure that maximum results are obtained.

If at the end of the discussions with a Member State, and despite all positive measures to improve transposition, this Member State cannot find a solution in conformity with Community law, the Commission has to take the necessary steps under the conditions laid down by the Treaty. Of course, the procedure is quite long and the Member State has many possibilities to defend its position.

If a Minister in a difficult political situation calls the responsible Commissioner, then the Commissioner is obliged to listen to him. However, either there are new elements which

change the previous situation or the Commissioner will have no reasons to change his attitude; thus will proceed in conformity with the Treaty. The European Union system is based on the rule of law and any Minister cannot escape that fact. Parliament should be informed in conformity with existing legislation and the framework agreement on the follow-up of the procedure. Such a situation demands ensuring a balance between the respect of rules and the necessity of avoiding the Commission becoming an element in an electoral campaign.

8. How will you facilitate the Parliament's right of scrutiny of the implementing powers of the Commission (comitologie)? Are you ready to grant Parliament the same treatment and the same degree of access to information as the Council? Do you think it is possible to anticipate the Constitution provisions in this matter?

I agree that transparency is a key element in ensuring accountability. Specifically concerning the work of the so-called "comitology" committees, I would draw the Parliament's attention to the fact that Council Decision 1999/468/EC already obliges the Commission to ensure ambitious transparency measures, including publication of the list of existing committees and an annual report on the activities of the committees.

In addition to these transparency measures for the broad public, the Council Decision also sets out the regime for privileged information of the European Parliament which was further clarified in the Framework Agreement between EP and the Commission. This allows the EP to be informed about the work of comitology committees and, in particular, to exercise its right of scrutiny for implementing measures under legislation adopted under co-decision. I should add that in 2003, the Commission launched a public register of all comitology documents transmitted by the Commission to the European Parliament. – This register also provides direct public access to many of the documents.

The Constitution clarifies the legal framework of the Commission's implementing powers, by making the distinction between, on the one hand, delegated regulations by which the Commission can supplement or amend non essential elements of laws and framework laws (for which EP and Council are set on the same footing : art. I-36) and, on the other hand, the genuine implementing acts (for which the rules and general principles will be laid down by a law (i.e. in codecision) : art. I-37). The Constitution, however, does not bring any additional element with respect to transparency in the exercise by the Commission of such powers.

9. How energetically do you intend to take up the commitment in the interinstitutional agreement on better lawmaking to repeal obsolete acts and simplify complex acts? Will specific attention be paid to this issue in carrying out extended impact assessment?

The Commission launched already in 2002 a broad action plan on better regulation which provides the context and basis for the Commission's contributions to implement the Inter-institutional Agreement on Better Lawmaking.

I fully support the current Commission's better regulation agenda and I will certainly work in favour of continuing this important work under the new Commission to ensure that new legislation is not overly complex, to repeal obsolete legislation and to simplify old legislation.

I should add that, given the relatively recent creation of the *acquis* in the area of Justice and Home Affairs, my contribution is likely to focus on ensuring simplicity and quality of new legislation.

The Commission's integrated and cross-sectoral approach to assessing the impact of policy proposals[2] will be central to delivering on my commitment to ensure high quality and simplicity for legislation in the area of Justice and Home Affairs.

10. The European Commission is preparing the future guidelines for a new 2004-2009 programme for developing the European Union as a single area of freedoms, security and justice. What are your priorities on civil and procedural law?

I share the approach endorsed in the Hague Programme which requests to ensure full and correct implementation of the already adopted "acquis", and I commit myself to devoting the necessary attention to this task. Moreover, I will make use of all possibilities offered by the European Judicial Network in civil matters in order to foster the effective and practical application of Community instruments. In addition, I am convinced that giving implementation the attention that it rightly deserves is not a reason to delay the adoption of new legislative instruments, as stressed by the Commission in its Communication of last June.

I am therefore committed to taking forward the remaining items of the Tampere mandate, as requested by the Hague Programme, and to working towards the full implementation of the mutual recognition programme (notably in those fields where no European mutual recognition rules exist). I will also remain attentive to areas other than those covered by the mutual recognition programme. For instance, I feel that the needs of citizens and economic operators for enhanced mutual recognition are not limited to judicial decisions. For example, in a single area without internal borders private and public documents should circulate as freely as possible and administrative formalities which limit the free circulation of documents should be abolished or brought to the indispensable minimum. Sustained efforts towards more effective enforcement of judicial decisions in the EU, the "Achilles' heel" of the common area of civil justice, will also be a feature of my policy. It goes without saying that I will make sure that further legislative developments respect the legal and judicial traditions of the Member States, principle which is enshrined in the Constitutional Treaty, and that they are put forward on the basis of extensive consultation of all stakeholders.

[2] *COM (2002) 276 Final.*

11. The Hague Conference on Private International Law is in the final stages of preparation of a Convention on Exclusive Choice of Court Agreements ("Conventions) for business-to-business transactions. The European Commission is taking part in the negotiations of the Convention on behalf of the EU. In the meantime, the Commission opened a public consultation on this issue. Which is your positions on the results of the negotiations? Do you suggest the EU to access the Convention?

Reading the consultation document to which you refer is enough to make anyone understand how complex the draft Convention on Exclusive Choice of Court Agreements is, and how difficult the ongoing negotiations are. The public consultation aims at allowing the Commission better to understand the concerns of European businesses and other interested parties and better to evaluate the possible impact of the different options considered during the negotiations. I am convinced that a successful Convention could be of great help to international commerce and of benefit to European business. But all depends on the result of the negotiations: if we achieve a balanced Convention which safeguards the legitimate interests of the European companies, I will, of course, support the accession of the Community to it. In any case, due to the importance of that Convention, I think that following the conclusion of the negotiations, an adequate impact assessment on the basis of the final text should be carried out before the Commission proposes to the Council the signature or the accession to the Convention.

12. Protection of the rights of citizens is at the heart of our democratic system based on the rule of law. The Charter of Fundamental Rights incorporated into the Constitutional Treaty and the European legal system provides citizens with additional protection, even against their own Member State. It concerns the citizens as consumers, workers, retired people, patients, students, civil servants, but also as subjects of the Union, with respect to the European administration and its agents. Which are your priorities on the legal and judicial protection of citizens?

I agree fully concerning the importance of protecting the rights of citizens, which should be efficiently protected in the legal system of each Member State.

In this respect, I consider that the improvement of the efficiency and the functioning of justice should be a general priority. This is why I will support and contribute to the work of the European Commission for the Efficiency of Justice ("CEPEJ") in the framework of the Council of Europe. Also, within the limits of the competence of the Union, we will certainly be called to consider many aspects related to the efficiency of justice (reducing delays, effective enforcement of decisions, etc.).

I also think that the judicial protection of citizens includes effective access to justice, as defined by the Strasbourg Court. I am certainly willing to work towards this aim in the European Union context, and my intention is to guarantee not theoretical or illusory rights, but rights that are practical and effective. In this respect, the Directives on legal aid and compensation of crime victims demonstrate the EU's intention to improve the judicial protection of citizens. My objective is to ensure proper implementation of these Directives by

the Member States and, if necessary, to complete this set of rules by adopting new measures for the same purpose.

13. On 28 April 2004, the European Commission presented a proposal for a framework decision covering the rights of suspects and defendants in criminal proceedings throughout the European Union. Do you agree that this is a major priority for the EU in order to create common trust, taking account that legal instruments having a heavy impact on fundamental rights like the European Warrant are already in force? Which is your approach to create conditions to have this act adopted as soon as possible?

I fully support the view that a measure that will safeguard defence rights and promote mutual trust is essential. A measure protecting the rights of individuals was envisaged at Tampere at the same time as instruments such as the European Arrest Warrant and other initiatives designed to facilitate prosecution; it is not the result of the reaction to those initiatives, but rather the counterpart. The proposed Framework Decision on certain procedural rights in criminal proceedings will make all mutual recognition measures in the criminal law field operate more smoothly since Member States will be more willing to accept that other Member States have proper safeguards in place. It is important that those professionals working in this area, and working with mutual recognition instruments such as the European Arrest Warrant, have the necessary trust in the systems run by other EU judicial and police authorities since its smooth day to day operation depends on that trust for its success.

I will do all that it is possible for the proposed Framework Decision to be adopted by the Council and implemented in the Member States as soon as possible. The Hague Programme asks for the Council to adopt this proposal by the end of 2005. The issue is whether the Council will be able to reach unanimous agreement. Some reticence was expressed in the past by certain Member States. My predecessor, Commissioner Vitorino, heard the views of representatives of the Member States when the Green Paper on procedural safeguards that preceded this measure was discussed at the JAI informal Council in Veria in March 2003 and there was extensive consultation before the proposal was presented. The text adopted takes account of many of the concerns expressed during the consultation phase; I hope that these concerns have been accommodated sufficiently to enable the Member States that had expressed their opposition to support this proposal.

14. What do you see as the priority and civil aims over the next years to take forward the Tampere agenda of an European area of justice specifically in relation to civil and commercial law?

The approach that I outlined in my reply to a previous question, implies taking forward a number of specific actions and legislative proposals. In particular, priority would be given to the fulfilment of the measures specifically referred to in the Hague Programme, including for example the full implementation of the 2000 Mutual Recognition Programme and a renewed focus on implementation aspects.

In order to implement the remaining measures identified by the Tampere agenda and confirmed by the Hague Programme, I am committed to continue the work on the "Rome II" proposal on the law applicable to non-contractual obligations, the proposed Regulation on the payment order, and the future proposals on small claims and on mediation (ADR).

In addition, I would present in 2005 proposals on maintenance obligations and on the modernisation and communitarisation of the Rome Convention on the law applicable to contractual obligations ("Rome I").

I would then like to continue the work in two different paths: first, creating mutual recognition in the two key areas covered by the Mutual Recognition Programme, which are wills and successions and property aspects of family law and, second, evaluating the functioning of the instruments already adopted, mainly the Brussels I and Brussels II regulations, in order to improve them and to continue delivering progressive removal of "exequatur", which will make it necessary to develop ancillary measures, such as certain minimum procedural guarantees in order to enhance trust between Member States.

As regards action in other fields such as enhancing recognition of some private and public documents, I think that, for instance, some action will be needed to improve mutual recognition of certificates of inheritance, administrative documents needed to update property registers, etc. Finally, as regards enforcement, I intend to launch the appropriate consultations and preparatory work as soon as possible in those fields already identified (such as provisional and protective measures, transparency of assets of debtors and attachment of bank accounts), as well as identifying other measures necessary to ensure efficient enforcement of judicial decisions.