



Committee on Legal Affairs  
Committee on Civil Liberties, Justice and Home Affairs  
Committee on Internal Market and Consumer Protection  
Committee on Women's Rights and Gender Equality  
The Chairmen

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Mr Jerzy BUZEK  
Chair of the Conference of Committee Chairs  
PHS 08B046  
Brussels

ACCES RESERVE

Dear Mr BUZEK,

In accordance with Rule 118 of the Rules of Procedure of the European Parliament, the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Internal Market and Consumer Protection and the Committee on Women's Rights and Gender Equality held a public hearing on Wednesday 1 October 2014 of Věra JOUROVÁ, Commissioner-designate, who, subject to the positive outcome of the nomination procedure, will be responsible for Justice, Consumers and Gender Equality.

Prior to the hearing, Parliament had sent the Commissioner-designate a list of written questions, to which she replied in a satisfactory manner.

After the hearing, the coordinators of the four committees considered that further information was required in order to complete their evaluation. In accordance with the fourth sentence of point 1(c) of Annex XVI to the Rules of Procedure, they therefore asked the President of Parliament to write on their behalf to the President-elect of the Commission requesting further information on the topics outlined in detail below. A letter containing Ms JOUROVÁ's additional answers was circulated among the coordinators of our Committees with a view to a new evaluation meeting on 7 October 2014.

Ms JOUROVÁ opened the hearing on 1 October by making a statement in which she referred to the following:

Every proposal in the areas of her competence should seek to ensure more choice, more protection and more trust. This is particularly true when it comes to guaranteeing fundamental rights, ensuring minimum standards in civil proceedings, enhancing gender equality, protecting consumers and fostering mutual recognition of judicial decisions and property rights.

Against that background, the Commissioner-designate committed herself to:

- promoting the rapid accession of the EU to the European Convention on Human Rights,
- ensuring swift adoption of a modern data protection reform,
- protecting the most vulnerable members of society, including ethnic minorities and women who are victims of violence,
- putting in place an independent and efficient European Public Prosecutor's Office,
- promoting corporate responsibility,
- ensuring swift adoption of the consumer product safety and market surveillance regulation package,
- building trust across the judicial systems in the EU, inter alia by fostering mutual recognition and appropriate training for legal practitioners,
- upgrading the e-Justice tool,
- building consumers' trust,
- developing mediation and alternative dispute resolution mechanisms,
- giving new momentum to the Women on Boards proposal,
- working in close cooperation with Parliament.

*As far as the Committee on Legal Affairs is concerned:*

Members asked questions on the following subjects in particular: elimination of unnecessary administrative burdens, cross-border transfer of company seats, minimum rights for stakeholders and employees, the single-member company, the role of the stakeholder compared with the role of the shareholder in companies, the Common European Sales Law, implementation of EU law, acceptance and recognition of public documents and the inclusion of registered partnerships in its scope, reinforcement of existing tools for building mutual trust as between courts, measures for collective redress including safeguards and inclusion of claimants other than consumers, codification of company law, European companies' competitiveness in the global arena, the Justice Scoreboard, arbitration clauses in international investment treaties, and ways of conveying the EU *acquis* to citizens and businesses.

The additional questions addressed to the Commissioner-designate for written answer sought clarification on the following subjects in particular: implementation of EU law, initiatives in the area of better law-making, acceptance of public documents, collective redress, cross-border transfer of company seats, single-member companies, minimum standards for stakeholder and employee involvement, the 'Women on Boards' proposal, codification of company law, the proposal for a Common European Sales Law, arbitration clauses in investment treaties, simplification of requirements for companies operating inside and outside the EU.

During the hearing, Ms JOUROVÁ made specific commitments or statements regarding her future Commission portfolio:

- She will work for simplification so as to cut red-tape and remove administrative barriers, inter alia in connection with insolvency procedures and shareholders' rights;
- She will promote the stabilisation and simplification of the regulatory environment for SMEs;
- She supports Parliament's position in respect of the Common European Sales Law and will try to persuade Member States swiftly to adopt this proposal;
- In connection with the proposal on simplification of the acceptance of certain public documents, she supports the abolition of the 'apostille' and will try to defend the enlargement of the scope of the proposed regulation within the Council;
- She will promote good implementation of the legislation in force, also by improving training for legal practitioners and cooperation between them;
- Should this prove to be useful and meet the favour of a majority of Member States, she will consider new legislation in the area of collective redress mechanisms;
- She will promote the codification of company law and engage in persuading Member States of the expediency of this choice;
- She will defend and enhance the Justice Scoreboard, possibly by including criminal law and statistics available to the Commission, and predominantly by using instruments that already exist;
- She will make sure that information campaigns raise awareness, especially among citizens and legal practitioners, of the legislation in force in the area of civil law.

In her written answers to the additional questions, Ms JOUROVÁ made the following specific commitments:

- As far as the implementation of EU law is concerned, she will aim at solving problems as they arise with Member States and will be ready to propose to the Commission to launch infringement proceedings if Member States do not comply with EU law.
- She will review existing legislation so as to make sure that it fits the better law-making agenda, especially with a view to removing unnecessary burdens and reducing costs for consumers and businesses.

- She will ensure that the Commission proposal on the property consequences of registered partnerships on the one hand, and the Commission proposal on the authenticity of public documents, including in relation to registered partnerships on the other hand, will be tabled by the Commission and will be adopted by the legislator as soon as possible. She also declared that she would take further action on the recognition of the content of civil status documents.
- Should the objectives of the Commission Recommendation of 11 June 2013 on common collective redress principles not be met, she will consider further action, including possible legislative measures. Such a proposal would not be limited to consumers, but also open for other claimants.
- She will prepare a report on possible measures to foster Environmental Social and Governance (ESG) investment and encourage employee share-ownership.
- She will prioritise the 'Women on Boards' Directive so that it can be adopted by the end of 2015.
- She could submit a proposal for a codification of EU company law to be approved by the Commission as soon as the technical preparations are concluded.
- She will consult and work in close cooperation with sectoral associations and trade unions with a view to preparing legislation.

The Committee expects the Commissioner-designate to ensure that employees' rights are fully taken into account with regard to the better law-making agenda.

The Committee notes that Ms JOUROVÁ replied in a more comprehensive way on the question on arbitration clauses in international investment treaties, without, though, grasping the politically sensitive context.

*As far as the Committee on Civil Liberties, Justice and Home Affairs is concerned:*

The LIBE Members asked 13 questions bearing on issues such as data protection and relevant international cooperation, fight against serious crime, fundamental rights, including freedom of movement and children's rights, anti-discrimination, judicial cooperation in criminal matters and the Justice Scoreboard.

- On Roma national strategies, and the violation of EU anti-discrimination legislation for which the Commission has launched an infringement proceeding against the Czech Republic Ms JOUROVÁ declared that she will take an impartial stance and not specifically defend her country. She undertook no specific commitment on designating a special coordinator within the Commission on Roma.

- She promised to strive to solve the current political stalemate in the Council on the anti-discrimination Directive without specifying how she would gather political support to this aim.
- On questions regarding LGBT rights and the Parliament's demand for a Roadmap, she suggested (also in her supplementary written answers) to strengthen the cooperation with Member States and put forward the idea of an Action Plan.
- She defended the right to free movement, while looking into individual Member States' situations and possible abuses.
- Asked why disability matters would now be placed under the portfolio of employment and social affairs she referred to the choice of President-elect Juncker, to strengthen the social dimension of Europe.
- As far as the new complex structure is concerned the Commissioner-designate mentioned the need to work together with Vice-President TIMMERMANS in order to ensure respect for the Rule of Law and the values of the Union.
- On data protection the Commissioner-designate's answers sometimes lacked precision as regards the US Safe Harbour and to ensure that the data protection package will provide a high and robust level of protection, thus not undermining the current level as afforded by Union law. Additional questions were therefore addressed for clarification. In her written replies she has confirmed doubts about the level of protection provided by the US Safe Harbour and the need to remedy shortcomings identified by the Commission, including those relating to the "national security exception". She indicated that suspension of Safe Harbour is an option, although she considers it appropriate to continue discussions with the US. She has also stated that alternative options could be explored before any suspension. She mentioned the need for an additional assessment although the LIBE Committee, as stated through EP resolutions, does not consider that necessary. Regarding the follow up to the European Parliament Resolution on electronic mass surveillance, namely the question of judicial redress and the implementation of a "digital habeas corpus", her reply lacked detail. On the current data protection process and the slow pace of the discussions in Council, she indicated that the adoption of the package in the first six months of her mandate is a priority. The objective being to put in place a system that strikes a balance between reducing the burden for companies and ensuring a high and robust level of protection, whilst ensuring flexibility for the public sector. In her written reply she indicated that she will be inspired by the solutions put forward by the Parliament.
- Ms JOUROVÁ indicated that she will work in close coordination with Vice-President designate TIMMERMANS and with other Commissioners who would rely on her contributions to successfully complete their projects.

The Commissioner-designate showed a general knowledge of the criminal law agenda. She stated that the EPPO and its efficiency are a high priority in her agenda but was not able to discuss in depth the future structure of the area of judicial cooperation in criminal matters. In her supplementary written answers, she mentioned for the first time the new Commission powers in the ex-third pillar (as from December 2014) but without going into details on how she intends to use them. She considered the European Arrest Warrant (EAW) a major success

while acknowledging the problem of non-proportional use. Contrary to the Parliament's call for legislative proposals, she did not seem ready to put forward new draft legislation. She praised the Justice Scoreboard as a tool and stated that it could evolve to cover criminal justice. Regarding the procedural rights package, she defended the Commission proposals. On the fight against foreign fighters, she clarified in her written answer that existing EU instruments and coordination efforts should suffice to deal with the phenomenon at the EU level.

*As far as the Committee on Internal Market and Consumer Protection is concerned:*

Ms JOUROVÁ answered questions on the following subjects:

- improving consumer protection by investing in information and awareness-raising tools, which should be targeted at specific sectors, such as financial services and energy;
- protecting the particular needs of the most vulnerable consumers in the digital markets, the children and the elderly;
- the Consumer Product Safety Regulation, notably on the issue of mandatory marking of origin (“Made in”), the Commission study assessing the impact of the “Made in” label on the efficiency of the Regulation, and to start re-discussing with the Member States on that basis;
- repetitively on the Common European Sales Law (CESL);
- the implementation by Member States of consumer protection legislation;
- to review the Consumer Protection Cooperation Regulation, in order to further improve the enforcement of consumer legislation;
- the availability of the online dispute settlement (ODR) platform by beginning 2015 in all EU official languages;
- regulatory simplification in the fields of consumer protection legislation (“REFIT exercise”) in collaboration with Vice-President TIMMERMANS;
- effective cooperation with Vice-President Ansip and coordination with Commissioner Oettinger on the Digital Single Market, and keeping an eye on consumer protection within the college;
- bankers' bonuses, which is not a competency of the IMCO Committee, and therefore has not been considered as part of the IMCO evaluation.

Other subjects addressed included price-comparison websites and citizens' initiatives.

*As far as the Committee on Women's Rights and Gender Equality is concerned:*

As regards the competences of the FEMM Committee, we noted that Ms JOUROVÁ answered the written questions satisfactorily. We noted particularly her commitment to deepening gender mainstreaming in all policy areas that fall under her specific responsibility, namely Justice and Consumer protection and to explore ways of strengthening three very important gender mainstreaming tools: impact assessments, evaluations and gender budgeting with Vice-President TIMMERMANS.

Ms JOUROVÁ opened the hearing by stating that her role as Commissioner for Gender Equality is to break the glass ceiling in order to ensure equal access to all professions to women and men as well as an equal pay. She stressed that she will defend the Women on Board proposal. She also underlined that Violence against Women and Female Genital Mutilation (FGM) are among her priorities.

Members then asked questions on the following subjects in particular:

- Women on Board,
- Maternity leave,
- Violence against Women,
- Priorities for the new EU Strategy for Gender equality post 2015,
- Gender mainstreaming,
- Gender Pay Gap.

During the debate, Ms JOUROVÁ made some specific suggestions regarding her future Commission portfolio:

- giving priority to tackling the gender pay gap and to combating violence in the forthcoming equality strategy through the setting up of an Action Plan made of legislative and non-legislative measures;
- going ahead with the maternity leave legislation in coordination with Ms THYSSEN;
- possibly legislating on violence, in particular on FGM in the context of criminal law;
- reinforcing collaboration with women's organisations and all parties involved;
- convincing Member States which did not ratify the Istanbul Convention yet to do so and proposing the EU accession to it.

The Commissioner-designate also added that the role of women in decision-making is not what it needs to be and a lot of work remains to be done.

Before the end of the hearing, the Commissioner-designate made a brief closing statement in which she added that her answers were those of a politician, as she is, and not those of a civil

servant. She reaffirmed her willingness to cooperate with Parliament and thanked the Members for their friendly welcome.

On the basis of the responses of the Members present at the hearing, and of the additional written answers that were submitted after the hearing, as well as the comments made by our committees' coordinators, who met after the hearing under our respective chairmanship, we hereby give the following assessment:

Ms JOUROVÁ showed genuine willingness to cooperate with Parliament and its committees. Her integrity and independence, along with her European commitment, are not in question.

*As far as the Committee on Legal Affairs is concerned:*

The Committee on Legal Affairs notes that the Commissioner-designate has taken an interest in law only in recent years. Indeed, at the hearing she did not seem to have a particularly thorough knowledge of all the technical matters falling within the remit of her complex – if not too extensive – portfolio, thus appearing not very confident in handling Members' questions. Moreover, both at the hearing and in her additional written answers, she failed to answer (or answered in a generic, non-committal manner) several key questions in the fields of civil and company law.

The Commissioner-designate failed at times to display a wider appreciation of the role played by company law and corporate governance for companies and stakeholders operating across Europe and beyond. More specifically, she was not convincing also in her written answers about her commitment to giving serious consideration of a new view on corporate governance: inappropriate focus on short-term, potentially optimal returns to shareholders, excessive executive pay and a range of social and environmental externalities should be seriously considered as there is significant evidence that those elements are fundamentally inconsistent with sustainability.

With regard to company law she misunderstood the intention of a number of Members why stakeholders such as consumers, local communities and employees are of pivotal importance for both European companies and the European economy. Stakeholders are likely to take more sustainable and long term orientated decisions for companies than shareholders. Their involvement hence significantly contributes to the avoidance of economic crises.

The Commissioner-designate has demonstrated an understanding of the direction proposed by the Commission in the past as to the development of instruments in civil law. She has not however at this stage outlined any novel approaches she may favour, particularly for dossiers which have proved difficult to agree amongst the co-legislators.

The Committee was able to note that it shared many of the priorities of the Commissioner-designate.

In conclusion, the Committee considers that Ms JOUROVÁ is suitable for the post.



*As far as the Committee on Civil Liberties, Justice and Home Affairs is concerned:*

As far as the competences related to the area of responsibility of the LIBE Committee are concerned, the candidate showed a positive attitude and a general knowledge of the portfolio. At times her answers lacked detail and precise proposals. The fact that Ms JOUROVÁ has been allocated a very broad and heterogeneous portfolio might explain these shortcomings.

The Commissioner-designate has provided satisfactory answers to the broad range of questions on anti-discrimination, freedom of movement, data protection and the fight against serious crime.

The Committee considers that an extensive and in-depth dialogue on LIBE policies and priorities in the field of judicial cooperation in criminal matters, the rule of law, and fundamental rights including data protection will be needed on a regular basis once the Commission has been confirmed.

This represents the opinion of a consensus among the Coordinators of the LIBE Committee.

GUE/NGL raises concerns that Ms JOUROVÁ's portfolio is too big and inconsistent.

EFDD have serious concerns on the responses provided by the Commissioner-designate during the hearing.

However, neither of the Groups opposes the consensus reached by the Committee.

*As far as the Committee on Internal Market and Consumer Protection is concerned:*

The Committee considered that Ms JOUROVÁ displayed the aptitude and professional experience that are appropriate for a Commissioner.

They welcomed her commitment to promote a European consumer rights framework.

In her response to questions, Ms JOUROVÁ displayed some general knowledge of the activities that would be entrusted to her. However, Members felt that she was reluctant to make precise commitments ahead of her confirmation as full Commissioner. Members considered that she was very cautious and would have expected her to provide more concrete responses and to clearly express her personal views on the subjects discussed. Notably, she did not express herself on the underlying legal approach which will be followed for future consumer protection legislation. It will be imperative that, once confirmed, the Commissioner does so at the earliest opportunity.

*As far as the Committee on Women's Rights and Gender Equality is concerned:*

Ms JOUROVÁ has the experience and the personal qualifications required for a Commissioner in charge of the gender equality portfolio. The Committee on Women's rights and Gender Equality recognised her commitment to working closely with the European Parliament and recalled its availability to provide for expertise and cooperation on future legislative proposals. Her answers to the questions show that she has a good understanding of the gender equality policy area and with the close links this portfolio has with the responsibilities of other Commissioners. The committee notes, in her written questions, Ms JOUROVÁ's commitment to correctly reflect the balance of the three parts of the portfolio and will duly follow its implementation. Additionally, the FEMM Committee regrets the lack of ambition of concrete legislative and non-legislative proposals and strategic framework for gender equality in particular regarding the issue of gender based violence, while noting her will to engage into discussion with the European Parliament.

The general outcome of this hearing is that the Commissioner-designate has the aptitude to be a member of the College of Commissioners and to carry out the specific tasks assigned to her.

However, the opinion of the Coordinators was not unanimous, as there were several minority opinions raising concerns that Ms JOUROVÁ's portfolio is too big and inconsistent. Furthermore, the groups raised the following points:

GUE/NGL did not want to confirm the designation of Ms JOUROVÁ. GUE/NGL believed that Ms JOUROVÁ's portfolio was too big and inconsistent, and did not give enough priority to women's rights and gender equality issues, and was also of the opinion that Ms JOUROVÁ has not made sufficient concrete proposals in the area of gender equality, including actions against violence against women and the need to defend women's sexual and reproductive health and rights. However, GUE/NGL will not oppose the consensus reached by the other groups.

Greens/EFA do not oppose to the confirmation of the commissioner designate JOUROVÁ. However, Greens/EFA wished for a clearer strategy and commitment by the commissioner designate, especially with regard to the Maternity Leave Directive and was of the opinion that further dialogue is needed in order to give gender equality and women's right the role that it deserves in this portfolio.

EFDD was not convinced by the answers of Ms JOUROVÁ and regretted that the portfolio is too big and that the Commissioner-designate did not make sufficient concrete proposals about FEMM Committee's issues.

The general outcome of Ms JOUROVÁ's hearing, with specific reference to her written replies, is that the Commissioner-designate gave a relatively satisfactory impression of her aptitude to be a member of the College of Commissioners and to carry out the specific tasks assigned to her, following her hearing and a second round of written replies in response to concerns raised by the Committees concerned.

The four Committees confirmed that they look forward to early meetings with the Commissioner-designate – once confirmed in office –, at which she would spell out in more detail her specific approach to the dossiers in her remit.

This represents the opinion of a large majority of the Members who attended the hearing.

Best regards,

**Pavel SVOBODA**

Chair of JURI  
Committee

**Claude MORAES**

Chair of LIBE  
Committee

**Vicky FORD**

Chair of IMCO  
Committee

**Iratxe GARCÍA-PEREZ**

Chair of FEMM Committee

