

PRESIDE: JUAN FERNANDO LÓPEZ AGUILAR

(Se abre la reunión a las 13.05 horas)

El Presidente. – Saludo y doy la bienvenida a todos los distinguidos miembros, señoras y señores, de las Comisiones de Libertades Civiles, Justicia y Asuntos de Interior (Comisión LIBE), de Asuntos Jurídicos (Comisión JURI) y de Derechos de la Mujer e Igualdad de Género (Comisión FEMM). Bienvenidos y bienvenidas. Y bienvenida también la Sra. Reding, candidata a ocupar una importante responsabilidad en la estructura de la nueva Comisión para este mandato, la Comisaría de Derechos Fundamentales y Justicia. El total de esta sesión conjunta de las tres comisiones a que acabo de referirme será de tres horas y va a ser copresidida por los respectivos presidentes de las comisiones: el Presidente de la Comisión LIBE, yo mismo, el Presidente de la Comisión JURI, señor Lehne y la presidenta de la Comisión FEMM, señora Svensson.

Hemos estructurado, de acuerdo con las tres presidencias, esta sesión, de modo que la primera hora y cuarto la vamos a dedicar al examen de la candidata para la Comisaría de Derechos Fundamentales y Justicia en el ámbito de responsabilidad de la Comisión LIBE. De acuerdo con los coordinadores de los grupos políticos, vamos a llevar a cabo un turno de preguntas y respuestas que sumará un total de veinte preguntas. Como disponemos de una hora y cuarto, voy a verme obligado a ejercer una presidencia muy estricta y, por tanto, administrar de manera taxativa los tiempos de uso de la palabra: un minuto para cada una de las veinte preguntas y dos minutos para responder a cada una de ellas.

Los diputados y diputadas que harán uso de la palabra lo harán en representación de los grupos políticos, de acuerdo con el sistema D'Hondt, y lo harán por ese orden, de manera que invito a cada uno de los intervinientes a atenerse estrictamente al minuto establecido. En los últimos segundos, levantaré el

BRUSELAS

COMISIONES DE

LIBERTADES CIVILES, JUSTICIA Y ASUNTOS DE INTERIOR

ASUNTOS JURÍDICOS

DERECHOS DE LA MUJER E IGUALDAD DE GÉNERO

AUDIENCIA DE VIVIAN REDING

COMISARIA PROPUESTA PARA

JUSTICIA, DERECHOS FUNDAMENTALES Y CIUDADANÍA

martillo. Invito igualmente a la Sra. Reding a respetar el turno de dos minutos en cada una de sus respuestas.

Somos conscientes de que tenemos por delante una apasionante agenda de trabajo, la que concierne a la relación entre la Comisión y el Parlamento Europeo tras la puesta en marcha y entrada en vigor del Tratado de Lisboa en el área de libertad, justicia e interior y, asimismo, tras la entrada en vigor de la Carta de los Derechos Fundamentales de la Unión Europea.

Por eso, vamos a proceder invitando a la señora Reding a hacer uso de la palabra por el tiempo establecido de diez minutos.

Viviane Reding, Commissioner-designate. – Now is the third time that I have had the honour of appearing before this House as a Commissioner-designate.

For me the hearings are a very strong moment of democracy because they are a very strong moment of accountability, of debate, and for citizens outside to see that we have a very unique democracy here in Europe. There are not many parliaments around the world that have managed to win this battle and to get the right to put questions to the members of their government. We have been fighting for this, and, when I say 'we', I have been fighting together in this Parliament in order for this right to be established.

Now I am the victim of that today! But I think we can be very proud of this strong moment of democracy, and I am very proud also to stand for the first time in this strong moment of democracy in front of you as the first ever Commissioner-designate for Justice, Fundamental Rights And Citizenship, because it is in those fields that the citizens will expect very much from us policymakers, in the Commission, in the Council, most of all in Parliament.

Why? Because they have very often been disappointed, their expectations have not been taken on board, and that

was not because of a lack of will: it was simply because there were not the instruments available.

Now, I remember when I was vice-chair of this committee that the decisions of the justice and home affairs ministers did not reach us. They were taken behind closed doors. There was no transparency at that time. Parliament had little to say on the third pillar, and EU legislators could only dream a visionary dream that one day it might be different.

Well, as from 1 December, it is different and now Parliament, together with the Commission, will have to show that this Lisbon Treaty is not only about words, but that it is a real revolution for the whole area of justice and home affairs.

The codecision procedure and the qualified majority in Council will help go forward with new legislation, and the judicial review, both in the Court of Justice and in the national courts, is of utmost importance. Most of all, the Charter of Fundamental Rights, which is now legally binding, puts the Treaties and the Charters on an equal footing, and this must be fulfilled with action.

It was a long journey to arrive there, and now the citizens rightly expect from us to have actions and to have results. I am therefore convinced that the Lisbon Treaty now will mean a whole reorientation of our policies in the field of justice, fundamental rights and citizenship. Not only reorientation in thinking, but also reorientation in results, because there is no freedom without just security, and there is no security without justice. During the last decade, the concentration had been on security alone. Justice was neglected, and the Lisbon Treaty now gives us the possibility to balance those – to have the rights and freedoms included. That is exactly the reason why President Barroso made this policy reorientation by creating a new portfolio that is specifically dedicated to justice, fundamental rights and citizenship. If you confirm me in this portfolio, then I will pledge to make this reorientation of EU policies possible under the Lisbon Treaty in the interests of justice and in the interests of the rights of our citizens.

The first thing to do – and this will be a common endeavour of Cecilia Malmström and myself – will be to present the action plan for the Stockholm Programme. We will start this work at once – and it is some work because there are 170 new initiatives foreseen in this Stockholm Programme: all initiatives which will now come to you, which means that we will have really a lot of work to do in common during the coming years.

Allow me, before we go to the heart of the matter with your questions, just to single out three priority areas.

First of all we need to strengthen the EU's stance on protecting the privacy of our citizens, in the context of all EU policies. That means, in other words, that data protection will be high on my agenda – including when it comes to enforcement and crime prevention, and

including when it comes to international relations with partners such as the United States.

Secondly, we now have other possibilities, through very concrete actions, to strengthen the right of the citizens to move freely in this European Union, whether alone or with their partners or family members.

Now, this free movement, I believe, is the core of the rights of EU citizens in the internal market. We have been thinking too much about 'market' and not enough about 'citizens'. We must do more not to leave that as an abstract idea but for it to become a concrete reality for all Member States, for all citizens, wherever they move, and EU law must be enforced vigorously if so necessary.

Thirdly, we need to ensure that the accused and the suspected also have clear rights in Europe. You know that we do have a European arrest warrant and a European evidence warrant, but we also have to guarantee that there is a high standard of rights concerning the fairness of the procedures, concerning prisons and detention conditions, and at the same time we have to see to it that the rights of the victim are strengthened, because there can be no area of justice and no mutual trust without common fundamental rights standards based on our common values. So, here we need to strengthen the procedural rights and the rights of victims.

I singled out only these three elements, but you know that there are many more, and I am sure that you will come back to those in your questions during this debate. I am in your hands.

(Applause)

2-005

Simon Busuttil (PPE). – Qabel xejn nawgura lil Viviane Reding għal dan is-smigh u anke għall-fatt, kif qalet hi, li jekk kollox imur tajjeb illum se tkun qed isservi għat-tielet mandat infila, jigifieri Kummissarju għal hmistax-il sena shaħ. Zgur, allura, illi llum m'għandniex għalfejn nistaqsuk jekk għandekx bizzejjed esperjenza għall-kariga tiegħek.

Fost ir-responsabilitajiet tiegħek se jkollok iċ-ċittadinanza Ewropea, haġa li hija għal qalbna haġna. Ahna nistennew minn għandek illi inti ssahhaħ iċ-ċittadinanza Ewropea u tagħti aktar drittijiet konkreti liċ-ċittadini Ewropej.

Għaldaqstant, jien xtaqtek tagħtina għall-anqas tliet eżempji konkreti tad-drittijiet godda li inti bi hsiebek tagħti liċ-ċittadini Ewropej bhala Kummissarju responsabbli miċ-ċittadinanza Ewropea.

Grazzi.

2-006

Viviane Reding, Commissioner designate. – I have read very extensively the important report of your colleague, Alain Lamassoure, with the title *Le Citoyen et l'application du droit communautaire*, and in this report you get it all: all the gaps which our citizens face in their rights to freedom of movement, and that is why I will very quickly take first actions in this respect.

To take the first one, in the field of civil justice, I will give you an example. If you are a citizen of Finland who would like to marry a citizen from Great Britain, you have a big problem because Finland wants a certificate of no impediment and Great Britain does not foresee that. Now, for a young couple to start their life together, this means going through a real administrative barrier. We need for this the free circulation of administrative documents, we need more mutual recognition of official documents and we need more European authentic acts.

We have started, as a Commission, to do that. I recall the proposal on successions, where we already have an authentic act introduced in the form of the European certificate of inheritance. In order to get the other questions solved, I will come forward with a green paper on the free movement of civil documents early in 2010, which will be then followed by legislative initiatives.

As I am already talking about the documents and have given you the example of marriage, let me say that there are many cross-border marriages, 350 000, but there are also 170 000 cross-border divorces per year, which is roughly 20% of divorces. Now, there are big problems, not only because of the divorce, but also because there is no legal certainty on all this. There are very sad stories coming up. The Rome III proposal on divorce which would clarify this has been blocked in Council since 2006.

I will make a proposal on enhanced cooperation in 2010. I count on Parliament to help me. I will go ahead with the diplomatic and consular protection in order to have legally binding rules at the end of 2010. I will put in practice the free movement directive, if necessary with infringement procedures. Now, there is no right if people do not know about the right, and so I am going to use the possibilities of DG Communication in order to ensure that citizens are informed.

2-007

Claude Moraes (S&D). – Mrs Reding, welcome also on behalf of the group of Socialists and Democrats.

You will be the first Fundamental Rights Commissioner and, as you have told us this afternoon already, you will be sharing this portfolio, this justice and home affairs field, with the Security and Migration Commissioner. That is the key difference.

You talked about balance, but for the key current issues within our group – the asylum package, data and transparency issues, such as SWIFT, PNR, access to documents, most recently the use of body scanners – all of these have fundamental-rights – but also security – aspects.

In practice, how will you work together with your fellow Commissioner to resolve the potential conflicts when there is clearly both a fundamental rights dimension and a security dimension? How will you mainstream fundamental rights within the whole JHA field, now that

we do not have the working group on fundamental rights?

And, finally, in terms of transparency and accountability to this committee and to this Parliament, how will you regularly inform this committee on how fundamental rights can be mainstreamed across justice and home affairs?

2-008

Viviane Reding, Commissioner-designate. – I have to answer three questions, actually. During the 10 years I was in the European Parliament, I had continuous contacts with the committees; we worked as a team, and I will continue to do that also with my new committees.

The second: how am I going to work together with my colleagues in the Commission? Because it is not only Cecilia Malmström with whom I will have to exchange very closely, it has also to be with the commissioners responsible for external affairs, because all these human rights and fundamental rights questions also have an external dimension. So the mainstreaming of all those policies will be of the utmost importance. But the new element, of course – and that is based on the new Treaty and on the new Charter, and it will be based also on the fact that Europe is going to join the Convention of Rights of Strasbourg – is that we have to have a Commissioner who is responsible for the rights.

Of course, there are many elements where we have a shared responsibility. For instance, on the different problems you have been underlining – PMR, SWIFT, body scanners – you can be very sure; I hope I will get another question on this so that I can elaborate on this very important problem.

But you can be very sure that, on this, the fundamental rights issue and the data protection will be top of the line, and there will be negotiations which will be led among equals. We will not let ourselves be dictated to – rules which go against our fundamental rights and which go against our privacy and data protection for the sake of anti-terrorism rules. I can tell you I have been discussing this extensively with Cecilia Malmström. She absolutely shares this point of view and this action.

2-009

Louis Michel (ALDE). – Madame la Commissaire désignée, je suis un peu embarrassé de vous interroger parce que je connais, évidemment, la grande expérience que vous avez et surtout le talent et la compétence dont vous avez toujours fait preuve dans les différentes responsabilités que vous avez eues.

Les droits fondamentaux me paraissent évidemment un sujet important. Ils doivent être respectés et promus dans toute l'Union, et la Charte des droits fondamentaux doit être complètement mise en œuvre, par des actions et par des initiatives concrètes.

Ceci implique, évidemment, un contrôle du respect des engagements des États membres en ce qui concerne ces droits fondamentaux. Je pense, notamment, à la liberté

de la presse, à la concentration des médias, aux discriminations, à l'impartialité de l'État et à une volonté d'invoquer, le cas échéant, les sanctions prévues par le traité.

Aussi, j'aimerais savoir quelles initiatives concrètes vous prendrez – ou vous pourrez prendre – pour contraindre les États à respecter ces principes, qui ne sont pas, à ce jour, respectés partout. C'est donc un combat extrêmement difficile qui vous attend. Je vous fais évidemment confiance; je sais que vous êtes tout à fait à même de presser les États. Mais j'aimerais avoir un peu plus de précisions sur ce que vous envisagez de faire.

2-010

Viviane Reding, Commissioner-designate. – Things changed dramatically on 1 December 2009, because the Charter of Fundamental Rights became part of the Treaties. That means that the Court in Luxembourg has the right and the obligation to analyse all the decisions taken to see if they are in line with the Convention.

That is the case for decisions concerning the application of European law. For decisions concerning the application of national law, there is the Court in Strasbourg. At the point when the European Union becomes a member of the Council of Europe Convention, there will have to be collaboration between the Court in Strasbourg and the Court in Luxembourg. The Commission will seek a mandate to start negotiations on that accession to the Convention as early as possible in order to get this equilibrium established.

Those are the arrangements for when a problem arises. As far as what we have to do in our own work, you know from your time as Commissioner, Mr Michel, that we analyse all our proposals to see if they are in equilibrium – mostly with economic questions. In the future, we will have an analysis of each proposal issued by the Commission to see if it is consistent with fundamental rights and with the Charter. That will be the responsibility I carry out. It is a horizontal responsibility. It concerns all decisions, all proposals from the European Commission and also international agreements.

2-011

Raül Romeva i Rueda (Verts/ALE). – Bienvenida, señora Reding. Me ha parecido muy interesante su primera intervención, en la que ha dicho que no puede haber justicia y libertad sin seguridad, pero también ha señalado que no puede haber seguridad sin justicia, y aquí ha omitido la libertad.

Mi pregunta va precisamente en este sentido, y la formulo en un momento en el que las libertades están claramente amenazadas, muchas veces por la instrumentalización que se hace del miedo, y en un momento en el que hemos visto en el pasado –también por parte de las instituciones europeas y de los países europeos– episodios tristes, como el caso de los vuelos de la CIA o el caso, por ejemplo, del debate que hemos mantenido estos días en el marco de *SWIFT*, la transferencia de datos, todo lo que tiene que ver con el

control de Internet, con los escáneres de cuerpo entero sobre los que se está debatiendo en estos momentos.

Mi pregunta concreta es: ¿cómo va usted a poner de manifiesto –y de una forma clara y concreta en el caso, por ejemplo, de los escáneres–, la defensa de los derechos y las libertades de los ciudadanos frente a esta manipulación –y a veces instrumentalización– del miedo a que algunos sectores pretenden proceder?

2-012

Viviane Reding, Commissioner-designate. – Article 8 of the Charter is very clear. Body scanners are a good case with which to illustrate what our policies will be. We need to ask ourselves a series of questions: Do those scanners work efficiently? Do they pose health risks? Do they pose specific problems relating to privacy and data protection?

We always have to look at the principle of proportionality – are the measures we utilise in order to protect society proportionate to the goal we want to achieve? I wish to make it very clear that our need for security cannot justify every violation of privacy. Our citizens are not objects, but human beings.

That is why there are three defined conditions for the body scanners. Firstly, it has to be voluntary; secondly the images have to be destroyed immediately; and, thirdly, the consequences for health must be monitored. Nothing is 100% secure, and scanners are no panacea either. We must also look at less intrusive and more privacy-friendly ways to detect explosives.

We have to look at the efficiency of all our data-collection and data-sharing systems. They are under review. What is the point of collecting all that data when proper use is not made of it? I am thinking of PNR and of SWIFT. We should never be driven by fear, but by the values on which the Union is founded. Those are the clear fundamental rights, and there will be a fundamental rights assessment of each proposal, as I said in my previous answer, on these kind of negotiations too.

2-013

Timothy Kirkhope (ECR). – It is good to have a proven achiever before us today and I welcome this opportunity.

Commissioner, this is a Europe of 27 individual Member States and therefore many different national priorities. In that case, surely the European Union should look to increase effectiveness and improve the implementation of current legislation rather than always looking to expand further into areas of national competence.

As you know, the main emphasis of the Hague Programme was to monitor and improve the implementation of existing Community measures rather than expand the *acquis*. It did not work out that way. Frankly, I have little hope that this will be achieved with the current programme's list of priorities either. Commissioner, I would like to hear whether you support my belief that what Europe needs is less forced

harmonisation, and more cooperation and more simplification of processes – that we should be fixing what is currently broken and building on our successes instead of overprescribing, and thereby underachieving.

2-014

Viviane Reding, Commissioner designate. – Yes, that is a discussion which I have had for many years with the honourable Member.

I am a firm believer in the internal market for goods and in the Community of internal markets and free movement for citizens. If our rules are not in accordance with this, I pledge here that I will try to change them. This will be rather easy under civil-law discussions, where we have already taken significant steps forward. It will be very difficult, understandably, in the field of criminal law, because systems have developed over centuries. We have lawyers and judges who have applied those systems and it is very understandable that they will try to stick with their system. That is the reason why the first thing we have to do here is to build confidence – to build confidence so that those practitioners, those who utilise those laws, know that the law in the neighbouring state is also a good law so that this mutual recognition and working together is efficient.

I have been enhancing Erasmus for students and I have made out of it Erasmus Mundus. Why cannot we do an Erasmus for judges for instance? I think that would be a way to enhance this trust – this mutual trust.

But on civil law I am very clear. On civil law I will advance. I will advance with European rules when citizens do not have free movement; and I will advance with infringement procedures when European laws are not applied as they should be.

2-015

Rui Tavares (GUE/NGL). – Senhora Comissária, Senhora Candidata, a Senhora falou acerca de um tempo em que o Parlamento Europeu não era escutado, não era ouvido, reportando-se ao tempo em que foi Deputada desta casa, há mais de dez anos.

Pois bem, eu também me lembro de um tempo assim e sou Deputado há apenas poucos meses.

Ainda muito recentemente fomos chamados para uma reunião, numa sexta-feira, para nos ser comunicado o conteúdo de um acordo sobre o SWIFT que iria ser assinado na segunda-feira seguinte, menos de vinte e quatro horas antes da entrada em vigor do Tratado de Lisboa.

Ora, não teria que ser assim. Esta casa pediu para que o acordo SWIFT fosse negociado sob co-decisão e avisou, repetidamente, para essa necessidade. E é muito difícil ver como é que o Parlamento pode estar à altura das suas responsabilidades sem rejeitar este acordo. A pergunta que lhe faço é: Se o Parlamento rejeitar este acordo e couber à Senhora Comissária negociá-lo a partir do zero, quais seriam as medidas que não estão previstas no actual acordo com os Estados Unidos sobre o SWIFT e

que a Senhora futura Comissária gostaria de ver implementadas?

2-016

Viviane Reding, Commissioner designate. – Now you have seen for yourself how it was all those years before. That was exactly the way it worked, behind closed doors, and Parliament had no say. Now, this changed as from 1 December last year: Parliament will have a say.

Let us look at the SWIFT agreement. It has been agreed now for a period of nine months. Parliament has to give its consent to this but, at the same time, we will have to negotiate the new SWIFT agreement, and this new SWIFT agreement, in order to be put in place after nine months, will go under the rules of Lisbon. So, there, Parliament will be fully involved and the Commissioner for Justice will be fully involved. And, as I have already said very clearly, I will ask the questions – if all this is necessary, if all this is going against the right of privacy of our citizens, if all this is proportionate, if all this is linked to the fundamental rights of our Charter or not. It is in this way that Cecilia Malmström and I will work together, and together with Parliament, in order to set up a new SWIFT agreement.

2-017

Kinga Gál (PPE). – This is a new era for human rights in Europe with the entry into force of the Lisbon Treaty, as you have already mentioned. The appointment of a Commissioner for Fundamental Rights is a specific responsibility, but also a possibility. You could conclude during recent years that there is still a lot to do in this field, especially in some new Member States, where, in tense situations, the protection of human rights failed in practice.

I would ask you to follow closely the protection of traditional and autochthonous minorities during your work, as they are the most vulnerable people, and I would like to ask you how you intend to apply the EU Charter of Fundamental Rights, which is now legally binding, and when you envisage that the EU can accede to the European Convention on Human Rights.

2-018

Viviane Reding, Commissioner designate. – The Charter, and most of all Article 6 of the Charter, are legally binding. That means that it is one of the most important innovations of the new Treaty. I think we can be very proud of this Charter because it shows unity in diversity. It does not come top-down. It has taken into consideration the national constitutions, the case-law of the European Court and the rich collection of decisions of the Council of Europe. So all this, blended together, means that now Europe is going to be united by law and by values. It is the most modern codification of fundamental rights in the world. Maybe we do not say that often enough, but it is the case. There are the classical civil liberties, there are the economic and social rights, and there is a third generation of rights, like data protection, bioethics and transparent administration. I think we can be proud of this Charter.

Now, we have to put it into practice in all our decisions. That is the reason why all our decisions will be analysed before they go out of the Commission as to their compliance with this Charter. That will be a specific impact assessment on fundamental rights.

We will also see whether the Member States, in their implementation of EU law, are applying the Charter. I can tell you there will be a zero-tolerance policy as regards violations of the Charter. For your intervention in this, I think it would be a good idea – if you so agree – to have an annual report on the application of the Charter, with summaries of the many complaints which I receive, which you receive, and of the many parliamentary questions you are going to ask.

You asked me about the coexistence of the Charter and the Strasbourg Convention: I think we should start the negotiations on the basis of a mandate as quickly as possible. I clearly cannot tell you when we are going to finish this negotiation, but I will keep you informed throughout the course of this negotiation.

2-019

Monika Flašíková Beňová (S&D). – In the written answers you listed the development of a strong and coherent European area of fundamental rights as one of your main priorities and you say that you would ask the assistance of the Fundamental Rights Agency in order to achieve this priority.

Do you agree that this would call for an enlargement of the mandate of the Agency, as the former third-pillar issues of law enforcement and criminal justice matters are now incorporated in the normal legislative procedure, or would you see the mandate of the Agency already thus amended by the coming into force of the Lisbon Treaty?

You also state that it will be your core task to ensure compliance of all proposed EU legislation with the Charter of Fundamental Rights. What concrete measures will you propose to ensure the compliance and promotion of fundamental rights by the EU institutions and by Member States?

2-020

Viviane Reding, Commissioner-designate. – The Fundamental Rights Agency is a very important tool because it is a tool which analyses the situation and which allows us, in our future decision-making, to have a sound basis on which to set ourselves in order not to make mistakes when we propose decisions in the future.

The second element is that there are several instruments for looking at citizens' complaints. You as European parliamentarians privately receive complaints from your constituents and I think that those are very important. In the Petitions Committee, which I believe is one of the most important committees of this House – I was its chairman 20 years ago – you really understand where the heart of the citizens beats. Then, of course, we have the Ombudsman for all cases linked to administration. That is the reason why I said that we have to bring those three

together, as well as the complaints – and there are hundreds of those – which I and my fellow Commissioners receive, and analyse them in this yearly report in order to see where the main problems are and where we should go. Then together we can have a debate in this House in order to see where action is needed.

We cannot have action everywhere because there are so many problems, but we should choose one or the other. For instance, I said that I would like to go very quickly ahead with the questions concerning marriage, free movement on the basis of nationality and residence, divorce, children and violence against women. There are many areas where we have to set our priorities. Then I believe together we have to single out those areas where we think that concrete action needs to be taken on top of those priorities.

2-021

Roberta Angelilli (PPE). – Signor Commissario, ho da sempre apprezzato l'importanza che lei attribuisce al valore della cittadinanza. Come lei sa, più del 30% dei cittadini europei è al di sotto dei 18 anni.

Nella scorsa legislatura, su proposta della Commissione, il Parlamento europeo ha approvato un progetto per realizzare una strategia europea sui diritti dei minori, per dare spazio ai diritti dei bambini e delle bambine in tutte le politiche e i programmi dell'Unione europea e per una lotta efficace contro tutte le forme di violenza, sfruttamento e discriminazione.

La domanda è semplice: quali iniziative concrete prenderete per dare priorità ai diritti dei minori, tenendo conto che con il trattato di Lisbona e con la Carta dei diritti fondamentali c'è finalmente una base giuridica?

Ancora, come si intende affrontare il problema, in crescita esponenziale, dei casi di sottrazione internazionale di minori, cioè minori contesi tra genitori separati o divorziati di diverse nazionalità?

Infine, spero che venga riproposta quanto prima dalla Commissione la proposta legislativa sulla lotta contro l'abuso e lo sfruttamento sessuale dei minori e la pedopornografia.

2-022

Viviane Reding, Commissioner-designate. – If we do not care for children, we have not done our job properly. They are the most vulnerable in our society. They need the most help. Most of all there are those children who nobody ever speaks about. These are the invisible children – children in detention centres and children in the street. We have a real responsibility here, and that is why I would like to enhance the EU strategy on children.

In terms of concrete actions, we will also come back to these when discussing their implementation. As regards criminal child abduction, I will insist on child alert systems, with cross-border cooperation. As regards parental child abduction, there will be 'Brussels II bis', with the Member States' cooperation – a proposal in 2011, after in 2010 having made the analysis, not least

because it takes too long for final court decisions on these cases and before those court decisions are applied. I will look into further harmonisation of procedural law.

As regards Rome III and bi-national situations, there is a delay here and I will go for enhanced cooperation, as I have already said, because we cannot wait any longer. As regards sexual abuse, sexual exploitation and trafficking, I will make future proposals for directives in close cooperation with Cecilia Malmström, who has the core responsibility.

If you agree, I will try to address all these questions together with children themselves, involving children in the public consultation, with information in child-friendly language being handed out beforehand. You can help me in this integration of children into the public consultation.

2-023

Carmen Romero López (S&D). – Señora Reding, en la situación actual, con la globalización del crimen, los ciudadanos vivimos dos situaciones contradictorias, aparentemente paradójicas. Todos somos potenciales víctimas, pero también todos somos potencialmente sospechosos. Aún más si tenemos los llamados perfiles: somos morenos, somos del sur o somos musulmanes.

Europa no tiene credibilidad para exigir a los Estados Unidos una mayor coordinación de sus servicios judiciales y policiales. Y esta ineficacia europea, esta falta de coordinación, la pagamos todos los ciudadanos.

¿Cree que es necesario un instrumento de prevención del crimen, como la orden europea de protección de las víctimas, que se presentará durante la Presidencia española?

¿Cree que se puede crear un espacio judicial europeo sin agilizar al máximo la presentación de la hoja de ruta de los derechos procesales, como el derecho a la asistencia legal, a la interpretación, a la traducción y a la información, es decir, los derechos procesales? Un año nos parece demasiada inseguridad para los derechos fundamentales, y ésa es la grandeza de la democracia.

2-024

Viviane Reding, Commissioner designate. – I completely agree with you. We have to have credibility in our external actions and in our internal actions. That is exactly the reason why the President has given this responsibility in a horizontal way to one Commissioner.

I said in my introduction that I will have to work together with the Commissioners responsible for external relations so that in external relations our actions are on the same level as they are in our internal relations. In our internal relations, the fact that the Charter of Fundamental Rights is now an integral part of our Treaty gives us a tool which we did not have in that way before. Now we have the tool in our hands and we must use it. We will use it, as I said in my introductory remarks, for those criminal actions when there is a suspect. As I said in my introductory remarks, we will also ensure that the

victims are really cared for. We need to have practical measures to provide help in that area. We must ensure that national victim support organisations exist in all countries and that they are equipped in such a way that they can help. Maybe we will need specific organisations for the victims of sexual exploitation and domestic violence. This help has to be given from the moment that the crime is committed, throughout the judicial process, and beyond the trial sentencing. So you can see we have a lot of work to do here, but it has to be done in collaboration with the national governments.

2-025

Sophia in 't Veld (ALDE). – Fundamental rights are among the core responsibilities of the European Union, and the ALDE Group expects the Commissioner to make full use of all legal and policy instruments.

However, Mrs Reding, you seem to hold a fairly minimalist and passive view on the role of the EU regarding fundamental rights, essentially leaving it to the Member States and the courts.

Can you explain how you will actively enforce fundamental rights throughout Europe? Specifically, what action will you take against homophobia, hate crimes and state-sponsored discrimination of LGBT people? Will you take initiatives for the recognition of marriages and registered partnerships for LGBT couples?

What initiatives will you take to ensure freedom of religion and freedom of thought? Will you submit proposals for the implementation of Article 17 on the dialogue with churches and non-confessional organisations?

You said you will be a very tough negotiator in negotiations on topics such as PNR, SWIFT etc. I welcome this, but as a member of the European Commission you have supported data transfer agreements with the US. What has changed?

2-026

Viviane Reding, Commissioner-designate. – There are 10 questions! Let me try to answer one or two.

First the one about data transfer. Those in this room who have been on the ITRE Committee know perfectly well that I have spoken up against the Data Retention directive. The ITRE Committee was against it and the Council of Ministers of Telecommunications was against it. It was the Council of Interior Ministers which pushed it through. And I hope that the Parliament, next time such a decision is to be taken, will think twice before saying 'yes' to such a decision.

Having said that, I think that I can only repeat my replies to different questions which have been raised on the new Treaty. As from December 2009 we will see, in a horizontal way, that fundamental rights are applied in all our new proposals and that fundamental rights will be applied in the Member States when the Member States put EU law into practice.

Homophobia has no place in Europe. The free movement of persons does not take account of the sexual orientation of a person. The European Union cannot intervene in the marriage law in national states, but it can intervene when a citizen goes from one country to another on the basis of the rights he has acquired in country 'A'.

2-027

Csaba Sógor (PPE). – What measures do you intend to take in order to make sure that, in accordance with the Stockholm Programme concerning basic human rights, you put an end to any form of discrimination against traditional national minority communities within the EU Member States and ensure that persons from such communities – traditional national minority communities – can contribute as fully protected EU citizens to the creation of the proposed EU area of freedom, security and justice?

2-028

Viviane Reding, Commissioner-designate. – We have two new elements in the new Treaty.

The first one is that Article 2 of the Treaty for the first time underlines the rights of persons belonging to minorities – not minorities in general but the individual right of persons belonging to a minority. We can add to this the Charter, in Article 21.

I intend to uphold these fundamental rights within the scope of the application of EU law, including when Member States implement EU law. Therefore, on two levels: when we create EU law – i.e. the content of EU law – and when this EU law is applied. The European Agency for Fundamental Rights has a key role to play here in order to analyse what is going on and to provide us with the necessary information.

I will have one person in my team who will be responsible for fundamental rights for minorities and who will be completely dedicated to this issue so that you parliamentarians will have somebody with whom you can speak. I am sure each of you will have a lot of proposals to put on the table here. I would like to solve those questions in a very down-to-earth way, to utilise our legislation when necessary and, when really indispensable on the basis of the rights conferred to us by the Treaty, to create new legislation.

2-029

Renate Sommer (PPE). – Zum Problem Sicherheit versus Datenschutz haben Sie ja auch schon im Zusammenhang mit Swift viel gesagt. Mein Eindruck ist, dass Sie planen, dabei sehr selbstbewusst aufzutreten.

Auch zum *Bodyscanner* haben Sie schon viel gesagt. Für meine Begriffe bedroht dieses Gerät wirklich die Persönlichkeitsrechte und auch die Würde des Menschen. Ich bin der Meinung, dass die Freiwilligkeit der Anwendung durchaus nicht gesichert ist. Unsere Bürger werden durchleuchtet, und – jetzt kommt das

Problem – die Luftfracht selber, also Frachtgüter, die per Luft transportiert werden, wird nicht in vergleichbarem Maße geprüft. Außerdem kann man nach der Personenkontrolle bekanntermaßen im Duty-free-Bereich sehr viele Dinge einkaufen, die einem vorher abgenommen worden wären. Das will ich auch nicht abschaffen.

Sind also Bodyscanner nicht eigentlich überflüssig und abzulehnen? Handelt es sich nicht um blinden Aktionismus? Planen Sie, den Einsatz dieser Geräte gegebenenfalls europarechtlich zu prüfen, oder wollen Sie den Einsatz den Mitgliedstaaten überlassen?

2-030

Viviane Reding, Commissioner designate. – I think I have already made my position very clear concerning body scanners, but body scanners are only one part of a whole ensemble. There is also PNR; there is SWIFT; there is everything which is in the pipeline and which will come out one day.

That is why we have to have a very clear line on this. We must never be driven by fear, but we must put our values – on which the Union is founded and which now have become part of the Treaties – in the forefront, including when we negotiate international agreements.

I could not agree more with you when you say that human beings are not a parcel. Human beings have a dignity, and every measure which is going to be taken has to be clarified first: Does it respect human dignity? Does it respect the right to privacy? Does it respect the right to health? All these three elements have not, unfortunately, been tested, and they are now on the agenda.

I will see, together with my colleague Cecilia Malmström, that those elements and those questions are put in the forefront before the EU takes any decision or makes any proposal in that respect.

2-031

Kinga Gőncz (S&D). – We know your dedication to promoting equality between women and men. However, what concrete measures are you going to take in order to ensure that Member States fully implement the existing directives and promote the principles of equality and non-discrimination, especially concerning LGBT people, migrants and the Roma?

Despite the existing anti-discrimination directives, there are constantly high levels of discrimination and violence against the most vulnerable groups, such as immigrants, Roma, in many Member States.

In 2009 Parliament adopted the horizontal directive on non-discrimination. What are you going to do to ensure its adoption as EU law? Furthermore, how are you going to ensure that there is no national legislation that is discriminatory against LGBT people or other vulnerable groups?

2-032

Viviane Reding, Commissioner-designate. – I will certainly not have the time in two minutes to explain the whole action on the basis of the anti-discrimination directive, which will give the new equal treatment, outside the labour market, not only to vulnerable groups but also – and very importantly – to old people, handicapped people and so on. We have a lot of elements here on which we can go ahead. I know that the Parliament is very positive on this directive and I know that there are many problems still to overcome with Council. We have to discuss this thoroughly.

I would like to take out of your question – because there were many different elements – only the element of the Roma. A survey by the Fundamental Rights Agency has underlined that a Roma person is discriminated against once a year with regard to housing, justice and the labour market. This is simply not acceptable under our fundamental rights charter.

I will work on this subject very closely with Commissioner Andor. We will utilise our Structural Funds in a more sustainable way. Looking at what has worked well, I give you the example of the ACCEDER programme in Spain, on vocational training, which has been a real success story. We will try to utilise the money in order to get other success stories put in place. There is a racial equality directive and the European Platform for Roma Inclusion, which brings together key actors.

I would like to tell you that, in order to have very concrete results, the policy will be developed during the European Roma Summit in April in Córdoba. I will certainly discuss the different concrete measures to be taken with this committee.

2-033

Wim van de Camp (PPE). – The Lisbon Treaty heralds a new era for cooperation among European countries in the area of justice and criminal law in particular. We are very keen on this new area of common EU action because we want more security for our citizens and we want less freedom for criminals. Can you give us three concrete initiatives that you intend to take in the area of criminal justice to make Europe a safer place for citizens?

2-034

Viviane Reding, Commissioner designate. – I think I already said in my introduction what needs to be done practically. It is also a difficult issue, because, although it might be easy in civil justice to go ahead, with all the elements which have already been put into practice in that field, it is difficult in the field of the criminal justice, where the subsidiarity question is very high on the agenda. Also – and this is very important for Parliament – the national parliaments will have a specific say, and Member States can block initiatives taken by the Commission.

That is why I think it will be very important to be cautious in this domain. We should not advance too quickly. We really have to choose where we should go

ahead. Mutual recognition will be one of these elements; eliminating the exequatur, because it does not make sense; having a specific initiative on the attachment of bank accounts; and on the defamation question in Rome II, we should see to it that libel tourism, ‘shopping around’, will not be possible any more, because it is very detrimental.

All these are very difficult questions. They have to be discussed in great detail with the national parliaments and with the nation states. You can perhaps help in the specific discussion with the national parliaments.

2-035

Stavros Lambrinidis (S&D). – About a month ago the head of a major internet service provider stated that, if you have nothing to hide, you have nothing to fear concerning the use of your data by private companies or governments. I submit to you that, if you have nothing to hide, you do not have a life!

We all have something to hide – something legal to hide – whether it is the full nexus of our personal relationships or lifestyle choices, political beliefs or health issues. The mere fact that we exercise those choices through the internet does not mean that we have consented for private companies or governments to survey us constantly and see what we believe.

Do you plan, as the European Parliament asked in its Bill of Rights report in 2008, to examine and prescribe limits to the consent that can be requested, extracted or presumed by internet users to relinquish part of the privacy? I ask this because it is clear that both governments and private companies have much greater knowledge and power in that consent transaction than private individuals do.

2-036

Viviane Reding, Commissioner-designate. – I have worked extensively with the Vice-President on these questions, when we debated and decided on the Telecoms Package and where this question was very high on the agenda.

You will certainly recall – or if not I will tell you – that when the rights to privacy which already exist were not observed by a national state – that can be through a private organisation in the national state – I have taken action. I brought Great Britain before the Court in the famous Phorm case where the data of citizens were used without consent.

Our rules are very clear. You have to have prior, informed consent. So, only by applying our existing laws, things cannot be done as they are being done today in the internet world.

My colleague, Neelie Kroes, is responsible for this dossier but, as Justice Commissioner, I have this dual responsibility of setting a law in order to implement the rights of data protection. Data protection is today explicitly inscribed in the new Treaty. You can count on me to ensure the protection of individuals.

2-037

Nathalie Griesbeck (ALDE). – Je suis très heureuse de la création du poste spécifique de commissaire en charge des droits fondamentaux et de la justice et je vous exprime tous mes souhaits pour cette difficile tâche en lien, bien sûr, avec notre Parlement, pour que l'Europe continue à être, de façon toujours plus déterminée, une Europe des droits et des libertés, comme vous l'avez rappelé en introduction.

Vous avez évoqué, il y a un instant et à plusieurs reprises, la nécessaire complémentarité entre la Cour de justice de Luxembourg et la Cour européenne des droits de l'homme, et en particulier pour l'une des questions que vous avez évoquées: l'article 6.

Ma question est très directe et quelque peu récurrente. Je voudrais savoir quand et comment vous prévoyez l'adhésion à la Convention européenne des droits de l'homme dans sa globalité, parce que si le respect de la compatibilité avec la Convention et avec nos décisions est une chose, l'adhésion porte, au-delà de la symbolique, un effet plus contraignant.

Dans le domaine des procédures civiles, les citoyens doivent être certains que leurs droits seront protégés et il est nécessaire qu'un éventail de garanties procédurales leur soit assuré. Quelles initiatives concrètes allez-vous proposer et, en particulier, quelle est votre position sur le principe de la reconnaissance mutuelle des couples de même sexe en Europe entre les différents pays?

2-038

Viviane Reding, Commissioner designate. – We will start these negotiations very quickly indeed, as soon as we have the mandate for negotiations. The obligation for doing this is very clearly stated in Article 6 of our Treaty, so it is not a question of whether we will do it: we will do it. And of course we will have to work together between the two courts in a very balanced way. We want to strengthen our courts in questions of human rights. We do not want to weaken them. Our Court in Luxembourg has to keep doing what it has been doing for decades. It is the institution that has helped us to make European law for the good of our citizens and for the good of our internal market.

So bringing these two courts together has to be a real strengthening process. It will not be an easy task, because it is an international agreement which has to be ratified not only by the 27 EU Member States, but also by the other members of the Council of Europe. There will be some kind of negotiations, and these might be difficult. I will work very closely on this with our Legal Service, with the Court in Luxembourg and with the Commissioner responsible for external relations.

2-039

Jacek Protasiewicz (PPE). – Madam Commissioner, allow me to raise a question concerning the 'citizens' initiative', introduced by the Lisbon Treaty, which is, in my opinion, not only a new, very important right for European citizens, but also a significant step towards getting Europe closer to the people, since it enables them

to participate more directly in the shaping and making of EU decisions. How do you intend to make this initiative work for citizens? What are your views on how this right could be exercised in practice?

2-040

Viviane Reding, Commissioner designate. – The citizens' initiative is a new element that has been brought forward by the new Treaties. It can be a very important element for citizens to make themselves heard. It can also be a dangerous element, if we have not clarified, from the beginning, on which questions citizens can get an answer. If the citizens for instance were to tell us that they want the death penalty to be established in Europe, then, sorry – fundamental rights are a basic element of this Europe and cannot be changed, even by a citizens' initiative, and that is the reason why, before this citizens' initiative becomes a reality, we have to clarify the conditions and rules.

In order to make this citizens' initiative a very positive element, an element which will show us where we can go ahead with changing our rules, with bettering our rules, where we can use utilise other instruments in order to help solve the problems, my endeavour will be to act as quickly as possible to have those conditions under which a citizens' initiative can operate clarified, and of course and that will be of utmost importance for me and for you. For me because I will have to utilise the communication possibilities in order to explain to the citizens what is at stake, and for you because you have to help in your constituencies by informing your constituents on this initiative, so here we will have a lot to work together on.

2-041

Manfred Weber (PPE). – Wir haben bereits sechs Anhörungen hinter uns, und ich möchte zunächst auf eine Kritik hinweisen, die bei den anderen Anhörungen geäußert worden ist, nämlich, dass zu wenig konkrete Aussagen der Kommissarsanwälter kamen. Ich möchte Ihnen deshalb gratulieren zu Ihrem souveränen Auftritt mit den klaren Aussagen: Grundrechtecheck in Zukunft für jedes Dossier, Arbeitsdokumente in der EU sollen wirklich transparent werden – Gratulation dazu. Die persönliche Eignung spricht Ihnen nach zehn Jahren als Kommissarin sowieso niemand ab.

Ich möchte eine konkrete Fragen stellen: Stockholm, Lissabon – beide Orte stehen für eine große Chance, und einer der Punkte dabei ist der Aufbau eines neuen, fairen Justizsystems in der Europäischen Union. Da würde ich gerne noch einmal nachfragen: Wie zuversichtlich sind Sie in dieser Frage, dass es in den nächsten fünf Jahren gelingt, ein solches gemeinsames faires Justizsystem zu realisieren?

2-042

Viviane Reding, Commissioner-designate. – We have a lot of fair judicial systems in our Member States. One should not forget that. So we are not starting from scratch: we are building on what has been built over centuries in our nation states.

Now we have a new reality coming up: citizens are moving from one state to another. In this case, legal certainty is no longer a given. Which law applies? Which court has jurisdiction? So, not only do we need to make the instruments place stronger, we also need citizens to be informed about what we are doing or what their rights are.

One in three citizens does not know about his or her rights if he or she is discriminated against. That is a shame. I have already mentioned that there is a need to reform our cross-border civil law, to enhance mutual recognition in criminal law, to get the rights of bi-national partners taken into consideration if they want to travel, settle or divorce: all this has to be done. At the same time we must throw all our weight behind communication, in order to tell citizens what their rights are and what the possibilities are if those rights are not taken seriously, so that those rights can be upheld. Without knowing about your rights, you do not have rights. We have to work more on this in the future.

2-043

Rosario Crocetta (S&D). – Tra gli obiettivi della Commissione europea dovrebbe esserci nei prossimi cinque anni il rafforzamento della cooperazione giudiziaria nella lotta contro la criminalità organizzata.

Come intende attivarsi concretamente per avviare l'istituzione di una procura europea a partire da Eurojust? Quali proposte intende avanzare per il rafforzamento e il controllo democratico dello stesso organismo da parte del Parlamento europeo, in coerenza con il trattato di Lisbona?

Riguardo alla lotta al crimine, quali proposte intende presentare per il mutuo riconoscimento delle decisioni di confisca e congelamento dei beni sottratti ai criminali e per il loro riutilizzo a fini sociali?

Quali proposte intende garantire a protezione uniforme in tutta l'Unione delle vittime del crimine e dei testimoni di giustizia nei procedimenti penali?

2-044

Viviane Reding, Commissioner designate. – You are absolutely right, and this is also very clear in the new Treaty. The end goal is to make out of Eurojust a European Prosecutor's Office.

I have not had time now to see to it, but what I have in my head is that it is mainly on financial aspects. I think we have to discuss, in the coming months and years, whether that is enough or if we must not go a step further. There are possibilities in the Treaties to go a step further, but this is like everything in criminal law, where we really have to have the Member States on board and where we really have to have the national parliaments on board. But I would personally think that it would be very important that this Public Prosecutor could enter into force for everything which concerns a cross-border crime, a serious crime – I think, for instance, of paedophilia as one example where I believe that we

really have to reinforce our cooperation in order to find the solutions that are necessary.

In criminal matters there are always two elements. There is the element of the one who has committed the crime, or who is supposed to have committed this crime: he has fundamental rights, and in a democracy we have to guarantee those until he has been convicted. Then, when he or she goes to prison – and also when he or she is in prison – there are fundamental rights to be implemented. That is sometimes forgotten.

On the other hand there are the victims. I would not like us only to pay lip service to the victims, but we should also have, in parallel to all these systems, a serious system that takes care of those who have not been asked whether they want to be or not, but have been forced into being, a victim.

2-045

VORSITZ: KLAUS-HEINER LEHNE
Vorsitzender des Rechtsausschusses

2-046

Der Präsident. – Meine sehr verehrten Damen und Herren! Ich würde bitten, dass wir langsam aber sicher wieder zur Fortsetzung der Anhörung übergehen können. Wir werden das auch recht zügig machen.

Zu Beginn einen Hinweis zum Verfahren: Wir sind darüber informiert worden, dass wir für alle drei Ausschüsse insgesamt einen Zeitraum von dreißig Minuten überziehen können. Ich kann also zur Beruhigung der Kolleginnen und Kollegen aus dem Ausschuss für die Rechte der Frau und die Gleichstellung der Geschlechter mitteilen, dass Sie Ihre volle Zeit in Anspruch nehmen können und es hier keine Einschränkungen geben wird.

Ich will meine einleitenden Bemerkungen im Übrigen kurz halten. Ich will darauf hinweisen, dass das Verfahren im Rechtsausschuss hinsichtlich der Befragung etwas anders abläuft als im Ausschuss für bürgerliche Freiheiten, Justiz und Inneres. Bei uns wird es so sein, dass jeder der Fragesteller die Möglichkeit hat, eine Frage von einer Minute Dauer zu stellen. Daraufhin beantwortet die Kommissarin dies in einem Zeitraum von zwei Minuten. Darüber hinaus besteht die Möglichkeit der Nachfrage, aber bitte zu dem gleichen Themenkomplex und nicht zu einem völlig neuen Sachverhalt. Daraufhin hat die Kommissarin noch einmal die Möglichkeit, diese Nachfrage binnen einer Minute zu beantworten. Das ist das für den Rechtsausschuss geltende Verfahren.

Ich darf nun ganz herzlich Frau Kommissarin Reding, die ja Kandidatin für das Amt der Kommissarin für Justiz, Grund- und Bürgerrechte ist, auch von Seiten des Rechtsausschusses hier in unserer Mitte begrüßen und erteile ihr gleich zu Beginn zu ihren einleitenden Bemerkungen das Wort.

2-047

Viviane Reding, Commissioner designate. – It is in your committee that the fundamental legal questions of our Union will be treated. Now, those are questions relating to the interpretation and application of Union law, civil law, commercial law, procedural law. You certainly know that I am no lawyer myself, but I am full of admiration for your legal expertise and, if you allow me, I will make full use of this expertise in the coming years. But I have been in European politics for 20 years and followed a lot of law-making during this time, so I have practical experience and I know the relevance of law in the European Union. For me, our supranational legal order is at the very heart of this Union; and this Union is not held together by force, by police, by the military, but by the jointly created rules which have to be respected, applied and enforced.

It is a *Rechtsgemeinschaft*, as Walter Hallstein put it: a community based on the rule of law, with a lot of historic achievements in its 50 years. Why are those achievements historical? Because we have those differences and Europeans have learned to make out of the differences a strength, to create in the legal field this unity in diversity; yes, we have 27 national legal orders with many different legal traditions, but we have one rich supranational body of law which we have created because we were able to learn from each other, to listen to each other, to compare our systems and to bring them together in a new and very often stronger European system.

Now, why do I say that? I say that because I believe that this should always also be the basis on which we should advance. The Commission will propose laws, the House and the Council will debate and amend these laws and then we will be there in order to see if these laws are implemented in practice, and I will always respect the different legal traditions of our Member States.

I already stated earlier in the hearing that this is most important in criminal law where our powers are rather young, where the national parliaments have a say and where a Member State can trigger the emergency brake. So here we really have to bring about the necessary consensus.

On civil and commercial law, count on me to propose new legislation wherever necessary and where we need to strengthen the internal market. For instance, in the field of civil and commercial law we need to be most ambitious because here we can help businesses, through sound EU legislation, to overcome the bureaucratic obstacles, to reduce the transaction costs. Here we can also help the citizens in their daily life, in particular when they are moving around and shopping around. And here I also believe we can help to come out of the financial crisis, because strengthening the single market is our best instrument for a quick recovery, and the single market will have an advantage if we go ahead by making a single area of justice.

I know about your parliamentary own-initiative reports which ask for new legislation in this field. Many of these

ideas can and will be taken up by the new Commissioner of Justice if you so want, simply because they make sense. It makes sense to abolish the exequatur. An exequatur costs between EUR 800 and EUR 2 000 just in lawyers' fees. I think it is absolutely unnecessary. But of course we have at the same time also to establish some safeguards. So firstly, abolish the exequatur, but provide safeguards in order to solve the problems.

Secondly, there is a proposal on the table from the Commission...

(The Chair asked the speaker to conclude.)

In a nutshell, then. The common limitation periods for liability in road traffic accidents are not acceptable: there are 500 000 cross-border road accidents per year. We need legal certainty. We need the attachment of bank accounts – that is an economic action to get out of the crisis; 60% of debt remains uncovered in cross-border situations. We need coherence in contract law together with consumer legislation, for which I have responsibility, and to bring the two into equilibrium will be very important. You know that I am a strong advocate of solid consumer rights. I will continue this approach. I think also that a political CFR will be of utmost importance; I have not read it but I have gone through it and I tell you it is a wonderful piece of work. We should build on this – it is the embryo for a European civil code.

So I hope that I will have a strong backing on this. By the way, the United States started with a uniform commercial code. Why could we not have, in the end, a European civil code for our single market, so a single market which in the end we should fall in love with?

2-048

Tadeusz Zwiefka (PPE). – Pani Komisarz! Chciałbym przede wszystkim podziękować za deklarację, że inicjatywy posłów do Parlamentu Europejskiego w dużej mierze będzie chciała Pani przekuć w inicjatywy legislacyjne. Będzie to dla nas bardzo pomocne w pracy. I oto pierwsza propozycja: Parlament wezwał z końcem ubiegłego roku do przedstawienia propozycji rozporządzenia dotyczącego prawa właściwego w sprawach matrymonialnych i odpowiedzialności rodzicielskiej, jeśli to będzie konieczne w procedurze „*enhanced cooperation*”, mając oczywiście na uwadze najlepiej pojęty interes dziecka. W odpowiedzi pisemnej, którą nam Pani przedstawiła, pisze Pani: „*If there is no other solution, I am ready to present a proposal for enhanced cooperation on room 3 within the first month of my mandate*”. To bardzo ważna deklaracja. Ale chcę zapytać, czy są jakiegokolwiek inne rozwiązania? Jakie inne rozwiązania ma Pani na myśli, biorąc pod uwagę impas w Radzie, i co musi się stać, by podjęła Pani decyzję o przedstawieniu propozycji „*enhanced cooperation*”?

2-049

Viviane Reding, Commissioner-designate. – I do not like it, when Europe advances in enhanced cooperation, if there are only some European countries which go

together rather than all European countries. Whenever it is possible, I will seek to have all the 27 going together.

But when I see that on a very important matter, such as Rome III, it is not possible to have this unanimity, then there might be no other possibility than to advance. I have already given the figures. Each year we have roughly 350 000 new mixed marriages and each year we have 170 000 divorces. That means that 19% of the total of divorces come from these mixed marriages, with all the problems which go with this – the problem for the weaker part of the marriage and the problem for the children and so on.

I think the only possibility is to go for enhanced cooperation. Ten Member States have asked for it. I think they are right and I will do it. I hope that, in the mean time, when the Member States see that we are serious on this, the others will join. I will do everything to encourage the others to join so that it will not be 10 Member States but 20, 25 and 27 in the end. That is the goal, but let us go ahead and let us not wait.

2-050

Tadeusz Zwiefka (PPE). – Pani Komisarz! Mówi Pani, że już dziesięć państw poprosiło o procedurę rozszerzonej współpracy. Chce Pani żeby tych państw było jak najwięcej? Czy może zatem planuje Pani, jeśli w ogóle, wprowadzenie jakichś zmian do pierwotnej propozycji?

2-051

Viviane Reding, Commissioner-designate. – This is one of the tasks that I would start on the day you decide whether I am to be a Commissioner or not. I have just looked now at the general line, but I have not looked at all the details. This I will do very quickly.

The preparatory work has been done, so it is not something new, and I will decide on the basis of this preparatory work. I will ask all the Members of Parliament who have experience on this to give me their opinions on this, including informally; that will be of great help, because I would like this decision, which is so important for the European citizens, to be taken as quickly as possible.

This forum shopping, on the back of the weakest part in the marriage, is a very big problem indeed, and we do not need that in the image I have of a European Union.

2-052

Bernhard Rapkay (S&D). – In der deutschen Tageszeitung „Die Welt“ sind Sie gestern beschrieben worden als die Versierte, die Frau mit Charme, Biss und Stehvermögen, aber auch diejenige, die sich besonders bei den europäischen Unternehmen einer Beliebtheit erfreuen wird. Warum? Weil vermutet wird, dass Sie mit weitreichenden Wirtschaftsfragen zu tun haben werden, und wie es hier so steht: „Von ihr sind keine neuen unternehmensfeindlichen Regulierungen in den Bereichen Gleichstellung und Antidiskriminierung zu erwarten.“

Nun sind das Fragestellungen, die im Zuständigkeitsbereich von anderen Ausschüssen liegen, aber wir haben ja noch den Verbraucherschutz. Wir haben beispielsweise das Verhältnis von Arbeitnehmerinnen und Arbeitnehmern zu ihren Betrieben und Unternehmen, und wenn ich an die Europäische Privatgesellschaft denke, da ist bei der Mitbestimmungsfrage noch einiges offen. Wie können Sie mir angesichts der unterschiedlichen Standards in den Mitgliedstaaten ein bisschen die Angst vor dem, was ich hier lese, nehmen?

2-053

Viviane Reding, Commissioner-designate. – As a former journalist I would never dare criticise the work of a fellow journalist. But if this journalist had asked the telecom business about me, he would have got different answers. They were not very happy with me on the basis of the roaming regulation, I can tell you.

My belief is that you do not need to be for one and against the other. You need to equilibrate. We have an internal market with the right to free movement for citizens. We also now have the Charter of Fundamental Rights and the right to non-discrimination for citizens. These can be equilibrated. I have also seen in a German paper, which I have with me somewhere in my files, a very interesting scientific analysis by a German university which has made the analysis that, in those businesses where there is a rather high integration of women, of people with disabilities and of people most liable to be discriminated against, there is a much better result.

So I believe that there is this equilibrium to maintain in our society. Sometimes one has to go towards the business aspect, sometimes one has to go towards the consumer aspects. You can be sure that on the consumer rights directive I will take fully into consideration the rights of consumers. I know the criticisms which are on the table; I have discussed these criticisms with BEUC and I tell you this: if we bring out a consumer directive and the consumer thinks he is being cheated, you can forget about the consumer directive!

So you have always to equilibrate both interests and I am determined to do this.

2-054

Bernhard Rapkay (S&D). – Also gut, dass mit dem Charme und dem Biss und der Standfestigkeit, das stimmt schon einmal, das haben wir festgestellt.

Aber Sie haben ja selbst das Stichwort gegeben: Verbraucherschutz. Jetzt noch einmal ernsthaft: Es geht nicht nur um die Tatsache, dass wir natürlich die Interessen der Verbraucher berücksichtigen müssen, sondern es gibt ja die harte Frage danach: Wollen wir den Verbraucherschutz minimal harmonisieren oder wollen wir ihn maximal harmonisieren? Da gibt es nämlich auch hier im Haus Auseinandersetzungen, und dazu würde ich Sie doch gerne nach Ihrer Meinung befragen.

2-055

Viviane Reding, Commissioner-designate. – Over the last five years as Telecoms Commissioner and as the Commissioner responsible for issues relating to cross-border shopping on the internet, I have seen that you do not build a single market with minimum harmonisation. So it is not at all in the interests of businesses operating across borders to have only a minimum harmonisation, because you will never get the trust of the citizens in order to utilise their cross-border rights. We have seen that in online shopping, which simply does not work across borders because of a lack of confidence.

So I believe that full harmonisation is the answer to this. I also know that we have to look at the quality of drafting and at the level of protection. I will look at this while discussing it with the co-legislators, and I will try to find practical solutions, together with you and with the Council.

2-056

Raffaele Baldassarre (PPE). – Signora Reding, nella sua introduzione lei ha indicato come una delle sue priorità la creazione di un'Europa dei cittadini e quindi l'intenzione di avviare misure concrete per tutelare e promuovere i diritti dei cittadini nella vita di ogni giorno all'interno dell'Unione europea: spostamenti, relazioni interpersonali, transazioni commerciali.

La mia domanda è proprio in questo campo: al fine di assicurare il rispetto delle differenti culture giuridiche e dei diversi sistemi legali all'interno dell'Unione europea, tutti i cittadini e i residenti degli Stati membri dovrebbero beneficiare di meccanismi di riconoscimento reciproco degli atti legali.

Alla luce di ciò, e premesso che gli atti autentici non sono emessi in tutti gli Stati membri da notai, quali sono le misure che intende intraprendere affinché il riconoscimento reciproco di atti legali non sia limitato agli atti autentici rilasciati dai notai, ma comprenda anche tutti gli altri atti analoghi legalmente emessi a livello nazionale?

2-057

Viviane Reding, Commissioner designate. – That comes to one of the very practical problems which we have in the European Union and why citizens do not recognise their rights. If you read the Lamassoure report, you will see many concrete examples of why it does not work. I believe that, if we want to have this citizens' Europe, we have to solve these very practical problems.

In 2008, the European Parliament called for a more horizontal treatment of mutual recognition – today we have really a piecemeal recognition – and we have started to get that done. My colleague who is the Commissioner now has started with cross-border successions, where he has proposed a European certificate of inheritance. I think that this is a very good way to proceed.

I would like to proceed further on all the other documents, but not top-down. I would first like to have a public consultation on all these issues in order to ascertain from policymakers, but also from industries and citizens, and of course from the professionals who know best, what is needed, and then follow this with concrete action.

2-058

Raffaele Baldassarre (PPE). – La soluzione potrebbe essere anche un'autorità europea che garantisca la legittimità di questi atti e in definitiva individui un comun denominatore nelle garanzie di ogni atto emesso e quindi che hanno un valore complessivo e generale in Europa. Lei ritiene questo sia possibile?

2-059

Viviane Reding, Commissioner-designate. – It is one among many possibilities. Well, that might not be a new institution. I am not necessarily fond of creating a lot of new administrations – I think that makes it heavier and not easier – but I will certainly look at this. If it can be done by some existing institution and done in a very down-to-earth, practical way, then it would help to solve the problem. So that is exactly why we need this public consultation in order to have these ideas brought in and analyse these ideas on the basis of their feasibility and of whether their practical application is possible.

2-060

Lidia Joanna Geringer de Oedenberg (S&D). – Ja również chciałam się dołączyć do słów, które z uznaniem wyrażają się o Pani pracy jako komisarza odpowiedzialnego przede wszystkim za pakiet Telecom, który uważam za wielki sukces. Moje pytanie: komunikat o prawie autorskim w gospodarce opartej na wiedzy z października 2009 r. ogłasza, że następna Komisja zaprezentuje ambitną i obszerną strategię w dziedzinie prawa własności intelektualnej. Jak widzi Pani swoją rolę jako komisarz odpowiedzialnej za sprawiedliwość, prawa podstawowe i obywatelstwo w przyszłej debacie poświęconej prawom autorskim? W szczególności, jak zamierza Pani zapewnić właściwą równowagę na poziomie Unii Europejskiej między ochroną własności intelektualnej a wolnością wypowiedzi, która niedawno została uznana przez francuski Trybunał Konstytucyjny za prawo podstawowe?

W dobie powszechnego w Unii Europejskiej dostępu do internetu, który jest do pewnego stopnia wspólnym rynkiem oraz miejscem nauki i rozrywki, potrzebujemy nowego prawa autorskiego. Widać, że nie jest ono odpowiednio wdrażane w tej dziedzinie. Jak wygląda Pani strategia, jeśli chodzi o prawo autorskie w internecie i jego przestrzeganie oraz jakie będą ramy czasowe realizowania przez Panią tej strategii?

2-061

Viviane Reding, Commissioner-designate. – The whole debate on internet access and copyright was very heated in this House. I supported Parliament on the Article 138 debate on the new internet freedom provision. It was a very tough battle but we managed to get this adopted by the Council in conciliation. That means that this new

internet freedom provision represents a very great victory for the right and freedoms of European citizens. That is one part of the story.

The other part is how can we guarantee that creators are paid for their creation? The whole debate has also shown that we cannot do that any more with the old instruments as it was in the old world and that we have to have new, modern and more effective ways to protect intellectual property and artistic creation.

I have always pleaded for the promotion of legal offers, including cross-border ones, to become a priority, so more on the offer, rather than on the repression. By the way, the repression is out in European law because it was made very clear by this decision in codecision on the Telecoms Package that the three-strikes law like the one proposed in France would never become part of European law.

2-062

Lidia Joanna Geringer de Oedenberg (S&D). – Pytanie uzupełniające jest również związane z tą kwestią. Aktualnie Unia Europejska negocjuje międzynarodową umowę handlową przeciwko podróbkom, która może mieć poważny wpływ na prawa podstawowe obywateli Unii Europejskiej. Jaka jest Pani opinia na temat tej umowy? Czy uważa Pani, że to porozumienie powinno zawierać zapisy sankcjonujące dzielenie się plikami, które nie ma charakteru komercyjnego? I bardzo się cieszę, że wspomniała Pani również o tym, że francuskie HADOPI nie jest drogą dla Unii Europejskiej i myślę, że powinniśmy to wszyscy mocno wesprzeć.

2-063

Viviane Reding, Commissioner-designate. – As I have explained several times in the discussion, the fact that the European Union now has Fundamental Rights and the Charter in its Treaty means that all decisions which the Commission proposes have to undergo an impact assessment on fundamental rights.

This is a horizontal responsibility which the President has asked me to undertake. That will mean that this question will be high on the agenda in our forthcoming international agreements, which by the way will also be on the table of this House.

Regarding criminal justice instruments: in order to combat counterfeiting I plan to work, together with my colleague Cecilia, towards a proposal for a directive on criminal sanctions for counterfeiting. Counterfeiting is not downloading. That is a completely different story, so we should look at one question after the other. Internet utilisation, meaning downloading, is different to counterfeiting.

We will, on several occasions, have to reach an important balance between two rights: the right to privacy and the right to property. We will see in many laws we want to bring forward that we will have to balance this and we will have to take difficult decisions.

2-064

Diana Wallis (ALDE). – Thank you very much, Commissioner-designate, both for your replies today and your written presentation.

You have given us really a very impressive – and I use the word in the best sense – patchwork which you have put together in the civil justice system in Europe. But my question is this. You make a great deal – rightly so – of how we communicate this. I have a concern about whether we are going to be able to communicate an understandable, and accessible, system of civil justice across Europe. We have 27 sets of national law, which we try to deal with by applicable law rules. We have a possible 28th regime in contract law. Very rightly, you say that you want to move forward, to enhance cooperation on authentic acts, on divorce, and on succession, where we know that we are likely to leave out one legal tradition – the common-law tradition – because of difficulties. But it does not just leave out the common-law tradition: it leaves out all of Europe's citizens who choose to exercise right of freedom of movement to live in common-law jurisdictions.

So, what are we going to do? Is this really going to be an accessible system of European civil justice?

2-065

Viviane Reding, Commissioner designate. – The Vice-President has put her finger on an essential element and I have said it before: you only have justice if you know you have justice and one out of three citizens has, in case of a problem, no clue about his or her rights, and that is a very strong deficiency. We have to act on this.

I know about the difficulties of getting this done. I have been looking closely with the Publications Office, which is situated in Luxembourg, on having a unique portal where all the laws and all the case-law of the Court and all the national laws would be available together with citizens' summaries in order to make it simpler. That is one thing and it is in the making. It will be made public as a unique portal in 2011.

Now you know that we are also working on the eJustice portal. I think the work on this started in 2007 and the first concrete element of this will come out in 2011, and by 2014 we should have a portal where you can get a reaction, where you can get the papers, where you will have an authenticated signature – so we want to go ahead with this – those are the portals – the direct results of when you want to find a document and how you can find it in a concrete way.

The other thing is that the citizens are informed about their rights and here you have the whole citizenship element, which is part of my portfolio, and I really would like to utilise the communication possibilities in this portfolio as a tool in order to inform citizens about their rights, and here of course I will need the collaboration of the European Parliament because you will need to inform your citizens about their rights too. There are many British citizens who travel abroad, who

live abroad and who have problems abroad and they want to have a solution. We also have to help them.

2-066

Diana Wallis (ALDE). – I have no problem with regard to what you say about communication and I welcome that. But it does not answer the other tension underlying my question, which is because of the different methods of approach, and because of the potential use of enhanced cooperation, there is going to be a very large tranche of Europe's citizens left out of the civil justice system; and a whole tradition, potentially – a legal tradition, the common-law tradition – left out. The signals are more dangerous than at any time in the 10 to 11 years that I have been in this Parliament.

2-067

Viviane Reding, Commissioner-designate. – You have said it yourself: the possibility of creating a 28th system, on top of the other 27 systems, where you could then choose if you wished to apply the 28th system would be a very interesting way out.

But this discussion is not finished: it is ongoing. As I said in my introduction, I am not a lawyer. I would like to have input from all the lawyers who are in this room and around you, who could greatly assist the Commission in finding a good solution. I can tell you that in the DG where I will hopefully work – if you so agree – there are plenty of good lawyers; there are good lawyers in my private office; so altogether I think that we will find solutions which will be most positive for the European citizen, including the European citizens who are under the common-law systems, which are very respectable and traditional law systems that we should not leave out.

2-068

Sebastian Valentin Bodu (PPE). – First of all I want to thank you for your support for the European commercial code, but, before discussing such an elaborate document, I want to ask you a question that relates to the same area but which is more pragmatic.

What are your plans for further work on the common frame of reference? Could you clarify in particular your intention as regards a possible optional 28th contract-law regime? Could you also indicate your planning on the timing, the concrete steps and methods envisaged for achieving your goals in European contract law?

2-069

Viviane Reding, Commissioner-designate. – During one of my first working sessions with my new DG, I found this – the CFR – in several volumes. I know you parliamentarians have, together with the scholars, really worked on this and tried to get it on the table.

I would like to do something with this work, because it would really be a pity if this work only stayed in the universities. It has to be brought into practice and that is why I will set up an expert group to work during the course of 2010 on the substance of the work which has been done. Then, in summer 2010, out of this expert

group I will issue a communication which should lead in 2011 to a well-publicised legal instrument.

In the mean time, I know that the academics themselves are working on its translation because it has only been done in English; I know they are working on the translation into French and German from the original English. I would like this work to continue, and the Commission will help them in order for this work to continue, so that will be done in parallel.

2-070

Sebastian Valentin Bodu (PPE). – I also have a follow-up question. As you were talking about academic work, how do you intend to involve Parliament in, let us say, helping the experts from across Europe in the completion of the common frame of reference?

2-071

Viviane Reding, Commissioner designate. – The communication in summer 2010 will be Parliament's opportunity to take the elements in hand and to tell us where we should go. That is exactly why I want to start with the communication and not directly with a proposal for a decision. I always believe that before you arrive at more concrete proposals you have to bring together all the wisdom, not only of the scholars, but also of those who work practically with the issues: all the judges and lawyers outside and the politicians. You have to bring them all on board and then, out of this combined wisdom, select the most feasible parts in order to bring them to a well-publicised legal instrument.

I know that this has never been on the agenda before, but I thought it was a pity not to put it on the agenda. As I said, I am not really the specialist on these matters, so I need your help! I really want to bring this to a good conclusion, because that is our embryo for a European civil code, and we should get there one day.

2-072

Eva Lichtenberger (Verts/ALE). – Ich möchte eine Frage ansprechen, die sehr viel mit der Glaubwürdigkeit der Europäischen Union zu tun hat, und zwar geht es um die Implementierung von europäischem Recht auf nationaler Ebene.

Wir haben sehr viele Beschwerden von Bürgerinnen und Bürgern, aber wir haben immer weniger Vertragsverletzungsverfahren, besonders wenn es um das Umweltrecht geht, wo sehr wenig und immer weniger geschieht. Aber auch andere Bereiche sind betroffen. Wie wollen Sie nun garantieren, dass die Umsetzung und ihre Kontrolle eine echte Priorität werden? Wir bekommen ja eine neue interinstitutionelle Vereinbarung. Sollte sie nicht auch die ganz konkreten praktischen Schritte vorsehen, wie Kommission und Parlament in diesem Bereich zusammenarbeiten werden, auch unter Einbeziehung des Petitionsausschusses, der in diesem Zusammenhang und bei diesem Verfahren sehr wichtig ist? Wie kann man wirklich sicherstellen, dass Richtlinien korrekt und zeitgerecht umgesetzt werden?

2-073

Viviane Reding, Commissioner-designate. – The honourable Member is absolutely right. It is not enough to have a European law if this law is only partially implemented into national law – or not at all – and if it does not become a real right.

This is one of the reasons why, in my capacity as Telecoms Commissioner, I have used the means of regulation and not a directive, because it is much quicker and you have a uniform *de jure* application. But I know that I am in a different field now – in a much more sensitive field where, at any rate in criminal law, you could never go the regulation route. Let us see what we can do in civil law.

I have pledged – if you want me to do so, and I think it would be very important – to come here once a year and report on the implementation of the fundamental rights questions into European law of course, but also on the application of European law in national law. I will have all the complaints which I receive from the Petitions Committee, from all of you personally, from the Commission and from the Ombudsman analysed in order to see how we should proceed.

I can tell you something: I will not hesitate to bring infringement procedures. Just look what I have done over the last 10 years and you will understand that I am not at all afraid of saying ‘no’, even to big Member States.

2-074

Eva Lichtenberger (Verts/ALE). – Ja, das ist auf den ersten Blick eine sehr befriedigende Antwort. Aber darf ich das jetzt wirklich so verstehen, dass in Zukunft, wenn es um das *follow-up* bei den Fragen geht, die im Rahmen des Berichts über die Umsetzung von Gemeinschaftsrecht von Parlamentariern gestellt werden, auch konkrete Antworten eintreffen werden? Das war in den letzten Jahren nicht ausreichend der Fall, und das muss sichergestellt werden, weil wir schließlich hier eine parlamentarische Aufgabe zu erfüllen haben und die Kommission eine Aufgabe als Wächterin des Gemeinschaftsrechts inne hat.

2-075

Viviane Reding, Commissioner-designate. – During the last few weeks, President Barroso has called his nominees together several times to sit and discuss exactly this kind of question.

He has made it very clear that the even more important role Parliament has now, on the basis of the new Treaty, than it did before, calls for a direct answer from the Commissioners to Parliament.

I can only promise you now from how I see things. In the last 10 years – and ask the committees who have been working with me – I have always been present when Parliament wanted to discuss with me. I have always asked Parliament to discuss with me when I felt that I needed the input of Parliament, and parliamentary questions must be answered very quickly, because you

are the direct link between European policy and the citizens.

2-076

Sajjad Karim (ECR). – On the one hand, you state that you do not like it when Europe does not move together, but equally, on the other hand, you have absolutely no satisfactory response at all when it is put to you that the Commission’s attitude, and the way it proceeds, sometimes forces those countries that follow common-law jurisdiction to exclude themselves from working with their European partners. You have absolutely no response to that at all. If I can refer you to the Treaty of Lisbon, this provides for an area of freedom, security and justice with respect for the different legal systems and traditions of Member States.

In your written response to the questionnaires and in your address today you state your intention to move from the first building blocks of European contract law to a European civil code. Is that a European civil code which would not take account of the common-law tradition existing in several of our Member States? It is important that this is protected and promoted. I have particular concerns, for example, in regard to the current proposals on wills and succession and the Brussels I Regulation.

Furthermore, the Stockholm Programme does not provide for a harmonisation of contract law or a civil code. Do you propose to go beyond its remit? Where does the mandate for such action come from?

2-077

Viviane Reding, Commissioner designate. – I think I can only repeat what I said in answer to Mrs Wallis on this issue. We have to take into consideration all the national situations and arrive at a solution which will be in balance for the 27 Member States. That is precisely why I announced a communication on the Charter of Fundamental Rights after having heard the expert group, in which there will also be experts from the common-law part of Europe. But in the end we will have to come to a common proposal on how we should advance so that the rights of the citizens, if they cross borders, can be taken into consideration.

Concerning the very specific question of wills, I know that there is a specific element in the United Kingdom law. This specific item has been taken into consideration in the work carried out so far on the Commission’s proposal. As regards the specific situation of British citizens living abroad, if I remember correctly – I am not 100% sure on this, only 95% sure – they can choose whether they want the British system to be applied, or if they want the system of the Member State where they are residing to be applied. So this is ongoing work.

2-078

Sajjad Karim (ECR). – The issue you are referring to there relates to problems caused by the lack of a definition on habitual residence. But that is a different matter and we can discuss that another time.

Can I take it, based upon your answers, Commissioner, that, in terms of preparation of future civil and criminal legislative proposals, you will be fully supportive of full impact assessments on Member States?

2-079

Viviane Reding, Commissioner-designate. – I do not know what you mean by a ‘full’ impact assessment on Member States.

We will always have two impact assessments. One, taking each of the systems of the 27 Member States into consideration; and if that is the basis of your question, then my answer is ‘yes’. We will also have the supplementary impact assessment on fundamental rights. This will be added as a supplementary element which has not existed so far.

However, there are also fundamental rights relating for instance to free movement. We should also take those into consideration.

2-080

Luigi Berlinguer (S&D). – Signora Commissaria, abbiamo finalmente il trattato di Lisbona e il programma di Stoccolma, misure importantissime per costruire un ordine giuridico europeo.

Fondamentale, come lei ha detto, è la consapevolezza dei cittadini dei loro diritti e l'accessibilità a questo sistema, ma è anche molto importante la mentalità e la cultura giuridica degli operatori nazionali del diritto, giudici e avvocati, che sono i protagonisti del diritto europeo.

Cosa intende fare lei per contribuire a prepararli a questo scopo, quali maggiori investimenti rispetto al passato? Quale politica e quale sostegno ai network e alle altre strutture formative esistenti in questo campo?

Come coinvolgere gli Stati membri e le istituzioni formative nazionali per questo lavoro e come coinvolgere le competenze necessarie del mondo accademico, un sistema che serva a preparare gli operatori giuridici a questo scopo, per la fiducia concreta reciproca e il riconoscimento reciproco?

2-081

Viviane Reding, Commissioner-designate. – The honourable parliamentarian is absolutely right. Mutual confidence cannot be decreed top-down.

It exists because a practitioner in one country knows about the law in another country and knows about the seriousness of practitioners in another country.

This is the whole basis of how we live together and how we work together. This is also the reason why, when I was Commissioner for Education, I insisted on enhancing the Erasmus programme so that universities now, at the level of masters, offer a common masters degree. Why?

Simply because, if you have those young people who have been changing universities and working with professors of different mentalities during one or two years, when they go back to their home country to work, they will be in contact and they can make a lot of change. That is why I also have in mind – but I have to see how this can be implemented – having an Erasmus for judges, for instance: so that they know their counterparts better and know the legal systems of the other party better.

It is only in this way that we can construct this real mutual recognition, which is the mutual recognition between practitioners.

The action will be to strengthen the existing networks – we have a judicial network and we have the justice forum to provide the necessary facilities, judicial atlas, cards, translations, summary explanations – and then to really boost the judicial training, where certainly I will rely on the very good institutes or universities we have all over Europe, and bring those together, make them exchange, make them work together. That will be very important.

In the end, who knows? We could even, maybe, think about having a European Academy of Law – but I would see that mostly in networking all the other academies.

2-082

Luigi Berlinguer (S&D). – *Erasmus* già un po' esiste per i giudici, ma riguarda l'1%, un numero bassissimo rispetto alla quantità di giudici.

Tutta l'attività formativa che si svolge ora negli Stati e nei *network* europei è fondata sui corsi, sulle lezioni, come se noi dovessimo insegnare al presidente di un tribunale considerandolo uno studente.

Io penso, non pensa lei che sia opportuno rivedere l'idea della formazione professionale delle alte professioni come quelle dei giuristi, partendo dal loro vissuto professionale, nei luoghi dove svolgono l'attività, quindi forse va riconsiderata l'intera idea della formazione di alta qualità degli adulti?

2-083

Viviane Reding, Commissioner-designate. – That would be exactly the task of such an academy of law, but, as you rightly say, whatever we do, including for Erasmus – even if we have more than one million Erasmus students, as compared to the whole number of students, it is only a drop in the ocean – we have to reinforce all this. But, in reinforcing practical training, I think we should not forget the academic research on this. Looking at an Italian, I think about Florence, for instance, where really we have also to enhance European research on our traditional systems, and that would help us and in the end answer the question of our British parliamentarians who worry about common law. So there really we need to enhance academic wisdom; both have to be done, the academic work and the training.

2-084

Alexandra Thein (ALDE). – Wir sind uns alle einig, dass es einer besseren Kommunikation unserer Arbeit unter Herstellung einer europäischen Öffentlichkeit bedarf. Ich möchte Ihnen daher eine Frage zu der von Ihnen beabsichtigten Kommunikationsstrategie speziell im Bereich der Rechts- und Justizpolitik stellen.

Als Mitglied des Rechtsausschusses stelle ich immer wieder mit Bedauern fest, dass in den Medien andere Themen im Vordergrund stehen als die unseres Rechtsausschusses, zum Beispiel in Ihrem designierten Portfolio vermutlich medienwirksamere Themen aus dem LIBE-Ausschuss, wie derzeit die Diskussion um den Bodyscanner zeigt. Nach Ihren schriftlichen Antworten sollen zum Beispiel grenzüberschreitende Aspekte des Familienrechts ganz oben auf Ihrer Agenda im Rechtsausschuss stehen. Ich frage daher einmal ganz konkret nach: Könnten Sie erläutern, was Sie – abgesehen von Rom III – konkret im Bereich des Familienrechts anstreben? Wie wollen Sie als ehemalige Journalistin die Diskussion um diese Rechtsetzungsverfahren, von denen die Bürger wirklich in ihrem täglichen Leben profitieren würden, mehr in die Medien bringen?

2-085

Viviane Reding, Commissioner-designate. – My experience in that field – it is terrible always to come back to my experience, but I cannot do otherwise as I was born a journalist and still feel like a journalist – is that you cannot write a good story if you do not have a story. In the beginning you need facts, a good story, and then you can develop it.

That is exactly why I said that, maybe on CFR, we will not get a lot of media attention, but on family matters we certainly will – if we start from the concrete examples of the persons involved, and if we give the concrete example of what happens, for instance, when a couple wants to marry. I gave the example of a document which is needed for a marriage of a Finnish citizen but does not exist in Great Britain, for instance. What do you do in such a case? Or when there are these terrible stories of child abduction or of the weaker element in a marriage being pushed into the corner because of court shopping.

We need to take all these elements in hand and to communicate them, starting from the problems of citizens we can solve and the way we solve these problems. I see that as the only way to communicate. We will have to do a lot of this. I can see that the members of the Women's Committee are coming in slowly, so I would say that this approach also applies, for instance, to the question of violence against women.

We should ask what actions to take in response to what problem, explain the problem and then explain that the European Union cares for citizens and that Parliament is doing something for citizens. Those are the stories which make the news. We have to create the basis for such stories in order to get them into the media.

2-086

Alexandra Thein (ALDE). – Eine Nachfrage hierzu. Ich hoffe also, dass die Arbeit unseres Rechtsausschusses bei Ihnen in guten Händen ist und nicht hinter der Arbeit des LIBE-Ausschusses hinstanzen muss.

Sie sollen in der Kommission zusammen mit Präsident Barroso auch generell weiter für die Kommunikationsarbeit zuständig sein. Wie soll angesichts der Neutralität, die Sie bei dieser Aufgabe wahren müssen, bei der Sie die Arbeit sämtlicher Kommissare bzw. Kommissarinnen berücksichtigen und in der Öffentlichkeit repräsentieren müssen, die Kommunikationsarbeit Ihres Ressorts nicht zu kurz kommen, oder wie soll hier die Abgrenzung erfolgen? Sie müssen sich ja teilweise neutral verhalten und, was Ihr eigenes Ressort angeht, müssen Sie ja auch entsprechend kommunizieren.

2-087

Viviane Reding, Commissioner-designate. – I will have to get communication up and running in a more concrete way. You have a lot of experience in this room, and many of you have been to the European elections. What was the element which nearly every citizen knew? It was roaming. Why? Because the citizens felt it themselves in their daily lives, so we should – and, when I say we, you as Members of Parliament, each individual Commissioner – have stories to tell about action he or she is going to put in place.

We have to bring out those actions and explain them to the citizens. So that is an activity-bound communication campaign. What we have to do also is to explain to the citizen at large what Europe is doing for the citizen, so that is more a horizontal question, and that applies as much to free movement as to the question of social affairs and the question of environmental affairs. Each Commissioner will have these stories to tell. DG Communication will be a tool in order to tell those stories so that citizens understand and hear them.

2-088

Antonio López-Istúriz White (PPE). – Señora Comisaria, gracias a su larga experiencia con todos nosotros en la Unión Europea estoy seguro de que conoce la preocupación de esta Comisión de Asuntos Jurídicos por los problemas que experimentan los ciudadanos con el mercado interior y de que también conoce los éxitos de esta comisión al proponer iniciativas legislativas en beneficio de los ciudadanos con arreglo al artículo 225 del Tratado, donde a veces la Comisión no adoptaba en el pasado muchas medidas.

En vista del envejecimiento de la población europea, ¿qué acción concreta pretende llevar usted a cabo en respuesta a la iniciativa del Parlamento Europeo sobre adultos vulnerables, en lo que respecta a reforzar la cooperación entre Estados miembros y en la mejora del reconocimiento y refuerzo de decisiones para la protección de adultos en cuanto a mandatos de incapacidad y poderes permanentes?

2-089

Viviane Reding, Commissioner-designate. – Yes, we will have more and more of those vulnerable adults with the ageing of our population. When we speak about the discrimination directive we never speak, or rarely speak, about the ageing population. I believe that this will be one of the most serious horizontal questions we will have to resolve. In our current Union system there is a gap as regards vulnerable adults and elderly people with severe physical and mental disability.

There is the Hague Convention of 2000. I consider that to be a good starting point, and we will encourage Member States to adhere to that Convention. However, it is only applied in some Member States, and I think it can only be clarified by Union-wide legislation. What this legislation is going to look like remains to be seen. There again, as in other cases, I would like you to come in on this and will launch an evaluation study in order to find out what the problems are, how they are dealt with in the different Member States, and if there are good practices which we could generalise.

I would not exclude, either, the Union acceding to the Hague Convention. I do not exclude a legislative proposal either, but that has to come out of the evaluation study and after the discussions which I will need to lead with the Member States and with Parliament. Having said that, the question is a very tough one and it is going to become even tougher in the coming years.

2-090

Christian Engström (Verts/ALE). – Madam Commissioner, I was very encouraged by your answer to Mrs Geringer's question earlier, when you said that you want to go ahead with an initiative for criminal sanctions on goods counterfeiting but that you do not want to include criminal sanctions against non-commercial file sharing in it. In my mind that sounds very sensible; these are two completely separate issues. Combating counterfeiting is something we can all agree on as being a good thing, whereas the issue of file sharing is a different matter.

Just to clarify: does this mean that this initiative you were talking about will replace the IPRED2 directive, which is currently in first reading in the Council? Was I correct in understanding you in that way?

2-091

Viviane Reding, Commissioner-designate. – I am not aware of these facts. Chair, can I ask the honourable Member to elaborate a little on this?

2-092

Christian Engström (Verts/ALE). – There is a directive, the Intellectual Property Rights Enforcement Directive 2. The first part was adopted in 2004, but, as regards the second part, on criminal sanctions, can we now consider that obsolete?

2-093

Viviane Reding, Commissioner-designate. – No, I was only talking about criminal matters on counterfeiting, the initiative which I will have to take together with

Cecilia Malmström, because she is the Commissioner for combating fraud and counterfeit. So we will have to work together.

On internet access and copyright, that is not counterfeiting; I consider copyright really to be something else. Here I believe, as I said already – after the experience we have had due to the big debate which has taken place and which, as you have seen, has not only taken place in this House but also in our Member States – I think that the consciousness that we need to protect artistic creation in the online world is there, but that we should not protect it with the old world rules. We need to all look together for new legal systems like, for instance, new legal offers and cross-border offers.

I have put on the table a proposal, together with my colleague McCreevy, on how copyright in the online world could be treated in future. It is my colleague Michel Barnier and my colleague Neelie Kroes who will have to see that this goes in the right direction, and if you so wish – and confirm me as a commissioner – I will see that the fundamental rights question in a horizontal way is applied to this proposal – which will come out of their collaboration – as I will see that the fundamental rights question is considered in all decisions which come out of the Commission.

I have already said it, but it is going to be a question of debate on different items. You have fundamental rights, which cannot be divided: for instance, no death penalty. You cannot discuss this – that is a fact, full stop. But you have, for instance, in the freedom to privacy, the freedom to access information, the right to fair remuneration, and copyright, to equilibrate two fundamental rights which could conflict and where you have to find a solution. This question will come up very often in this House, I suppose, and, for all of those questions, in this equilibrium between two rights, we really have to have serious discussions.

2-094

Zbigniew Ziobro (ECR). – Pani Komisarz! Myślę, że wszyscy zgodzimy się, że wielką wartością w ramach Unii Europejskiej jest doprowadzenie do swobodnego przepływu osób. Tak zwykle bywa, że sukcesom i dobrym sprawom, które udaje się osiągać, towarzyszą zagrożenia. W tym konkretnym przypadku mam na myśli zagrożenia związane ze swobodnym poruszaniem się, przemieszczaniem się osób, które dopuszczają się przestępstw o charakterze seksualnym przeciwko dzieciom. Chciałbym w związku z tym zadać Pani pytanie, czy rozważa Pani podjęcie działań np. związanych z tworzeniem rejestru przestępców seksualnych, których ofiarami padają dzieci, aby właśnie zapewnić skuteczniejszą ochronę dzieci w związku ze swobodnym przepływem osób w Unii Europejskiej?

Drugie pytanie: powszechnie uważa się, że konfiskata majątków jest skuteczną formą przeciwdziałania najgroźniejszym przestępcom mafijnym. Czy widzi Pani możliwość podjęcia działań, aby skutecznie zapewnić poszukiwanie majątków oraz egzekwowanie takich

sankcji orzeczonych w niektórych krajach europejskich w innych krajach europejskich, by ten system działał nie tylko w ramach granic konkretnego kraju, gdzie takie orzeczenie zostało wydane, ale aby był skuteczny we wszystkich krajach Unii Europejskiej?

2-095

Viviane Reding, Commissioner-designate. – I think that paedophilia is one of the very terrible crimes which we should not just look at from far away, but we should do everything possible to ensure that paedophiles cannot operate any more – and you know that they most frequently operate in groups cross-border. So here we are confronted with a real cross-border crime, and we will certainly – my colleague Cecilia Malmström and I – look at what can be done concretely in order to help the police forces reinforce their collaboration in order to stop this unspeakable behaviour.

Confiscation of assets is certainly one of the elements at the disposal of our national courts in order to stop organised crime. Here we are in the context of criminal law, and – as I have already underlined several times – in criminal law, mutual trust, mutual recognition of decisions and collaboration across borders has to be established. We have to be very cautious on the proposals which we make, because we always touch upon subsidiarity. The national parliaments have to be involved, and one national government, if we make a proposal in this, can block us with a specific *sui generis* system.

Having said that, I believe that these crimes, where there is no discussion about them, are simply awful, and paedophilia for me is one of those. I think that there we have to advance and we have to put all the measures which are at our disposal together. When I was Commissioner for Telecoms, I was working together with the industry, for instance, in order...

(The Chair cut off the speaker.)

2-096

Zbigniew Ziobro (ECR). – W nawiązaniu do ostatniej wypowiedzi Pani Komisarz chciałbym spytać o Pani doświadczenie i wiedzę w dziedzinie telekomunikacji. Czy nie sądzi Pani, że można by było zrobić coś więcej w zakresie przechowywania czy pozyskiwania danych połączeń osób, które dopuszczają się tak strasznych przestępstw o charakterze pedofilskim? Chodzi o połączenia telefoniczne i internetowe, oczywiście z zachowaniem wysokich standardów zabezpieczenia danych osobowych, bo są to tematy bardzo delikatne, ale wiemy, że te informacje mogą bardzo pomóc dotrzeć do tak groźnych grup pedofilskich i chronić dzieci przed ich działaniem.

2-097

Viviane Reding, Commissioner-designate. – What I did during my time as Commissioner for Telecoms was more to raise awareness and to have the professionals collaborate. One thing was a Safer Internet programme which helped inform parents, educators and schools, because you cannot prevent children from being in front

of a computer, but just tell them about the dangers. There was collaboration with the industry, where there was an agreement to ban certain communications from mobile phones – the third- or the fourth-generation mobile phones. Regarding social networks, 21 industries have signed an agreement, which should be put in place in February this year, where the profile of minors would be secret by default, so that they cannot be reached so easily.

So this is just to tell you that we need a whole number of policy measures – criminalisation, but also (*inaudible*), and measures in order for children to be protected when they are online.

2-098

Der Präsident. – Einen Hinweis noch: Wir haben die Sitzung der Koordinatoren des Rechtsausschusses um 16.30 Uhr im Raum 1G3 und die Sitzung des Ausschusses in demselben Raum um 17.00 Uhr.

2-099

ORDFÖRANDE: EVA-BRITT SVENSSON

Ordförande i utskottet för kvinnors rättigheter och jämställdhet mellan kvinnor och män

2-100

Ordföranden. – Kolleger! Utfrågningen fortsätter nu under ansvar av utskottet för kvinnors rättigheter och jämställdhet mellan män och kvinnor.

Vi tillämpar samma principer som våra kolleger vid de tidigare utfrågningarna under eftermiddagen. Vi har endast 30 minuter till vårt förfogande. Därför startar vi omgående.

Jag kan tala om att jag kommer att vara väldigt strikt med tiden: en minuts fråga, två minuters svar. Vi inleder utfrågningen med att ge ordet till fru Reding under tre minuter. Var så god, fru Reding.

2-101

Viviane Reding, Commissioner-designate. – Having only 30 minutes altogether, I think I should be rather short in my introduction so that we can then concentrate on your questions.

I am very happy to be with the Women's Committee today. In French we say *la boucle est bouclée*. I started my political life as a rapporteur in the national parliament, putting a directive on equal treatment into Luxembourg law; I was involved in preparing for the Beijing Conference as President of the Christian Social Women in Luxembourg; and so on and so forth.

I am very happy to be here. I feel very much at home in this committee, and I am also happy to see many familiar faces.

I will be a strong ally when it comes to further strengthening gender policy throughout the Union and in all our policy areas. You can also count on me to do my

utmost to reduce the gender pay gap in the European Union.

President Barroso wants to entrust me not only with the responsibility of the very powerful anti-discrimination directives, but also with criminal law competences and real tools in order to combat violence against women and children. This will allow me to have very powerful synergies between all these instruments for the benefit of a very strong and visible policy on gender equality. Here I think we also need to place communication activities at the service of this policy.

Having all this together – the different policy possibilities and tools – will allow me to be your gender equality Commissioner, and with your help a strong one, I hope.

The yardstick will always be the Charter of Fundamental Rights, which, as you know, is now legally binding after the entry into force of the Lisbon Treaty – as is Article 23 of the Charter, which guarantees equality between women and men in all areas, including employment, work and pay.

Because I have the horizontal responsibility to enforce fundamental rights in all the other competences in the Commission, I will see to it that gender equality is put into practice.

2-102

Edit Bauer (PPE). – Nagyon nagyra becsüljük az Ön elkötelezettségét az esélyegyenlőség területén, s nyilván nem mondok semmi újat, amikor azt mondom, hogy ezen a területen bőven van közösségi joganyag. A gyakorlatban mégis azt látjuk, hogy a változás lassú és a távolság a de jure esélyegyenlőségtől a de facto esélyegyenlőségig még mindig nagyon nagy. Az egyik legrégebbi darabja ennek az esélyegyenlőségi csomagnak az 1975-ből származó egyenlő bérezésre vonatkozó irányelv. A legutóbbi statisztikai adatok még mindig több mint 17%-os különbségről tanúskodnak és ez gyakorlatilag az elmúlt 10 évben alig változott. Az Economist egyik legutóbbi száma arról ír, hogy a különbségek akkor jelentkeznek a férfiak és nők bérezésében, amikor a nők a gyerekvállalás után visszatérnek a munkahelyükre. Az órabérekre lebontva jelennek meg a különbségek, melyeknek nagy része nem magyarázható másként, mint hátrányos megkülönböztetéssel. Arra szeretnék választ kapni, hogy mit szándékozik tenni a biztos asszony, hogy egyrészt a hátrányos megkülönböztetésre vonatkozó közösségi joganyag ne legyen halott betűk halmaza, másrészt, hogy az indokolatlan különbségek a férfiak és nők bérezésében megszűnjenek.

2-103

Viviane Reding, Commissioner-designate. – The honourable parliamentarian is absolutely right. Despite all the measures which have been taken, the difference today is 17%, and this is really unacceptable. That is why the fight against the gender pay gap will be one of my key priorities. By the way, it is also mentioned concretely in the Treaty, so it will give us the possibility

of having legislative and non-legislative measures in this field.

Of course, we have to work together with the Member States and with social partners in order to find solutions. We also have one very important instrument, which I believe we have not utilised enough so far. Every spring there is a European employment strategy. I would not like to have, in the future, a supplementary paper on gender equality in this European employment strategy. I would like gender equality to be fully implemented in this employment strategy.

I really do welcome the fact that the Belgian Presidency has already indicated that tackling the pay gap will be a priority during their presidency, so they will really concentrate on this. I think that we should prepare this now – with all the actions which are under way – so that the decisions can be taken under the Belgian Presidency. That would be very important. At the same time, I think that an information campaign, which was launched in 2009, has to be reinforced in 2010.

2-104

Britta Thomsen (S&D). – Each year, hundreds of thousands of women in the EU are exposed to violence from their partners or ex-partners, in some cases with dramatic consequences.

In 2008, for instance, 157 Frenchwomen and 76 Spanish women lost their lives as a result of gender-based violence. This is more people than lost their lives due to terrorism.

Equality between men and women is a basic principle in the European Union. You mentioned many times the Charter of Fundamental Rights. But men's violence against women is a violation of fundamental human rights and is a direct cause of inequality between men and women.

In a recent resolution, Parliament urged the Commission to propose a directive for the elimination of all kinds of violence against women, and here is my question to you: Are you willing to recognise that violence against women is a breach of basic human rights? And will you, as a consequence, initiate a European directive to combat all forms of violence against women?

2-105

Viviane Reding, Commissioner-designate. – I absolutely agree with the honourable Member that violence against women is a terrible fact and it is also a much under-reported problem. I can add to your figures: 20-25% of women experience physical violence once in their life; 10% of European women have suffered forced sexual violence. That is absolutely unacceptable and we should work to do something against this.

As I have to be very short, this is the agenda in a nutshell:

Firstly, to reinforce the arsenal of legal measures; there is the European protection order directive on which I

will make a proposal; a directive on violence against women has to be analysed as an option. As we prepare for Beijing in the next coming weeks and months, and looking at the Charter proposed by President Barroso, I would like for violence to be given a prominent place. We should go ahead on this.

Secondly, synergies between the different policy instruments; the anti-discrimination directive, which is already a toolbox to address violence, and the Daphne III programme, which is under my responsibility, can be brought together to reinforce the help of NGOs in their support.

Then we need specific strategies to support, protect and assist victims; targeted training for police. I will speak with my colleague Cecilia to collaborate with her on this one. Then the awareness-raising campaigns which I have already underlined, and there I believe that both the Charter and Beijing can help us in that respect; and we should never forget the international dimension.

Madam Chair, if you agree, let me just say – and I might explain further later on when I have a little more time – that I want to have concrete action on female genital mutilation, because I believe that is shameful. If I can come back to this later on I will explain what I have on the agenda.

2-106

Antonya Parvanova (ALDE). – Mrs Reding, you have a very positive experience with the media and I am absolutely sure you will be able to take action and to propose action to promote respect of women's dignity and identity in media and publicity systems.

I would mention the case of your colleague, Baroness Ashton, whose competences have been questioned in comparison with the three men in charge of the other top-level jobs. I think you are the one who will protect transparency, democracy and parity at EU level in our own House as regards women in decision-making.

You mentioned equality and the Directive. We have the current road map, and I would like to ask you about the action strategy. How will the European Parliament and the Council be involved in the adoption of this new strategy, and how will civil society and other stakeholders be involved? Do you already have an idea of what the main focus of this new action strategy will be?

2-107

Viviane Reding, Commissioner designate. – The road map is valid, but I think that it has to be enhanced. Most of all, violence against women has to be in a very prominent place. It must be underlined and actions have to be taken. The issue of pay gap has to be enhanced too. We have to make all of this more visible.

There will be a new multiannual strategy for gender equality, based on the road map of course. Through President Barroso's Charter we could give more

visibility to this; but the Charter will not replace our multiannual strategy in that respect.

All this will help and permit this committee to come in and to help me develop the different policies – to say where we have to be stronger, what we have to do in order to enhance decision-making, where we need to reinforce implementation in the Member States and where we have to go ahead with new proposals.

2-108

Marije Cornelissen (Verts/ALE). – Mevrouw Reding, zoals u weet, behandelen wij op dit moment de richtlijn over moederschapsverlof. Voldoende moederschapsverlof is van groot belang voor de gezondheid van en de band tussen moeder en kind. Voor de verdeling van zorgtaken tussen vaders en moeders is vaderschapsverlof ook van groot belang. De eerste weken na de geboorte van je kindje zijn essentieel. Die eerste weken leer je hoe je een luier moet verschonen, hoe je je kindje in bad doet en hoe stevig of hoe zacht jouw kindje gewiegd wil worden, en vaders moeten daarbij kunnen zijn. Een substantieel deel van dit Parlement wil het vaderschapsverlof opnemen in de richtlijn die wij momenteel behandelen. Een ander deel van het Parlement, met name de christen-democraten, vindt dat vaderschapsverlof in een aparte richtlijn thuis hoort. Uw voorganger heeft ooit toegezegd een voorstel te zullen doen, maar heeft dat uiteindelijk niet gedaan. De vraag aan u ligt nu voor de hand: als vaderschapsverlof niet nu in één richtlijn met moederschapsverlof geregeld kan worden, komt de Europese Commissie dan met een apart voorstel voor een richtlijn voor vaderschapsverlof?

2-109

Viviane Reding, Commissioner designate. – Yes, the pregnant workers directive. The Commission's proposal to raise maternity leave from 14 to 18 weeks has difficulties in the Council. I think it is very important indeed to get this maternity leave directive through, and that is also the reason why I think we should not bring paternity leave into this, because it might simply stop a decision on maternity leave.

Now I absolutely agree with you that it is essential to have fathers more engaged in this whole set of issues. I myself have three children – three boys – and I know how important it is. So the equilibrium of having the father involved is of the utmost importance. You know that the social partners have decided on a parental leave, which will give an obligatory one month for the father to be at home. So this is a very important element which should not be forgotten.

As for all the other types of leave – paternity leave, filial leave and adoption leave – I think these should be introduced in further legislation if they are shown to be a necessity. I would like to look at all the legal and economic implications of these types of leave, but I would like to negotiate as intensively as possible with the Council not to have our maternity leave directive stopped. I think this one is of the utmost importance.

2-110

Marina Yannakoudakis (ECR). – Would you recognise that the sovereign state is best placed to address issues that directly affect its citizens, referring specifically to areas of criminal violence ranging from domestic violence to forced marriages to female genital mutilation? And how do you see the role of the Commission in supporting these states?

This question is based on the fact that most of the above areas I have mentioned are in the first instance criminal law matters so the operative words here would be ‘supporting sovereign states’.

2-111

Viviane Reding, Commissioner-designate. – Certainly, ‘supporting sovereign states’. That is also why in matters of criminal law we have to be very careful where we are going. I have explained that already in the discussion with the two other committees.

In civil law we can advance rather quickly; in criminal law, subsidiarity comes in and there we need the national parliaments – please help to bring them on board – and a Member State can block a proposal of the Commission. So, in this respect I will have to have a very serious look with my colleague Cecilia Malmström at the initiatives we intend to take on criminal law in order to reinforce the protection of women.

The Daphne programme, which is under my responsibility, is the one which helps NGOs who provide support women who have been affected by violence and, there, I think we can go very much forward.

I would nevertheless like to say a word on female genital mutilation. It is a matter for foreign affairs, so our colleagues responsible for external action will have to take that on board. But we cannot only speak of external actions and not do anything here at home. You may know that there are 180 000 female immigrants in Europe who are in danger of genital mutilation.

So, what to do? Firstly: support Euronet FGM, the European network for the prevention of this; development of research; a strategy setting out a coherent list of actions. I will start now – if you want me to go ahead with my responsibilities – to consult extensively with civil society, to study the legal area, to legislate in this area, if necessary including at European level the harmonisation of the definition of criminal offences and sanctions. That is exactly where the criminal law comes into play and where we have to have this discussion with my colleague, Cecilia, and with the national parliaments.

2-112

Ilda Figueiredo (GUE/NGL). – No momento em que estamos aqui a falar de uma verdadeira estratégia para a igualdade a nível da União Europeia e também no ano em que se comemoram os quinze anos da Plataforma da Conferência de Pequim, creio que é importante assinalar também, com uma Carta dos Direitos das Mulheres a

nível da União Europeia, com propostas legislativas concretas que vão ao fundo das questões e das discriminações que ainda se mantêm a nível da União Europeia, de que já aqui foram dados muitos exemplos e eu não vou repetir por falta de tempo, mas também é necessário envolver as próprias mulheres e as suas organizações neste debate e, por isso, coloco-lhe as seguintes questões:

Como pensa fazê-lo? Que propostas pensa apresentar em concreto? Como vamos envolver, e como pensa que isso é possível, o maior número de mulheres e das suas organizações a nível da União Europeia?

2-113

Viviane Reding, Commissioner-designate. – We have really done a very good job in the past, together with the NGOs, working for gender equality in all our Member States. We should reinforce that collaboration.

The European Women’s Forum is going to meet at the beginning of February in order to prepare Beijing, and it will be very important for the European Parliament to be present at the preparations for that Forum, as well as in New York itself, when the Beijing commemoration takes place. There we will certainly work together in order to make our position very clear.

Concerning the Charter, which will commemorate the 15th anniversary of the Beijing Conference, the President has presented this idea because he would like to reaffirm solemnly the values and the principles of our policies, which have a long history behind them, but also a long history in front of them because, even with that long history, we have not yet solved the problems. For instance, the balancing of work life and family life, fair representation in the media, non-violence and participation in decision-making are all themes which I believe such a charter could underline.

A charter will not replace our action plan or our multiannual working programme, but it will be something we can point to and say, those are the fundamental rights we believe in, that is our credo and those are our values.

2-114

Ρόδη Κράτσα-Τσαγκαροπούλου (PPE). – Κυρία Πρόεδρε, Κυρία Επίτροπε, σκοπεύετε να εκπονήσετε μια νέα επικοινωνιακή πολιτική που να αφορά στην παρουσίαση των πολιτικών μας στις γυναίκες, στην παρουσίαση, πέρα από αυτήν την Χάρτα αρχών και αξιών, που θεωρώ μια θαυμάσια ιδέα, και των πολιτικών μας για την καθημερινή ζωή; Ήταν ένα αίτημα των γυναικών κατά τη διάρκεια των ευρωεκλογών να γνωρίσουν τι μπορεί να κάνει το Κοινοβούλιο ή η Ένωση γι' αυτές. Από την άλλη πλευρά πώς θα εντάξετε τη διάσταση του φύλου στις πολιτικές της επικοινωνίας τις οποίες θα σχεδιάσετε;

2-115

Viviane Reding, Commissioner-designate. – It is a fact that women in decision-making are not yet where they should be. You all know the analysis. You have all the

facts and figures. I do not need to bring them up here: You know where we are members of boards, you know where we are presidents of big corporations, you know our percentage in Parliament and so on and so forth.

A lot has to be done in this area, and Vice-President Kratsa-Tsagaropoulou is absolutely right: we need to utilise our communication tools in order to better explain what we are doing. But, as I was explaining before, you can only have good communication if you have a good story to begin with.

I believe we have to start with the very specific problems women in our society – your constituents – are experiencing and then, from these specific stories, tell them what Europe is doing for them, in a very specific way. That is what I would like to do in the future.

I think that 15 years of the Beijing Conference and the Charter will give us a good reason to go ahead, but we have to go after the concrete aspects, not only in general. We are doing something for gender balance, alright, but what are we doing concretely when a woman wants to stay at home, when she wishes to go back to work, when she is a victim of violence?

So start from these concrete examples and mention the policy – all we are doing already and which needs to be implemented better in the Member States – or what we are planning or proposing to do.

Here, I really count on the Members of Parliament who have direct contact with stakeholders in order to help get this communication policy really going. We have five years until the next European elections. I would like, with the help of all of you, for all women in Europe to know, after five years, what Europe is doing for them, and that Europe is their place, where their endeavours, values and problems – and also their dreams – are taken seriously.

2-116

Ordföranden. – Tack, fru Reding! Det är dags att avsluta denna intensiva eftermiddag. Jag vill framföra ett stort tack till fru Reding för en intensiv eftermiddag. Jag vill tacka våra samlingsutskott, JURI och LIBE, för eftermiddagens arrangemang, och jag vill tacka kollegerna från utskottet för kvinnors rättigheter och jämställdhet mellan män och kvinnor. Dessutom vill jag också tacka tolkarna för ett intensivt arbete i eftermiddag.

Jag vill vidare påminna kollegerna i jämställdhetsutskottet om att vi ses kl. 17.30 i sammanträdesrum 1G2. Det är samordnarna från utskottet som kommer till detta möte. Varmt tack till er alla för en intressant eftermiddag!

(Sammanträdet avslutades kl. 16.25.)