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

315346 03.10.2014

D(2014)46135

Mr. Martin SCHULZ
President of the European Parliament
PHS 09B011
BRUSSELS

Subject: Hearing of Commissioner-designate Vera JOUROVÁ

Dear President,

On Tuesday 1 October, the hearing of the Commissioner-designate for Justice, Consumers and Gender Equality, Vera Jourová, took place. The Chairs and coordinators from the four committees concerned (JURI, LIBE, IMCO and FEMM) met without delay after the hearing in order to evaluate the aptitude of the Commissioner-designate.

The coordinators of the four committees consider that further information is required in order to complete their evaluation. In accordance with the fourth sentence of point 1(c) of Annex XVI to the Rules of Procedure, we would ask you write on our behalf to the President-elect of the Commission requesting further information on the topics outlined in detail below.

In view of the next joint Coordinators' meeting, which is scheduled for Tuesday 7 October, the additional information requested should be made available by the Commission no later than Monday, 6 October at noon in order to allow the Coordinators to take the reply into consideration.

As far as the Committee on Legal Affairs is concerned:

In view of Ms Jourová's replies to the questions asked in the hearing, the Committee on Legal Affairs would be grateful if the Commissioner-designate could clarify the following points:

On better law-making:
On the matter of the implementation of EU law in the Member States, what precise measures does the Commissioner-designate envisage?

With regard to REFIT and the associated Smart Regulation programmes, what specific initiatives does the Commissioner-designate intend to take to ensure better law-making?

On civil justice measures:
Following on the answer given by the Commissioner-designate on the recognition of public documents, could she clarify when and in what form a proposal on the recognition of the content of civil status documents will be made? Would such a proposal include the recognition of registered partnerships in its scope?

On another aspect of civil law, could the Commissioner-designate state under what precise conditions she would be prepared to present a legislative proposal on collective redress? If such a proposal were to be made, would the scope cover only consumers or also other claimants?

On company law:
The committee would like to ask the Commissioner-designate to clarify her position on the cross-border transfer of company seats. Will such a proposal be forthcoming?

Concerning the proposal for a Single-Member Company, could the Commissioner-designate state whether she sees any increased danger of letter-box companies, social dumping, fake self-employment or money laundering?

On the matter of minimum standards for stakeholder and employee involvement, does the Commissioner-designate see a need for the greater involvement of stakeholders who are not shareholders, and if so, how will this be reflected in legislative proposals?

On the 'women on boards' proposal, could the Commissioner-designate be more specific on how she intends to make progress, and what her position is on exceptions and sanctions?

On the codification of company law, could the Commissioner-designate confirm that she intends to take an initiative to merge the existing company law directives into a single instrument? Would that be a priority action or a long-term goal? What specific benefit would that bring for companies?

On contract law:
Following on from the answer given by the Commissioner-designate on the proposal for a Common European Sales Law, could she confirm that she believes that the limitation of the scope to online contracts could pave the way for this proposal to be welcomed by the Council? What concrete steps does she envisage in order to boost the procedure in the Council and remove the deadlock?

On international regulatory issues:
Could the Commissioner-designate clarify what she stated about arbitration clauses in international investment treaties?

In the context of international regulatory convergence, how does the Commissioner-designate intend to approach simplifying compliance with requirements placed on companies when often they are operating across many different borders, not just those within the EU? Do we need further work with international partners in the area of corporate reporting to achieve these aims?

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

Taking into account Ms Jourová's replies, the LIBE committee would be grateful if she could clarify the following points:

- As far as Data Protection and Safe Harbour are concerned:

On 12 March 2014 the Parliament adopted its first reading setting out a high level of protection of personal data. However, the Council has not yet been able to reach a general approach. In the written answer you have indicated that the adoption of the data protection package within 6 months is one of your priorities. What will you do to ensure that the data protection package is compatible with a uniform, high and robust level of protection, thus not undermining the level currently afforded by Union law nor the trust of EU citizens?

The European Parliament has repeatedly called on the Commission to suspend the Safe Harbour adequacy decision (most recently in its resolution of 12 March 2014 on electronic mass surveillance). At the hearing you indicated that the Safe Harbour raises serious concerns and that in the absence of an adequate level of protection required by Union law, other instruments should be used for transatlantic data transfers. You also indicated that you intend to conduct an evaluation of Safe Harbour before taking a decision.

As various studies and analyses have shown that the Safe Harbour does not meet Union law requirements and as the Commission has highlighted 13 types of deficiencies, could you provide detailed reasons why an additional evaluation would still be needed? Could you clarify whether you are ready or not to repeal the Safe Harbour and consider alternative options which are better in line with EU law? In case of alternative options, what would they be?

- As far as the European Arrest Warrant (EAW) is concerned:

In its resolution of 27 February 2014 on the European Arrest Warrant (adopted with a very large majority) the European Parliament called on the Commission to submit, within a year, on the basis of Article 82 of the TFEU, legislative proposals in order to address several shortcomings in the functioning of the EAW as a mutual recognition instrument. The resolution refers not only to the lack of a proportionality test and a fundamental rights exception but also addresses other shortcomings in the EAW mechanism. In your replies you seemed to exclude any legislative initiatives in this field (in line with written

responses received from the Commission services in July): do you confirm this position? Could you give detailed reasons?

- As far as the European Public Prosecutor's Office (EPPO) is concerned:

The Commission's proposal on the European Public Prosecutor Office sought to be cost-efficient for the EU budget, using part of OLAF resources for setting up the headquarters of the EPPO and relying on the administrative support of Eurojust. In its resolution adopted in March 2014, the European Parliament clearly asked for an updated financial statement taking account of potential amendments by the legislator. Considering the current budgetary and staff reductions in the Union Institutions and agencies, could you clarify how will you ensure the effectiveness of this newly set-up European body while entailing very limited costs?

- As far as the freedom of movement is concerned:

Freedom of movement and of residence in the territory of the European Union is one of the fundamental rights of EU citizens, as recognized in Article 45 of the Charter of Fundamental Rights and in Article 21 TFEU. Moreover, in its resolution of 27 February 2014 on the situation of fundamental rights in the European Union, the European Parliament noted that "the recent labelling of free movement as migration to benefit from social security systems is not based on facts" (paragraph 86). During the hearing, you indicated that the Commission is evaluating cases of abuse of freedom of movement and of States' social security systems, and that it would come forward with a proposal to solve this problem, including, if necessary, through a legislative initiative. Could you clarify your statement and indicate which possible actions you consider necessary and compatible with the right to free movement?

- As far as the anti-discrimination policy is concerned:

In its resolution of 4 February 2014, the European Parliament called on the Commission, the Member States and relevant agencies to work jointly on a comprehensive multiannual policy to protect the fundamental rights of LGBTI people (e.g. a roadmap). Could you clarify what kind of action you are going to take to ensure the effective protection of the rights of LGBTI people?

What kind of action should be taken at Commission level to ensure the full respect of the rights of people belonging to minorities, including Roma and those of people with disabilities? As the rights of people with disabilities are fundamental rights, could you explain the reasons for moving the Unit dealing with "Rights of Persons with Disabilities" from DG Justice to DG Employment, Social Affairs and Inclusion?

- As far as the fight against transnational fighters is concerned:

You have indicated that in order to fight against terrorism "foreign fighters" from EU origin could be prosecuted on the basis of national criminal law legislative provisions. Could you clarify whether you consider that in such a situation no action is required at EU level?

– As far as effective leadership and decision-making process are concerned:

In the fields of data protection, the rule of law and fundamental rights your responsibilities are to be shared with other Commissioners as well as with Vice-Presidents. You have indicated that you would work with them in a cooperative and constructive manner. Could you be more specific on how this procedure would work as regards each of the above-mentioned policy areas?

Could you explain more precisely how - in a policy area like data protection where not less than 4 Commissioners would be involved – such a structure could be of practical added value? Compared to your predecessor's role, is it possible that this complex structure will result in a lack of leadership which could negatively affect the negotiations on the data protection package as well as prove detrimental to the interests of the EU in its relations with third-countries?

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

In her response to questions, Ms Jourová displayed some general knowledge of the activities that would be entrusted to her. However, Members felt that she was reluctant to make precise commitments, ahead of her confirmation as full Commissioner. Members considered that she was very cautious and would have expected her to provide more concrete responses and to clearly express her personal views on the discussed subjects. Notably, she did not express herself on the underlying legal approach which will be followed for future consumer protection legislation. As a consequence, the IMCO Committee invites the Commissioner-designate to clearly indicate in written form:

- how she intends to ensure consumer protection in legislative proposals and the approach she believes should be taken with regard to the principle of harmonisation;

- how she intends to ensure compatibility between the Consumer Rights Directive and CESL, without weakening consumer protection.

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

Maternity leave:

The European Parliament adopted its position on the proposal already in 2010. Will you maintain the so-called "Maternity leave directive" on the Commission work programme? As Mrs Thyssen clearly stated in her hearing she is ready for negotiations on the existing text; can you specify the modalities of collaboration between your respective services? How will you proceed concretely to encourage the Council to enter the negotiations and what is your envisaged timeframe? Can you explain the concrete and immediate steps you will take to unblock the situation in Council, and can you clarify your timeframe?

Violence against women:

Violence against women: during the hearing, you said that you would organise debates in 2015 to evaluate a new comprehensive strategy on VAW including intensive monitoring of existing legislation (e.g. Victim's Package) and extensive dialogues with all key stakeholders concerned. Moreover, recently the European Parliament adopted the Parvanova report. Also in March 2014, the Fundamental Rights Agency published an extensive study on the subject (http://fra.europa.eu/en/publication/2014/vaw-survey-main-results) providing an extensive set of data and recommendations which could be a good starting point. Also, the Directive on Trafficking in Human Beings is now implemented in the Member States. Given the fact that trafficking affects to a large extent women and girls, how do you plan to monitor its implementation and what would be the next steps as regards the action to combat trafficking?

EU strategy for equality post-2015

In your written answer to the FEMM committee question on the evaluation of the failures and successes of the current Strategy for equality between women and men (2010-2015), you state that you "strongly believe that we need a clear approach on equality and (you) will make it a priority to explore further options for a renewed strategy". Apart from the "unfinished business", What are the "further options" you want to explore concretely? Which strategic framework do you intend to put into place and what are your concrete proposals/guidelines for the new EU strategy? What would be your timeline? You referred to an Action Plan with legislative and non-legislative measures, could you provide more details on the specific measures envisaged? Do you identify specific EU measures to reduce poverty among women and legally regulate these issues?

Istanbul Convention:

In the hearing you said that you would like Member States and the Union to sign and ratify the Convention; how will you encourage Member States to do so? Do you commit yourself to propose a text for the EU ratification of the Convention?

Gender mainstreaming:

What concrete measures (e.g. strategy, plan of action) are you intending to take in order to ensure that gender mainstreaming is properly implemented within all the policies by the European Commission and the College of Commissioners? Moreover, you said that you would propose a text to ensure a better representation of women in the College, is it a personal commitment?

Women on boards:

How do you intend to deliver on the "Women on boards" proposal as a first step for more board diversity? What steps will you take to ensure the early adoption of the proposal? Do you support Parliament's position with regard to the exception for companies where the members of the underrepresented sex represent less than ten per cent of the workforce? Do you support the extended list of sanctions such as the exclusion from public calls for tenders?

Complex portfolio:

The hearing has revealed the broadness and complexity of the portfolio. How do you concretely plan to organise your work in the four wide-ranging fields of our parliamentary committees within your services and what will you do to guarantee that all policy areas receive your equal attention?

Yours sincerely,

Pavel SVOBODA	**Claude MORAES**	**Vicky FORD**	**Iratxe GARCÍA-PEREZ**
Chair of JURI Committee	Chair of LIBE Committee	Chair of IMCO Committee	Chair of FEMM Committee