

EUROPEAN PARLIAMENT HEARINGS
ANSWERS TO QUESTIONNAIRE FOR COMMISSIONER-
DESIGNATE

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(Justice, Freedom and Security)

Part A – General questions

I. Personal and professional

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- 1. What aspects of your personal qualifications and professional experience do you feel were of particular relevance with regard to your nomination and your prospective role as Commissioner?*

I studied law at the Universities of Turin and Rome under such distinguished professors as Norberto Bobbio and Giuliano Vassalli. I concluded my studies with a degree “summa cum laude” and later became a professor of Philosophy of Politics. In Italy this field of study and research is closely linked to Philosophy of Law and the Theory of the State and Government.

The most significant experience for my future task was, however, my activity as a full Member of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament. Later, as a Minister for European Affairs of the Italian Government, I benefited enormously from this experience.

As Minister for European Affairs, I set up a Committee on Justice and Liberty. This Committee was composed of many well known experts from the Italian Judiciary and Italian Universities. It prepared a proposal for a law on the European arrest warrant. The Minister of Justice did not submit this proposal to Parliament but it was, however, an important contribution to discussion on this issue and many of the amendments to the text that is now under discussion in Parliament can be traced back to work by this Committee.

I wish to add that I have been one of the leading voices in the Italian debate on immigration issues.

II. Independence

- 2. How would you describe your obligation to be independent in carrying out your duties and how do you concretely envisage putting this principle into practice?***

A Member of the Commission shall neither seek nor take instructions from the Government of her/his country of origin or from any other body (par. 2 of Art. 213 of the Treaty). He should feel responsible only to the common good of the European Peoples and to the set of values that are embodied in the European Charter of Human Rights. We cannot say yet that the Member of the Commission has a legal responsibility to the Constitution since this has not yet been ratified by the Member States and therefore has no binding force.

I would strongly suggest however that this Commission and its Members should, whenever possible, interpret the existing legal basis of their activity in the light of the Constitution and anticipate so far as possible the implementation of the contents of the Constitution.

The Commissioner should have no personal interests of whatever nature that may prevent him from lending a diligent, attentive and respectful ear to all legitimate interests that must be taken into account in the definition of the European general interest.

- 3. Could you provide the European Parliament with details of your recent and present business, financial and political interests and positions, and of any other commitment that might clash with your prospective duties?***

There is no business, financial or other position or commitment on my side that might lead to a conflict of interests or that might clash with my perspective duties. My family's savings (that is mine and those of my wife) are either in cash or in Italian bonds (that is bonds of the Italian State). I have offered my resignation from my post as Minister for European Affairs in the present Italian Government and I am waiting for a substitution to take place as soon as possible and, in any case, at the latest before I am appointed officially as a European Commissioner.

The same holds true for my post as President of the UDC, my political party.

I am fully aware of the rules established in this field and of the President's policy to ensure the full transparency of the Institutions and the credibility of those having a political mandate. I wholeheartedly subscribe to this practice. Of course, I will prepare the declaration that all Commissioners have to present.

III. Future of the European Union

- 4. It is clear that until full ratification of the Constitutional Treaty, the Commission and its members are bound by the existing Treaties. However, the Constitutional Treaty having been adopted, which are in your view the actions the Commission can already undertake without waiting for its formal ratification?***

The Commission is bound of course by the existing legal basis for its actions. This basis is offered by the existing Treaties. This means that we have to abide by the rules of Nice. We are fully aware of the fact that the Constitution will come into operation only after ratification by the Member States. The Commission should however interpret the existing rules, whenever possible, in the light of the Constitution.

The existing Treaties offer, in some instances and while fully respecting existing provisions, the possibility of anticipating to some extent the new goals of the Constitution and the Commission should propose to Council and Parliament to do so.

The Commission can also freely decide to abide by the rules of the Constitution when this involves its own responsibility and does not impinge on the rights of the Council or the Parliament. This applies for example to more specific duties to inform the European Parliament, Parliament's rights of control and the possibility of a better dialogue with the Parliaments of the Member States.

Last but not least, the Commission can start with the preparations needed in order to reduce to a bare minimum, the time required for the transition to the new legal basis offered by a ratified Constitution.

- 5. The Lisbon Strategy is a ten-year strategy to make the European Union the world's most dynamic, competitive and sustainable economy by 2010. The Lisbon Strategy comprises the three pillars of sustainable development: the economy, social affairs and the environment. The date of 2010 will coincide with the term of your mandate. What would you do, as Commissioner, to accelerate progress towards the Lisbon goals and what in your views should be the main priorities?***

The globalization of the world economy has given an extraordinary opportunity to the poor countries of the earth, notably to those on the way to economic development. Some of these countries (China, India, etc.) have seized this opportunity. They have entered onto the path of modernization and now are increasing their share of the world market in those manufacturing sectors in which there is a large component of cheap labour. This challenges our economies. We need to move tens of millions of jobs from those sectors to new sectors based on innovative technology, scientific research and high quality labour. The Commission has to discuss this and take a strong position. Without prejudice to the debate in the Commission, I personally think that we must invest in schools, professional training, universities, scientific research and technological innovation.

This is a first priority. We need also to exploit fully the potentialities of the Internal Market. We have the largest internal market in the world. This means that we can create the most interesting combinations of productive factors if only we could succeed in reducing the attrition in our Internal Market and pursue its effective unification.

We must set free the creative potential of women and of elderly people, encouraging their participation in the labour market and in entrepreneurship.

This implies new social policies that change some existing forms of social protection without reducing their overall level but making them more efficient and better integrated with the demands of the productive system.

As an Italian, I feel the need to stress the importance of the environment. The protection of the environment is not just to be seen as a limit to economic efficiency. Our natural and cultural environment is first and foremost an asset for the competitiveness of our economies (take, for example, the role of tourism) and an element of that quality of life to which economic development must be directed. I have also to underline that the role of immigrants could be particularly important for the achievement of certain aspects of the Lisbon Strategy. The mid-term review of the Lisbon program will give us a good opportunity to reorient our efforts.

We need to do better and we can do better.

6. *How do you intend to improve the public image of the Commission?*

First of all, we need to improve the quality of our decision-making through better coordination and team-work within the Commission. The responses to the demands coming from our citizens very often do not lie within one single area of responsibility. They require the close cooperation between different areas of responsibility. The more we split and fragment our activities, the more difficult it becomes to see a clear link between what we do and what the citizens demand of us. The demands arising from the public are political: the responses we deliver cannot be merely technical. When we give technical responses to political questions the impression is given that the Commission is merely a bureaucratic body.

Better coordination is required also with the Council and with Member States. National Governments and national Parliaments must be co-protagonists in the European decision-making process and must feel, therefore, co-responsible vis-à-vis national public opinion.

Each Commissioner must defend the whole policy of the Commission whenever appropriate and especially vis-à-vis public opinion in his country of origin. We must explain the added value of the European dimension according to the principle of subsidiarity, emphasizing what can be done efficiently at the European level and what cannot be done, or cannot be done equally well, at a national level.

This political key role of the Commission is however possible only if we work together with the European Parliament. With this issue I shall deal more at length in the answers to the following questions.

IV. Democratic accountability to the European Parliament

7. *How do you envisage your accountability to the European Parliament?*

The Commission has the fundamental task of helping, through its proposals, to reach a political synthesis of the European general interest. The raw materials for this synthesis are offered by the Member States through the Council and by civil society. The authority and the democratic legitimacy that allow the Commission to speak in the name of a European general interest are conferred on the Commission by the European Parliament. The European Parliament is directly elected by the people and has a direct, democratic legitimacy of its own. To work with the Parliament, to be accountable to the Parliament, means for the Commission to have democratic legitimacy and to be able to exercise its function with full authority. This cooperation includes a direct and regular dialogue between the Commissioner and his/her corresponding Committee, direct access and communication links between the Commissioner and the Committee, the availability of the Commissioner to individual MEPs, a willingness to take into account Parliament's views, etc. All this is clearly stated in the Framework Agreement on relations between the European Parliament and the Commission and has been forcefully reaffirmed by Mr. Barroso in his speech before Parliament in which he pleaded for a "partnership with the Parliament".

- a. From a strictly political standpoint, do you consider that, in case a hearing should lead to a negative conclusion, the concerned Commissioner-designate should withdraw his/her candidacy?**

In the same spirit I think that a Commissioner should fully accept the principle defined in the Framework Agreement according to which the President of the Commission can request a Member of the Commission to resign if Parliament expresses a lack of confidence in her/him.

- b. To what extent do you consider that you are responsible for the answers provided by your services to the Parliament as a result of requests emanating from its Committee on Petitions or other responsible committees? If called upon to justify or explain previous acts of the Commission, or previous omissions, to what extent do you consider yourself as being accountable to Parliament?**

According to the Code of Conduct for Commissioners, each Commissioner is answerable to the College for his/her activities and those of his/her department. On the other hand, the Director-General is answerable to the Commissioner and the College for the proper implementation of the guidelines set by the College and the Commissioner.

It is a general political line of conduct that the services should fully cooperate with requests emanating from the Committee competent for the specific issue or the Committee for Petitions. Each Commissioner should seek to ensure some sort of institutional continuity in the transition from the old Commission to the new while retaining, of course, the right to propose changes of policy, should he/she feel it necessary.

Should the need arise, I would immediately activate all internal auditing and investigation procedures to bring fully to light what has taken place, to discover the truth and establish the responsibilities. On this basis I would immediately inform the President, the Commission and the European Parliament in order to take all the appropriate measures.

c. What do you understand by the concept of political responsibility before the Parliament for the activities of your Directorate(s)-General? What steps do you intend to take to ensure your Directorate(s)-General are well-managed?

A Member of the Commission should take full political responsibility for action in his/her field of responsibility, as stated in the already quoted Framework Agreement on relations between the European Parliament and the Commission.

The Commissioner, in accordance with the College, sets the political guidelines. The Director-General is responsible for their implementation and is answerable for this implementation to the Commissioner and to the Commission. He has also the duty of keeping the Commissioner fully informed on the management of the services, as stated in the Code of Conduct for Commissioners, in line with the distribution of powers defined by the Staff Regulations, the Financial Regulations, the Rules of Procedure and the rules laid down as part of the administrative and financial reform of the Commission.

There are however three cases in which, notwithstanding the Commissioner's political responsibility for the activities of his/her Directorate-General, his/her individual responsibility would be at stake:

- When she/he infringes the collegiality rules
- When she/he behaves personally in an inappropriate way
- When she/he does not reach the required level of competence in his/her functions.

Personal supervision, correct institutional relationships, loyalty, trust and transparency in the relationship between Commissioner and services are the best means to ensure that the Directorate-General will be well managed.

For this purpose I have the intention of meeting often (at least once a week) with the Director-General and the top managers of the services entrusted to my responsibility.

8. *How important would you consider implementing the inter-institutional cooperation (Commission-Parliament), in particular with the relevant parliamentary committees in your area of competence? In this new context, what does transparency mean for you, in the inter-institutional legislative procedure between the European Parliament, Council and Commission, as well as in the inter-institutional relations in general?*

a) Importance of inter-institutional cooperation

Interinstitutional cooperation between the Commission and Parliament is of the utmost political importance in order to allow the Commission to fully exercise its role, as I have already stressed.

I intend, therefore, to fully implement the rules contained in the existing provisions (Framework Agreement on Relations between the European Parliament and the Commission; Agreement between the two institutions on procedures for implementing Council Decision 1999/468/CE on Comitology; Interinstitutional Agreement on Better Law-Making).

b) Cooperation with parliamentary committees

I consider it a privilege to have the opportunity of working with the Committee on Civil Liberties, Justice and Home Affairs. I have been a Member of this Committee and I have learned to appreciate its integrity and efficiency and I have had the opportunity of becoming acquainted with many of those who are now its senior Members.

The hearing will be, I hope, an occasion to confirm these ties and to establish a personal relationship with the new Members based on mutual trust and respect.

Direct links between the Commissioner and the Committee, both as a body and with its various members, frequent attendance at the Committee's meetings, prompt and clear information, capacity to listen to opinions and improvements suggested by Members of Parliament, are the conditions for a fruitful cooperation.

c) Transparency

All this implies full transparency as provided for in the above-mentioned regulations and interinstitutional agreements (to which Regulation 1049/2001 should be added and the importance of Annex III of the Framework agreement stressed).

The Commissioner should be ready to give to Parliament at any moment all the information required in order to improve the quality of law-making, to enhance the efficiency of the service rendered to citizens and to strengthen the reciprocal trust between Commission and Parliament.

9. *What concrete measures do you consider necessary in order to ensure that the concept of gender mainstreaming is implemented in your specific policy area? Do you have a policy strategy, and what financial and human resources do you think are necessary to implement gender mainstreaming in your portfolio?*

General actions by the Commission should be strongly oriented in the direction of equality between women and men. It is particularly important in the field of my competence. I should like to remind Members that, in the Justice, Freedom and Security portfolio, a gender equality working group monitors and evaluates the annual gender equality work program in the light of the Charter of Fundamental Rights.

The gender dimension is taken into account or is even central in several policy areas:

- Prevention of violence against children, young people and women (Daphne II). After 2008 this line of action should not be abandoned but rather strengthened.
- Struggle against trafficking of human beings
- Asylum and integration policies
- The activities of the European Refugee Fund
- The participation of women in democratic life

The internal human resources policy of the Justice, Freedom and Security area reflects a clear commitment to gender balance: women are about 55% of the staff. This indicator declines sharply however at Director level. Only 25% of our Directors are women. This may depend upon the fact that only in recent years have an adequate number of women entered this career and therefore only a few have been able to reach senior posts. It should be, however, further investigated whether other additional factors obstruct the proper and full use of women's talents in the senior posts of our services.

We must better understand, both in the political action of the Commission and in its internal organization, the obstacles that still make it difficult to reach full equality of opportunities. The Group of Commissioners on gender equality and the Commission's Inter-service Group have the task of monitoring the existing situation and of making proposals. The new staff regulations and the Fourth Action Program for Equal Opportunities for Women and Men at the European Commission set aims and define rules to further develop a work culture which respects the contribution of women and men and recognize gender differences.