

**ANSWERS TO THE EUROPEAN PARLIAMENT  
QUESTIONNAIRE TO THE COMMISSIONER-DESIGNATE**

**Dimitris AVRAMOPOULOS**

**Migration and Home Affairs**

**1. General competence, European commitment and personal independence**

**What aspects of your personal qualifications and experience are particularly relevant for becoming Commissioner and promoting the European general interest, particularly in the area you would be responsible for? What motivates you? How will you contribute to putting forward the strategic agenda of the Commission?**

**What guarantees of independence are you able to give the European Parliament, and how would you make sure that any past, current or future activities you carry out could not cast doubt on the performance of your duties within the Commission?**

Throughout my political career I stood for the cause of a democratic state governed by the rule of Law, that is responsive to the needs of its citizens. At the same time, I have always struggled to bring about the necessary political syntheses that lead to results. Above and beyond petty politics and ideological dogmas, I have dedicated myself to three fundamental political values: efficiency, accountability and political synthesis. I have always claimed that democracy is the art of synthesis. The bridging of these three values is what the European citizens demand today from us.

During my tenure as the Mayor of Athens, for two consecutive terms, I faced the first wave of irregular immigration and developed innovative municipal welfare services for the care and the support of the population that struggled with social exclusion. I also initiated the practice of "Cities' Diplomacy", so as to tackle together with the Mayors of the World shared urban challenges, including the imperative of social cohesion. As Minister of Tourism I laid the foundations of a sustainable and open tourism growth policy that has marked the rapid development of the Greek tourism and promoted the image of Greece and of sustainable tourism across the world. As Minister of Health and Social Solidarity, I experienced the potential and the shortcomings of the European welfare state and ensured that all irregular immigrants received free medical care from the Greek National Health System. As Minister of Foreign Affairs, I energetically developed the role of Greece as a stabilizing factor, in a turbulent geopolitical environment defined by instability and new threats. Finally, as Minister of Defence I worked for the deepening of the European Defence and Security Cooperation. My motivation for doing so is my conviction that in view of the contemporary security challenges that Europe faces, solidarity and responsibility sharing is the only realistic option that we have.

I consider the Portfolio of Migration and Home Affairs as a critical political, social, cultural and humanitarian challenge. The European policy on Migration and Home Affairs will be a test for the cohesion of our societies and the protection of European fundamental rights. It will be a crucial test for the legitimacy of the European project as well. To this end, the challenge in front of us is not a technocratic endeavour. It is above all, a political undertaking that needs effective international cooperation, strategic planning, coalition building and solidarity. We need above all a preventive strategy on migration and Home Affairs that will limit the cost of curative measures. We also need an extensive vision on migration, security and rights that will involve close cooperation with the European Parliament.

In relation to my independence, I would like to declare that I will fully comply with the provisions of Article 17 of the Treaty on European Union and the Code of Conduct for Commissioners and I will exercise my duties in accordance with the principles of independence and impartiality. In addition, I would like to stress that my

Declaration of interests foreseen by the Code of Conduct for Commissioners is complete and is accessible to the public. My declaration will be updated if need be or if the Code is reviewed.

Furthermore, I fully support our new commitment to transparency set out in the political guidelines by the President-elect. I commit to making public all the contacts and meetings I hold with professional organisations or self-employed individuals on any matter relating to EU policy making and implementation.

## **2. Management of the portfolio and cooperation with the European Parliament**

**How would you assess your role as a Member of the College of Commissioners? In what respect would you consider yourself responsible and accountable to the Parliament for your actions and for those of your departments?**

**What specific commitments are you prepared to make in terms of enhanced transparency, increased cooperation and effective follow-up to Parliament's positions and requests for legislative initiatives? In relation to planned initiatives or ongoing procedures, are you ready to provide Parliament with information and documents on an equal footing with the Council?**

As Commissioner in charge of Migration and Home Affairs, if confirmed, I will take the full responsibility for my activities, proposals and initiatives, while respecting the principle of collegiality. The Commission presented by the President-elect is organised differently from its predecessors; therefore, I will be closely working with the First Vice President in Charge of Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights, who will steer and coordinate my work, alongside that of the Commissioner for Justice, Consumers and Gender Equality. I will also explore synergies with the High Representative of the Union for Foreign Affairs/Vice President of the European Commission and I will work with all other Commissioners especially in the areas of crisis management, development, trade and employment. There will be a consistent and continuous cooperation among the different Commissioners.

My objective is clear: the decisions taken by the College in the field of Migration and Home Affairs must be forward-looking, efficient and focused.

I am committed to establishing a close and political cooperation with the European Parliament, based on trust and mutual respect. I will be accountable to you and I wish to maintain a regular, fruitful and constructive cooperation with the LIBE Committee.

I am open to a regular dialogue in full transparency, treating both co-legislators at equal footing. In particular, I intend to keep the LIBE Committee fully informed on the negotiations of the international agreements, according to the Treaty provisions and in line with the Framework Agreement.

Concerning the follow-up to European Parliament's positions and requests, I will apply the provisions of the Framework Agreement and, in my areas of responsibility, make sure that the Commission responds to parliamentary resolutions or requests made on the basis of Article 225 TFEU, within 3 months after their adoption. In this context, I support and fully endorse the commitment made by President-elect Juncker that the future Commission will be particularly attentive to legislative initiative reports.

## **Questions from the Committee on Civil Liberties, Justice and home Affairs**

### **3.Question**

**Which will be your 2 priorities in the area of migration and home affairs? Which specific method will you apply to make sure these 2 priorities are delivered?**

**Are you ready to participate in a question time with the LIBE Committee upon request in order to review these priorities and discuss relevant topical matters?**

The President-elect has made clear that establishing a new European approach on legal migration is a top priority. The current economic climate as well as the demographic challenges and the shrinking working-age population make it necessary to attract specific skills and talents to the European labour market. In my answer to question 4, I go into more depth about my priorities for legal migration.

Beyond that, my first priority will be to do everything possible within my mandate to cope in an efficient manner with the migratory pressure at our borders, and fully respecting fundamental rights. While the humanitarian disaster of the civil war in Syria, the crisis in Iraq and instability in our wider neighbourhood continue, we will go on seeing large numbers of people seeking international protection coming from different areas of the world. And others will continue to try to reach Europe in search of an escape from wars and poverty. To prevent the tragedies of people dying on the sea while attempting to enter the European Union, we need to engage on several levels.

We have to bring those to justice that exploit the needs of people in distress and that are responsible for the death of thousands of migrants. If confirmed as Commissioner, I will pay particular attention to the fight against smuggling of migrants. We need to make sure that European Border Guard Teams are put into action at the sections of our external borders with the highest pressure, with the participation of all Member States to become a rule. In addition, we need to look at the feasibility and need for further reinforcing the Frontex Agency.

Stepping up contacts with countries of origin and transit and ensuring complete and consistent implementation of the Common European Asylum System will also play a key part in this.

The second priority will be addressing the multi-faceted challenges in the area of security. We need to keep Europe safe and secure. This must be achieved in full respect of fundamental rights, in compliance with the Schengen rules that allow people to travel without internal border controls, and without building a "fortress Europe". It will be a priority for me to strengthen the integration of fundamental rights into EU internal security policies, in full coordination with the future Vice-President in charge of Fundamental rights.

With this in mind, there is an urgent need to step up the fight against terrorism, in particular by addressing the issue of so-called foreign fighters. The EU must assist Member States in addressing this threat through actions to prevent and counter radicalisation and instruments to reveal the travel routes of foreign fighters. If confirmed as Commissioner, I will work on setting out operational measures which can make a real difference in fighting terrorism.

I believe that the EU needs to find a new narrative on the role of law enforcement in the digital age. The availability of electronic communications data is a critical tool for criminal investigations. EU action on law enforcement in the digital age has to provide the necessary tools to fight terrorism and serious crime, including cybercrime, while fully respecting the right to privacy and the protection of personal data. The Court of Justice's judgement on the former Data Retention Directive sets strict requirements for the way ahead (see below). Research in security also helps to take advantage of the contribution that new technologies can make to build a Europe safer for its citizens.

I intend to work in a close and trust-based partnership with the European Parliament and in particular with your Committee. In that respect I think that it is only natural that I participate in depth discussions with the LIBE Committee to evaluate the priorities and give them appropriate steer. I will make myself available for that whenever necessary.

The guiding principle of my work will be respect for fundamental rights. The proposals that I will present to the co-legislators, either on migration or on home affairs, will comply with the Charter of Fundamental Rights. I am also committed to working in full transparency not only towards the other European institutions but also to communicating clearly with European citizens and other stakeholders.

#### **4. Question**

**After the 1st December 2014, how do you intend to make use of the Commission powers to ensure the full transposition and implementation of EU legislative instruments in the fields of migration, asylum and the fight against crime and terrorism? How will you inform the LIBE committee?**

**Do you consider the existing legal migration legislative instruments consistent enough to face the current challenges? If yes, could you elaborate using recent examples? If not, what will your strategy be?**

As of 1 December 2014, the general powers of the Commission and the Court of Justice of the EU to ensure correct transposition and implementation of EU legislation by the Member States will also apply to measures in the field of police and judicial cooperation in criminal matters. In the area of migration and asylum the general powers of the Commission already apply now.

If confirmed as Commissioner I will consider a priority the full transposition and implementation of EU law in the fields of the fight against organised crime, terrorism and corruption in the private sector, as well as in the area of exchange of available information among Member States' law enforcement authorities. As for the rest of the policy areas covered by my mandate, I would not hesitate to propose to the College to launch infringement procedures, if necessary, and will ensure continuous monitoring and reporting on the implementation of the internal security strategy.

Recent years have seen a substantial body of new legislation in the migration and home affairs fields – the Common European Asylum System (CEAS), a series of measures on legal migration, a new comprehensive approach to address trafficking in human beings and a new Schengen governance system, to name just a few. One of the major challenges for the coming years will be to ensure complete and consistent transposition and implementation of this legislation across the whole of Europe. To take the example of asylum, if the new standards of the CEAS are applied in consistent manner in all Member States, individuals with similar cases should receive the same decision wherever their claim for asylum is assessed. A well-functioning CEAS will create the mutual trust between Member States to launch further steps in order to improve the system, as well as giving EU citizens confidence that everyone is playing by the rules. Effective implementation of the migration acquis will also be a priority. I would seek to ensure that the Commission plays its full part as guardian of the treaties, and would not hesitate to use the enforcement powers of the Commission wherever this proves necessary.

If confirmed as Commissioner, I will regularly update the LIBE Committee on the state of play of implementation of all EU instruments under my responsibility.

One of the early goals for my period in office, as indicated in the President-elect Juncker's Political Guidelines, will be to complete a review of the Blue Card scheme covering legal migration for highly skilled third-country nationals. The first years of implementation of the “Blue Card Directive” has shown several shortcomings, such as the existence of competing, parallel national schemes, which create fragmentation and uncertainty and hold back the potential of the legislation to attract talent. Moreover, highly qualified migrants look at the EU as a whole, just like the US, Canada and Australia: we therefore need to ensure that intra-EU mobility scheme is an attractive option, facilitating circulation of talents and skills within the EU.

My ambition on legal migration is not limited to high-skilled migrants only. The EU can face shortages in many different areas of the labour market. I want to work with colleagues to allow us to identify Europe's needs and to make the case for why we need to address skills shortages through legal migration. We need to set European rules so as to clarify legal pathways for all categories of workers that seek to reach the continent. And we need to step up the fight against those exploiting irregular migrants by ensuring an effective enforcement of rules like the Directive on Sanctions against Employers employing irregular migrants. This will also help reducing one of the pull factors of irregular migration.

I will also give a high priority to the negotiations on the Directive on students and researchers – another key element to attract the brightest brains to the EU – in order to ensure they are completed in 2015.

More generally, I would propose to undertake a fitness check of the legal migration legislation in place, with a view to identifying any further possible problems and gaps that remain. Based on this thorough assessment of the existing legislation, and in close consultation with the European Parliament and the Member States, our objective should be to ensure more coherence and consistency in the EU framework for legal migration.

## **5. Question**

**Last 8 April 2014 the European Court of Justice in joined cases C-293/12 (Digital Rights Ireland) and C-594/12 (Seitlinger) declared Directive 2006/24/EC (Data retention Directive) invalid.**

**Could you explain which first steps you would take in order to ensure this judgement is implemented throughout the Union? Would you consider legislative or other types of action at a later stage?**

The judgement of the Court of Justice of the EU in joined cases C-293/12 (Digital Rights Ireland) and C-594/12 (Seitlinger) is of pivotal importance for the protection of Fundamental Rights and at the same time it requires careful analysis.

The Court stated clearly that the former Data Retention Directive (Directive 2006/24/EC) did not comply with the principle of proportionality and was therefore invalid. At the same time, the Court stated that having regard to the growing importance of means of electronic communication, the telecommunications data retained pursuant to the former Data Retention Directive was a valuable tool for criminal investigations. In this respect, the Court stated that the retention of such data genuinely satisfied an objective of general interest, namely the fight against serious crime and international terrorism.

In the current absence of EU legislation obliging Member States to require data retention, Member States can still establish or maintain national data retention legislation in compliance with the so-called e-Privacy Directive (Directive 2002/58/EC) and in accordance with the general principles of Union law, including fundamental rights, as well as their own constitutional principles.

Given the implications and risks for the protection of rights, citizen's security and the good functioning of the market, the Commission should explore the options for possible future common rules for the retention of such data, in full compliance with fundamental rights. The judgement of the Court sets out a number of strict requirements that will need to be met by any possible new EU legislation on data retention, including the need for differentiation of data collection and effective data protection safeguards.

If confirmed as Commissioner, I will examine the best options for the way forward in close consultation with other Members of the College, and I will undertake this assessment in an open dialogue with the European Parliament, Member States, citizens, data protection authorities and industry.