

TUESDAY, 19 JANUARY 2010

STRASBOURG

COMMITTEE ON CIVIL LIBERTIES, JUSTICE
AND HOME AFFAIRS

HEARING OF CECILIA MALMSTRÖM
COMMISSIONER-DESIGNATE
HOME AFFAIRS

2-002

IN THE CHAIR: Juan Fernando LÓPEZ AGUILAR

Chair. – Good morning, ladies and gentlemen, members of the Committee on Civil Liberties, Justice and Home Affairs (LIBE). I welcome Mrs Cecilia Malmström, Commissioner-designate for Home Affairs, to the LIBE committee. I shall start by wishing you all the best for 2010.

2-003

Es un honor dar la bienvenida a la señora Malmström como candidata a la importante responsabilidad que le ha sido asignada en la estructuración y composición de la futura Comisión, como Comisaria para la cartera de Asuntos de Interior. La duración de esta comparecencia será de tres horas, lo que nos va a obligar, una vez más, a vigilar la disciplina en el manejo del tiempo de cada una de las intervenciones.

Teniendo en cuenta las peticiones que hemos recibido de la Comisión de Empleo y de la Comisión de Derechos de la Mujer, habrá tres preguntas en esta área y tres en la otra, en cada una de las dos mencionadas, y hemos llegado a un acuerdo con los coordinadores de los grupos políticos para que el total de 27 preguntas que se van a formular a la Comisaria propuesta se formulen en un minuto de tiempo exactamente cada intervención y que la respuesta de la candidata a Comisaria sea de dos minutos, seguida de una segunda intervención de réplica, comentario o seguimiento de la primera, con una nueva oportunidad para la Comisaria de responder de nuevo, de replicar, por un minuto.

De modo que un minuto, pregunta; dos minutos, respuesta; un minuto, réplica; y un minuto, la réplica de la Comisaria propuesta. Por tanto, solicito a cada uno de los diputados y diputadas que se disponen a intervenir, que tienen tiempo asignado, que se atengan a ese tiempo máximo, para no verme obligado a cortar el micrófono y poder manejar con flexibilidad los tiempos de uso de la palabra, como hicimos en la anterior comparecencia de la candidata Viviane Reding, en la Comisión LIBE.

Invito también, por supuesto, a la candidata a respetar el tiempo máximo, tanto en la primera intervención como ahora, en la exposición de su agenda durante 10 minutos, en la conciencia de que arrancamos este trabajo con los

mejores deseos de colaboración entre el Parlamento y la Comisión en un momento crucial, que se corresponde con la puesta en marcha del Tratado de Lisboa y la emergencia, como capítulo crucial de la agenda del Tratado de Lisboa, del Espacio de Libertad, Justicia y Seguridad, el programa de Estocolmo y la puesta en práctica de la Carta de los Derechos Fundamentales de la Unión Europea.

Bienvenida de nuevo, señora Malmström.

2-004

Cecilia Malmström, nominerad kommissionsledamot. – Herr ordförande, kära utskottsledamöter!

Det är en stor ära för mig idag att komma till er som föreslagen kommissionär för inrikesfrågor. Många av er känner mig från min tid i Europaparlamentet eller kanske från tiden i höstas när jag representerade ordförandeskapet i ganska många debatter i kammaren. Nu sitter jag inför er i en ny position och ser fram emot att samarbeta med er under de kommande fem åren.

I december antogs Stockholmsprogrammet av Europeiska rådet. Nästan samtidigt trädde Lissabonfördraget ikraft. De här två frågorna innebär ökat inflytande för Europaparlamentet och effektivare beslutsfattande i Europeiska rådet.

Med både Lissabonfördraget och Stockholmsprogrammet på plats har vi en unik möjlighet att ta itu med de frågor där medborgarna verkligen vill att EU ska agera. Ingen medlemsstat kan ensam hantera hotet från den organiserade brottsligheten. Ingen medlemsstat kan på egen hand möta den utmaning som den ökade migrationen innebär. Det här är områden där det finns ett klart och tydligt mervärde av att samarbeta i Europa.

Jag är också fullt medveten om att vi som företrädare för EU måste hantera frågan om bristande legitimitet. Att valdeltagandet har fallit i varje val till Europaparlamentet är bekymmersamt.

Vi kan bara skapa tilltro till EU-institutionerna genom att lyssna på vad människor önskar och vad de förväntar sig av EU, och sedan leverera resultat på de områdena. Vi måste bli mycket bättre på att föra en dialog med

allmänheten och det civila samhället och förklara vad vi gör och varför. Det ansvaret ligger på oss alla.

Stockholmsprogrammet ger oss en möjlighet att se till att just medborgarnas oro och förväntningar står i centrum för det vi jobbar med. De visioner som jag nu ska presentera är hämtade från Stockholmsprogrammet. I arbetet med att utarbeta de här prioriteringarna har Europaparlamentets resolution från november 2009 varit till stor hjälp.

Min målsättning är att se till att EU:s politik på inrikesområdet går hand i hand med arbetet att stå upp för och försvara de grundläggande rättigheterna. Allt EU-samarbete måste bygga på våra gemensamma värderingar och de måste utan undantag respekteras. Medborgarna måste vara säkra på att de kan leva i ett säkert och tryggt Europa där deras frihet, rättssäkerhet och integritet alltid garanteras.

I mitt arbete med EU:s inrikespolitik vill jag att solidaritet ska vara ett nyckelord. Det handlar om solidaritet mellan EU-institutionerna – kommissionen, parlamentet och rådet – och mellan medlemsländerna när vi tar oss an den enorma uppgiften att skapa ett gemensamt asyl- och migrationssystem som bygger på humanism och effektivitet. Det handlar om solidaritet mellan de brottsbekämpande myndigheterna som måste arbeta mycket bättre tillsammans för att bekämpa de hot vi står inför, och det handlar om solidaritet inom kommissionen så att vi kan agera i en sann anda av samarbete och kollegialitet.

Låt mig nu bli lite mer konkret. För det första avser jag att jobba för att utveckla en gemensam politik för invandring och asyl. Jag tror på ett globalt angreppssätt där vi arbetar i partnerskap med tredjeländer för att erbjuda skydd till dem som behöver, främja legal invandring och stötta utveckling i vår omvärld, samtidigt som vi kontrollerar den illegala invandringen.

Asylpolitiken är vår möjlighet att på ett konkret sätt stå upp för de värden som unionen är satt att försvara: mänsklig värdighet och solidaritet. Jag vill därför utveckla EU till ett enda gemensamt skyddsområde för dem som flyr undan förtryck och förföljelse. Vi behöver utveckla en gemensam politik till skydd och asyl som baseras på solidaritet, förutsägbarhet och delat ansvar. Europa måste kunna erbjuda skydd för dem som mest behöver det, med full respekt för principen om *non-refoulement*, d.v.s. att vi inte återsänder människor som är hotade i hemlandet.

Men en sådan politik kan bara vara trovärdig och legitim om vi också hanterar irreguljär migration på ett effektivt sätt. En av EU:s största framgångar är de fyra friheterna som genom att avskaffa gränskontrollerna har gjort att medborgare och företag har kunnat röra sig fritt över gränserna. Men avsaknaden av inre gränser innebär också att vi måste ha en effektiv övervakning av de yttre gränserna. Här ingår till exempel en återvändandepolitik som är effektiv och human. En sådan politik måste utvecklas och genomföras tillsammans med tredjeländer.

För det andra vill jag skapa ett system för laglig invandring till Europa. De flesta medlemsländer har en åldrande befolkning och EU:s framtida konkurrenskraft är beroende av att arbetsmarknaden är dynamisk och flexibel. Behoven ser olika ut i olika medlemsländer, men det står klart att vi i framtiden kommer att behöva öka arbetskraftsinvandringen till Europa. Jag vill därför lägga vikt vid att visa på fördelarna med att komma till EU på ett lagligt och tydligt reglerat sätt. Men om det här ska fungera så måste det verkligen finnas möjligheter och det måste vara en till fördel för alla inblandade. Det betyder arbete under rimliga villkor och förhållanden som bidrar till att Europas ekonomier och samhälle utvecklas.

Samtidigt måste vi ha en bättre integrationspolitik som svarar mot behoven på medlemsländernas arbetsmarknader och tar bort hinder för nyanlända att fullt ut delta i arbetslivet. En slags *immigration code*, ett regelverk för invandring, ska antas som försäkrar att legala migranter omfattas av rättigheter som motsvarar de som EU-medborgare har. Här behöver vi göra mycket för att förbättra samstämmigheten och effektiviteten i dagens politik för migration och rörlighet. Därför vill jag göra en översyn av den lagstiftning och policy som finns på området.

För det tredje vill jag ta fram en intern säkerhetsstrategi som baseras på samarbete, solidaritet och respekt för de grundläggande rättigheterna. Den här strategin måste göra det möjligt för oss att utnyttja alla de verktyg vi har för att bekämpa olika former av hot, försvara våra fri- och rättigheter och stå upp för medborgarnas liv och säkerhet. Här måste vi integrera de brottsbekämpande myndigheterna, gränskontrollverksamheten och de straffrättsliga systemen. Vi måste bevisa för våra medborgare att vi menar allvar med att bekämpa organiserad brottslighet som slår sönder våra samhällen och ödelägger liv. Det handlar om terrorism, människohandel, sexuellt utnyttjande av barn, korruption, cyberbrott, narkotika och så vidare.

Här har EU-myndigheter som Frontex, Cepol och Europol en viktig roll att spela. Samarbetet med Eurojust och Europeiska unionens byrå för grundläggande rättigheter måste fördjupas. Jag kommer att lägga förslag på hur myndigheterna ska bli bättre rustade, och jag kommer att börja med Frontex.

Ett effektivt samarbete förutsätter att vi har ett effektivt informationsutbyte. Min avsikt är att se till att detta sker inom ramen för starkast möjliga skydd för personuppgifter, något som också krävs för att vi ska leva upp till stadgan för grundläggande rättigheter.

Europa måste vara en stark partner i en alltmer globaliserad värld. Den externa dimensionen av frihet, säkerhet och rättvisa är avgörande. Vi måste arbeta i nära partnerskap med våra grannar och allierade.

En av mina första åtgärder blir att presentera en handlingsplan för hur Stockholmsprogrammet ska

genomföras. Det kommer jag att göra tillsammans med Viviane Reding. Handlingsplanen kommer att innehålla en fullständig förteckning över alla de initiativ vi kommer att ta tillsammans. De här kommer att bygga på genomtänkta och konkreta underlag.

Nu när Lissabonfördraget äntligen är på plats kommer nästan alla mina ansvarsområden omfattas av medbeslutande av Europaparlamentet. Det är en mycket välkommen förändring. Det ger större legitimitet och insyn och ansvarsutkrävande i inrikespolitiken. Det innebär att ni och jag kommer att arbeta mycket tillsammans de kommande fem åren.

Jag har alltid varit engagerad i arbetet med offentlighet och insyn. I den egenskapen kommer jag att se till att ni och rådet får likvärdig information i alla relevanta handlingar. Jag kommer att verka för ökad öppenhet och bättre lagstiftning och för att kommissionens förslag blir mer lättillgängliga och begripliga.

Mina sju år som ledamot har gett mig stor respekt för Europaparlamentet och jag vet vilken stor kunskap, engagemang och expertis det finns här. Jag är redo att arbeta tillsammans med er för att försvara europeiska värden och skapa ett medborgarnas Europa – ett Europa där vi visar respekt mot varandra och erbjuder skydd, där vi åtnjuter både säkerhet och försvarar vår personliga frihet, ett Europa som tar itu med de frågor där människor vill att vi ska agera och som bidrar till att bekämpa den organiserade brottsligheten, garanterar en human och rättvis asyl- och migrationspolitik och som samtidigt skyddar de yttre gränserna mot irreguljär migration.

Vi har mycket arbete framför oss. Men med er kunskap och ert engagemang så lovar jag att göra mitt yttersta för att vi ska kunna leverera resultat på de här viktiga områdena.

2-005

Chair. – Thank you Mrs Malmström. You rushed to make it in the limited time of 10 minutes, plus one minute of flexibility, and I hope everyone here makes the same effort to rush through in time. We will now move on to questions under the d'Hondt system.

2-006

Simon Busuttil (PPE). – Kull sena mijiet ta' dghajjes jitolqu mill-kosta Afrikana fuq vjagg klandestin u perikoluż lejn l-Ewropa, organizzat mill-kriminalità organizzata. Fis-seklu 21 dawn it-tipi ta' vjagği huma skandalużi u għandhom żewg konsegwenzi gravi. L-ewwel nett, johlqu tragedja umana b'mijiet ta' nies [li] jegħru kull sena fil-baħar. It-tieni nett, ipogġu piz sproorzjonat fuq il-pajjizi membri tan-naħa t'isfel tal-Ewropa li jsalvawhom, li jilqgħuhom, u li jieħdu ħsieb dawn l-immigranti salvati.

Illum in-nies ta' dawn il-pajjizi qegħdin isegwuk permezz tat-televizjoni u jridu mingħandek impenn ċar: li inti twaqqaf din ir-rotta illegali, din it-tragedja umana darba għal dejjem.

Il-mistoqsija tiegħi hija sempliċi u ċara: Int dan l-impenn lest li tieħdu? Se twaqqaf din ir-rotta illegali darba għal dejjem? U kif se tasal?

2-007

Cecilia Malmström, Commissioner-designate. – Thank you very much, Mr Busuttil. I agree with you that we see a lot of horrible tragedies in the Mediterranean, and of course this must be stopped.

Europe has a responsibility to receive and to give shelter to those who need protection under the Geneva Convention and the principle of asylum and refoulement. But in order to defend that policy we must also fight against irregular migration and organised trafficking and smuggling, because this is happening a lot. I do not know if I can handle this alone, but I am ready to work with you to decrease this and to tackle this problem.

We need to reinforce Frontex. As I said in my introduction, we will strengthen Frontex. We need to increase solidarity between the Member States in order to share the responsibility. We will very soon have in place the Asylum Office, based in Malta, which will be helpful in facilitating this.

We have various resettlement programmes. There is the Malta project that will be evaluated very soon. Maybe we could turn this into something more stable and permanent. I will look into that as soon as we have the evaluation. We must also, of course, work very closely with third countries in order to see how we can involve neighbouring countries around the Mediterranean – transit countries – in this work to stop illegal trafficking.

Of course we must also have a global approach. Migration has been with us since Adam and Eve, and it will continue as long as there are differences in political systems and economic development between countries. So there is also a very broad foreign policy dimension in trying to support democracy, human rights and economic development in these countries. It is a very broad and complex question, but I am ready to work with the Parliament and with you in order to tackle this problem.

2-008

Simon Busuttil (PPE). – It-twegiba tiegħek tagħtini tama li nistgħu naslu. Pero nixtieq inkompli nistaqsik dwar il-proġett illi inti semmejt. Bħalissa hemm proġett pilota li permezz tiegħu jgħin lill-pajjizi tan-naħa t'isfel tal-Ewropa biex immigranti li jaslu f'dawn il-pajjizi jimxu lejn pajjizi oħra.

Sfortunatament pero, dan il-proġett bħalissa qed jistrieħ fuq hekk imsejha solidarjetà volontarja, mentri li hemm bżonn hija solidarjetà effettiva li taħdem. Jien nixtieq nisma' mingħandek aktar dettalji fuq kif is-solidarjetà se twassalha biex titwettaq bil-fatti u mhux bil-kliem biss.

2-009

Cecilia Malmström, Commissioner-designate. – I think we have gone quite far when it comes to solidarity. In

just the last two years we have developed quite a lot. We will hopefully soon have the Asylum Office in place. We have quite a lot of money in Frontex and in the Border Control Fund; it has increased tremendously these last years. We have this multiproject with nine countries involved; I had hoped there would be more countries, but it is a good start and we can see how we can maybe make this more a permanent project using different means.

I will also put forward proposals on how to strengthen Frontex, with increasing pressure for Member States to really participate and to meet their commitments there and to fulfil the Immigration and Asylum Pact. All Member States have committed to that. You and I know very well that the moods in the different countries differ on this and on their willingness, so we can only work together to reinforce this and try to provide as many concrete tools as possible for them to show solidarity not only in theory but also in practice. The Commission will put forward as many of the tools that I just outlined as possible.

2-010

Claude Moraes (S&D). – Mrs Malmström, as my colleague said, solidarity is one of the key issues you will be dealing with, but in your opening statement you also mentioned respect for fundamental rights. You will be the first Home Affairs Commissioner. The portfolio is now split between Home Affairs and Fundamental Rights yet every issue which is essential for our group – the asylum package, migration, the key anti-terrorism measures, SWIFT, PNR, Eurodac, body scanners – all of these intrinsically contain fundamental rights aspects as well as security.

How are you going to get to the heart of this matter? You will of course communicate with your fellow Commissioner, but it is going to be a continual process, a potential conflict.

I shall give one example on Eurodac which just illustrates how this would work. The asylum fingerprinting database should just be an asylum fingerprinting database, but there is possible access now to law enforcement authorities. You will be at the heart of these debates. What is your view on how you can resolve these conflicts and ensure that you respect both fundamental rights and the important security aspects of your portfolio?

2-011

Cecilia Malmström, Commissioner-designate. – It is a new division of labour within the Commission that President Barroso has decided upon, maybe because implementing the Stockholm Programme is so gigantic, we need two women to do it. We might have needed three men!

We will be in the same DG, and I will work very closely with Mrs Reding. I know that she said last week that she will work to mainstream all decisions from the Commission related to fundamental rights, and I will work very closely with her to do that.

The difference now is that we have the Lisbon Treaty and we have codecision with Parliament. I am quite confident that many of the proposals that I would ‘Lisbonise’ and put forward to you will be subject to codecision. I know the very strong commitment to fundamental rights and human rights in this House and I count on you to work together with me on making sure that this conflict, because there might be a conflict as you say, is handled in the best possible way.

For those who know me, you know that I have been working with human rights all my political life and I would not have taken this job if I was not convinced that I would get a very strong print on fundamental rights for this portfolio as well.

2-012

Claude Moraes (S&D). – Even for two women you are going to have some great challenges, one of which will again be at the heart of the difficulties you will face. It is a possibility we have heard about: last week *Agence Europe* quoted a French Minister as saying that the Spanish Presidency should have a European PNR system. We have had so many problems with the United States in dealing with PNR. How would you deal with this kind of challenge, understanding the lessons that we should have learned from PNR as we are already dealing with it?

2-013

Cecilia Malmström, Commissioner-designate. – To take PNR as an example, the EU has a working group with the US on PNR, and they will meet very soon – within a few days or weeks – in order to assess and evaluate the EU/US when it comes to costs and benefits and human rights and data protection aspects, proportionality and all that. We will have to look into that before we go any further.

I will also make a commitment to you to carry out a general overview of the whole data information structure that we do have in the European Union in order to assess what we have, what is missing, what is superfluous, and how we can organise this in a better way. While doing that, proportionality, efficiency, usefulness and the respect of data protection and the individual’s integrity will of course be very important.

2-014

Jeanine Hennis-Plasschaert (ALDE). – The ALDE Group believes that the common asylum system must be established without delay. You stated that your focus will be on prompt adoption of the remaining proposals. Within the framework of better law-making, could you please identify one directive that should be regarded as the backbone of the remaining asylum package?

My second question: like Mr Busuttil said, it goes without saying that the pressure of irregular immigration is ever-increasing. Stricter border controls cannot be the only solution. Push and pull factors need to be tackled. What concrete initiatives will you take in order to reduce incentives to immigration?

Lastly, with regard to legal immigration, access to highly-skilled labour is key to the competitiveness of European companies. A directive to cover entry and stay of intra-corporate transferees was announced in 2005; however the Commission has yet to adopt such a directive. Will you establish this directive as a matter of priority?

2-015

Cecilia Malmström, Commissioner-designate. – Thank you: that is a lot of question in two minutes! On the first question: yes, I think there is a lot to do, and there is a whole asylum package that we will have to look through together. But the asylum reception conditions are the backbone of this. We must have equal systems on how we receive people that are predictable, that are known and that Member States can fulfil and respond to. We have very varied systems within the European Union, and if we really want to have a common asylum policy, we need to have the same conditions for receiving people. That will be something that puts more order in this policy as well.

As I said, migration is a global phenomenon. It has been going on since Adam and Eve. We will not stop it, but if we want to have an asylum policy that is credible, we need also to control our frontiers, as I said to Mr Busuttill. We will need a lot of different tools in order to do that. I outlined many of these, and I do not have to repeat them because I am so short of time. But one thing we need to do is make sure that there are legal ways to get to Europe and that we can offer these legal ways. They will have to be regulated, they will have to be very predictable, and they will have to be agreed on by the Member States.

There would be a few directives that I would put forward. One is a directive on seasonal workers, for instance, and then there will be the intercorporate directive allowing for large companies to employ staff, because there are a lot of complications today relating to that. So we will look into facilitating that. I will put those proposals on the table very soon at the beginning of the year in order to discuss them with the European Parliament.

2-016

Jeanine Hennis-Plasschaert (ALDE). – As you just mentioned, stricter border controls cannot be the only solution but are of course of the utmost importance. You mentioned that you would like to reinforce the role of Frontex, and rightly so. At present Frontex does not have its own equipment and Member States have, in fact, no obligation to deliver. Do you intend to introduce a mandatory mechanism for Frontex or for the participation of Member States – or, even better, do you agree that Frontex should have its own equipment? If not, why not? If so, what initiatives will you take?

More generally, how do you judge the current commitment of Member States in terms of solidarity? This was discussed before, but I would like to hear your views once more. So, how do you intend to boost the

political willingness of the Member States to swiftly and ambitiously push Europe's forward-looking strategy on asylum and migration?

2-017

Cecilia Malmström, Commissioner-designate. – As I said, at the beginning of this year if I am accepted by you, I will put forward a proposal on how to reform Frontex and it will contain proposals on specialist branches. It will cover how Frontex can also work in the future with other agencies.

I will propose that Frontex should be able to buy its own equipment that can be used in its own operations. I think that would be helpful and would also facilitate matters because, as you say, Member States do sometimes commit to operations but then do not carry them out. It is very difficult to plan for Frontex, so we need to give them these possibilities. Frontex must also be equipped with staffing and expertise in order to educate on border controls, on human rights and on the principle of *non-refoulement* and so on. That is very important.

As regards solidarity, we did discuss this with Mr Busuttill. I think we do have a lot of tools. We have financial tools, we have political tools, we will have the asylum office, and we have the Malta project – to which I am really committed – to see how we can make that a more stable part of it. We will have to work together in order to see how this will come into being in the Council. I am not naive. I know the difficulties, but this is the only way forward that I know of.

2-018

Judith Sargentini (Verts/ALE). – If I may say so, the Green Group has very high hopes for the work you hopefully will do in the near future on migration and asylum.

We do have a question though. In the past, unfortunately, we have seen that Commission proposals on issues concerning legal migration have been blocked by the Council. What is your view on this? Moreover, how will you deal with such blocking by the Council of proposals on legal migration if this should occur?

Secondly, since the policy plan on legal migration in 2005, we have not seen many real concrete results. I mention, in particular, the single permit and a directive regarding seasonal workers. Could you please explain to us how you will tackle these issues and whether you have concrete plans for that?

2-019

Cecilia Malmström, Commissioner-designate. – Thank you very much, Mrs Sargentini, and thank you for your confidence. I am not superwoman but I will try to do my best!

Yes, it is very clear in the Stockholm Programme, and it has been since Amsterdam, that Member States want to commit themselves to establishing programmes on legal migration. We will need people in Europe. We have an economic crisis right now but it will pass. It varies

between the countries, but we do need people in different sectors. That is something that is very clear and it will be in the Europe 2020 strategy in order to help our economies. We need to arrange legal ways for workers to come to Europe. That is also one way of fighting irregular migration, of course: to be open to legal ways.

The single permit: Yes, it has been stuck for a long time; but it is important, as are the conditions of legal migrants, that they should know that if they come legally to Europe they have a set of rights that they are entitled to. They should be equivalent to those of EU members. That is very important if you want to attract people to come to Europe. They can be extremely helpful to our economies; they bring a lot of entrepreneurship and they also enrich our countries culturally and with their experiences.

And as I said there are three proposals that I will put forward: starting with seasonal workers, also the inter-corporate directive and then – a little bit later this year – I will put forward the trainees' directive. We will have to work in the Council and with you in order to make this feasible.

It is important for Europe's economy. It is also important to strengthen development in other countries that we make deals with third countries; that if they are to help us fight irregular migration they must also be given possibilities to come legally.

We will also, of course, eventually evaluate the blue card. It is not operational yet, but we can already work on this. So I will put this forward very soon this first semester.

2-020

Hélène Flautre (Verts/ALE). – Les travailleurs migrants en situation régulière en Europe font également l'expérience concrète de la violation de leurs droits et font l'objet de discriminations. Je reviens, avec d'autres collègues, de Calabre, où nous avons pu constater à quel point, dans le secteur agricole, les droits de ces personnes sont bafoués. Je crois que c'est le gros problème auquel vous allez être confrontée.

Vous avez dit que vous souhaitiez marquer d'une empreinte forte votre engagement en faveur des droits fondamentaux: vous allez avoir fort à faire. Nous avons reçu, la semaine dernière, le directeur de Frontex. Vous voulez renforcer les pouvoirs et les moyens de Frontex, engager davantage les États membres dans le travail de Frontex, mais si vous parlez aujourd'hui au directeur de Frontex, c'est comme s'il avait à refouler d'Europe des marchandises frelatées, ni plus ni moins. La dimension humaine n'est pas du tout assumée. Vous allez donc avoir un travail extrêmement décisif à faire pour que les migrants en général, demandeurs d'asile ou pas, puissent jouir et bénéficier de l'effectivité de leurs droits, tels que garantis.

Comment comptez-vous vous y prendre pour réussir cette gageure?

2-021

Cecilia Malmström, Commissaire désignée. – Je suis tout à fait consciente de ce problème. Comme vous le dites, les migrants – irréguliers ou légaux – ont des droits humains. C'est à l'Union européenne de toujours les défendre. Nous avons toujours le droit et le devoir de défendre les droits de tous les êtres humains de cette planète.

Comme je l'ai dit à votre collègue, il faut en effet travailler sur ce permis de *seasonal workers* pour garantir les droits des immigrants. L'Europe – l'Italie et les autres pays – a besoin de travailleurs, mais il faut garantir leurs droits. Il faut lutter contre le crime organisé, parce que ces travailleurs sont souvent victimes de trafics et considérés comme des marchandises, ce qui les laisse tout à fait sans droits, sans salaire, sans rien. Ils sont aussi victimes des turbulences locales qui agitent les sociétés où ils se trouvent. Il faut lutter contre tout cela.

L'Union européenne doit toujours, même lorsqu'il s'agit de défendre les frontières, respecter le principe de non-refoulement, respecter le droit individuel des demandeurs d'asile et faire en sorte que tout individu ait la possibilité de demander l'asile s'il le souhaite. Le fait que l'asile lui soit accordé ou pas, c'est un autre procès. Mais l'Europe a ces obligations-là, et je veillerai, avec Mme Reding, à ce que Frontex, à ce que toutes les autres autorités dont nous disposons et à ce que l'Union européenne y répondent. C'est leur devoir.

2-022

Timothy Kirkhope (ECR). – The events of the last few weeks have once again thrust EU security and action against terrorism to the top of the political agenda. The Stockholm Programme, as you know, states that there is a need for a comprehensive and cross-European strategy for the prevention of and fight against terrorism, cross-border crimes such as trafficking in human beings, internet abuse, cyber crime and tobacco smuggling. It also calls for a more robust fight against corruption, combining efforts and resources at the disposal of the Member States, institutions, agencies and information exchange networks.

Commissioner-designate, I would like to ask you how you intend to move forward in the area of terrorism and organised crime, here and also with our international friends. I should also like to seek your assurance that, whilst doing this, you will be keeping at the forefront of your mind the importance of proportionality in Europe's response?

2-023

Cecilia Malmström, Commissioner-designate. – Thank you, Mr Kirkhope. This is in fact one of the priorities I will pursue quite quickly. We need an internal security strategy to fight against all those threats of terrorism and organised crime and other things, as you mentioned. We need to look at this.

The European Union has done some things, but we need to assess in a more comprehensive way the tools we

have to fight against terrorism. I want to make a total review of the anti-terrorism tools we have when it comes to data information; when it comes to cooperation with third countries, including our American friends but also others; when it comes to our legislation, the policies, the funds and so on, in order to make a more comprehensive framework in the fight against terrorism. We might lack something, we might have some things which are duplicated and which we need to get rid of. I will come with these evaluations to this committee very soon.

When it comes to new data protection, new information systems and so on, they always have to be evaluated on the proportionality, on the costs, on the added value and with a very strong respect for integrity and fundamental rights. As I said at the beginning, I will look at all these systems with all these issues in mind.

When it comes to terrorism, we have to assess the tools in order to prevent, to protect, to pursue and to respond. We have different agencies. We have different legislative measures. We need to put increased emphasis on the victims as well. We have done some things but we need to do much more for the victims of terrorism, and this will be proposed within the context of the internal security strategy.

2-024

Timothy Kirkhope (ECR). – I am quite reassured by that response. However, regardless of how many women there may be operating in this sphere, can the Commissioner-designate – as a very powerful and positive woman – reassure me and the committee that the same proportionality that we discussed a moment ago will be observed when considering the amount of legislation that is to be imposed on Member States in this area of security and crime-fighting, and that focus will still be placed on greater cooperation and, where appropriate, respect for national priorities and even opt-outs?

Commissioner-designate, do you agree with me that a blanket approach to security policy may not always be totally practical or effective?

2-025

Cecilia Malmström, Commissioner designate. – As you say, the European Union does not have many legislative tools in the field of terrorism. The operational responsibility lies with the Member States, and the European Union can coordinate these more and see how we can reinforce what I said on prevention, on pursuit, on protection and so on. There we have done a lot.

So, when I say that I want to make a comprehensive review it does not mean that I want to come up with new legislative proposals, but it means that I want to have an overview. I think it can be helpful – I know that this Committee has raised the issue before with my predecessor, Mr Barrot, as well – to have this view. What do we have? How can we use these tools in a more intelligent way? Can we get rid of a few, as maybe they are useless? Or is something lacking? Do we have a loophole that we need to fill, and how can we do that?

This is something that I am ready to discuss with you in the months to come.

2-026

Rui Tavares (GUE/NGL). – Senhora Malmström, gostaria de conhecer melhor o seu pensamento, principalmente sobre questões de asilo, não em proclamações gerais, mas quando colocado perante situações concretas. O Sr. Laitinen, do Frontex, esteve nesta casa, na semana passada, e descreveu os acordos com a Líbia para gestão de fluxos migratórios como uma boa notícia. Mas, poucos dias depois, a revista italiana *L'espresso* publicou um vídeo que confirma aquilo que muitos suspeitavam já sobre a maneira como a Líbia trata os imigrantes que lhe devolvemos. Vemos seres humanos exangues, no deserto do Sara, enfrentando uma morte muito provável.

Se isto voltar a acontecer no seu turno, sob a sua responsabilidade, o que dirá e o que fará? Não pretende, por exemplo, rever o mandato do Frontex para incluir aquilo que é uma tradição antiga e nobre da humanidade, que é o salvamento de náufragos em alto mar? O que fará para garantir o respeito do princípio de *non refoulement*, por exemplo? O que fará para garantir que nenhuma pessoa sujeita a perseguição política, étnica ou religiosa seja devolvida a um país que não assinou os Acordos de Genebra sobre refugiados? Gostaria de saber a sua resposta a estas questões concretas.

2-027

Cecilia Malmström, Commissioner-designate. – I am not quite sure if I understand your question correctly, but if not, you will have to come back to me.

The European Union, all Members and all human beings have a responsibility to save lives. With my work in strengthening Frontex, I will also have to look at the Law of the Sea. I know it has been difficult for Member States to agree on the definition. There is now a proposal circulating in the Council that will be sent to the European Parliament in order to get some clarification as to what happens when Member States and Frontex act on common territory. I hope that can be agreed upon because it will make things easier.

The principle of non-refoulement is an international convention and we, as democratic states in the European Union, are bound by it. We have to make sure that we can give protection to people who flee for their lives, who suffer oppression, violation of human rights by dictatorships and so on. Sometimes it is difficult to know whether these people – for instance, if we are talking about the Mediterranean – are fleeing for their lives because of oppression or whether they, like many Europeans did a hundred years ago, are looking for a better life because they live in very poor and miserable conditions. A quarter of the population of my country left Sweden a hundred years ago because they were so miserable. They went to the United States to seek a better future. They contributed to building the United States and they found a new home there.

You also asked a question on Libya. We need to talk to Libya of course. Libya is an important neighbour. It is a country of transit and from which people emigrate. We need to talk to them. It is not very easy because Libya is not exactly a democratic country, but we need to find a way forward in order to have collaboration. I know that there has been rapprochement from the Commission and from the former Presidency to Libya.

It is moving very slowly forward, but we will have to talk to them and see how we can have the means of cooperating so that they help us to do this, while always reinforcing the commitment they have to treat people according to international principles. We also need to work with the UNHCR, who are already in Libya, in order to help them to build up their capacities, reception conditions and so on. It will not be easy. It will take a long time.

2-028

Rui Tavares (GUE/NGL). – Senhora Malmström, falámos do lado dos problemas, vamos falar do lado das soluções. Uma das soluções efectivas para refugiados em risco é o *resettlement*, a reinstalação de países terceiros para a União Europeia, o que é diferente de realocização de refugiados dentro da União Europeia, que é outra coisa também muito importante.

O ACNUR estima que haja cerca de 200 mil refugiados a reinstalar, os Estados Unidos reinstalam cerca de 60 mil, ou mais, desses refugiados. O seu colega, Ministro da Imigração da Suécia, disse que a Europa reinstalaria 100 mil refugiados por ano, mas sinceramente não se vê como isso pode acontecer. Neste momento, reinstalamos 5 mil e não há sequer uma unidade permanente seja no futuro EASO, seja noutra estrutura ou noutra quadro da União Europeia a trabalhar permanentemente em *resettlement*. Acha que seria positivo instalá-la? Como prevê passar de 5 mil por ano a 100 mil por ano?

Como me restam 10 segundos, falou de direitos iguais para imigrantes legais, eu gostaria de saber se isso inclui o direito de voto? É só uma resposta, sim ou não, na sua opinião.

2-029

Cecilia Malmström, Commissioner-designate. – Sorry, maybe I misunderstood your question, there was such a variety of subjects.

You, Mr Tavares, are the rapporteur for the resettlement directive, and I very much look forward to hearing your thoughts on this. Resettlement is of course one of many solutions. Some countries are already involved in that: some EU countries could do more, and other third countries could do more. This might be part of a solution to give these people shelter and to share the responsibility within the European Union.

2-030

Mario Borghesio (EFD). – Signora Commissario designato, ho apprezzato molto l'approccio razionale, non ideologico, che lei sembra dare alla sua futura attività di Commissario sui temi dell'immigrazione.

Tuttavia, non mi è ben chiara – e devo dire che questo mi preoccupa un po' – la sua posizione su questa direttiva per le multinazionali e la inviterei a dirci qualcosa in più, magari anche con altre risposte.

Molto spesso nella nostra commissione sentiamo attivamente i rappresentanti di paesi come il suo, del Nord Europa, diffondersi e pungolare l'Unione europea e le istituzioni europee sugli aspetti dell'aiuto umanitario e del trattamento umanitario, in particolare per l'asilo.

Questi stessi paesi, però, sono totalmente assenti quando si tratta di condividere lo sforzo che paesi come il mio, come la Grecia, come la Spagna, come Malta, devono affrontare da soli per l'accoglienza e per tutto quello che riguarda l'impatto della situazione dei migranti, in particolare di quelli richiedenti asilo.

Volevo anche citare un fatto specifico: il Commissario Ferrero-Waldner ha assunto come Unione europea degli impegni precisi con la Libia per il controllo delle frontiere esterne. Non ritiene necessario invitare tutti i 27 paesi a partecipare concretamente anche alle spese? Perché le nobili intenzioni sono una cosa, i fatti concreti sono un'altra!

2-031

Cecilia Malmström, Commissioner-designate. – We in the European Union often congratulate ourselves on being the main body defending human rights and human dignity in the world, so we also have a responsibility to receive people who seek protection when they flee from dictatorship and oppression. All the Member States have that obligation. I agree with you that some countries take a larger responsibility and some take a smaller, but all countries in the European Union do take responsibility for this, and should do so.

We have talked a lot about how we share the responsibility within the European Union. I have given a few ideas on how this can be done. I know that there is a lot of pressure on certain countries in the Mediterranean, but it is not only a question for the Mediterranean: a large number of migrants to Europe, whatever their status, come by air, come via eastern Europe or come on other modes of transport. However, I know there is great pressure on the Mediterranean and I have mentioned a few ways in which can work on that – Frontex, resettlement programmes, the different deals on cooperation we can make with third countries around the Mediterranean. I will continue to do that, but I want to stress that we also have international commitments to receive people who ask for asylum and to give them certain rights.

2-032

Mario Borghesio (EFD). – Spero quindi che lei risponda alla mia precisa domanda. L'Unione europea deve applicare al problema del diritto all'asilo e della sistemazione, della ricollocazione, anche in senso umanitario, degli immigrati e in particolare dei richiedenti asilo, il metodo di *burden sharing*. I costi devono essere spalmati su tutti i 27 paesi, perché qui le

nobili intenzioni sono di tutti i 27, mentre il carico umanitario e di spese grava solo su tre o quattro paesi.

Per quanto riguarda Frontex, lei ci ha annunciato – e mi pare che questo sia positivo e rappresenti un po' l'interesse di tutti – una riformulazione, una riorganizzazione di Frontex. Ci sono molti aspetti che sono stati indicati da altri colleghi, io ne indicherei due.

Uno è che tutta la questione, molto delicata e importante sotto tanti aspetti, dei rimpatri venga gestita da Frontex, venga gestita e finanziata da tutti i paesi europei, sempre in base al solito principio e quindi a spese dell'Unione europea e non dei singoli paesi, perché sappiamo benissimo che questo grava su alcuni paesi, fra cui il mio.

Il secondo è se voglia esaminare la proposta di affidare i centri di identificazione, di soggiorno, di accoglienza, a strutture coordinate e dirette da Frontex.

2-033

Cecilia Malmström, Commissioner designate. – I think that Frontex should be able to. In the proposal I will put forward – which of course is not finished yet: I will still have to listen to a few proposals – I will propose that they can buy their own equipment so that they will be stronger and better equipped when they act in joint operations. The ultimate responsibility over the borders lies with the Member States, but Frontex can coordinate and be helpful. Frontex can also help Member States in repatriating, sending people back once they have received proper examination. They know the people who want to apply for asylum, and if the procedures have been correct so that they can be sent back without risking their lives or risking mistreatment – as in the principle of *non-refoulement* – Frontex can help with that. But the ultimate responsibility will of course lie with the Member States.

2-034

Krisztina Morvai (NI). – Két rövid történet, és a reakcióját várom, mit tenne ön. Az első: 2006. október 23-a, Budapest. Több tízezres, békés tömeg emlékezik az 1956. évi forradalomra. Egyszer csak hatalmas, brutális rendőri támadás, gumilövedékek, gumibotok, könnygáz, több száz sérült. A környékbeli utcákban európai uniós különböző állampolgárok, turisták békésen vacsoráznak. A rendőrök ide is betörnek, akit érnek összevernek. Második történet: a politikai ellenzék ismert vezetője, házkutatás ellene, éjszaka közepén feleség otthon egyedül, 40-50 símaszkos kommandós megjelenik, ellepik a házat, hatósági tanú nincs, jegyzőkönyv nem készül, 10 óra hosszat tart az úgynevezett házkutatás, amelynek a végén mindenfajta garancia nélkül táskába téve lefoglalnak számítógépeket. Az illető informatikus, ebből adódóan például a Lufthansa társaság üzleti adatait tartalmazó számítógépeket és számos más számítógépet. A véleményét várom, mit tenne ön?

2-035

Cecilia Malmström, Commissioner designate. – I do not think I can answer that. I do remember the events in

2006, and I also know a minister of the Swedish Government was there on that occasion, and I remember the violence.

(Inaudible intervention from the floor)

But it is of course up to the Hungarian authorities to investigate whether the police exceeded their powers or whether they reacted in a way which is not in compliance with Hungarian law.

The other case you mentioned is also a national case. The Commission cannot comment on that, and I do not know the details, so I am afraid I cannot answer your questions.

2-036

Louis Bontes (NI). – Mevrouw Malmström, ik ben niet gerust geworden van uw verhaal. Sterker nog, ik ben zwaar ongerust geworden. Waarom? Ook u pleit voor massa-immigratie. U gebruikt oneigenlijke argumenten zoals vergrijzing en concurrentiepositie, dit terwijl Europa te kampen heeft met miljoenen werklozen. Ouderen komen niet aan het werk en u zit hier te pleiten voor massa-immigratie, omdat dat zo goed zou zijn.

Heeft u wel oog voor de problemen in de grote steden? Heeft u oog voor problemen in Londen? Heeft u oog voor problemen in Brussel, Parijs, Malmö, Amsterdam, Rotterdam? Die steden kampen met enorme problemen door massa-immigratie en u zit hier te pleiten voor weer een nieuwe immigratiegolf! Als ik u tot nu toe hoor, zou ik zeggen: ik ben zo ongerust. Ik hoop dat u niet op de post komt van commissaris voor Binnenlandse Zaken. Ik hoop het met alle oprechtheid, want u op die plaats betekent nog meer massa-immigratie en dat mag niet gebeuren.

2-037

Cecilia Malmström, Commissioner-designate. – It will vary between countries, of course, but all European countries will, in the future, need labour immigration.

It will vary between the sectors and the needs, but we will also need labour migration in order to maintain our economies and in order to be able to pay the pensions for the older generation and for our welfare systems. That is not the solution to the economic problems that we will face, but it is one part of the solution. There is a lot of research and different demographic statistics that show this.

The amount and the sectors will have to be decided by the individual Member States, but Europe should have a common regulation on how to handle this, and that is something that I will put forward.

Then you raised the important issue of integration. That is a very important point. In many of the Member States, we will have to do much work together, bearing in mind that it is mainly the responsibility of the Member States to see that these people can integrate into the labour market in the societies where they have chosen to live.

2-038

Edít Bauer (PPE). – A Foglalkoztatásügyi Bizottság részéről szeretném föltenni a következő kérdést: nyilvánvalóan az ön elkötelezettsége rendet tenni a bevándorlási politikában rendkívül erős. Ismerve Európa demográfiai helyzetét és azokat a trendeket, amelyeket megélünk, nyilvánvaló, hogy csodára ezen a területen nem lehet várni és én is egyet értek önnel abban, hogy szükség van Európában egy bizonyos mértékű bevándorlásra. Ön a bevezetőjében azt mondta, hogy „win-win” helyzetet akar teremteni, ami föltehetően nem egy egyszerű feladat. Azt szeretném öntől megkérdezni, hogy milyen elképzelése van arra vonatkozóan, hogy az uniós munkaerőpiacon ne kerüljenek hátrányba az uniós polgárok? Nyilvánvalóan a bérharc az egy rendkívül erős összetevője a versenyképességnek. Mit lehet tenni, hogy az uniós polgár is a harmadik „win”-t megkapja?

2-039

Cecilia Malmström, Commissioner-designate. – Mrs Bauer, that is a very relevant question. We will have to make sure that it is a win-win situation for the people who come. Some of them might be part of what we call circular migration: people who want to come back to their countries with new expertise and new experiences, and some will want to stay. That will have to be decided by individual Member States.

We will also make sure that ethical considerations are taken into account, because we do not want to build a system of brain drain, for instance in the health sector, from certain developing countries. I will work very closely with my colleague who is responsible for employment in order to make sure that these people who do come, whether they come on short contracts or permanently, have access to rights and to the labour market, with fair salaries and fair conditions, but that they do not constitute competition for the others. We have posting of workers directives and other directives to regulate that. It is very important to take this into consideration, and it is also something we will work very closely together on, in order to make sure that that is not a non-wished result, a non-win-win situation.

2-040

Edít Bauer (PPE). – Just a complementary question. We have some regulations concerning sanctions imposed on employers who employ illegal migrants. How do you consider that the legal liability of subcontractors would be enforceable?

2-041

Cecilia Malmström, Commissioner-designate. – This is a very important directive. It has not yet entered into force but, of course, Member States can already choose to implement it. I think that is also part of fighting against illegal or irregular migration. We have legal migration but we must also control trafficking, because human trafficking is often behind this. People are made to come to Europe with promises and then they work in unbearable conditions. We can see the consequences of that in Italy and other places.

We will have to make sure that employers can certify that they fulfil the criteria and conditions for proper

employment and that they can supply that to the national authorities. It would have to be a nationally organised system, of course. Furthermore, if they break or violate these rules they are breaking the law. The directive is not implemented yet, but there is nothing hindering Member States from already applying it.

2-042

Emine Bozkurt (S&D). – Mrs Malmström, many women flee to Europe from gender-based violations of human rights such as female genital mutilation or forced marriages, but are currently being denied their right to asylum because of the absence of gender-sensitive asylum guidelines in all EU countries, except for the UK and your own country, Sweden.

A European Asylum Support Office is to be set up in early 2010 in Malta and will need to be allocated adequate resources. Could you detail three concrete measures you will take to ensure that the European Asylum Support Office will provide effective and uniform protection across Europe for women fleeing from gender-based violations of human rights?

2-043

Cecilia Malmström, Commissioner-designate. – We know that globally a majority of migrants in the world are women – not in Europe, but globally. We do, of course, have to be very gender-sensitive to this. European migration policy and asylum policy must be a specific consideration for vulnerable groups – women, children, pregnant women, people with handicaps etc.

The Asylum Office, and also the general policy, will need to have a gender analysis on this. In our reception conditions, how can we make sure that women, especially women that have been subject to rape or sexual mistreatment, can have specific rehabilitation conditions? How can we make sure that women and men are kept apart? How can we make sure that women with children have specific consideration?

This must, of course, be part of the Asylum Support Office mandate, but also of the general mandate when we shape migration legislation and asylum legislation. This is something that should be mainstreamed into all legislation, and I will work with Mrs Reding in order to make sure that happens.

On female genital mutilation, people who are under that fear should be given protection in Europe. There are already measures in order to try to combat and work against that, via Daphne for instance, but this is something that we will also have to look at in the future.

2-044

Emine Bozkurt (S&D). – Female genital mutilation (FGM) has become a growing problem in Europe as a result of the migration of populations from regions where such practices are taking place. By placing the eradication and prevention of FGM high on its agenda, the EU would send a clear message that female genital mutilation should be abandoned worldwide. What role will you play in the fight against female genital

mutilation, and how do you feel about developing a European strategy to combat FGM?

2-045

Cecilia Malmström, Commissioner-designate. – The Commission has no explicit legal power in the area of domestic violence or violence against women, and female genital mutilation comes under this heading. However, the Commission has started to draw up a communication on how we can work with these issues together with the Member States, and I know this will be a priority of the Spanish Presidency.

Female genital mutilation is one part of the horrible violence committed against young girls and women in Europe – this applies globally as well, of course – and we will have to exchange good practice in a more systematic way, to see how we can work on this using preventive measures.

I know of some very good examples financed under the Daphne Programme, where work has been done on this topic with local communities, religious leaders and NGOs in order to inform, to prevent, and to involve parents from certain ethnic groups.

The legislation varies a little between the Member States, but I think we should reinforce our cooperation in order to prevent female genital mutilation, because it is a horrible offence committed against too many women, especially young girls, in Europe and globally.

2-046

Salvatore Iacolino (PPE). – Signor Commissario designato, lei ha parlato nel suo breve intervento iniziale dell'esigenza di mettere mano alle agenzie: fra queste vi è senz'altro l'Osservatorio per le tossicodipendenze di Lisbona.

Peraltro, il tema della droga è un tema particolarmente complesso, è crescente il consumo di sostanze di policonsumo psicoattive, soprattutto fra i giovani. Molte di queste sostanze vengono associate all'alcol, tutto questo determina crescenti difficoltà e molto spesso danni irreparabili.

Recentemente, anche il documento di Stoccolma si è occupato specificatamente di questo tema, non soltanto sotto il profilo della riduzione del danno, ma anche della limitazione del rischio e della prevenzione.

Quali sono gli indirizzi che lei vorrebbe dare sotto questo aspetto all'Osservatorio e, ancora, come intende cooperare e raccordarsi, sia con la Reding sotto questo aspetto, ma anche con Dalli, il Commissario per la tutela dei consumatori, per dare un'effettiva tutela alla persona?

2-047

Cecilia Malmström, Commissioner-designate. – Mr Iacolino, you have raised a very serious problem on which the European Union has not done enough.

Of course the Member States have the ultimate responsibility and we have differing legislation. We have made a little progress with our Drugs Action Plan, we have the European Monitoring Centre for Drugs and Drug Addiction, and we now have the Stockholm Programme, which aims to look further into this issue.

I will be happy to work together with you on this. It is an area in which we have to think how we can find measures to coordinate work in the European Union, because, as you say, it has health aspects as well as aspects relating to organised crime and drug dealing. On the one hand we need to ask how we can fight against that, but we also need to ask how we can work with local communities, with civil society, with the different organisations and NGOs in order to tackle these problems.

I am really aware of the problem, but I do not see the immediate tools that the European Union has to address it. However, it certainly merits a discussion within the new Commission together with other relevant Commissioners, Mr Dalli and Mrs Reding, so this may be an issue on which we can come back and discuss in the committee as to how to proceed.

The European Union has not really grasped the seriousness of this problem, particularly given that we will mainly have to work at a local level in order to combat it.

2-048

Salvatore Iacolino (PPE). – In qualche modo collegata alla problematica della tossicodipendenza vi è anche quella del sovraffollamento delle carceri: in molti Stati membri, un terzo della popolazione detenuta è caratterizzato da soggetti appartenenti a paesi terzi, e un terzo di questa popolazione detenuta ha problemi di alcol, di droga, problemi particolarmente seri che impongono anche un'assistenza sanitaria qualificata.

Anche sotto questo aspetto, il documento di Stoccolma è intervenuto, sia sotto il profilo del comfort alberghiero, con idonee risorse finanziarie per costruire o ampliare nuove carceri, sia sotto il profilo dell'inclusione sociale, del reinserimento sociale, di dare un'opportunità, una chance reale e concreta ai soggetti già detenuti, per offrire loro una condizione di vita migliore.

Sotto questo aspetto, quali programmi intende realizzare alla luce di queste previsioni contenute nel richiamato documento di Stoccolma?

2-049

Cecilia Malmström, Commissioner-designate. – Well Mr Iacolino, I do admit that this is a very serious problem and we should give it more attention, but the European Union cannot solve all problems on a European level.

We can highlight the problem, we can provide a few tools, we can provide some funding to projects and we can exchange ideas. But some of these issues are best handled locally or with the local community.

According to the principles of subsidiarity and proportionality, we always have to evaluate whether measures are best decided upon at the European level or the national level.

Maybe this is an issue where we can reinforce our cooperation and raise the subject so as to discuss it and exchange experiences. I do not see myself proposing any kind of hard tools or tough legislative measures in this matter. I do acknowledge, however, that it is a very serious problem.

2-050

Ole Christensen (S&D). – Currently we have millions of people living and working illegally in Europe. Many of them have come to the EU in search of a better life and many of them have been misled with promises of a good life in Europe.

The reality is that as long as they stay illegally in Europe they have almost no rights: no rights to insurance, no access to healthcare, their children do not attend school and they do not pay tax and so on. In a way they work and stay here as modern slaves.

A major reason for this enormous problem is the steady demand for illegal workers. What will you do to combat the demand for illegal workers?

2-051

Cecilia Malmström, Commissioner-designate. – I am touched by the trust you have in me to solve these enormous problems, but the Commission is there to try to tackle them.

You are totally correct, Mr Christensen. Some of these people are taken to Europe under false pretensions. They think they will have very glamorous jobs and some people end up in horrible conditions. Some people end up in shabby brothels as sex slaves and so on. This is totally unacceptable, but the solution is not easy. It is very multi-faceted.

We have to work to establish the legal tools on seasonal workers, on intra-corporate workers and on labour migration depending on the needs of the individual member countries to elaborate on this. We also need legislation in order to make sure that those who come to Europe legally can have rights that are equivalent to European Union citizens' rights.

We have to work against trafficking. We have to work with neighbouring countries in order for them to be involved in this, to inform them, to provide them with other measures on mobility agreements and so on, and to ask them to help us fight against illegal migration, because it is a problem.

Once they are in a country, the legal rights they have vary very much from country to country. I know that in my country and in your own country there is a very lively debate on whether to give access to healthcare or education and so on to these people. For the moment, I

do not think we can foresee any common legislation on that at European level. It is far too sensitive.

2-052

Ole Christensen (S&D). – You know that the Council and Parliament decided on the Sanctions Directive. This directive seeks to punish the employer and not the employee.

How will you ensure that employers in the future cannot get away with hiring illegal workers? And how will you make sure that the Member States implement this directive in the right way?

2-053

Cecilia Malmström, Commissioner-designate. – This will have to be done under the same condition: that the Commission always supervises the Member States in fulfilling the commonly adopted directives.

As I said in response to an earlier question, it is important that we do not allow employers to use trafficked or illegal employees in this matter.

It will first have to be controlled nationally, of course, according to their systems. But the Commission is always the Guardian of the Treaties and it checks that Member States are complying with the directives that have been decided upon.

So this will be done in the same way as it has always been done, and I will not hesitate to take Member States to court if they break this directive or any other directives.

2-054

Birgit Sippel (S&D). – Frau Malmström! Ich würde Ihnen gerne erst eine sehr grundsätzliche Frage stellen, und wenn ich mich Ihrer Einleitung entsinne, glaube ich, dass Sie die sehr kurz beantworten können. Können Sie eine formale Zusage machen, dass sie zusammen mit Frau Reding und dem Rat regelmäßig in unseren Ausschuss kommen, um bei internationalen Abkommen das Europäische Parlament unverzüglich und umfassend zu unterrichten, wie dies ja auch in Artikel 218 des Vertrags von Lissabon vorgesehen ist?

Ich will ergänzend konkret etwas zu SWIFT fragen: Welche konkreten Erkenntnisse liegen Ihnen zur Notwendigkeit und auch zur Wirksamkeit von SWIFT als Antiterrormaßnahme vor? Und wenn die Zeit noch reicht, vielleicht noch ein Letztes: Welche drei Punkte aus unserer EP-Entschließung haben für Sie für SWIFT eine besondere Bedeutung bzw. müssten nach Ihrer Überzeugung auf jeden Fall umgesetzt werden?

2-055

Cecilia Malmström, Commissioner-designate. – There are three questions. On the first question, yes, I will commit myself, if I am appointed, to come to the committee, as did my predecessor. I think with the Lisbon Treaty in place we will have a lot of co-legislation to do together. I will need your help on all this 'Lisbonised' material. So I will come often to the

committee and to the European Parliament. You can count on that. That is a promise.

On SWIFT, yes, we have now a temporary agreement, a nine-month agreement that will enter into force very soon. I have been given some clear examples of the utility of SWIFT and I think it is helpful in tracking terrorism financing. I know that Members of this Parliament went to Washington some time ago and that you raised this issue. I would like both American and European law enforcement authorities to give you concrete examples. I will try to get them so that you will see the utility of this.

I have a few examples on individuals in the UK being convicted last September; according to the German authorities, it did allow an attack to be prevented in 2007; and the US has given us numerous examples of how tracking these finances has helped them to avoid quite big attacks.

This will be discussed in Toledo tomorrow at the JHA Council together with Commissioner Barrot. We will see what the future is for SWIFT. After that we might come back with new information, particularly regarding the agreement on more a permanent SWIFT. That of course will have to be decided with Parliament.

I know that you pay great attention, as do I, to data protection, and I will do my utmost to help improve that aspect of the temporary agreement even more.

2-056

Birgit Sippel (S&D). – Ich will den Fragenkatalog ein wenig erweitern. Sie haben vorhin schon erwähnt, dass es im Grunde genommen keine europäische Strategie zur Terrorismusbekämpfung gibt, sondern dass es immer nach Terroranschlägen einzelne Maßnahmen gibt, die *ad hoc* beschlossen werden. Das war bei SWIFT so nach den Anschlägen vom September 2001, und auch jetzt nach den Anschlägen vor Weihnachten gibt es wieder die Diskussion um die Nacktscanner.

Allerdings gibt es zunehmend Experten, die diese Einzelmaßnahmen in Frage stellen, und gerade der Anschlag von 2009 hat ja gezeigt, dass nicht technische Lösungen die Frage sind, sondern dass es offenbar ganz andere Probleme gibt. Von daher noch einmal meine Frage, Sie haben ja vorhin am Rande schon einmal dazu gesprochen: Welche Eckpfeiler einer einheitlichen und koordinierten Strategie zur Terrorismusbekämpfung wären für Sie ganz wichtig und welche sind nach Ihrer Meinung derzeit noch nicht eingeführt und müssten noch einmal intensiver geprüft werden?

2-057

Cecilia Malmström, Commissioner-designate. – Mrs Sippel, I think there may have been a problem in the interpretation. But I did underline quite clearly, at least once, that I think we need to move away from this piecemeal approach to terrorism, and that I want to get an overview of all the tools that we have at our disposal when fighting terrorism. That concerns, of course, data and information exchange, the different policies, the

different funds, the different directives – everything that we have at our disposal.

We need to look at this. We also need – and I will do this together with Mrs Reding – a total overview of the whole architecture of information sharing, both within the European Union and with countries outside, in order to get a full picture and to see if anything is missing or if anything is superfluous, and to evaluate these things when it comes to data protection, efficiency, costs, added value and proportionality. I will then bring to you proposals within the internal security strategy on how to best fight terrorism.

2-058

Agustín Díaz de Mera García Consuegra (PPE). – Señora candidata, mis mejores deseos y buena suerte. Quiero volver sobre el asunto Frontex con más precisiones.

Frontex, para que nos entendamos, es fundamentalmente coordinación, análisis, retorno y formación de guardias fronterizas. En ningún caso es sustitución de competencias nacionales. Nunca es eso. Entonces, ¿qué queremos hacer con Frontex? Lo que tenemos que hacer a mi juicio, señora Comisaria propuesta, es una evaluación de sus competencias y determinar y decidir que el *Centralised Record of Available Technical Equipment (CRATE)* —los medios puestos a disposición de la Agencia en cuestiones críticas de fuerte presión migratoria— sirve para bien poco.

Por tanto, hay que cuestionarse la voluntariedad del CRATE. Éste debe ser un catálogo de buenas intenciones, debe ser un aporte de medios materiales, humanos, efectivos; ésta es la primera cuestión.

La segunda cuestión es que considero necesario, en esa reflexión, antes de decidir que vamos a modificar el Reglamento (CE) n° 2007/2004, dar participación al Parlamento. Después completaré mi pregunta. Señora Malmström, ¿qué piensa hacer?

2-059

Cecilia Malmström, Commissioner designate. – The board of Frontex has conducted an analysis and evaluation and has come forward with a few proposals on how to develop and strengthen Frontex. As you say, Frontex is an agency: it can coordinate, it can be helpful but it cannot completely take over responsibility for the borders. Now much in Frontex is built on solidarity. Solidarity is easy to say, but it is sometimes more difficult to deliver in more concrete terms.

I will table a proposal on strengthening Frontex. As I said, this will involve enabling them to buy their own equipment, so they are not dependent on Member States on every occasion. They will have specialised branches; they will work very closely with the different border-control mechanisms in the Member States and with the forthcoming Eurosur, which, I hope, we will develop during this mandate. They will proceed also in educating border staff and personnel on international law and on the principle of non-refoulement. I hope that they can

work with the asylum office and they will, of course, work with third countries where we have agreement on readmission. I will see if we can help increase that cooperation. We will of course work with the UNCHR and the UN High Commissioner for Asylum in order to coordinate issues involving in third countries, for instance Libya.

So these are a few measures where I hope that we can move forward on the issue, but it is very much also up to the Member States to deliver on all the planned operations. That is something we can facilitate, but we cannot order them to do it.

2-060

Agustín Díaz de Mera García Consuegra (PPE). – Frontex ya trabaja con la Organización Internacional para las Migraciones y con el ACNUR. Frontex cuenta con 222 personas en su plantilla y dispone de un presupuesto de 83 millones de euros que ejecuta con dificultad, con bastante dificultad.

A mi juicio, lo que debe hacer Frontex es mirar sobre todo al sur, porque la presión migratoria está unida ahí a la tragedia, la tragedia en Grecia, la tragedia en Malta, la tragedia en Italia, la tragedia en España.

Creo que hay una discrepancia –o le pido una aclaración–, señora Comisaria propuesta: Frontex debe comprar sus propios equipos. ¿A qué equipos se refiere? Porque, a mi juicio, los equipos que tiene que comprar Frontex son los de transmisiones, para facilitar la interoperabilidad, pero poco más. Por favor, ¿a qué equipos se refiere? Con las perspectivas financieras 2007/2013 no es posible que Frontex compre barcos, aviones, helicópteros; todo ello supone casi el presupuesto de un Estado miembro pequeño.

¿A qué equipos se refiere?

2-061

Cecilia Malmström, Commissioner-designate. – That is a problem, but the problem with Frontex is that it has a lot of money but, as you say, sometimes they cannot deliver because there is an uncertainty on whether operations will take place, whether Member States will contribute or not. And that can change very quickly.

To a certain extent, Frontex could buy certain equipment that, of course, would have to be evaluated and analysed to see where it is most cost-beneficial to do that, in order to make them more independent of Member States hopping in and out of operations. That does occur, unfortunately.

But all that will be taken into consideration, in a few weeks or a few months, when I eventually present to you the proposal on strengthening Frontex.

2-062

Edit Bauer (PPE). – Biztosjelölt asszony! Az a kitüntető lehetőség ért, hogy még egy kérdést tehetek föl önnek az Esélyegyenlőségi Bizottság nevében az Európai Néppárt és az Európai Konzervatívok részéről.

Az emberkereskedelem témája nagyon fontos része a Stockholmi Programnak. Azért az Esélyegyenlőségi Bizottság részéről, mert tudjuk, hogy körülbelül 80%-a az áldozatoknak nő vagy kislány. Úgy tűnik, hogy minden európai igyekezet ellenére növekszik az emberkereskedelem áldozatainak a száma, s arra vagyunk kíváncsiak, hogy ön milyen jogi eszközt kíván létrehozni? Vajon ez követni fogja az európai tanácsi egyezményt? Mit szándékozik ön tenni az áldozatok védelmében, hogy az áldozatok ne lehessenek újra viktimizálhatóak? És mit szándékozik tenni ön annak érdekében, hogy le lehessen törni a keresletet?

2-063

Cecilia Malmström, Commissioner-designate. – This is one of the issues that I feel extremely involved in personally. I cannot but agree with you that this is a horrendous crime. Women, girls and also boys are attacked. I cannot imagine a worse violation of your human dignity than to be sold as a sexual slave. What kind of freedom do you have then? This absolutely must be tackled, and we must make sure that all Member States see this as a very serious crime, with corresponding penalties.

There is progress being made in the Council. They could not agree upon certain things, but we have gone quite far. I would like to re-table a 'Lisbonised' proposal for a directive against child trafficking, but also on the sexual abuse of children and others, and to put that forward. I hope that, with the codecision we now have and the very strong commitment that exists in this Parliament and in Member States, we can come to a conclusion with these directives very soon, because it is, as you say, a horrible crime.

Then, we also have to work on the victims and on rehabilitation of the victims. That goes a little bit further. It would involve many others, because it has to do with measures that I will not fully have at my disposal within my competence.

It also has an external dimension, a European Neighbourhood Policy dimension, which is something that we will really have to focus on and where we have to work with NGOs. I know that there are lots of very good programmes, for instance in Moldova, when it comes to rehabilitating these young women and giving them a second chance to have a new job and to reintegrate into their societies.

2-064

Edit Bauer (PPE). – Nagyra értékelem az ön elkötelezettségét ezen a téren. Az a tapasztalatunk, hogy több DG foglalkozik ezzel a témával, de igazából nem koordináltan. A nemzeti koordinátorok tevékenysége sem koordinált európai szinten. Vajon támogatná-e ön az európai koordinátor létrehozását vagy funkciójának létrehozását?

2-065

Cecilia Malmström, Commissioner-designate. – Yes, I would. I hope that the European coordinator will be based under my auspices in the JLS Directorate to

coordinate the work that is being done by the national coordinators.

I also want to say that the Stockholm Programme and the future internal security strategy will hopefully remedy this problem. You highlighted, Mrs Bauer, that our strategy is too disparate in this field and that we need to use our tools and focus on this issue in a much more coherent way. That is what I intend to do with those directives and in drawing up the internal security strategy together with other Members of the Commission. As you say, there are many others who are also looking at this problem from different angles and we need to work together, for example with Baroness Ashton.

2-066

Véronique Mathieu (PPE). – Madame la Commissaire désignée, ma question portera sur l'asile et l'immigration.

Comment comptez-vous vous y prendre pour que chaque mesure du pacte européen sur l'asile et l'immigration soit mise en œuvre?

Je souhaiterais également savoir quelle est la mesure qui sera traitée de façon prioritaire par vos services.

Enfin, quelle priorité donnerez-vous à la problématique du retour des migrants en séjour irrégulier?

2-067

Cecilia Malmström, Commissaire désignée. – Le pacte sur l'immigration doit en effet être mis en œuvre et faire l'objet d'une évaluation l'année prochaine, je crois. Nous savons que certaines mesures sont déjà en place, mais il reste beaucoup à faire.

J'ai essayé, dans mon introduction, de fixer certaines priorités. En ce qui concerne l'asile, il faut mettre en place le paquet "asile". Je sais que c'est une tâche difficile et que c'est une question délicate au sein du Conseil. Je ne me fais pas d'illusion, je ne suis pas naïve, mais il faut le mettre en place. Des règles communes s'imposent pour les demandeurs d'asile, bien sûr. Ces règles sont également nécessaires pour mettre de l'ordre dans les systèmes nationaux et pour éviter les souffrances humaines. Évidemment, cela a aussi un coût de laisser les demandeurs d'asile attendre très longtemps avant d'entrer dans un pays, et cela empêche toute intégration éventuelle.

En ce qui concerne l'immigration irrégulière, j'ai aussi évoqué certaines priorités. Il faut s'efforcer d'offrir la possibilité d'immigrer en Europe par des moyens légaux. Je vais renforcer Frontex, comme je l'ai déjà expliqué à vos collègues. Il faut travailler avec les pays tiers. Je pense que le nouveau bureau d'appui en matière d'asile, situé à La Valette, qui sera en place – je l'espère – cet automne, nous permettra également d'aider les pays concernés et de partager les responsabilités entre les pays. Je compte par ailleurs poursuivre les discussions avec les pays tiers, notamment la Libye et la Turquie, mais aussi avec d'autres pays de la région afin que nous puissions parvenir à des accords sur les réadmissions

avec ces pays et afin qu'ils nous aident à contrôler l'immigration irrégulière.

2-068

Véronique Mathieu (PPE). – À ce sujet-là, vous avez parlé, notamment, de la Libye et de la Turquie. Est-ce que vous pouvez, par exemple, nous garantir que chaque accord qui sera signé avec un pays tiers contiendra un chapitre consacré à l'immigration?

2-069

Cecilia Malmström, Commissaire désignée. – Bien évidemment, ceci est toujours à l'ordre du jour pour les pays concernés, comme, par exemple, la Libye et la Turquie.

Nous savons que les discussions sont difficiles avec la Libye. Il y a eu une longue période d'interruption. Nous avons un peu débloqué la situation, avec M. Barrot qui voulait se rendre dans ce pays en novembre. Il n'a pas pu le faire, pour différentes raisons, mais d'autres représentants de la Commission y sont allés. Je vais maintenant voir s'il est possible de discuter avec les autorités libyennes. En tout cas, cette question, qui concerne les pays tiers, est toujours à l'ordre du jour. Certes, elle dépend un peu de la situation nationale, bien évidemment, mais elle est toujours à l'ordre du jour.

2-070

Elizabeth Lynne (ALDE). – Although Viviane Reding will have the main role on anti-discrimination in liaison with the Employment and Social Affairs Committee, many migrants and immigrants have some form of disability, for instance, and therefore will suffer from multiple discrimination - not only because they are disabled but because they are immigrants.

I think this is a very good example where all the Commission people should work together across the departments. How do you intend to work with Viviane Reding and the Employment and Social Affairs Commissioner to make sure that migrants and immigrants, who are already discriminated against, are not further marginalised because of their disability, age, religion, belief or sexual orientation?

2-071

Cecilia Malmström, Commissioner designate. – Thank you very much, Mrs Lynne, I know of your strong engagement in this field. As you say, it is mainly the responsibility of Commissioner-designate Reding, but of course it touches my field as well. We will work together on all the topics I have discussed, and especially on this one.

It is also very clear in the Stockholm Programme that vulnerable groups, disabled people, women, children and others who need extra protection, or who have suffered on double occasions, will be highlighted in the proposals that we make. So I will work with Mrs Reding and with other Commissioners in order to see that this is mainstreamed in the decisions that we propose.

2-072

Elizabeth Lynne (ALDE). – As you know, we already have the draft proposal with the Council. How important do you believe it is to get the anti-discrimination directive through as quickly as possible, so that all those people do not face discrimination?

Will you, along with your fellow Commissioners, put pressure on the Council to make sure that this horizontal anti-discrimination directive is brought forward very quickly?

2-073

Cecilia Malmström, Commissioner-designate. – In my former capacity as Minister for European Affairs for the Swedish Government and former Presidency, I worked very very hard on this particular issue, together with my colleagues in the Swedish Presidency. We hoped that we could get it through, but we did not manage it in the end. There are a few remaining difficulties.

I hope now that Spain and the incoming trio will take up that work because it is, as you say, extremely important that we have this in place. I will try to work with the current Presidency and the Council in order to do what we can. It is a difficult, but nevertheless extremely important, directive, not only for the field of internal affairs, but for the whole European Union.

2-074

Sylvie Guillaume (S&D). – Je reviens, Madame, sur la question du paquet "asile".

J'ai pu constater, dans vos réponses écrites, que vous souteniez une adoption rapide du paquet "asile". Or, vous savez également que les discussions restent bloquées sur le dossier "accueil" et sur le règlement Dublin II.

Par ailleurs, et vous l'avez indiqué tout à l'heure, certains États membres ont déjà vivement critiqué les récentes propositions de la Commission européenne destinées à harmoniser les procédures d'asile dans l'Union au travers des directives "qualifications" et "procédures", alors même que le Parlement européen n'a pas recommencé son travail sur ce sujet.

Quelles mesures concrètes comptez-vous proposer pour débloquent cette situation et nous permettre de respecter l'objectif consistant à mettre en place un régime d'asile européen commun d'ici 2012, pour que les personnes migrantes qui fuient les persécutions puissent avoir un accès effectif à l'asile, quel que soit le pays où elles déposent leur demande de protection internationale?

2-075

Cecilia Malmström, Commissaire désignée. – Madame Guillaume, comme vous le dites, ces propositions sont en cours d'examen et sont très difficiles à faire adopter par le Conseil. Cela touche à des sensibilités avec lesquelles il faut compter. Ces sensibilités sont réelles et vont poser problème.

Néanmoins, le Conseil et tous les États membres se sont mis d'accord sur le programme de Stockholm et sur

l'objectif d'établir une zone d'asile commune en 2012, et tout le monde a bien signé dans ce sens.

Pour ce faire, il faut également avoir des conditions acceptables, décentes et identiques dans tous les pays.

Je ne peux qu'utiliser l'occasion offerte par l'adoption du programme de Stockholm, mais je dois aussi tenir compte du fait que comme cette politique relève désormais de la procédure de codécision, je devrai travailler avec vous, au Parlement, pour faire en sorte qu'avec la Commission, les directives soient finalement adoptées.

Je ne vous le cache pas: ce sera très difficile. Nous allons avoir un débat difficile, mais si nous voulons atteindre l'objectif consistant à mettre en place cette zone commune en 2012, il faut nous dépêcher, nous devons agir maintenant.

2-076

Sylvie Guillaume (S&D). – Dans l'attente de 2012, et dans le même sens que l'engagement qui a été affiché la semaine dernière par votre collègue en charge des droits de l'homme, Mme Reding, pouvez-vous nous donner l'assurance que vous allez poursuivre l'application de procédures d'infraction pour non-conformité avec le droit communautaire?

Je pense, bien entendu, à une question qui a déjà été abordée tout à l'heure, à savoir les atteintes portées au droit d'asile dans les cas de refoulement en mer des migrants dans certains pays du Sud.

Ma question porte donc sur les procédures de non-conformité, les procédures d'infraction.

2-077

Cecilia Malmström, Commissaire désignée. – Cela fait aussi partie du paquet. Il faut avoir une adaptation et une mise en œuvre similaires dans tous les pays.

Tous les pays ont signé des conventions internationales et en sont parties, et le principe de non-refoulement doit être partagé et respecté par tous les États membres. C'est une convention internationale. Nous devons le faire et c'est à la Commission, mais aussi aux États membres, de surveiller que ça se fait.

2-078

Carlos Coelho (PPE). – Senhor Presidente, conhecemos Cecilia Malmström, sabemos da sua competência e do conhecimento que tem da área, vamos agora ver as suas prioridades. O espaço Schengen é o centro do espaço de Liberdade, Segurança e Justiça. A Senhora Malmström já disse que o melhor controlo das fronteiras externas é uma condição da liberdade de circulação dentro da Europa. A segunda geração do Sistema de Informação de Schengen, o SIS II, é assim crucial. Devia ter começado em 2007 e terá provavelmente, pelo menos, cinco anos de atraso. A União Europeia já investiu directamente mais de 70 milhões de euros, além do investimento que foi feito pelos Estados-Membros.

Senhora Malmström: o SIS II é para si uma prioridade? Quando é que acha que o SIS II poderá estar operacional? Se o *Milestone I Test* falhar, vai denunciar o contrato com a empresa?

2-079

Cecilia Malmström, Commissioner-designate. – Yes, I have discovered that SIS II is an issue I will inherit with all its difficulties. It has, of course, had enormous problems. The contractor has not lived up to expectations, and it has not been a happy story.

The Commission, together with the Member States, is now increasing the pressure. It has put a lot into this and has put forward a sort of milestone to the contractor. This will start at the end of this week and go on for a few days in which they have to prove that they can deliver, that they have taken into consideration all these criticisms, and that they are now fully on track. Should they deliver, fine, then we can move on. Should they not, I will have to come back to the Council as quickly as possible and tell them it is not working, and we will have to look at an alternative solution.

I hope that within a few days we will be able to see in what direction this is going, because it is, as you say, fundamental for the functioning of the Schengen area that we have SIS II.

I will therefore make it a priority, but I also know that this whole long and difficult story will be probably on my table the first day I am installed. I will do my utmost, and keep Parliament informed of all the steps as to how this is going, because we need to have this in place. Should they deliver, it should be in place by the end of the year. That is what we hope.

2-080

Carlos Coelho (PPE). – Senhor Presidente, o SIS II é a situação mais desagradável, mas não é a única com atrasos. Temos atrasos no SIS II, temos atrasos no VIS, temos atrasos no portal *e-Justice*. A Senhora Malmström acha razoável nós embarcarmos em novas aventuras, anunciarmos novos projectos, como o PNR europeu ou o sistema de entrada e saída ou a introdução de registos criminais nos alertas do SIS II, antes de conseguirmos concretizar os projectos que há tantos anos prometemos aos cidadãos europeus e que tardam em ser realidade?

2-081

Cecilia Malmström, Commissioner-designate. – I do, Mr Coelho. I have not even started my job yet so I cannot defend everything that has been done, but I agree with you that we do need SIS II and we need VIS as well.

However, as I have said on many occasions, we need to get an overview structure of all the information gathering systems that we have and that we might have in the future in order not to rush into very expensive, very complicated and very delicate systems. This is of course gathering information about individuals, so from a data protection point of view it is very sensitive and I will look into this.

We will now only have to wait a few hours or days to see how SIS II is going, in this very important milestone. VIS is also being delayed; we think that it is back on track but this is not quite confirmed. We will have to evaluate and make sure that these enter into force before we start to discuss other issues, for instance at the entry-exit database. But this must be up and running before we can start new projects. I agree with you on this.

2-082

Raül Romeva i Rueda (Verts/ALE). – Bienvenida, señora Malmström, y mucha suerte.

Hablo en nombre de la Comisión de Derechos de la Mujer y quiero formularle dos preguntas muy concretas, volviendo al tema de la violencia de género. Ha dicho que el tema de la comunitarización de las políticas de inmigración y asilo es complicada, pero ¿estaría dispuesta a plantear de una forma concreta la necesidad de garantizar el asilo en el contexto de la violencia, de la represión por motivos de género, es decir, por motivos machistas?

Segundo aspecto, también en este sentido: teniendo en cuenta las relaciones exteriores, ¿es posible —o propondría, en todo caso— un grupo de medidas, de propuestas, para incorporar el impacto de género en los acuerdos de asociación? Y, finalmente, ¿cómo plantea trabajar con la propuesta de un Observatorio de la Unión Europea contra la Violencia de Género y también con el Instituto Europeo de la Igualdad de Género, basado en Vilnius.

2-083

Cecilia Malmström, Commissioner-designate. – As I said, I will look into it. We have already started to investigate what measures we do have in the European Union in order to reinforce the cooperation when it comes to combating domestic violence, domestically. As you said, we do not have many concrete tools, but we can reinforce cooperation and we can see how we can move further on this. I know that this is a priority of the Spanish Presidency, but the whole trio is very focused on this, so we will see how we can move forward.

As I said in response to other questions, we will seek to integrate, in all measures in the Commission, but especially in my field, the gender aspect and to take into consideration the specific situation of women when it comes to their vulnerability as asylum seekers and as possible victims of rape, but also as future victims of female genital mutilation. As for other agreements that are not concluded by myself but by other colleagues, I know my colleagues will try to integrate the gender dimension in their decisions and in their agreements with third countries. That would probably have to be watched by the European Parliament and others to ensure that this is really taken into consideration. So there is still work to do, but I will also act as a watchdog in order to make sure that this happens.

2-084

Raül Romeva i Rueda (Verts/ALE). – Me quiero referir a lo que ha dicho usted en la última parte, por lo que se refiere a los instrumentos.

2-085

In terms of tools, is the observatory one of the more important tools you envisage? Because there is a problem of under-staffing, and the budget is also very limited. The problem we have there is that we need far more staff and far greater capacity to work on these issues. Do you envisage some specific measures for strengthening this?

2-086

Cecilia Malmström, Commissioner-designate. – I understand what you say. I am sorry. I misunderstood your first question.

This is an issue I will have to look into. I do not know enough details about this to be able to give you proposals now, but I am happy to take the information that you have, to look further into it, and, at a later stage, come back and see how we can move forward. I am not ready to do that for the moment.

2-087

Sarah Ludford (ALDE). –Mrs Malmström, you have highlighted your intentions to evaluate the current anti-terrorism legislation in terms of efficiency and proportionality and to reinforce the role of Frontex, Europol and Cpol so they can work more efficiently and in a more coordinated way. This suggests to me a very welcome concentration on operational cooperation rather than mass data collection and it chimes with the review presented to President Obama in the wake of the Christmas day bomb attempt, which found yet again not a lack of information but a failure to connect the dots and make full use of it.

Will you therefore commit yourself to a strategic evaluation of the current plethora of existing and planned border-related measures for collection of personal data? Will you use this evaluation to produce a coherent overall master plan based on real effectiveness, instead of proceeding in an uncoordinated and reactive way? Will you avoid the loss of focus on the essentials of border security, SIS and VIS, which may have been lost through the distraction of API/PNR and other initiatives, including entry/exit? And will you track whether the Americans are going to drop entry/exit?

2-088

Cecilia Malmström, Commissioner-designate. – Two points about that, because, of course, they touch on things we discussed earlier. The whole Stockholm Programme and the internal security strategy are about correcting mistakes from the past. This area is, after all, quite young for European cooperation. The Directorate-General for Justice, Freedom and Security is only 10 years old – and we were both at the same celebrations for that – it is quite young. We have proceeded quite swiftly, but it has been a bit like trying to join the dots, and we have not really connected. We need to have a much more coordinated view on this. This is something I will commit myself to try to do – together with

Commissioner Reding and others – in order to see that we work with asylum, migration, external threats and cross-border crime in a much more coherent way.

In this, data collection and information systems play an important part. I think they could be more efficient. As President Obama said, we have to be better at connecting the dots, because he ‘screwed up’, and we need to avoid ‘screwing up’ in the future. We need to see how we can use the information we have instead of just building new systems before evaluating them.

As I have already said to Mr Coelho and others, I will pursue an evaluation and an overview of the whole architecture in this with all the criteria of costs, of value added, of proportionality, of data protection, and so on. We will have to do that before rushing into elaborating new systems. We need to get this, and SIS, in place before we go up to the entry-exit system.

2-089

Sarah Ludford (ALDE). – That is very good news. Will you therefore, on the other side of the question, which is the lack of operational cooperation and coordination, look at examples like, for instance, the Slovak failed airport security test? On 9 January they placed nine bomb components in the bags of nine passengers at two airports. One component, 90 g of plastic explosive, was not detected by the sniffer dog and not removed. The bag went through security and on to a plane to Dublin. When the Slovak authorities informed the Irish – three days later – the unwitting passenger ended up having his house raided by police, who detained him for several hours. This was an appalling fiasco, I think you might agree, raising many issues, like putting innocent people at risk. But it illustrates the real problem in Europe, in America and between us: getting agencies to cooperate and coordinate.

I believe that all these mass surveillance schemes, seen by some people – wrongly – as magic bullets, distract us from the truly mountainous challenge of getting officials and police to work together within one Member State, let alone across borders and across the Atlantic.

2-090

Cecilia Malmström, Commissioner-designate. – I think this is also a philosophical issue. We are after all only human. You mentioned one example. I can mention, from my own country and from others, many examples where police authorities failed to use information which was available to them and where, because of that, crimes were committed, people suffered and so on.

We can never find measures to avoid that totally, whatever we do. But, as you say, we have to be better at connecting the tools that we already have, at seeing how to use and analyse them, how to work together, how to make our agencies efficient and how to trust each other in sharing the information that we have. That is an area in which I hope I can contribute, but there are humans working with this and so there will always be errors.

2-091

Emine Bozkurt (S&D). – After the entry into force of the Treaty of Lisbon we expected the Commission to come forward with a new proposal for a regulation on restrictive measures against persons and entities associated with Al Qaeda, Osama Bin Laden and the Taliban, based on Article 75 of the Treaty on the Functioning of the European Union, which gives this Parliament codecision powers.

Instead, the Council recently adopted a regulation based on Article 215, which totally excludes the European Parliament from the procedure. Are you ready to make a commitment to respect Parliament's powers of codecision in this case and in the future, according to Article 75, as our Legal Service indicates? Are you ready to put in place a general legal framework, under Article 75, for restrictive measures with regard to capital movements and payments – such as the freezing of funds – ensuring a proper level of democratic accountability?

2-092

Cecilia Malmström, Commissioner-designate. – I remember this debate, which we had in Parliament in plenary just a month ago. I seem to recall that the Legal Services of both the Council and the Commission have concluded that it is Article 215 that should be applied when it comes to international freezings and restrictive measures, and that they do not agree with Parliament's interpretation – but, when it comes to internal European freezing of assets, then of course it would be Article 65. So this is a dispute between the Legal Services.

I am always committed to being as open and transparent to Parliament as possible, but this will mainly be the responsibility of my colleague Mrs Ashton. As I said, the Council and the Commission legal services have concluded that it is Article 215 that should be applied in this case.

2-093

Emine Bozkurt (S&D). – Are you then ready to come up with a proposal for the persons concerned within the European Union, on the basis of Article 75 and codecision? That is my first follow-up question.

The second is: are you ready to accept our proposal in the resolution of last December to establish a network of independent experts tasked with proposing to the Council the most pertinent restrictive measures to fight terrorism, monitoring its application and reviewing this in close contact with the European Parliament?

2-094

Cecilia Malmström, Commissioner-designate. – Well, without knowing all the details, I think it sounds a good idea to have this independent network.

Irrespective of what legal article we apply, we will of course always have to look very closely, when we apply those restrictive measures, to ensure that they are really well targeted and that innocent civilians, are not subject to this, that these measures are targeted.

It is a bit of blunt instrument. Sometimes it can be used, but of course it always has to be controlled when it comes to civilians, to ensure its effectiveness and the defence of fundamental rights.

This looks as though it might be a good idea: we can come back to that and discuss it.

2-095

Ernst Strasser (PPE). – Frau Malmström! Herzlich willkommen in Ihrer neuen Funktion hier. Lassen Sie mich eingangs sagen, dass es ein Vergnügen ist, zu sehen, mit welcher Tatkraft Sie Ihre Vorschläge hier präsentieren.

Ich möchte zum Terrorismus kommen. Die Bedrohung durch den Terrorismus ist uns durch den gescheiterten Anschlag kurz vor Weihnachten wieder ins Bewusstsein gekommen. Die Bürger, auch die europäischen Bürger, fühlen sich bedroht, vor allem durch den Terrorismus, der von islamischen Extremisten ausgeht. Hier müssen wir in Europa die Koordination verbessern.

Wir wissen – Präsident Obama hat das selber gesagt –, das ist nicht so sehr eine Sache des Informationsmangels, sondern der Auswertung. Daher möchte ich Sie bitten, uns jetzt ein paar Ihrer Vorschläge zu Ihrer allgemeinen Sicherheitsstrategie zu erläutern: Wo wollen Sie konkrete Maßnahmen ergreifen, um die Dinge zu verbessern und zu koordinieren und eine bessere Zusammenarbeit mit den Amerikanern zu finden?

2-096

Cecilia Malmström, Commissioner-designate. – As you say, the events on Christmas Day showed that terrorism is still an important threat and that we cannot relax in that regard. I have said that I want to have an overview of the tools we have, when it comes to data collection, and that concerns the ones we have internally but also the different agreements that we have with other countries, such as the United States, which, of course, is a very important partner in the fight against terrorism. We need to have an overview.

The Ministers of Justice and Home Affairs will meet tomorrow, or the day after tomorrow, together with Commissioner Rehn, and Secretary Napolitano from the United States Department of Homeland Security will also be there. They will discuss measures of cooperation and how that could be pursued in the future. I think it is very good that she is coming to Toledo, to speak directly to the ministers. It is about – as you say and as President Obama said – ‘connecting the dots’. We need to become much better at this. We have to reinforce the agencies, the cooperation between the agencies and the Member States' willingness to liaise with the agencies. We know that Europol is doing fantastic work, but sometimes Member States are a bit restrictive in sharing information. We need to build that trust within the European Union, so that information can be given and terrorist attacks and other crimes can be prevented in the future.

In the internal security strategy I will look at terrorism. We need to use the policy instrument on critical infrastructure: how we can protect that and how we can protect our data information systems. For instance, we have been lagging behind in cybercrime, which can also be a tool of terrorism, and this is something where I will also propose – sorry, time is running – concrete proposals, within the framework of internal security strategy.

2-097

Teresa Jiménez-Becerril Barrio (PPE). – Me alegra mucho, señora Malmström, haberle oído hablar en su introducción de las víctimas del terrorismo, porque, por desgracia, sólo se habla de ellas después de un grave atentado. Como todos sabemos, la amenaza sigue ahí y cualquiera de nosotros puede convertirse en una víctima del terrorismo.

Coincidirá usted conmigo, señora Malmström, en que es inadmisibles que, hasta la fecha, en Europa no se haya hecho nada por intentar armonizar las legislaciones de los Estados miembros en materia de derechos de protección de víctimas del terrorismo.

Yo tengo que decirle que, en diciembre, en la última sesión plenaria, el señor Barrot se comprometió conmigo a impulsar y lanzar una Carta Europea de los Derechos de las Víctimas del Terrorismo. Mi pregunta es si usted también aceptaría este compromiso y qué haría para impulsar esta Carta Europea de los Derechos de las Víctimas del Terrorismo.

2-098

Cecilia Malmström, Comisaria propuesta. – Sí, éste es un punto muy importante. Tengo un amigo que murió en Madrid, en 2004, en Atocha y yo sé que debemos proteger a las víctimas del terrorismo y concederles más atención dentro de la Unión Europea.

Hemos hecho algunas cosas: hay una red que conecta y que comparte experiencias entre los países, por ejemplo. Hay fondos que se pueden utilizar para crear organizaciones, trabajar con la sociedad civil, etc. Esto está muy bien y lo tenemos que desarrollar.

Quizá, dentro de la estrategia de seguridad, podemos constituir un fondo de seguridad y, dentro del mismo, se pueden contemplar medidas dirigidas a las víctimas. Voy a estudiar con mucha atención las promesas que hizo el señor Barrot, para ver cómo puedo desarrollarlas para que dispongamos de un enfoque más similar dentro la Unión Europea.

2-099

Monica Luisa Macovei (PPE). – Moving on to anti-corruption, considering that 78% of the Union's citizens agree that corruption is a major concern in their country – I refer to the data in the December 2009 Eurobarometer, so very recent – and considering that the Union has committed to the standards in the United Nations Convention against Corruption by ratifying it, what will you do for a real, effective and timely implementation of a European Union monitoring

mechanism in the area of anti-corruption and for an effective follow-up of its findings in all Member States? What time frame can be expected? What are the measurable objectives you want to achieve as regards anti-corruption?

2-100

Cecilia Malmström, Commissioner-designate. – I am aware of the Eurostat data and I have also read the annual report of Transparency International, which measures corruption in all the countries of the world. I saw, to my astonishment, that many European countries are on that list – and quite high, which is not a good sign – so this is something we need to work on. Corruption is something that, if we want to be credible in teaching other countries to have good governance and transparent systems, we will also have to do our own homework on.

In the Stockholm Programme provision is made for us to work more on corruption. I will put forward a communication on how to fight corruption, but that will demand some thinking because we do not want only to say that it is bad. As you say, we need to have tangible ways of measuring it, and practical proposals as to how we can improve and how we can work together.

There is something called the Anti-Corruption Day in December next year. In the light of that, I think we could propose something more concrete on how to work with corruption internally in the European Union. It is a growing problem and one which citizens attach great importance to.

2-101

Monica Luisa Macovei (PPE). – I seek some clarification. In my question, I was referring to the monitoring mechanism in the Stockholm Programme which must be put into force.

My second question is: how, during your mandate, will you ensure cooperation with the departments in the Commission that are responsible for fighting fraud? Corruption affects fraud and is related to fraud.

2-102

Cecilia Malmström, Commissioner designate. – Yes absolutely, they are related and it is the task of the whole Commission to make sure that what we provide is clear and that our accounts are clear. I know you have extensive experience in this. This is not only my responsibility or the responsibility of the commissioner in charge of OLAF; it is the whole Commission's responsibility. I also know that President Barroso has committed himself to working on this to make sure that there is maximum accountability in respect of everything that comes under the Commission's responsibility. I hope that the Council and Parliament will also work on this – as I know you have done.

We need, as you say, to make the criteria and the monitoring mechanisms very clear, and to draw up criteria on how they can be measured. But we must also work on how they can be improved – a 'name and shame' system could be helpful in that regard – and

more concretely see how we can work with this on all levels; I know that some municipals in Europe have a network on these issues.

So this is something we will have to come back to. I will come back later with more concrete proposals in the proposal on fighting corruption, because I agree that measures have to be tangible and concrete, and not merely beautiful words about how much we dislike corruption. We all know that.

2-103

Anna Hedh (S&D). – Cecilia, du har i dina skriftliga svar meddelat att du avser att lägga fram ett förslag till direktiv om människohandel under detta år. Det välkomnar jag och mina kolleger i den socialdemokratiska gruppen varmt, eftersom det är hög tid nu för EU att ta ett rejält kliv i kampen mot människohandel. Det är ju något som bara ökar hela tiden.

Jag undrar hur du som nominerad kommissionsledamot ser på möjligheten för EU att nu även ta steget mot att bättre förebygga ett brott som har begåtts. Är du beredd att föreslå att medlemsstaterna vidtar lagstiftningsåtgärder för att minska efterfrågan på tjänster från offer för människohandel, precis som det tidigare förslaget till nytt rambeslut om människohandel som kommissionsledamot Barrot lade fram, men som det svenska ordförandeskapet inte lyckades nå en överenskommelse om?

2-104

Cecilia Malmström, nominerad kommissionsledamot. – Anna, som jag har sagt tidigare, kommer jag mycket riktigt att lägga fram det här förslaget igen. Man var ju ganska nära att nå en överenskommelse, men det var några definitionsfrågor som har att göra med straff m.m., som gjorde att man inte lyckades nå ända fram. Jag hoppas att om jag lägger fram förslaget igen att vi kan nå en överenskommelse, med den medbeslutanderätt som Europaparlamentet har och det starka engagemang som finns här. Precis som du säger så brådskar det. Detta är ett fruktansvärt brott som händer varje dag i Europas städer där unga flickor och pojkar och kvinnor kränks på det mest fasansfulla sätt.

Det är klart att efterfrågan är ett stort problem. Vi har en lagstiftning i Sverige. Myndigheterna säger att den har varit till hjälp med att bekämpa *trafficking*. Vi har det problemet i vårt land också, men det kanske är något mindre. Det finns olika lagstiftning om detta. Du vet, precis som jag, att detta är oerhört svårt och att kommissionen inte har befogenhet att harmonisera detta, och att det är väldigt känsligt. Det är klart att efterfrågeaspekten hela tiden måste diskuteras i samband med *trafficking*.

Först och främst tänker jag koncentrera mig på att lägga fram förslaget och försöka få igenom det. Jag hoppas på parlamentet och på er hjälp då.

2-105

Anna Hedh (S&D). – Tack så mycket för svaret. Vi talar väldigt mycket om det straffrättsliga och vilka straff man ska ha. För att vi inom Europeiska unionen ska kunna komma framåt i denna fråga, måste vi emellertid också titta på det förebyggande och på efterfrågan, precis som du sa. Vi vet även att närmare 80 procent av all människohandel är sexslavhandel. Därför vill jag fråga hur du ser på kopplingen mellan prostitution och människohandel.

2-106

Cecilia Malmström, nominerad kommissionsledamot. – Vi är helt överens om att vi måste jobba förebyggande. Det måste vi göra inte minst gentemot de länder som många av offren för *trafficking* kommer ifrån. Det ingår ju i våra partnerskapsavtal, i vår grannskapspolitik och i vår politik med andra länder. Man måste jobba förebyggande och man måste, precis som jag sa när jag diskuterade med fru Bauer, också i andra änden ta hand om offren och rehabilitera.

Personligen tror jag att det finns ett samband mellan prostitution och *trafficking*. Det finns en efterfrågan, och därför kommer denna handel att förekomma. Som jag sa tidigare finns det emellertid olika lagar i medlemsländerna. Vi måste ta ett steg i taget. Vi koncentrerar oss på att först få igenom detta direktiv. Vi ska diskutera efterfrågan, men för tillfället finns det varken planer eller kompetens från kommissionen att försöka resa frågan om harmonisering av detta.

2-107

Anna Maria Corazza Bildt (PPE). – Tack Cecilia! Vad trevligt att det är just du som är här! Under dina år som Europaparlamentariker och din tid som företrädare för rådet har du alltid varit väldigt tillgänglig. För det förtjänar du stor respekt över partigränserna. Nu förväntar vi oss att du lever upp till ditt engagemang för att stärka medborgarnas rättigheter i Europa.

Invandringen är av avgörande betydelse för Europas framtid. Många i parlamentet efterlyser snabba åtgärder på detta område. Du har nu utförligt beskrivit hur du ska engagera dig. Men vi behöver också en långsiktig vision. Hur ska vi hantera frågan om mänskliga rättigheter och ett människovärdigt mottagande av flyktingar? Vi behöver en mer solidarisk flykting- och migrationspolitik och vi behöver mer arbetskraft. Sverige har en modern regering med en modern syn i dessa frågor. Sverige har därför en mycket modern lagstiftning när det gäller arbetskraftsinvandring.

Jag skulle gärna vilja att du presenterar dina visioner för en framtids europeisk migrations- och flyktingpolitik.

2-108

Cecilia Malmström, nominerad kommissionsledamot. – Jag har försökt att presentera min vision. I den bästa av alla världar lever vi utan gränser, i en värld där alla människor kan röra sig fritt. Det är bara möjligt om vi har demokrati och en hög nivå av utveckling i alla länder. Europeiska unionens yttersta mål är att stötta demokrati, välfärd och stabilitet i hela världen. Ingenting gynnar stabiliteten så mycket som när diktaturer och

länder med auktoritära styrelseskick går över till demokrati. Det är min vision och jag tror att många här delar den.

Men vi lever inte i den bästa av alla världar. Då måste vi försöka få ett system som bygger på ansvar, förutsägbarhet, solidaritet, respekt för mänskliga rättigheter och solidaritet mellan medlemsländerna.

Jag vill ha en asylpolitik där vi kan ge skydd till de människor som behöver, och de ska veta under vilka villkor detta sker. Jag vill ha en politik där vi också kan ta emot människor legalt, legala migranter, och de ska också veta under vilka villkor detta sker och hur de blir behandlade när de kommer.

Men om detta ska vara möjligt så måste vi också arbeta mot irreguljär migration. Den ger, som Simon Busuttil och många andra sett, fruktansvärda konsekvenser. Tusentals människor drunknar i Medelhavet varje år. Många blir offer för människohandel och hamnar som sexslavar eller exploaterade arbetare runt i världen. Men många är också människor som söker sig en bättre framtid därför att de lever under fattiga, svåra villkor. De vill försörja sin familj. Alla dessa människor kan inte komma till Europa. Därför måste vi ha lagar som reglerar det. Mitt mål är att det ska ske så tydligt, så ordnat, så strukturerat, så förutsägbart och så humant som möjligt. Det är det jag söker ert förtroende för att göra de närmaste fem åren.

2-109

Anna Maria Corazza Bildt (PPE). – Tack Cecilia för ett så bra och tydligt svar!

I flera av våra medlemsstater finns det extrema grupper som tyvärr växer i styrka. De ifrågasätter våra mänskliga och humanitära värderingar eftersom de tycker att vi tar emot för många flyktingar. Många människor oroar sig över att deras jobb och trygghet hotas om vi tar emot för många flyktingar.

Jag vill ta upp frågan om de flyktingar som kanske är mest utsatta, de ensamkommande flyktingbarnen. De kommer skilda från sina familjer och bär på hemska upplevelser. Vad kan vi göra för dem? Vad kan du göra, Cecilia? Vad vill du göra konkret för att se till att oskyldiga barn inte blir utsatta för ytterligare svårigheter i våra länder när de väl kommit hit? Hur kan vi förbättra deras situation? Vad kan vi göra för att öka möjligheterna för dem att återförenas med sina familjer?

2-110

Cecilia Malmström, nominerad kommissionsledamot. – Tack för frågan! Den är mycket omfattande och svår att besvara på en minut. Ett sätt att hantera problemet med misstro, rasism och främlingsfientlighet är att vi står upp för våra värderingar, men också att vi arbetar mycket med integration och ser till att flyktingar och migranter ges möjlighet att bli delaktiga i våra samhällen och leva och bidra på det sättet.

Problemet med ensamkommande flyktingbarn ökar i hela Europa. Det har fördubblats i flera länder. Jag

kommer mycket snart att lägga fram ett förslag på hur vi ska jobba med frågan på ett mer strategiskt sätt. En del barn kommer som en konsekvens av människosmugglare, en del kommer på egen hand och en del är barn som har fullt legala skäl att vara här. Det ser olika ut och barnen kommer från olika länder, men vi behöver en gemensam strategi för hur vi ska hantera frågan. Vi måste naturligtvis se till barnens rättigheter. Möjligheten att återförenas med sina föräldrar är en grundläggande rättighet enligt FN:s barnkonvention. Problem måste hanteras gemensamt. Det är stort och växande i hela Europa. Jag kommer som sagt att lägga fram ett förslag i frågan under våren.

2-111

Rita Borsellino (S&D). – Signor Commissario, oggi è risuonata più volte l'attenzione sulla Libia, un paese che lei, nel corso di un dibattito parlamentare, definì "Stato canaglia".

Oggi con questo "Stato canaglia" si sta portando avanti un trattato, un accordo che riguarda in particolare la gestione delle frontiere, l'asilo, la riammissione dei migranti clandestini. È un accordo che ci preoccupa, visto che la Libia è uno di quei paesi che non ha ratificato la convenzione dei diritti dell'uomo.

Può illustrarci i punti principali di questo accordo in materia di contrasto dell'immigrazione clandestina e di garanzie per il diritto di asilo e il principio di non respingimento, visto che il trattato di Lisbona impone tra l'altro alla Commissione europea di informare tempestivamente il Parlamento europeo sull'andamento dei negoziati in corso?

2-112

Cecilia Malmström, Commissioner-designate. – On your last question, of course I am willing to come to the committee to report on all events and give you an update.

The negotiations with Libya could not exactly be said to be moving forward. They are making some progress, but there is a long way to go. You are quite correct in saying that Libya has not signed up to international conventions. They have, however, signed up to an African Convention on how to treat refugees, and they have said to us that they want to implement that in their national legislation. Very good, the Commission said, we are willing to help and to support you in this work – just tell us how we can help. Libya has not come back to the Commission since then, so we are in a bit of a limbo.

Of course, we need to talk to Libya. Libya is an important neighbour and an important transit country for refugees and migrants, but we need to make sure that they also respect international conventions, and we can help them to do that.

The Commission is already giving quite a lot of money to Libya, and is willing to do more in order to strengthen their capacity to build their systems. We already work a lot with the UNHCR, which operates in Libya, and with the High Commission for Refugees, which is also very

present in Libya. This commitment will continue, but we must of course make sure that Libya complies with international conventions, if we are to make an agreement with them.

2-113

Rita Borsellino (S&D). – È importante che ci sia questo rapporto e questa informazione scambievole con il Parlamento, lo sottolineo. Volevo poi fare un'altra domanda: non avevo trovato, nelle risposte scritte, nessun riferimento ai lavoratori stagionali, oggi se ne è parlato più di una volta. Quali sono le proposte che lei intende presentare come Commissario?

Poi, richiamo l'attenzione anch'io sui bambini non accompagnati, un problema molto grave. Partendo da questo, vorrei sottolineare un'altra cosa: si è parlato di terrorismo, di criminalità organizzata, non ho mai sentito pronunciare la parola mafia.

Le mafie sono qualcosa di diverso dalla criminalità organizzata e, in tutti i problemi che oggi abbiamo affrontato, la tratta, la prostituzione, i lavori stagionali, anche i bambini, lo sfruttamento sessuale, e tutto il resto, le mafie sicuramente hanno un ruolo molto importante. Specificatamente, che cosa intende fare nei confronti delle mafie?

2-114

Cecilia Malmström, Commissioner-designate. – On seasonal workers I will come forward with a proposal.

On unaccompanied children I will also come forward with a proposal on how to work coherently in the European Union. As I said to Mrs Corazza Bildt, this is a growing problem in the European Union and we have to address it together.

On the Mafia you are perfectly right: this is of course a very important dimension of organised crime, and not only in Italy because it has its fingers all over Europe and the world. That has to be addressed. One issue that I know was raised with Mrs Reding and has also been raised with Mr Barrot is how we can work on confiscation of Mafia assets. We have to work on how to pursue this, together with Mrs Reding who will have the ultimate responsibility for it. I know it is allowed in Italy but it should also be possible to find out how we can confiscate assets, followed by a conviction in a court of course, because it is important. The Mafia is a major issue for the fight against organised crime, and that will also have its place in the internal security strategy, so I will come back to you on that.

2-115

Sonia Alfano (ALDE). – Signor Commissario designato, vorrei continuare a parlare di mafia, perché come diceva l'on. Borsellino, oggi nessuno ha parlato del problema mafia. L'Unione europea ha prestato sempre molta importanza alla lotta al terrorismo, però poco, direi nulla, è stato fatto nella lotta alla mafia, che non ha nulla a che vedere con la criminalità organizzata, è una questione completamente diversa.

Partendo da questo presupposto, non ci sono dei dati precisi, e già questo è un primo dato molto importante che ci deve far riflettere, su quanto la mafia incida economicamente su tutti i paesi dell'Unione europea. Si parla orientativamente di 250 miliardi di euro, di cui soltanto 130 miliardi europei in Italia. Questo è il profitto economico delle mafie, parliamo in Italia soltanto dell'8% del prodotto interno lordo.

Quali iniziative e quali azioni lei pensa di poter porre in essere dal punto di vista legislativo durante il suo mandato?

2-116

Cecilia Malmström, Commissioner-designate. – Thank you very much, Mrs Alfano. No, I am not in a position to quantify the exact numbers of this. But we know that an increasing amount of organised crime in Europe and elsewhere involves the Mafia, which is involved in trafficking, drug dealing, counterfeiting, piracy and so on. It is a very significant amount. Just to give you one figure: if drug dealing was a country, it would be the 21st richest country in the world. It is a lot of money. I am not saying that the Mafia is involved in all that, but a large part of it is connected to the Mafia, with its different parts – I do not have to tell an Italian this.

I know that the Italian authorities have been dealing with this problem for a long time, but I think we should increase European involvement, because it affects all our societies. As I said to Mrs Borsellino, this has to be addressed within the internal security strategy. We have to look at the legal means when it comes to confiscation, for instance, and how we can work. I think Italy and a lot of other countries have a lot of experience to give to us when we come to working out specifics, and I am willing to work with this in a more substantive manner.

2-117

Sonia Alfano (ALDE). – Oggi spero di rubarle alcune promesse, alcuni impegni. Vorrei citare la sua risposta: lei ha detto, ovviamente, una cooperazione più intensa ed efficiente fra le autorità di contrasto e una gestione più coerente di tutti gli Stati rispetto a tutti questi problemi del crimine organizzato.

Manca proprio questo, Commissario designato Malmström, una collaborazione anche dal punto di vista legislativo fra i paesi europei. Vorrei farle un esempio, che forse è il più conosciuto, ma che dà il quadro del problema: dopo la strage di Duisburg, ricorda, di qualche anno fa in Germania a opera della mafia, una procura distrettuale antimafia italiana competente ha chiesto il sequestro del ristorante che era stato teatro di quell'esecuzione. La magistratura tedesca negò quel sequestro, proprio perché non c'è una collaborazione neanche dal punto di vista legislativo e giudiziario rispetto al problema mafia.

Un'altra cosa che le vorrei chiedere: visto che non ci sono dati ufficiali, non sarebbe il caso magari di fare degli studi proprio per capire l'incidenza delle mafie dal punto di vista economico?

Ultima domanda: ci sono, purtroppo, tantissime diseguaglianze e discriminazioni nel trattamento tra le vittime del terrorismo e le vittime della mafia. Soltanto in Italia, sono più di 2 500 i morti ammazzati dalla mafia. Credo che non si debba fare un gioco di numeri, ma che le vittime abbiano lo stesso diritto.

Lei cosa pensa di porre in essere per la discriminazione tra vittime del terrorismo e vittime della mafia?

2-118

Cecilia Malmström, Commissioner-designate. – Again, you raise extremely complex issues. It is difficult for me to answer in one minute.

I am happy to look into the figures and the statistics that you and others want to provide when we move forward with this. Of course, there should not be any discrimination of victims; victims of crime are important. The citizen and crime victims are at the centre of the Stockholm Programme. It is very important to see that we have a common approach to victims and that their guarantees and rights are secured in different processes. This falls under the responsibility of Commissioner Reding, but I know that we will work very much together on this, so this is no contradiction.

Sorry, did I miss something? I am sorry, Chair, I am getting a little tired.

2-119

Sonia Alfano (ALDE). – Chiedevo, per quanto riguarda una maggiore collaborazione dal punto di vista giudiziario tra gli Stati dell'Unione europea.

2-120

Cecilia Malmström, Commissioner-designate. – This goes back to an issue we have been discussing for two and a half hours now: that we need to reinforce cooperation between law-enforcement authorities in Europe. We need to be able to share information about criminals and to cooperate, because criminals cross borders and we must increase our capabilities to follow them. That demands a lot more trust and concrete cooperation between the different law-enforcement authorities.

2-121

Zuzana Roithová (PPE). – By imposing visa requirements on Czech citizens, Canada has made a political statement towards the EU that there are different categories of citizens from different EU Member States.

What are the Commission's reflections upon this political reality, which is also fairly negative from a foreign policy viewpoint? What specific action are you prepared to take to ensure that Canada withdraws the visa requirement from the Czech Republic in the shortest possible time frame? Are you prepared to take this matter into account in the context of the European Union's negotiations on a comprehensive economic and trade agreement with Canada?

2-122

Cecilia Malmström, Commissioner-designate. – I am of course aware of this problem, and in the autumn, during the Swedish Presidency, we discussed it a lot.

I know that the Commission is very involved in intensive discussions with the Canadian authorities on this, and the problem has not yet been solved, but it is making progress.

I will of course take over the dossier from Commissioner Barrot from day one – other Commissioners are involved as well – to see how to pursue this matter so that we can find a solution.

2-123

Zuzana Roithová (PPE). – Are you keen to make Member States have solidarity and adopt common measures?

2-124

Cecilia Malmström, Commissioner-designate. – I am sorry, I did not understand your question. Could you repeat it, please?

2-125

Zuzana Roithová (PPE). – Are you keen to make Member States have solidarity with the Czech Republic so that Member States will adopt some common measures – reciprocity?

2-126

Cecilia Malmström, Commissioner-designate. – Well, yes, both the Council and the Commission have said that we have a common policy here and there is total solidarity with the Czech Republic on this. So, the European Union is working together and is also explaining to the Canadian authorities that this is not only about the Czech Republic but is about the whole European Union.

We have a common approach here and, should the problem not be resolved – but I think it will be – there will also be a common response from the European Union's 27 Member States. But I am fairly confident that we will find a solution to the problem.

2-127

Γεώργιος Παπανικολάου (PPE). – Κύριε Πρόεδρε, κυρία υποψήφιε Επίτροπε, θα επανέλθω στο θέμα της λαθρομετανάστευσης. Αναφέρθηκε ήδη και από εσάς και από συναδέλφους ότι τα μεγάλα κύματα λαθρομεταναστών που εισέρχονται στην Ευρωπαϊκή Ένωση επιβαρύνουν δυσανάλογα κυρίως τα κράτη μέλη της Νότιας Ευρώπης. Και συχνά αναφερόμαστε στην αλληλεγγύη που πρέπει να δείχνουμε για την αντιμετώπιση της εισροής λαθρομεταναστών - και αυτό είναι αυτονόητο - γιατί πολλοί από αυτούς που μπαίνουν στο Νότο κατευθύνονται προς το Βορρά. Στην πράξη όμως έχουμε δει - και αυτή είναι η πραγματικότητα - ότι ελάχιστη ουσιαστική πρόοδος έχει πραγματοποιηθεί στην επίδειξη της αλληλεγγύης.

Σας ερωτώ λοιπόν και περιμένω συγκεκριμένες απαντήσεις: πώς σκοπεύετε με συγκεκριμένα μέτρα να κάνετε την αλληλεγγύη να δουλέψει στην πράξη και,

δεύτερον, πώς αντιλαμβάνεστε την επίδειξη αλληλεγγύης; Την αντιλαμβάνεστε σε εθελοντική βάση ή σε υποχρεωτική βάση μεταξύ των κρατών μελών;

2-128

Cecilia Malmström, Commissioner-designate. – I am, of course, aware of the big pressure on certain Member States, especially depending on the seasons, and that creates difficulties.

I would like to repeat that the vast majority of migrants, irregular or not, come via other means, such as by air – but this is a problem in the Mediterranean especially. It causes, as Mr Busuttil and others have said, so many human tragedies – people drowning and so on. It is the responsibility of the whole European Union to take care of that.

I think we have come quite a long way with solidarity. We have mechanisms in place. I have committed myself to reinforcing some of them: Frontex for instance. I want to work with the multi-project to see how we can make this a more constant part of European Union politics, when it comes to resettlement, and to convince more Member States to take part in that and similar projects. I think the Asylum Support Office will be helpful in this regard. We need to work much more, and I also commit myself to doing that, with neighbouring countries in order to make them take part in this and in readmission and in helping us prevent people from coming here. We must also work globally in order to ease the differences between the European Union and our neighbouring countries when it comes to welfare and democratic rights and so on.

I honestly do not think it is a way forward or that it is politically possible to force Member States to be solidaric. You can reinforce the tools and the incentives; you can encourage and put on political pressure; but I do not think that doing it mandatorily is a way forward in the Council. We have to be realistic on that.

We have the economic and political means to facilitate it. I will use them as much as possible, but we also have to be realistic. However, together with Parliament, the Commission is ready to work with the Member States and to ask them to take a greater share of the responsibility, not only in words but also in practice.

2-129

Γεώργιος Παπανικολάου (PPE). – Σε σχέση με αυτό που είπατε, κυρία υποψήφιε Επίτροπε, θα ήθελα να υπενθυμίσω κάτι που είδα στις αναλύσεις: το 2008, από το σύνολο των περιπτώσεων σύλληψης λαθρομεταναστών, το 25% των συλλήψεων πραγματοποιήθηκε στην Ελλάδα, το 16% στην Ισπανία, το 15% στην Ιταλία και το ποσοστό της Πορτογαλίας δεν απέχει πολύ.

Θα ήθελα να σας ρωτήσω δίδοντας έμφαση στις χώρες της Νότιας Ευρώπης: με ποιο τρόπο και σε συνεχή βάση σκοπεύετε να συνεισφέρετε στη δημιουργία νέων υποδομών υποδοχής για τους παράνομους μετανάστες και τους αιτούντες άσυλο, καθώς βεβαίως και στη

βελτίωση των υπαρχουσών υποδομών, ούτως ώστε από τη μια να εξασφαλίζεται ένα αξιοπρεπές επίπεδο διαβίωσης για αυτούς και από την άλλη να εκφράζεται όσο πιο έμπρακτα γίνεται η αλληλεγγύη προς τα κράτη μέλη ιδίως της Νότιας Ευρώπης που δέχονται μεγάλα κύματα παράνομων μεταναστών;

2-130

Cecilia Malmström, Commissioner-designate. – One very important part of solidarity within the European Union is other Member States helping certain countries to strengthen their capacities on reception, to transfer technology and expertise, and share different experiences. But there are also economic means to do that so that countries under extreme pressure, whether it is temporary or constant, can build up and have the capacity to receive people.

This is going on in the European Union. I think it can increase and I think that this is a good way to help each other. Solidarity has different dimensions. Having said that, we need to fight irregular migration and work towards stemming it. However, we must never forget that we also have a responsibility to protect those who are really in need. For this we also need reception capacities and, as I have outlined, I want to put forward proposals to harmonise that.

2-131

Jan Philipp Albrecht (Verts/ALE). – Mrs Malmström, we have had some interesting hours where you have pledged your support for fundamental rights and data protection and the principle of proportionality in the European security policy. I appreciate this, but the problem is that I do not know where you stand when it comes to detailed questions, so I have just three almost ‘yes’ or ‘no’ questions of detail.

Firstly, will you go for a review of the obviously disproportionate data retention directive?

Secondly, will you go for a comprehensive and accessible right for citizens to information about their collected personal data in the field of police and justice cooperation, and for data protection supervisors?

Thirdly, will you also go for full redress possibilities in infringements of fundamental rights according to the European Convention on Human Rights when it comes to data transfer to non-EU countries?

2-132

Cecilia Malmström, Commissioner-designate. – I could answer yes to all that, but it does need some nuancing.

The Data Retention Directive will be subject to revision – an evaluation – by the beginning of next year, and then we will look at all these issues: proportionality, data protection, usefulness, costs, etc.

On the full redress policy, it is within European Union policy that citizens of the Member States are under the protection of our values and our legislation. We will convey the whole European Union to the European

Human Rights Convention, and that will increase the protection. I think that Mrs Reding also elaborated on that.

One part of the revision of the data system, and the constant dialogue that we must have with national and European data supervisors, is to see how the citizen can obtain information on whether he or she has been subject to exchange of information that has been damaging or detrimental to his or her life. That varies a little bit between the different data systems, but that is one aspect that I will look into as well, together with Mrs Reding.

2-133

Jan Philipp Albrecht (Verts/ALE). – I am looking forward to this, even though I do not know if it was a 'yes' or 'no'!

When it comes to security measures, the Commission and Council often refer to so-called 'facts' and 'information' which would prove the necessity of those measures. In many cases we did not get such information and documents for various reasons, for example restraint demands from the US – which Mrs Napolitano herself, here in the Committee, said was not true.

Now with the Treaty of Lisbon we have full access rights to all documents at every stage; I read it that way. So will you send us all relevant documents immediately?

2-134

Cecilia Malmström, Commissioner-designate. – The answer is 'no', because you cannot answer a question like that. These are complicated and important matters.

I will commit myself to making sure that you, as co-legislators, have the same information as the Council on all the proposals. We know that there is a proportion of classified documents in the justice and home affairs area. I know that some of these have been given in different forms to coordinators, to the presidium and so on, while some have not been given out.

This is a subject for discussion within the new framework decision between the Commission and Parliament. I know that Mr Barroso has specifically committed to this. It will be discussed so that we address this matter of confidential documents from all the Commissioners in the same way for all the committees in the European Parliament. I think he will come back to that very soon, and perhaps as soon as in the speech he makes to the European Parliament following your vote on the Commission.

This will be a very important factor and I commit myself to making sure that you get the maximum information, and equal information when it comes to co-legislation.

2-135

Tanja Fajon (S&D). – Vem, da ste že utrujeni, ampak še eno zelo pomembno vprašanje je ostalo, posebej za ljudi, ki še niso del Evropske unije, ampak imajo jasno evropsko perspektivo. Državljeni Bosne in Hercegovine

in Albanije še vedno čakajo v zelo dolgih vrstah pred konzulati za pridobitev vizumov za potovanje v Evropsko unijo. Gre za resnično tragične in nesrečne zgodbe, posebej za mlade generacije.

Bo Evropska komisija ravnala enako kot v primeru Srbije in Črne gore in dala predlog za odpravo vizumov tudi, če ne bodo še izpolnjeni vsi pogoji, morda že zdaj v marcu, februarju, da bo dovolj časa za izpeljavo vseh postopkov? In ali mislite, da je realistično pričakovati vizumsko liberalizacijo za Bosno in Hercegovino in Albanijo pred poletnimi počitnicami, torej v juliju? In kdaj končno bi lahko odpravili vse vizumske zidove na zahodnem Balkanu, tu mislim predvsem še ljudi na Kosovu? Hvala.

2-136

Cecilia Malmström, Commissioner-designate. – Visa facilitation is a very important tool, not least for our neighbours. I was extremely pleased to have the privilege to be part of the Swedish Presidency, which provided visa facilitation for Serbia and Montenegro and the Former Yugoslav Republic of Macedonia. As you so rightly point out, Mrs Fajon, this is extremely important for young people who can finally feel that they are a part of Europe too. I believe in this.

This is very important but, if we want to have credibility we must also – as when it comes to enlargement – have certain criteria. These criteria have to be fulfilled. They were fulfilled for the three countries, so we could move forward. They are not yet fulfilled when it comes to Albania and to Bosnia-Herzegovina. The European Commission has committed – and I will follow this up – to help and support those countries in the effort to fulfil all these criteria. The onus lies with them. The Commission can be helpful and supportive, but those countries need to do a certain amount of homework. I cannot give you a date for when exactly that homework will be completed. There is still work to be done. I hope that we can reach an agreement on this during this year, but this depends very much on the criteria.

When it comes to Kosovo, as you know Kosovo was not part of the visa dialogue at the beginning, but the Commission and my predecessor Mr Barrot committed himself to working with Kosovo to see what facilitation means we could provide. This is also something I will come back to you with at a later stage.

2-137

Tanja Fajon (S&D). – Hvala. Strinjam se z vami, da morata Bosna in Hercegovina in Albanija izpolniti vse pogoje, kot so jih morale ostale države, pa vendar zato vas sprašujem. Srbija in Črna gora julija lani prav tako nista izpolnjevali vseh kriterijev, pa je Komisija dala predlog za odpravo ... za vizumsko liberalizacijo in izključila Bosno in Hercegovino in Albanijo. Zato me zanima, ali je možno pričakovati, da bi enako ravnala tudi zdaj in že spomladi, zgodaj spomladi, dala priporočilo.

Obenem pa samo še dopolnilno vprašanje; ker še nismo slišali v zvezi s plačljivo Esto za potovanja za državljane

Evropske unije v ZDA, kako bo Evropska komisija ravnala v tem primeru in ukrepala? Vidimo, da je to danes že dejstvo. Hvala. Mislim, plačljiva Esta za potovanja državljanov Evropske unije v ZDA. Hvala.

2-138

Cecilia Malmström, Commissioner-designate. – On the first issue, we are willing to work with Bosnia and Herzegovina and Albania in order for them to fulfil those criteria. The Commission will eventually make a proposal when we think they are ready, and then it will be the Ministers who take this decision – and, as you may know, they are not always as willing as Foreign Ministers to take these decisions.

We will work with them on the basis of equal treatment – but they have to fulfil the criteria.

So we will ensure there is movement in that area.

On ESTA – I guess that was your second question – this is something we are looking into very carefully, and we have communicated to the American authorities that if this new ESTA is equivalent to a visa then that is one thing; if it is going to be a supplementary admission fee we strongly disagree with this. It is being examined right now by Congress and they are expected to give an answer any day, but we are following this very carefully and we have been extremely clear with the American authorities what we think about this.

2-139

Manfred Weber (PPE). – Sehr geehrte Kandidatin! Wir haben heute viel über Rechte gesprochen, über Minderheitenrechte oder über Hilfe für die Kinder. Das bewegt uns alle und ist und allen wichtig. Aber wir haben für alle diese Fragen eine spezielle neue Kommissarin, die eigentlich dafür zuständig ist, nämlich die Kollegin Reding, die dieses Dossier zu verantworten hat, sich um diese Fragen zu kümmern.

Sie sind zukünftig das Gesicht für die innere Sicherheit Europas, und ich hoffe, Sie sind sich auch dessen bewusst, dass Sie diese Flanke in allererster Linie abzudecken haben.

Ich möchte noch einmal konkreter werden. Ich glaube, viele haben das Gefühl, Sie haben sich sympathisch präsentiert, sind aber leider Gottes nicht so vertieft in die konkreten Aussagen gegangen. Ich nenne Ihnen zwei Beispiele von den liberalen Fragestellern: Meine Kollegin Alfano hatte die Frage nach der Mafia gestellt, und Sie haben uns geantwortet, dass das ein großes Problem ist, und dass die italienischen Behörden damit schon umgehen werden. Eine Antwort schaut für mich anders aus!

Das zweite Beispiel war die Kollegin Ludford, die gefragt hat, wie es mit der Terrorismusbekämpfung aussieht, dass wir die Behörden in Europa vernetzen müssen, da sagten Sie, das ist ein großes Problem, aber einen Vernetzungsvorschlag kann ich daraus nicht ablesen.

Deswegen, auch von meiner Seite, wie beim Kollegen Albrecht die Bitte, antworten Sie mir bitte konkret auf zwei oder drei ganz konkrete Punkte. Erstens zur Terrorismusbekämpfung: Werden Sie einen Richtlinienvorschlag einbringen, in dem wir die Vernetzung der in Europa zuständigen Behörden wirklich operativ angehen?

Zweitens, zum Thema EURODAC hätte ich gerne die Zusage, dass sie bei den EURODAC-Daten zukünftig einen Zugang für die Sicherheitsbehörden auf die EURODAC-Daten gewährleisten.

Die dritte konkrete Frage zu FRONTEX: Ich möchte wissen, ob Sie FRONTEX bei der zukünftigen Umgestaltung der Aufgaben die Zuständigkeit übertragen, unabhängig die Außengrenzenstandards zu kontrollieren, was sie derzeit noch nicht dürfen.

Drei konkrete Fragen, machen Sie das, ja oder nein?

2-140

Cecilia Malmström, Commissioner-designate. – First of all, there is not a contradiction between defending fundamental rights and fighting for the security of Europeans: those things go hand in hand. It is not a situation where I am the police officer and she is the nice person. We will work together and we will defend fundamental rights. I also commit myself to defending the security of all Europeans.

(Applause)

Mr Weber, on your other questions, if you will forgive me, I have had roughly a month to study this enormous dossier. It is full of very interesting but difficult matters. I cannot possibly have a concrete view on all these issues before I even enter my position. I think all the Commissioners in the different committees have had the same problem. They cannot go into all the details. I do not have enough knowledge.

I also want to commit myself to putting forward well-founded and well-grounded proposals, based on evaluation and assessment. Therefore it would be very irresponsible of me to just come up with an answer before really thinking all these matters through. I hope you will understand that.

On the point you raised, I think I did answer. Perhaps there was a translation problem. I did not say that the mafia was only Italian. I said that we had to work with the Italians because the mafia is all over the world and in Europe. So it is a European problem, and I want to address this from a European perspective. I will come back with more complete proposals on that, building, of course, on Italian experiences because they have more experience than others. Maybe I was unclear, or it was a translation problem.

On Eurodac, yes, this is the new proposal. I will come to you with the 'Lisbonised' proposals and we will discuss this. The Council have said that criminal matters should

also be in there. We will have to look at how we can Lisbonise this. It will come back to you.

On Frontex, whether it should also be given – if I understand you correctly – a mandate to check on the standards – was that your question? Yes, I think Frontex should have that, to ensure that we have a uniform standard. I also think it can provide Member States with education, expertise and knowledge so that they reach a common level and standards on border guards.

I hope that was concrete enough and, on the other issues, I will have to come back when I have studied the issues further.

2-141

Manfred Weber (PPE). – Alle wollen die Themen in die Balance bringen, das ist richtig und das spricht für eine gute Kommissarin. Aber ich sage auch, dass ich mir eine ambitionierte Kommissarin wünsche, die sich um Innenpolitik und die innere Sicherheit zu kümmern hat. Das ist ihre Portfoliobeschreibung, und da wünsche ich mir eine ambitionierte Kandidatin, die das auch ambitioniert angeht.

Ich bedanke mich aber für die Antworten, weil die jetzt konkret waren. Ich habe herausgehört, dass Sie einen konkreten Vorschlag für die polizeiliche Zusammenarbeit im Bereich des Antimafiakampfes planen, dass der Vorschlag im Rahmen des Follow-up-Prozesses zu den bisher vorliegenden Vorschlägen kommen wird und dass die Evaluation in den Zuständigkeitsbereich von FRONTEX fallen wird.

Wenn diese konkreten Punkte kommen, dann werde ich auch in Zukunft eine engagierte Kommissarin erleben. Deswegen freue ich mich auch, wenn das bei Ihnen so ambitioniert weitergeht.

2-142

Cecilia Malmström, Commissioner-designate. – Thank you for your kind words, Mr Weber. If you count when you read the proceedings of this hearing, you will note that most of the questions put to me were about asylum and migration: that is why I talked more about those issues, but I can assure you that I attach enormous importance to the internal security strategy and am looking forward to having the tools that we finally can work with on these issues in a much more coherent way, using the tools, the directives and the agencies to fight cross-border crime, terrorism, trafficking, cyber crime – which is something that we will really have to come back to – mafia-related crime etc. We will come forward with proposals on this because I have a true commitment to that as well.

As you say, we will – I hope – have the possibility to meet again soon and on that occasion we will be able to discuss all these issues in much more detail.

2-143

Chair. – Thank you very much, Mrs Malmström. Thank you all, dear colleagues. It has been a long, extensive

and, I expect, exhausting examination. It has been a rough and sharp three hours.

We thank you very much, Mrs Malmström. We look forward to hearing more of you!

(Applause)

(The hearing closed at 12.03)