

TUESDAY, 30 SEPTEMBER 2014

BRUSSELS

THE COMMITTEE ON THE CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

HEARING OF DIMITRIS AVRAMOPOULOS

COMMISSIONER-DESIGNATE

(Migrations and Home Affairs)

IN THE CHAIR: CLAUDE MORAES

Chair of the Committee on Civil Liberties, Justice and Home Affairs

(The hearing opened at 13.30)

2-003

Chair. > I am very glad to welcome Commissioner-designate Dimitris Avramopoulos to this hearing by the Committee on Civil Liberties, Justice and Home Affairs (LIBE). Later this week, this committee will question Commissioner-designate Jourová on justice questions, and Vice-President-designate Timmermans on fundamental rights and the rule of law, but today we question Commissioner-designate Avramopoulos on the central questions of migration and home affairs. He will be the first Commissioner to have ‘migration’ as part of his title and I think every member of our committee is aware of the importance of this central issue.

According to Annex 16 of the Rules of Procedure which contain the guidelines for the approval of the Commission, Parliament shall evaluate Commissioners-designate on the basis of their general competence, European commitment and personal independence. It shall assess their knowledge of their prospective portfolio and their communication skills. I want to remind you that Parliament submitted a preparatory questionnaire to the Commissioner-designate, with two common questions drafted by the Conference of Presidents and three specific questions prepared by the Civil Liberties Committee. The Commissioner-designate has replied in writing to the questionnaire and the answers have been distributed to Members in all languages.

The debate will be structured as follows, and please listen carefully: the Commissioner-designate is invited to make an opening oral statement of no longer than 15 minutes; after the introduction, there will be time for 45 questions and answers from Members; each slot will be of three minutes – one minute for the question and two minutes for the answer. The first round of questions will be asked by representatives of political groups. At the end of the hearing the Commissioner-designate will have five minutes for a closing statement.

Please be aware that I will be strict in ensuring that speaking time is respected. Obviously, if it is not respected the final speakers will have no time to ask their questions so I will cut speakers off.

Interpretation will be provided in 23 languages, therefore you can use your own language. Please keep in mind that interpretation has been provided so please speak carefully and slowly. The debate will be streamed live on Parliament’s website and it will also be possible to access a video recording of the hearing on the same site.

I now have great pleasure in giving the floor to our Commissioner-designate Mr Avramopoulos for his presentation.

2-004

Dimitris Avramopoulos, Commissioner-designate. > Chairman, honourable Members of the European Parliament, the Charter of Fundamental Rights reminds us that the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity. It is based on the principles of democracy and, of course, the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating a wide area of freedom, security and justice. More than anything else, this Charter describes what Europe is all about, and it defines the mission that we have in front of us in Migration and Home Affairs.

The reality that we face in this field is challenging, and to a large extent our shared responsibility will test the pace of European integration and the legitimacy of the European promise.

What is the reality today? An exploding geopolitical environment. A new terrorist threat that has declared its intention to hurt our societies. A European economy struggling to recover from the crisis. An ageing continent in a demographically young world. Ghettos inside our cities that increasingly seek refuge to extremist causes. Sophisticated forms of crime that know no borders. And a continuous humanitarian disaster in our borders, that is in painful contrast to our shared moral, cultural and political heritage. And we face as well the growing dissatisfaction of European citizens.

Let me be clear from the beginning: the answer to these challenges is definitely not Fortress Europe. History has proven that fortresses built for protection from external threats became in the end fortresses that enslaved those who intended to protect and led finally to isolationism. This direction is not a part of our mandate. Europe can only prosper so long as it energetically facilitates the mobility of ideas, goods and people.

Openness and security are the pillars of the European edifice. This is the mission of the Commission in relation to migration and home affairs, and the mission is clear: we have to turn security and facilitated mobility into the stepping stones for a Europe that grows without fear.

To this end, we have to protect the identity of Europe as the area in our world that guarantees fundamental rights. We have to implement an integrated and targeted policy so as to attract the talent and the workforce that each Member State needs. We have to make sure that Europe will support smooth integration of migrants in our societies. Moreover, we have to guarantee that crime and terrorism stay out of European borders and are combated effectively.

When it comes to migration and home affairs, if we do not move together as a Union, we will not move at all. If I am confirmed, I will count on you, the Committee on Civil Liberties, Justice and Home Affairs.

I am proud to be designated as the very first Commissioner on Migration – a fact that underlies the commitment of President-elect Juncker and of the new Commission to addressing the critical challenges of migration. We are confronted with rising numbers of persons seeking protection within our borders. As a Union committed to upholding universal human rights, it is Europe's responsibility to offer protection to refugees fleeing war or persecution, to respect the rights of asylum seekers and, in particular, to respect human beings' lives and the right of non-refoulement in all circumstances.

You, the European Parliament, substantially contributed to the establishment of a robust Common European Asylum System. We now have a comprehensive legal framework and our priority will be to ensure that all Member States apply those principles in a uniform manner. There are still some additional areas that need to be discussed – most notably the possibility to work towards a uniform status, valid throughout the Union.

Based on the results of the health check on the Dublin System, I will analyse possible further steps. Daily we hear news about the arrival of migrants on our shores and the news about desperate people embarking on often fatal journeys in the Mediterranean. One more example came just last night in Cyprus.

We have to improve our capacity to handle asylum crises while at the same time support those who are facing high temporary pressure on their asylum systems. More solidarity is needed and this is possible only if Member States trust each other and assume also their responsibilities.

I am, however, also aware that the majority of refugees and people needing international protection are hosted outside the EU by developing countries facing challenges of their own. International solidarity must not stop at the European Union's borders. In my view, the EU should do more to support countries in the regions from which many refugees originate, or through which they pass.

I will work closely together with my colleague, Vice-President Mogherini and the Commissioners responsible for external matters to create a more joined-up policy on refugees and immigration.

At the same time, I am fully committed to encouraging Member States to host more refugees from third countries. Resettlement of refugees is one of the most tangible acts of generosity and solidarity vis-à-vis third countries hosting large refugee populations. The European Union has to protect those in need but can at the same time only be credible if it tackles irregular migration in full respect of fundamental rights. This includes that rejected applicants are treated with efficient and rapid returns.

Priority should go to assisted voluntary return and, in addition, sustainable reintegration in the countries from where they come should be strengthened. Here we will also need to reinforce our cooperation with countries of origin, transit countries, as well as international and non-governmental organisations.

A comprehensive approach includes also, of course, the possibility to come legally to the EU. We have to maximise the benefits of international mobility, migration and integration. Europe is part of a globalised and interconnected world where international mobility is expected to increase. We need to assess the needs of the European labour market, identifying skills shortages in different economic sectors. The international competition for high-level skills already is intense, but Europe needs also people working in other sectors.

I would like to engage in a regular dialogue with all the relevant players and stakeholders: Member States, businessmen and trade unions. I believe that a European Platform coordinating that dialogue would be very, very useful.

The first years of implementation of the Blue Card Directive have shown, it is true, several shortcomings. That is why President-elect Juncker highlighted this for early attention in his political guidelines.

One of my priorities will also be to ensure that the negotiations on the directive on students and researchers are concluded in 2015.

And now about Schengen. Schengen is one of the greatest achievements of European integration and we have to maintain the absence of controls at the internal borders. A precondition for no internal border control is to have efficient external border control, without making Europe, as I said at the beginning, Fortress Europe. While Member States are responsible for controlling their section of the external border, the capacity of Frontex should be used to the full, to ensure European solidarity.

But are the tools at our disposal sufficient? The Commission, the European Parliament and the Council should open a debate on the long-term development of Frontex and the need for and feasibility of creating a true European Border Guard System. Migratory pressure at the borders and smuggling are steadily increasing, and therefore our response capacity should be reinforced to address holistically the whole problem. Efficient border management requires us to build on modern technology. We have to make better use of the opportunities offered by digital technologies for the management of migration and mobility.

The fight against people smuggling remains a priority. We have to bring to justice those who exploit the needs of people in distress. And the abominable form of modern slavery that is trafficking in human beings should be combated efficiently as well. This is also mainly a fight against organised crime inside the European Union and worldwide, and we need global responses.

Citizens ask us to protect them as they fear that there are threats to their security because of terrorism and violence. At times of conflict in our neighbourhood and threats posed by foreign fighters, we need to better combat terrorism and organised crime. Crime travels across Europe and undermines our societies and the economy. We need an updated framework for European action, with a focus on respect for fundamental rights, and better synergies with external action.

Action against cybercrime will make it easier for citizens and businesses to make full use of the Internet. Likewise, actions against other forms of organised crime such as drug trafficking or against corruption will allow business and industry to benefit more from the internal market and avoid losses to public budgets.

Data retention is a security instrument that has been much discussed. Now we have the ruling of the European Court of Justice. We will have to examine the best options for the way forward, fully respecting the principles inherent in the ruling, namely, the principle of proportionality and the right to personal data protection and the other fundamental rights we hold dear.

Recent events in Europe and beyond have shown that we are confronted with a renewed terrorism threat. The role of the European Union is to assist Member States in countering that threat and particularly the serious threat posed by foreign fighters. We have to work in particular on prevention by combating radicalisation, addressing its causes and disrupting terrorist financing.

Police cooperation and the exchange of information are the backbone of European action in the fight against crime. In this area, there is a lot of room for improvement.

2-005

Mesdames et Messieurs les membres du Parlement européen, j'ai l'intention de travailler étroitement avec vous afin d'arriver à des résultats concrets et tangibles.

Pour que les politiques de l'Union en matière de migration et d'affaires intérieures soient couronnées de succès, nous devons nous concentrer sur les domaines où l'action de l'Union peut faire la différence et nous assurer que notre action soit strictement conforme au respect des droits fondamentaux.

Si je suis confirmé, j'aiderai le président élu à mettre en œuvre les lignes directrices dans les domaines qui sont directement liés à mon mandat.

Dans ce but, je serai en liaison directe avec mon collègue le vice-président Timmermans et je travaillerai en harmonie avec les autres membres de la Commission.

Confirmé commissaire, je m'engage, avant tout, à servir ce qui nous unit.

Je m'engage ensuite à respecter scrupuleusement les valeurs de l'Union, la charte des droits fondamentaux et les principes d'une politique européenne transparente et démocratique.

Je m'engage aussi à être utile aux citoyens sans être "enfermé" dans des murailles bureaucratiques.

Je m'engage également à être dévoué à nos valeurs communes et, dans le même temps, à faire face aux nouveaux défis avec résolution et persévérance.

Je m'engage enfin à assurer qu'ensemble, nous allons mener jusqu'au bout, avec succès, le mandat que les citoyens européens nous ont donné et à faire de l'Europe un espace d'espoir, de progrès et de liberté au profit de tous les citoyens. C'est une obligation politique et morale pour nous.

(Applaudissements)

migration. Je voudrais savoir, Monsieur le Commissaire désigné, si vous vous engagez personnellement pour le respect des droits fondamentaux de chacun de ces enfants en situation de migration, et ce que vous proposez pour garantir le respect de leurs droits et améliorer leur situation particulière, parce qu'étant jeunes mineurs, ils sont, par définition, plus vulnérables que les adultes.

Vous engagez-vous à mettre en œuvre les recommandations du rapport sur les mineurs non accompagnés de novembre 2013? Comment, par quelles mesures et selon quel calendrier? Enfin, en particulier, quelle suite donnerez-vous au paragraphe qui réitère la question de l'impossibilité, normale dans nos démocraties, de mettre un enfant, un mineur, soit en détention, voire en rétention?

2-029

Dimitris Avramopoulos, commissaire désigné. > Madame Griesbeck, je dois d'abord vous dire que la protection des enfants est une obligation légale et politique, pour nous tous. Je suis père moi aussi et je suis très sensible au sujet. Si je n'en ai pas encore parlé, c'est parce que j'attendais la question d'une personne aussi sensible que moi.

Mais au-delà de cela, je dois vous dire qu'en ce qui concerne les plans d'action de 2014, on va les respecter. Et, avec votre soutien et vos idées, on va promouvoir la protection des enfants.

2-030

It is also my personal commitment and, as I said before, if we did not speak about it, it is not because it is outside the spectrum of our discussion, but it is the most sensitive part. I am confused now with the language, but anyway I will keep to English. We must not have these children retained with adults – that is very important – and we must take care of them. This will be one of the main characteristics of the policy we intend to adopt in the future. Children are the most sensitive part of our society and they need special – and also more sensitive – treatment.

So this is my answer. It is also a personal commitment beyond my duty as – eventually – a Commissioner tomorrow.

2-031

Malin Björk (GUE/NGL). – The EU has done important work in the area against trafficking in human beings. However, I am concerned that the focus has shifted away from human rights to focus only on the crime-fighting aspects, despite the fact that the role of the EU is also – and, in my view, primarily – to protect victims and their rights and also to fight against the demand for trafficked persons.

The large majority of trafficking in Europe is in women and girls for sexual exploitation, and therefore I think this must be the main focus in our work at EU level. So my question to you is: are you prepared to change the priorities in this area to primarily increasing the focus in fighting the trafficking of human beings for sexual exploitation; are you prepared to strengthen human rights and support for victims in this work; and do you see it as your work to strengthen the work against the demand for trafficked women and girls in the sex industry and the buyers that demand them in this industry?

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2-033

Ska Keller (Verts/ALE). – Mr Avramopoulos, you mentioned the death toll in the Mediterranean, which is indeed significant. Just today, Amnesty International launched this report saying that a big problem is the lack of coordination between the search and rescue operations within the institutions of EU Member States such as Italy, Malta and others. So what exactly are you planning to do, and how do you plan to work with Member States and EU institutions to strengthen search and rescue operations in order to end the deaths in the Mediterranean? And then secondly, to come back to Dublin, you mentioned that it is a big responsibility for Member States. Would it not also ease the situation if one would let refugees claim asylum in a country where they have family ties or speak the language so that they integrate better without Member States having to send them round? Do you not think that this would be a suitable solution?

2-034

Mr Avramopoulos. – Thank you very much for your questions. I will try to answer them as best I can. First, regarding the search and rescue operations in the Mediterranean, I would like to refer you to the report by Amnesty International that you mentioned. I am aware of the situation and I am sure that the Commission and the Member States are working together to find solutions. Regarding the second question, I am not sure I understand it fully, but I would like to say that the Dublin system is a responsibility for Member States. However, I am sure that the Commission and the Member States are working together to find solutions.

Keller. – Thank you very much for your answer. I would like to ask you another question. I have seen in the press that the Commission is planning to launch a new initiative in 2015. I would like to know if this initiative will be related to the search and rescue operations in the Mediterranean. I am sure that the Commission and the Member States are working together to find solutions.

Mr Avramopoulos. – Thank you very much for your question. I am sure that the Commission and the Member States are working together to find solutions. Regarding the search and rescue operations in the Mediterranean, I would like to refer you to the report by Amnesty International that you mentioned. I am aware of the situation and I am sure that the Commission and the Member States are working together to find solutions.

Keller. – Thank you very much for your answer. I would like to ask you another question. I have seen in the press that the Commission is planning to launch a new initiative in 2015. I would like to know if this initiative will be related to the search and rescue operations in the Mediterranean. I am sure that the Commission and the Member States are working together to find solutions.

2-035

Kristina Winberg (EFDD). – Det är en viktig portfolio du har blivit anförtrodd och jag hoppas att du kommer att förvalta den väl.

Stora delar av EU:s gränsskydd är mycket bristfälligt, inte minst i ditt hemland och i flera länder i de södra delarna. Det borde vara uppenbart att Frontex och Eurozone inte räcker till. Vi har illegala flyktingar som slinker igenom och sedan stannar. Jihadister från Irak och Syrien som vi måste kontrollera ut- och inresan för. Ensamkommande som borde tas omhand i ankomstlandet.

workers»). («seasonal workers»). («Blue Card») («resettlement») « »

2-047

Barbara Spinelli (GUE/NGL). – Lei ha vantato qui, oggi, di nuovo, il muro di filo spinato alla frontiera greco-turca. Il muro, Lei sa, ha dirottato le fughe dei migranti verso il Mediterraneo centrale e l'Italia. Coerentemente con questa posizione, Lei afferma che la sua priorità numero uno è la lotta contro il traffico di immigranti, non l'apertura di vie legali per chi fugge da zone di guerra e per forza è irregolare.

Chiedo in primo luogo se ribadisce questa priorità e, in secondo luogo, come pensa di dar seguito all'intenzione, comunicata dalla Commissione al Parlamento europeo a marzo, di introdurre regole sul mutuo riconoscimento dello status di rifugiato, perché nasca uno status uniforme in materia di asilo, valido per tutta l'Unione, come si legge nell'articolo 78 del trattato sul funzionamento dell'Unione europea.

2-048

Spinelli, 2015. «muro» :

2-049

Jan Philipp Albrecht (Verts/ALE). – Commissioner-designate, I recognised your very strong words on the judgment on the Data Retention Directive and especially the assessment that this is also

2-053

Carlos Coelho (PPE). – Mr Avramopoulos, I have three questions on Schengen. First, 62% of European citizens look at free movement as the most positive outcome of the 50 years of European integration. Nevertheless, the European project is under pressure and radical parties are opposing free movement in itself. In what manner will the preservation of free movement in the Schengen area be a priority in your mandate?

The second question is on evaluation. We now have a real European evaluation system that can detect security risks and which also helps to resolve them. How do we plan to implement the Schengen System, and what guarantees can you give us that corrective actions will take place? Finally, on the Schengen Information System, second generation (SIS II), how would you comment on the report of the Court of Auditors on SIS II, and what lessons do you take from a project that took six years more than it should have done and which cost eight times more than planned?

2-054

Mr Avramopoulos. – Thank you very much for your questions. First, regarding the importance of free movement, it is indeed a key element of the European project. We will continue to work on ensuring its preservation and addressing any challenges that may arise. Second, regarding the Schengen System, we are committed to implementing it effectively and ensuring that corrective actions are taken when necessary. Finally, regarding the SIS II project, we acknowledge the challenges faced and will learn from the lessons of this project to improve future initiatives.

2-055

Sylvie Guillaume (S&D). – Monsieur le Commissaire désigné, j'allais vous interroger, comme d'autres collègues, sur les voies d'immigration régulière, mais il y a manifestement des choses que vous ne pouvez ou ne voulez pas développer à ce stade et je vais donc m'y prendre autrement.

Dans vos réponses écrites, vous proposez d'entreprendre ce que vous appelez un "bilan qualité" de la législation existante en matière d'immigration légale. Qu'est-ce qu'un bilan qualité? Quels instruments spécifiques d'immigration légale seraient vérifiés? Et puis, comment comptez-vous évaluer la valeur

(GUE/NGL). –

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2-063

Eva Joly (Verts/ALE). – Monsieur le Commissaire désigné, la complicité de la Pologne dans les opérations menées sur son territoire par la CIA vient d'être reconnue par la Cour européenne des droits de l'homme. Neuf autres États membres auraient collaboré au programme de la CIA. Il faut faire la lumière sur ce qui s'est passé et juger les responsables.

Comment entendez-vous contribuer à la lutte contre l'impunité et assurer que les États membres assument leurs responsabilités liées à leur participation au programme de restitution illégale, de détention et de torture de personnes soupçonnées de terrorisme par la CIA?

Envisagez-vous de faire un suivi des différents rapports et résolutions du Parlement européen sur la participation des États membres à ces programmes? Si oui, comment? Comment aideriez-vous les États membres à mener des enquêtes rapides, indépendantes et approfondies sur toutes les allégations de torture et de traitements inhumains et dégradants qui ont eu lieu avec leur complicité, sur leur territoire, dans le cadre de programmes de la CIA?

(PPE). –

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2-097

Chair. > Firstly, let me thank the members of this committee for this marathon session. You are described as experienced and knowledgeable Members. I think, Commissioner-designate, you would agree that, out of the five hearings that members of this committee will be involved in, this is our core area. I think you will agree that, from data retention to asylum, legal migration and so on, members really have alighted on the key core topics in a detailed way. So I think you have been subject to thorough questioning. So thank you to the members of this committee.

Secondly, thank you for your exchange and for your preparation. I am not going to prejudge what you have done because it is up to the coordinators and the members of this committee, through the coordinators, to make a judgment on what you have said today. They will do that at 17.00 today.

By way of conclusion, I want to take note of a couple of things that you have said today. You made a commitment to review legal migration instruments as well as draft horizontal legislation, plus an in-depth written analysis of the data retention judgment – Jan Albrecht mentioned this. If colleagues are listening, I think it was worthwhile that you did prepare. You talked about an updated PNR proposal, fully complying with the data protection package, and an initiative to strengthen Frontex. I think what you did today was respond to many, or some, of the key proposals made by Members. However, it will be up to us to assess what we think of that and it will be up to us to assess your competence and to assess what you said today. We will do that at 17.00.

There are many other questions of course which may be unanswered, but we will do all of that today and come back to you. So, colleagues, thank you for your attention today. What I am going to do now is ask the Commissioner-designate to make a final statement – perhaps three minutes? If you do five minutes, you might lose what support you gained earlier from your brevity. That is just my tip for the Committee on Civil Liberties, Justice and Home Affairs but, if you want to abuse that, it is up to you. That is a big hint. Maybe three minutes because we are all pretty exhausted. So, go for it – three minutes – and conclude.

Thank you again for your attention today, colleagues. Commissioner-designate, please make your concluding remarks.

2-098

Dimitris Avramopoulos, Commissioner-designate. > Honourable Members of the European Parliament, first of all I would like to thank you for this really very interesting and fruitful discussion that we all had today. You enlightened many of my thoughts on these very, very sensitive issues. I am leaving this room more inspired and more encouraged on my new duties – if I am confirmed. If I am approved as the first Commissioner of the European Union on Migration and Home Affairs, I pledge to focus my political leadership and experience into three pillars of action.

First to ensure that the European Union, as you suggested, adopts a holistic, global and effective migration policy based on the principles of solidarity and proportionality, and also on responsibility.

Secondly, to address critical security challenges in view of new threats and challenges, and always with respect to fundamental rights and our duty to ensure a safer environment for all our citizens.

Finally, to proceed in the development of the European policy on home affairs and migration in close partnership with the European Parliament and to be in an open, frank and continuous dialogue with you; to work closely with you on the basis of transparency and mutual trust.

(Applause)

2-099

Chair. > Thank you, Commissioner-designate. You took my advice and the hearing is now closed.

(The hearing closed at 18.25)