

**DONNERSTAG, 14. JANUAR 2010**

**BRÜSSEL**

**AUSSCHUSS FÜR INDUSTRIE, FORSCHUNG  
UND ENERGIE**

**ANHÖRUNG VON NEELIE KROES**

**DESIGNIERTES KOMMISSIONSMITGLIED**

**DIGITALE AGENDA**

4-002

**VORSITZ: HERBERT REUL**

*(Die Sitzung wird um 16.30 Uhr eröffnet.)*

4-003

**Der Vorsitzende.** – Liebe Kolleginnen und Kollegen, ich darf Sie alle ganz herzlich zur Anhörung der designierten Kommissarin für die Digital Agenda, Frau Kroes, begrüßen.

Frau Kroes, ich begrüße Sie ganz herzlich hier im Ausschuss für Industrie, Forschung und Energie. Herzlich willkommen! Ich darf gleichzeitig auch die interessierten Mitglieder des Ausschusses für Binnenmarkt und Verbraucherschutz sowie des Rechtsausschusses begrüßen. Wir haben, wie Sie also hören, auch Mitglieder anderer Ausschüsse, die an diesen Fragestellungen mitarbeiten und die heute hier auch ihre Fragen einbringen werden.

Ich möchte noch einmal – auch wenn der eine oder andere das schon einige Male gehört hat – darauf hinweisen, wie der Ablauf ist. Frau Kroes wird die Gelegenheit bekommen, 10 Minuten vorzutragen, und Sie werden dann die Gelegenheit haben, Fragen zu stellen. Der Ablauf ist dann wie folgt: Eine Minute Frage, zwei Minuten Antwort, eine halbe Minute Nachfrage und noch einmal eineinhalb Minuten Antwort. Ich bitte um Verständnis, dass wir diese Zeit ganz strikt einhalten werden, weil wir ansonsten spät abends noch da sind und zudem auch die Kollegen, die am Ende der Frageliste stehen, die Chance haben wollen, ihre Frage zu stellen. Also meine dringende Bitte, diese Zeitvorgaben auch einzuhalten. Ansonsten werde ich die Möglichkeit wahrnehmen, notfalls mit einem kleinen Schlag mit dem Hammer oder durch Abschalten des Mikrofons zu reagieren.

Soweit die Vorrede, mehr muss nicht gesagt werden. Alles andere ist schon gesagt und kennen Sie auch alle, weil jeder von Ihnen schon die eine oder andere Anhörung hinter sich hat. Man merkt ja auch, dass der Kreis der Kollegen etwas lichter geworden ist. Wahrscheinlich sind die noch in den anderen Ausschüssen.

Frau Kroes, ich darf Ihnen, nachdem Sie Platz genommen haben, das Wort geben und Sie herzlich einladen, Ihre Vorstellungen vorzutragen. Die schriftlichen Unterlagen hat jeder Kollege bekommen und konnten von allen gelesen werden. Frau Kroes, Sie haben das Wort. Wir sind interessiert, von Ihnen Ihre Vorstellungen zu hören.

4-004

**Neelie Kroes, Commissioner-designate.** – Thank you, Chairman Reul, and thank you, honourable Members of Parliament, for this opportunity to outline my ideas to you and indeed to the many Europeans watching this hearing live on their computers.

The web streaming of these hearings is a powerful symbol of how significant Information and Communication Technologies (ICTs) have become to so many parts of European life. ICTs affect every Europeans every day. ICTs are a driver for growth and employment, ICTs improve our quality of life, and ICTs connect our communities. In other words, ICTs help to improve our daily lives and make us more prosperous. The Digital Agenda should maximise those returns, and if you confirm me as a Commissioner I seek your support to work to ensure those returns across the European policy spectrum.

Europe has many ICT successes to its credit, but to be honest we can do better. We cannot afford a complacent attitude. Instead, we need a mindset that embraces the creation of new markets and new ways of working and living. To support that, we must invest smartly to exploit our strengths, creating the conditions for the digital economy in Europe to flourish. If I am confirmed by you as Commissioner for the Digital Agenda, I would aim to create the environment in which the new Nokias, the new Skypes and the new GSM standards can emerge in Europe.

By getting the right ambitious agenda in place now, we will contribute to a generation of growth and jobs in Europe. In my view there are six building blocks for this agenda. The first is research and innovation. A deeper commitment to research and innovation.

At around EUR 1.7 billion per year, the Community R&D and innovation budget for ICTs is substantial. But let me put it in perspective if you will allow me: this is

smaller than Google's annual R&D budget. So we cannot waste a euro. This money must finance research and development that would not take place without it, and we must leverage it with as much private and national spending as possible. We must build on the talent of our researchers to deliver an innovative ecosystem where European ICT companies of all sizes can develop world-class products.

I am pragmatic about the means - it can be through our traditional instruments of the framework programmes; it could equally be through various forms of public-private partnerships, or pre-commercial procurement. Whatever the means, the end should be technologies that really improve lives, such as technologies allowing older Europeans to live independently, technologies that reduce health-care costs – I am quite impressed by what Denmark is delivering at the moment: the *New York Times* had an excellent article to prove that Denmark has taken the lead even far above the United States – networks that connect people and businesses in faster, innovative ways, technologies making transport greener and more secure.

The second building block is infrastructure. Citizens and businesses want, and increasingly need, to be connected any time, anywhere. For this to happen, we must invest in dense, open high-speed broadband networks, and better wireless applications which use the radio spectrum efficiently. This requires the right incentives to stimulate private investment, without re-monopolising our networks, and carefully targeted public investments that improve market functioning. With this infrastructure we need competitive markets so that communication services are available at fair prices.

The third building block is trust and security. ICTs must be trusted. If Europeans fear for their privacy, worry about fraud or are concerned about threats to their children, then ICTs are held back. We should also have trust in, and public accountability for, governance of the internet.

The fourth building block is access and skills. To be fair and competitive, our citizens and businesses must have the access and skills needed to take advantage of ICTs. ICTs are nothing if we forget people. We can build networks and devices, but if older and less advantaged Europeans cannot use them, or businesses cannot find skilled staff, then we miss our objective.

The fifth building block. Digital society depends upon open standards and interoperability. With this in mind public organisations should practice what they promote. If they don't use open standards, why should citizens? I will pursue this from local authorities up to the European Institutions. If public data such as maps, weather information and health advice is not interoperable, how can it be exploited in new ways? For such reasons I want to explore new ways to develop ICT standards in Europe.

The sixth building block: online single market, and that is the final point. Our European online market is an uneven patchwork of national markets and there I am just using diplomatic language. They are divided by differing regulations, creating a straitjacket that frustrates consumers and limits businesses. I would work with you, if you confirm me as a Commissioner I would work with you, the Member States and my Commission colleagues, to champion a truly single online market: for goods, for both commercial and cultural content, and for services not yet imagined.

In fleshing out the Commission's Digital Agenda on this basis, I would of course draw upon the European Parliament's 2015.eu report, being prepared by Mrs del Castillo. And I think you will agree that these building blocks are only a means to an end. Whether it is with projects like Europeana that preserve our history, or securing Europe, or closing the digital divide, the end is the same: European solutions that enable better and more prosperous daily lives for all Europeans.

How would I implement such ideas if you were to back my appointment? The European Parliament can take much credit for the final form of the Telecoms package and the Audiovisual and Media Directive: you did a great job. We must now convert the potential of opportunities like multiannual spectrum programming into good practice. To get there, I think that we need strong support for Member States, but also tough responses to those who breach or ignore EU law and implementation deadlines. If you will back me, I have the ambition to work with industry and stakeholders to come up with consensual and innovative contributions to the digital agenda. It should be a win-win situation because I think that is how we can get the best results. But let me assure you: if that does not produce solutions, the public authorities have to take their responsibilities in order to achieve our common objectives.

And finally, I should mention what brings me to have such a great interest for this portfolio. I am indeed personally thrilled by the prospect of tackling the Digital Agenda. As Competition Commissioner I have a proven track record of bringing people together and making things happen. And I do not need to tell you that this does not always fill up my list of friends. But anyhow people know that I am straightforward, that I am transparent and that I am sticking to a line for a result for people in Europe. So bringing people together, making things happen on interoperability, on open standards, on consumer choice, on broadband networks, on broadcasting and on online markets – I delivered real progress for both citizens and businesses in the portfolio that I am still responsible for. And from generating ideas to the heavy lifting of implementation – I hopefully prove to you that I am able to do both.

With that record and vision for the digital future, I will listen to your advice, I will seek your support if you put me in place, and I offer my close cooperation.

*(Applause)*

4-005

**Pilar del Castillo Vera (PPE).** – Señora Kroes, en nombre de mi Grupo, bienvenida a esta comparecencia.

El Presidente Barroso, como sabe usted muy bien, anunció en su programa político que la próxima Comisión desarrollaría una Agenda Digital Europea, básicamente con tres objetivos. El de superar los obstáculos para el desarrollo de un mercado digital único, abierto y competitivo, el de promover la inversión en alta velocidad en Internet y el de evitar, también, una inaceptable brecha digital.

Por su parte, el Parlamento va a discutir en esta comisión, el próximo día 4 de febrero, su informe de propia iniciativa, como usted sabe, sobre la Agenda Digital Europea, con lo que esperamos contribuir a este objetivo común.

De hecho, el buen funcionamiento de la economía digital es absolutamente indispensable para el buen funcionamiento de toda la economía europea. Y, sin embargo, lo sabemos todos muy bien, todavía estamos muy lejos de conseguir en Europa el pleno funcionamiento de un mercado único en los servicios *on line*. Estamos muy lejos de ello, realmente. Las cifras lo dicen todo. Sólo el 7 % de las transacciones que realizan los consumidores a través de Internet tienen carácter transfronterizo.

Pues bien, ha anunciado diversas medidas, pero, más concretamente, ¿cuáles son las medidas prioritarias que, de manera urgente, va a proponer usted para conseguir este mercado digital único?

4-006

**Neelie Kroes, Commissioner designate.** – The honourable Member has just touched upon an area which is a high priority not only for President Barroso but also, I can assure you, for all those who are involved in the potential construction of the new Commission. I would just like to say a couple of things about the digital agenda before describing the priorities in response to your question.

The digital agenda is not a goal in itself, but at the end of the day is a means of making a difference in Europe. Communications technologies deliver improvements in our daily lives – for citizens and businesses in terms of jobs, prosperity, quality of life and linking people.

There are a couple of priorities. We need to have a true digital single market as, in terms of creative content online, we need that single market. It will make a big difference if we think along those lines.

What I have done in my current post is to bring parties together – and I am sure you got that information about a digital single market via the online round table. It was quite a risk to bring together parties which normally met each other in courtrooms, but it was a success. It was a step in the right direction.

A good starting point in this case would be the reflection paper on creative content in a European digital single market. I am aware that you were very constructive in that initiative, which opened up for public consultation possible policy options to overcome the territorial restrictions in the licensing of creative content.

That reflection is aimed at finding ways to ensure better content and more efficient protection for rights-holders. Together with Mr Barnier, I am planning to go for that type of priority, rather than just talking about delivering.

4-007

**Pilar del Castillo Vera (PPE).** – Una segunda y breve pregunta: inherente al nuevo marco regulatorio es el objetivo de reducir las regulaciones *ex-ante* en el sector de las comunicaciones electrónicas, de manera que éste quede gobernado definitivamente por la ley de la competencia.

Considerando que el mercado de las comunicaciones ha mostrado una fuerte dinámica competitiva, en muchos aspectos, en los últimos años y teniendo en cuenta su pasado como Comisaria responsable de Competencia, ¿cómo prevé llevar a cabo la progresiva reducción – digamos– de la regulación *ex-ante*? ¿Cree que la eliminación de toda la regulación previa podría ser un objetivo factible para el final de esta legislatura?

4-008

**Neelie Kroes, Commissioner-designate.** – If that is five years, then yes.

4-009

**Catherine Trautmann (S&D).** – Madame Kroes, vous savez comme nous le rôle moteur que le secteur numérique doit jouer pour la relance économique et sociale de l'Europe. Mon groupe souhaite vous entendre, et entendre vos engagements et votre volonté pour mener, à l'échelle de l'Union, une réelle politique industrielle qui, jusqu'à récemment, semblait parfois être un gros mot dans les milieux de la Commission.

Comment mettre en musique une telle politique, qui soit efficace en matière d'investissement dans les réseaux, qui crée des emplois et qui permette des services innovants et abordables pour les consommateurs?

Nous auditionnions hier Mme Geoghegan-Quinn, avec qui vous partagez une responsabilité sur l'innovation. Vous en avez parlé. Avez-vous la même vision qu'elle de ce sujet? Comment envisagez-vous vos rapports avec sa DG sur cette question clé pour la compétitivité? Nous attendons de vous un signal clair et des engagements précis et concrets.

4-010

**Neelie Kroes, Commissioner-designate.** – The honourable Member is asking me if I support an industry policy approach. I am absolutely sure that you know me a bit better by now, and when it comes to getting information I am very pragmatic. I could not be more Dutch, so to speak, and I am looking forward to results.

I will take this opportunity to explain my thoughts on this to you. If I get the chance, I will fill in what needs to be done in the digital agenda; I am talking about, for example, the NGAs (Next Generation Access) and cooperation with those who are involved in that process which they are investing in. We badly need investment in those new infrastructures.

If we are saying, as a Commission, that there should be a 100% broadband coverage, then it does not take a lot of imagination to know that we definitely need to start tomorrow, so to speak. Otherwise we cannot accomplish it. If you call that an industry policy, well, then I am your friend.

*(Interjection from the floor)*

Yes, that is quick!

I think that in discussing this part of the digital agenda and the total approach of having 100% broadband coverage in Europe, we need to take that chance for two reasons.

Firstly, it is indeed filling in on our competitiveness, our chance to get a bit ahead of others who are active in that field. It is also an excellent opportunity to enlarge economic growth, to create jobs. Just talking about that type of investment – and I do not need to explain it to you – is something that you can start next month. That is indeed filling in on a policy for creating jobs and for just pushing the economy.

4-011

**Catherine Trautmann (S&D).** – Je ne suis pas encore tout à fait votre amie, parce que votre réponse ne me satisfaisait pas complètement, notamment la partie sur l'innovation.

Je voudrais vous interroger sur le fait que les citoyens attendent de leurs responsables politiques le respect de leurs droits fondamentaux, et vous êtes informée des débats que nous avons eus, dans le cadre du paquet télécom, sur la place d'Internet en matière de liberté d'expression, mais aussi de protection de la vie privée et des droits de la défense.

Comment comptez-vous garantir que le compromis trouvé et voté ne soit ni travesti dans sa transposition, ni contourné par le biais d'une convention internationale comme ACTA, qui est actuellement négociée par la DG Trade et qui, selon plusieurs sources concordantes, remettrait en cause l'acquis communautaire sur ces libertés et sur la non-responsabilité des intermédiaires techniques?

Allez-vous former, avec Mme Reding, un duo de choc pour vous y opposer?

4-012

**Neelie Kroes, Commissioner-designate.** – I do not need much time to assure you that I am very much in favour and that, for me, this is a fundamental right that is definitely not up for discussion, and I think that we take

the same line on that. If you are talking about the Anti-Counterfeiting Trade Agreement (ACTA) issue, I had the opportunity to discuss this point with Karel De Gucht.

The goal of the ACTA negotiations, as you are aware, is to provide an international framework to improve enforcement against the global trade in counterfeit goods and pirated copyright protected works by agreeing international rules on how to act against large-scale infringement; often conducted, by the way, by criminal organisations: let us be quite clear on that. In that respect and with the ACTA negotiation process, the negotiating partners are attempting to address the growing importance of the internet as a means of IPR infringement. No text has been agreed yet. A first proposal has been tabled by the US.

For the Commission, the objective of the negotiations is that our international partners guarantee, number one, the same level of protection for intellectual property rights that the EU currently applies with all the due guarantees provided by our acquis. The Commission will ensure, and Karel was just saying the same, the dual guarantees provided that we need. The Commission is in line with the current level of harmonisation of IPA enforcement and there will be no harmonisation via the back door. We stick to the line; they have to move to our side, and that is it.

4-013

**Lena Ek (ALDE).** – Även jag vill för ALDE-gruppens räkning hälsa er välkommen till utfrågningen.

Internet har blivit ett fantastiskt utrymme för innovation och framsteg, tack vare användarnas frihet att göra självständiga val. Den friheten hotas i dag av vissa stators klåfingriga ansträngningar att kontrollera innehållet som vi användare skickar mellan varandra. Till exempel har Googles problem i Kina varit förutsägbara.

Genom telekompaketet som antogs i höstas har vi här i Europa istället visat världen att det är möjligt att kombinera rättssäkerhet för medborgare med en tydlig marknadsliberal inriktning.

Kommer du att fortsätta på den inslagna europeiska vägen som säkerställer nätneutralitet genom fria val på en marknad istället för klåfingriga statliga överregleringar?

4-014

**Neelie Kroes, Commissioner-designate.** – I am very much in favour. That is something we share, and I am absolutely sure that we all share this view, as I have gathered from your information, that net neutrality is absolutely crucial. On a personal note I put even a heart by this item on my paper! It is of high importance for both of us, the Commission as well, to preserve the open and neutral character of the net.

There are a couple of reasons, and perhaps more than a couple, for being very vigilant to new threats to net

neutrality which can arise from many sources, as we are aware. Blocking or discrimination against voice-over IP services by mobile operators in several EU countries is just one example, and I think there we have to be very consistent and very transparent about what we are in favour of.

That is why the revised telecom rules will further strengthen competitive market forces and transparency for consumers.

On the China Google case, which you touched upon, I think that we all agree that this is a case where it has been proved that a higher level of sophistication of cyber attacks was at work; so, it is not a matter of lack of alertness, but because the hackers are quite creative.

If true, this case would be particularly worrying, as the targeting of human rights activists in China and elsewhere would be a clear violation of fundamental rights such as freedom of expression, which are crucial for the European Parliament and the Commission, as well as freedom of opinion. So this incident shows us again not to take for granted that everyone shares our thoughts on these issues.

4-015

**Lena Ek (ALDE).** – Många ungdomar är mycket bekymrade över precis just dessa integritets- och rättighetsfrågor, till exempel mitt ungdomsförbund hemma, Centerpartiets ungdomsförbund. Skulle man kunna tänka sig att den europeiska ombudsmannen får ett utvidgat ansvarsområde, så att det också går att avgöra integritetskränkningar genom hans försorg?

4-016

**Neelie Kroes, Commissioner-designate.** – I take your point but I do not think it lies within his responsibility. He is responsible for the inside of our organisation. I think there are even more challenging possibilities, but let me give some thought to that and discuss it with you and your colleagues later. This is a main issue but the Ombudsman, in this case, is not the right one to solve the problem.

4-017

**Philippe Lamberts (Verts/ALE).** – Bienvenue, Madame Kroes, au nom des Verts. Nous avons apprécié vos prestations à la tête de la DG Concurrence. D'ailleurs, nous aurions aimé vous voir y continuer, non pas que nous ne voulons pas de vous ici, mais vous y avez fait un excellent travail et je crois que votre successeur aura fort à faire pour maintenir le niveau de l'action.

Je voudrais poursuivre sur le thème de la neutralité du Net. Vous l'avez dit, l'Internet est un outil au service du marché, c'est un outil au service des services publics, mais c'est aussi un outil de démocratie. C'est un outil qui, mieux que tout autre, permet de garantir les droits d'expression et les droits d'accès à l'information, par exemple.

La question que je me pose c'est, si l'on veut imposer la neutralité du Net, bien sûr qu'on peut s'intéresser à la manière dont les opérateurs trient ou non le trafic, vous y avez fait mention. Il y a aussi des choix technologiques qui, par leur fermeture, par le fait justement que ce sont des choix propriétaires, touchent et heurtent la neutralité du Net.

Vous avez connu ces questions techniques dans le cas de Microsoft, par exemple. Comment comptez-vous agir sur le volet technologique de la neutralité du Net pour garantir que le réseau reste bien neutre?

4-018

*(Kurze technische Unterbrechung wegen Umtausch der Kopfhörer der designierten Kommissarin)*

**Der Vorsitzende.** – Haben Sie die Frage von Herrn Lamberts verstanden?

4-019

**Philippe Lamberts (Verts/ALE).** – The impact of technological choices for closed technologies that impact net neutrality – that is my question. What can you do in your new role?

4-020

**Neelie Kroes, Commissioner designate.** – For me it means that we are not blocking opportunities for certain technologies, but allowing possibilities for those technologies. It should be about talking about open source, for example. It should be really filled in. Otherwise we are facing situations in which a dominant player is taking an abusive attitude, and that should not be done. So net neutrality is indeed having an open and clear-cut Net neutrality.

4-021

**Philippe Lamberts (Verts/ALE).** – Expanding on the role that IT can play in reaching not only on carbon but on our resource economy. There are piles of domains in terms of transport, energy efficiency, mobility etc. What are the initiatives that you would like to take in order to accelerate the impact of IT on the transformation of our economy?

4-022

**Neelie Kroes, Commissioner-designate.** – Quite a number and in cooperation with a lot of colleagues. That is the attractiveness of this portfolio. It is not a blocked or a ring-fenced territory. It is talking about health and e-health. It is talking about culture and it is talking about trade. It is talking about economy and also about the single market. It is talking about energy.

Taking initiatives together in which we can, for example, talk about energy, it is indeed possible with smart metering to reduce our energy consumption and indeed create sustainability. This is indeed possible via the development of technology which will give a big boost to all these issues and that is what I am really interested in.

It is not only about prosperity but also about background. It is sustainability, it is safety in mobility, it

is health, it is water, and it is energy. So let us take initiatives in that area and I think if you are backing me that we also have to discuss in our new programme like aid for the research and what our priorities are.

I am aware that I am making a risky remark. But anyhow so far I am more in favour of just taking a couple of issues that are really important in order to take the lead in areas where we are excellent and not dividing everyone and trying to make sure our old friends are on our side. You will never get all your friends on your side if you do not have the courage to say, 'This is great – but not for at the moment'. We need to take a couple of steps forward in certain areas. And we have quite a reputation in certain areas.

4-023

**Vladimír Remek (GUE/NGL).** – Vážená paní komisařko, ve Vašich písemných odpovědích, koneckonců i v úvodním slově, jste se kromě jiného vyslovila proti vytváření tzv. digitální propasti především u zranitelných skupin veřejnosti. Proto bych rád slyšel, jak chcete konkrétně zabránit tomu, aby domácnosti s nižšími příjmy, starší občané a nezaměstnaní lidé včetně mladých nebyli ze sociálních důvodů ve stále větší nevýhodě při vytváření digitalizované informační společnosti. I jedna z řady studií, kterou vypracovala před časem univerzita z irského Corku pro Eurostat, totiž upozorňuje na vážné riziko vzniku nové formy sociální nerovnosti, protože určité sociální skupiny lidí nemohou využívat počítače a ICT celkově v dostatečné míře.

4-024

**Neelie Kroes, Commissioner-designate.** – I am quite happy with your question, as one of the issues we have to face is that we are not living any more *with* networks and digital media, but *in* networks and digital media. So it is not what we have been used to, and what some of us were not able or willing to follow – it is a must. We are living *in* it.

Having said that – and this is one of the challenges of this portfolio – there are groups, recognisable on a social or age basis, that are at risk. I would really regret losing generations, because it is going that speedily. We have the responsibility to give them a hand and show them that this is not something to fear, but that it can be fun and bring a lot of pleasure to one's life. In this we need to activate Member States, of course. If there is broadband all over the place, at 100%, then there can no longer be any excuses for not looking at those groups.

We have to start, indeed, on education, but also in other ways. This is what I was referring to. I am sure that some of you read Tuesday's article in the *New York Times* about Denmark and health care. It can be great for ageing people to have that opportunity and, at the end of day, it is less costly. So there are a lot of opportunities, but I completely agree with your point: let us be alert to those who are perhaps not yet aware how important this is, or cannot be aware.

4-025

**Vladimír Remek (GUE/NGL).** – Ještě jeden doplňující dotaz. Mimo jiné mi ho připomněl i Váš krajan z naší frakce GUE/NGL pan Dennis de Jong a týká se situace malých a středních podniků. V tzv. rychlých digitálních sítích jsou údajně zastoupeny v 10 %. Jak chcete změnit tuto situaci a navíc jak byste chtěla chránit malé inovační podniky, které bývají těmi velkými často doslova spolknuty?

4-026

**Neelie Kroes, Commissioner-designate.** – One of my hobby horses! I was in the position and still have the responsibility for competition policy and for state aid which focused on SMEs just to clarify instead of mentioning it as a hobby horse.

SMEs are 99% of all the enterprises in Europe. If we are talking about enlarging jobs and enlarging the economy, then they are the ones who are creating jobs and, in my opinion, it is not the government or whoever.

Having said that, we need to take them seriously – and not only seriously – but with our state aid measures we do have special guidance for SMEs. That can be connected with this issue too and there is a possibility for state aid for broadband for example.

What I am highly interested in in this portfolio is to focus not only for pushing them to use what is there, but also pushing research and innovation far more in those categories.

Those are main ones and we all know the stories about the guys and the girls. In most cases so far it's guys, but we are pushing to get the girls in the garage and to develop certain issues, to make it possible for them to innovate and to give products in their initiatives.

Not just taking them on board the SMEs as well as using the new possibilities, but also in research and innovation. Quite often it is a question of pushing them to be active. The possibilities are there.

4-027

**Louis Bontes (NI).** – Mevrouw Kroes, ik zal u mijn vraag stellen in het Nederlands, uw moedertaal. Ik denk dat u dat op prijs stelt. In de eerste plaats gefeliciteerd met de voordracht namens de Nederlandse regering voor deze functie. Mijn vraag gaat over de interne markt. De interne markt binnen Europa is nog niet op orde. Niet alle bedrijven krijgen gelijke kansen. Duitsland beschermt de Duitse bedrijven, de Fransen nog steeds de Franse bedrijven en soms komen Nederlandse bedrijven daardoor moeilijk aan de bak, met name bedrijven in de Nederlandse telecomsector.

Mijn vraag aan u is: wat gaat u doen om een gelijk speelveld te creëren voor de telecomsector? Het is zo dat de Partij voor de Vrijheid het ontzettend belangrijk vindt dat er een gelijk speelveld is en mijn dringende vraag is: wat gaat u daaraan doen?

4-028

**Neelie Kroes, kandidaat-commissaris.** – Voorzitter, de geachte afgevaardigde geeft nogmaals aan hoe belangrijk het is niet alleen op papier te spreken over één interne markt zonder grenzen, maar deze ook in de praktijk te doen functioneren. We zijn met elkaar heel duidelijk van mening dat het nog niet allemaal gerealiseerd is en ik ben niet de laatste om te zeggen dat er nog veel te doen is. Ik ben wat minder negatief dan u bent. Ik praat even niet over telecom, maar ik praat over de gehele markt.

We hebben gezien - en ik pretendeer in de huidige portefeuille een beetje inzicht te hebben - dat er af en toe en zeker wanneer de economie er wat slechter aan toe is, protectionistische tendensen zijn. Maar als ons dat bekend is en wij actie nemen, dan reageert men daar tot nu toe positief op. Men weet in de tussentijd dat er actie wordt ondernomen vanuit Brussel, vanuit de Commissie en dat men niet in strijd met onze Verdragsregels kan opereren.

In de telecomsector, want daarover heeft u het nu specifiek - en terecht -, is de liberalisering van de telecombedrijven inderdaad een fantastische stap voorwaarts. In sommige situaties, in sommige landen gelden voor de telecombedrijven nog niet dezelfde spelregels, zoals dat volgens ons in een interne markt moet. U vraagt wat ik zou doen als ... Ik zou buitengewoon alert volgen wat er aan de gang is. Niet voorbarig reageren bij de eerste storm wanneer iemand zegt vanuit de concurrentie dat het niet eerlijk verloopt. We moeten met feiten en met duidelijke gegevens opereren en ons dan concentreren op wat we eraan kunnen doen. Met de bedrijven blijven praten en met de landen praten. Men zal zich aan de regels moeten houden. Dus actie.

4-029

**Paul Rübzig (PPE).** – Ich freue mich, dass heute hier in der Anhörung einige Fragen geklärt werden können. Für mich geht es einmal darum, worin Sie eigentlich bei der Beurteilung des Roamings den Unterschied zwischen der Kommissarin für Wettbewerb und der Kommissarin für die Digitale Agenda sehen?

Ich möchte hier nur als Beispiel das Datenroaming erwähnen. Wir haben ja in der Datenroaming-Verordnung festgelegt, dass im Großhandel für ein Megabyte maximale Tarife von maximal einem Euro verrechnet werden dürfen. In meinem Heimatland gibt es derzeit für die gleiche Menge einen Preis von einem Cent im Einzelhandel – also wir haben eine Missbrauchsgrenze von einem Euro – zu Hause bezahle ich derzeit einem Cent. Wenn ich mir Daten aus Österreich nach Belgien übertragen lasse, dann bezahle ich 13,9 Euro für dieselbe Leistung. Für dieselbe Leistungen 1 Cent, 1 Euro oder 13,9 Euro! Bei der Sprachtelefonie stellen wir jetzt fest, dass trotz Roaming-Verordnung diese Missbrauchsgrenze von 0,25 Euro von den meisten Betreibern eingehalten wird. Wir haben in der Zwischenzeit nationale Tarife mit Preisen von vier Cent, also vier Cent zu 0,25 Euro. Wie gedenken Sie hier diesen Unterschied zwischen

Wettbewerbskommissarin und Kommissarin für die Digitale Agenda zu erklären?

4-030

**Neelie Kroes, Commissioner-designate.** – Hopefully I am a bit consistent that there is not too much difference if you back me. That would be a strange situation.

I know that I am answering a high-profile Member of Parliament in the roaming affairs, for, as rapporteur, I am aware that you know everything about this dossier. In the past you gave me some information that was indeed one of those pushes to be in a mood that we are not yet there.

By the way, what has been achieved is great, and compliments to Mrs Reding and compliments to Parliament. This was real cooperation, and I am absolutely sure, having instigated those steps in the two decisions, so to say, in 2007 and 2009, that a lot has been achieved.

But now, sampling the cake is giving us a real taste for it, so now to the other areas which you touched upon: the data and what is worrying you. A valid point. So we have to go on, and an ideal solution would be a European roaming market without borders. I am not sure if five years is enough for that – I am more or less sure that that is not enough. But let us stick to a very challenging target.

For the consumer in the internal telecom market, crossing a geographical border should have no effect or only a very small effect on the services delivered and the prices paid. But we have to wait for the results of the study, then we have to analyse what is really the issue. I assure you (and also after March, with the data), I think that we should communicate – if, again, you approve my being in the new position.

4-031

**Paul Rübzig (PPE).** – Heißt das, dass Sie eventuell vorhaben, eine Roaming-III-Verordnung vorzulegen, oder übergeben Sie diese Aufgabe den europäischen Regulierern?

4-032

**Neelie Kroes, Commissioner-designate.** – In your decisions involved with the Telecoms Package, we have to be aware that this is a new area for national regulators. It is not only new for you, with the Lisbon Treaty and the enlargement of your empowerment, but it is also new for them.

In close cooperation – and this is one of the most challenging issues – with the national regulators, with BEREC and with Parliament, we have to wait for the interim report this summer, and then a year later there will be the final report and then hopefully we can make clear conclusions.

I also want to be quite clear that open-ended roaming regulations should not be my target for, at the end of the

day, it should be the market which does the job – but the market must merit it, and that is what we are seeking.

4-033

**Marita Ulvskog (S&D).** – Fru Kroes, jag ser att ni har ett stort frågetecken på er dräktjacka. Jag vet inte hur man ska tolka det, men jag utgår från att det fortfarande är vi som ställer frågorna och ni som svarar.

Även jag vill ta upp den viktiga principfrågan om nätneutraliteten. Kommissionen har ju efter initiativ från parlamentet, och framför allt från Catherine Trautmann, inlett en översyn. Jag undrar om ni i dag kan berätta något om vad denna översyn hittills har gett. Vad jag har förstått har kommissionen producerat ett *reflexion paper* om nätneutraliteten, som enligt säkra källor ska vara ett väldigt förvirrande dokument. Kan ni ge klara besked, så att vi kan räta ut frågetecknen?

4-034

**Neelie Kroes, Commissioner-designate.** – The easiest part to answer is about my brooch. That was indeed picked out, but not because I will not do my utmost to answer your questions, but because I am not sure what the result of this hearing will be. That is what I had in mind when I took that pin.

Having said that, what is that interim report all about? I do not know the final conclusions. Let me put it that way. For my part, the line we should stick to is that it should absolutely strengthen the competitive and market forces and transparency, and that it should be an open and neutral net, for otherwise we are losing opportunities – that is what I said before to Mr Lambert – and we have to take that into account. Net neutrality is essential and we should not go down another route.

4-035

**Marita Ulvskog (S&D).** – Tack för svaret. Förvirringen i dokumentet skulle kunna bero på att vi menar lite olika saker med begreppet nätneutralitet. Kan ni bara kortfattat ge oss er definition av begreppet nätneutralitet? Vad rymmer det utifrån er utgångspunkt?

4-036

**Neelie Kroes, Commissioner-designate.** – I get your point. There is still some confusion about net neutrality. That is not really the definition that I have on the net neutrality. The core issue is whether internet access providers or network operators should be able to exercise control or limit users' access to any content. For me, when that is done for commercially motivated reasons, that is absolutely a no-go. Only when security issues or when spam is involved to name just two – there is a list of these – but not for commercially motivated reasons. Then it is not net neutrality.

4-037

**Gunnar Hökmark (PPE).** – One of the most important and challenging issues we are to face in the coming years is how to proceed with the digital dividend.

That will be crucial as to how we can develop Europe as a leading region of the world regarding information technologies of all kinds.

So I would like to ask you: how are you going to proceed regarding the digital dividend in order to ensure that the allocation of the spectrum will give the utmost opportunities for different services to emerge and develop in Europe?

4-038

**Neelie Kroes, Commissioner-designate.** – Sometimes I count my blessings. Talking about this issue I am aware that there is a big opportunity for a digital dividend and the opportunity lies in just changing systems. That is a great challenge, so to speak. The move from analogue to digital TV will allow broadcasters to innovate and further develop their services.

We should be quite instrumental in pushing that all along and we should indeed use the single market and try to harmonise as much as we can because if Member States are acting differently then we are losing certain aspects. An efficient use of the spectrum contributes to reaching our policy and that is what you are interested in. It could improve quality. It could lead to greater choice.

Two aspects should be mentioned. The Commission is asking the Member States to finalise the arrangements for switching off analogue TV, and the Commission has put the timeline at 2012. The second point I would like to mention is that coordinated action promoted by national authorities to open up the spectrum to competitive and innovative new services. We will work to make harmonised technical conditions available for those Member States that decide to open up the so-called 800 MHz band for wireless communication such as wireless broadband.

Last October there was a coordinated action by national authorities to open the spectrum to competitive and innovative new services and we should push that. All in all, great challenges.

4-039

**Gunnar Hökmark (PPE).** – I think that is good, but I would also like to underline the question regarding how to proceed with the allocation procedure. How are you going to ensure that you can deal with the conflict of different interests, of old and traditional uses versus all the new opportunities? I think that will be a complex and important issue to deal with.

Another quite fundamental issue is that, if we are to reach a single digital market in Europe, and if we are to avoid national roaming systems in the future, we need to ensure that this will be a use of the digital dividend that enables us to use new technologies across borders.

4-040

**Neelie Kroes, Commissioner-designate.** – There are three elements that I would like to bring to the table. Number one: your own initiative, the Spectrum Summit. This will be organised in cooperation with the Commission and Parliament. I think this is a great initiative by the EP, and the Commission will be of help.



Number two is to prepare – after that and with all our conclusions from that summit – a radio spectrum policy programme on a multiannual basis, and then to ask the Member States to find out what the differences are – but also to ensure that, with net neutrality and with those issues, the former ones – or the old incumbents – would not be treated badly compared to the new ones, and vice versa. So it should be a monitoring process in which, at the end of the day, the conclusions should be appropriate. If not, there should be a correction.

4-041

**Silvia-Adriana Țicău (S&D).** – Sper ca semnul de întrebare să însemne o poartă deschisă pentru dialog, putem găsi împreună răspunsuri la mai multe întrebări.

Și acum mă refer la întrebarea mea: piața internă necesită o cooperare administrativă eficientă, iar directiva serviciilor impune ca, începând cu 1 ianuarie 2010, toți furnizorii de servicii europeni să poată obține informațiile relevante și să efectueze la nivel transfrontalier diferite proceduri și formalități administrative contactând un unic punct de contact online, de la distanță și prin mijloace electronice. Acest obiectiv nu este însă realizat în totalitate, existând încă bariere legale și administrative, de exemplu obținerea unui certificat digital pentru a putea participa la o licitație electronică.

Doamnă comisar desemnat, aș dori să ne spuneți care este stadiul de implementare a obiectivelor programului i2010 și care va fi planul dumneavoastră de acțiune pentru a asigura competitivitatea economiei europene, prin dezvoltarea societății informaționale și utilizarea cunoștințelor. Mă refer aici la *broadband economy*, la facturarea electronică, la licitațiile electronice, la serviciile de guvernare electronică.

4-042

**Neelie Kroes, Commissioner-designate.** – It is true that the time schedule has not completely been adhered to, as was promised. That should not be a reason to put us off track, so the sooner this is done the better. You mentioned what was behind it, that the time schedule was not complied with.

At any rate it is a priority for us that the service providers should be certain that, if they behave, the others will also behave. We need them but we need the others too. So you can be sure that I will monitor this matter closely and push where I can. If it is not within our competence, we should discuss it with the national regulators and with you too.

4-043

**Silvia-Adriana Țicău (S&D).** – Deci să înțeleg că va urma o continuare a planului i2010 sub o altă formă, cu obiective ambițioase? Și, de asemenea, aș dori să menționez faptul că dezvoltarea infrastructurii de comunicații, accesibilitatea serviciilor de comunicații și a informațiilor, garantarea securității comunicațiilor, protejarea drepturilor utilizatorilor și a datelor cu

caracter personal sunt esențiale pentru societatea informațională.

Anul trecut aproape 40% din europeni nu utilizau deloc internetul, iar 46% din gospodăriile europene nu aveau încă acces la internet. Ce măsuri aveți în vedere pentru a ajunge la o acoperire de 100% pentru infrastructura de *broadband*, inclusiv în zonele îndepărtate și puțin populate și aș dori să ne spuneți ce planuri aveți în vedere pentru *e-inclusion*, în special pentru persoanele cu dizabilități?

4-044

**Neelie Kroes, Commissioner-designate.** – Four questions. The answer to your first question is ‘yes’. i2010 – let us go on with this and not lose the line.

The question is why everyone is not taking advantage of possibilities and opportunities – and I am not talking about the non-100% areas of coverage, but about the areas which you were explaining with your figures, where the possibility is there but is still not used.

There are a couple of issues that could make quite a difference: trust and security. It has quite been quite interesting to find out about this, in terms of financial activities and other activities which really require security as to there being no abuse of private information etc. We should keep a keen eye on this, and we should be aware that, even if we think that a system can be trusted, there is mistrust by quite a number of people, so we have to educate them – I do not like to use that word – and inform them on what it is all about. Sometimes this requires far more attention from our side and from the side of the Member States, and sometimes it is just a lack of awareness.

On 100% broadband coverage, I will do my utmost to bring together the parties to draw up the enlargement plans, though I would add that it is not always possible in rural areas to use that solution. Then we need to take into account the fact that using state aid to fill in that part of the 100% might be challenged. Concerning the disabled, I can assure you that this matter is on the agenda for each and every European.

*(The Chair cut off the speaker.)*

4-045

**Antonio Cancian (PPE).** – Signora Commissaria designata, lei ha una delega molto importante, ma soprattutto delicata, delicata. Lo sviluppo sostenibile qui credo debba garantire la sicurezza e combattere le contraffazioni e le violazioni di qualsiasi genere, *in primis* deve garantire la libertà nella *privacy*.

Per questo intervento mi devo limitare al diritto d'autore: oggi il processo di digitalizzazione delle opere letterarie – gli *ebook* – e delle riviste accademiche è molto avanzato. Molti i vantaggi, però non tutela il diritto d'autore e la proprietà intellettuale.

L'inadeguatezza delle direttive, della direttiva 29 del 2001, a coprire l'intera materia, in tal modo gli Stati

membri si trovano in una posizione di debolezza sul mercato rispetto agli altri ordinamenti, soprattutto quello americano, in cui esistono eccezioni obbligatorie al diritto d'autore.

La domanda è: come intende, signora Commissaria designata, adeguare la normativa comunitaria al progresso tecnologico e rispondere alle richieste di eccezioni globali obbligatorie volte a promuovere sul territorio dell'Unione una diffusione più ampia e democratica della proprietà intellettuale (mi riferisco all'istruzione e alla ricerca naturalmente)?

4-046

**Neelie Kroes, Commissioner-designate.** – Copyright is one of the very sensitive parts of the Commission's policy, and talking about piracy is just like going round in a circle. For as long as there is a patchwork of different national copyright rules, you can forget talking about piracy. It is difficult to have a pan-European piracy initiative.

But that is not the only issue. We all agree that the creators of a product or a service deserve to be paid for it. Having said that, if we are not successful in taking the opportunity and the challenge of a single market approach to that, then it is really difficult to find a way to do what we should.

We are protecting copyright. It is important for our economy, it is important for our culture, and the people deserve it.

The Commission will continue to monitor the Member States' initiatives. We will promote the legal offers that provide consumers with an attractive and wide choice, and we should be aware of what can be achieved by working together. I understand from Michel Barnier that he is also interested in simply finding a solution, so let us sit down together and try to take a step forward.

What I am afraid of, and this is my last point, is that the others are passing us by, and Europe, because we are not solving this problem, will be found, at the end of the day, in the very last seat at the end of the line.

4-047

**Antonio Cancian (PPE).** – Mi trova soddisfatto, però attenzione alla tempistica, perché i tempi sono importanti in questa materia delicata.

Volevo solamente richiederle la disponibilità a favorire le tecnologie, soprattutto l'accesso dei non vedenti alle opere letterarie.

4-048

**Neelie Kroes, Commissioner-designate.** – I assure you that I would be delighted to get the chance to do that.

4-049

**Fiona Hall (ALDE).** – In your written reply you mentioned ICT as key to the challenges of climate change and of an ageing population. There are many ICT products and control systems that can significantly reduce energy consumption in sectors such as buildings,

transport, logistics and power supply. What specifically do you feel that you can do to bring such technology into ordinary everyday use?

4-050

**Neelie Kroes, Commissioner-designate.** – It is all about communication and informing people. Sometimes I have the impression that, if we do not take the opportunity to involve all the players in the game, we get a much worse result than when they are involved. There is a lot of creativity, a lot of interest and lot of involvement, so let us communicate what is going on.

That is what I try to do within the competition policy portfolio. I am aware that in this field it can be an even bigger challenge, but this is the portfolio about communication, so let us go for it.

4-051

**Fiona Hall (ALDE).** – On a specific thing, Global Positioning Technology is well established, but not a single emergency call centre in Europe is able to use localisation technology to rescue citizens who are in distress. Do you have ideas or a plan to make sure that all available technology is made available to the 112 service in order to save lives?

4-052

**Neelie Kroes, Commissioner-designate.** – Let us first count our blessings. All the Member States are now involved in this project – a great initiative in 112. The day is fixed. We should try to communicate – this is also about communication – but at the end of the day it is all about Member States: how they take the consequences of being one of the parties of this big and important project. It means that we have to take into account that it is saving lives – a lot of lives.

4-053

**Ιωάννης Α. Τσουκαλάς (PPE).** – Σας καλησπερίζω και σας καλωσορίζω, ερίτιμος κυρία, στο Ευρωπαϊκό Κοινοβούλιο. Κάνοντας χρήση των τριών παρεμβάσεων των συναδέλφων που αναφέρθηκαν στην ουδετερότητα του δικτύου, θα ήθελα να συνοψίσω ρωτώντας σας τα ακόλουθα:

Κατ' αρχάς, αν κατάλαβα καλά, είστε έτοιμη να δεσμευτείτε για την προστασία του ουδέτερου χαρακτήρα του διαδικτύου. Θα ήθελα να μου πείτε ποιές είναι οι δράσεις που θα αναλάβετε για τη διασφάλιση αυτής της ουδετερότητας – δηλαδή του ανοικτού διαδικτύου - για τους ευρωπαίους πολίτες.

Επίσης, αναφερθήκατε στις παρεμβάσεις των διαφόρων παρόχων στην παρεμπόδιση που θέτουν στην εφαρμογή του "Voice over IP". Θα ήθελα να μας πείτε ποιά μέτρα είστε διατεθειμένη να λάβετε για αυτό το σημείο.

4-054

**Neelie Kroes, Commissioner-designate.** – Again that is a matter of cooperation with Member States and the national regulators. Regarding net neutrality, introducing VoIP can make a difference. That is another way of using the same infrastructure, so to speak.

Therefore, we have to act and put pressure on owners. Coming back to the answer I gave earlier to Mrs Ulvskog, there is a huge difference between a commercial-approach reasoning for not allowing or accepting something and something being against the rules.

I am absolutely confident that we can do this together. But we have to be active. We have to monitor the situation and communicate that this is a very serious issue. That will be the line we take.

4-055

**Ιωάννης Α. Τσουκαλάς (PPE).** – Στο πλαίσιο αυτό, θεωρείτε ότι η ουδετερότητα του διαδικτύου θα πρέπει να αποτελεί επίσης δεσμευτική προϋπόθεση για τα νέα ευρωπαϊκά τηλεπικοινωνιακά δίκτυα, ιδίως για αυτά που θα προκύψουν από την αξιοποίηση του "Digital Dividend";

4-056

**Neelie Kroes, Commissioner-designate.** – In principle I think that we need to stick to the line that it is net neutral. Also there are new involvements and new developments. I am not saying that is forever – that is outside my scope, so to speak – but, as far as we are aware now, it is all over the place.

4-057

**Ivailo Kalfin (S&D).** – The issue of cyber security is gaining great importance. The development of internet-based technologies creates an increased risk for critical networks and an increased risk for consumers of free information and communication technologies, and for the public as a whole.

Cyber security needs appropriate and transparent regulations, as well as their efficient enforcement. The EU should aim to strike the right balance between measures to create a secure cyberspace and respect for fundamental and consumer rights, as some governments tend to be abusive in that direction.

Where does cyber security stand on your agenda as future Commissioner? Would you be prepared to create the position of European Cyber-Security Coordinator – a position that has been created in the United States and in other countries? Such a coordinator might well coordinate a network of 27 national cyber-security coordinators. Are you prepared to do everything necessary to ensure that the European Union catches up with international cooperation in that field, which is advancing very rapidly?

4-058

**Neelie Kroes, Commissioner-designate.** – We need to be very much involved in the issue you are touching upon. I think that this is one issue which is not just abuse of a situation, there is a criminal aspect to it too, and far more, as I said when referring to the Google issue, it is also an attack on human rights.

But what I read this morning in one of the newspapers was about cyber crime targeting one of the big banks, whereby customers of that bank receive an email.

Coincidentally I also heard from members of my *cabinet* that they had received emails with the same content from their bank – at least that was what it said on the screen – explaining that their password needed to be changed.

You are then taken to a false website looking exactly like the real one and the criminals get the details with the message that ‘your password has to be changed, so please give us your details’. You then think that it is your bank, and I think that the trap looks very credible and has caught many victims at the moment.

I am really worried about that type of attack, and I was even informed that there exists a black market where hackers and criminals can find viruses and crackers and email addresses, credit card details, access codes and what have you, and more than one million viruses were identified in 2008.

The cost of cyber crime is rising fast. We are aware that it is not limited by borders: it is a global issue; so, your point that we should do it in cooperation makes absolute sense; otherwise we are just looking at too narrow an area.

One of my priorities for the digital agenda would be for Europe to be the safest place in the world for internet consumers, and then – I hope you will ask a second question so that I have more time to continue this discussion!

*(Laughter)*

4-059

**Ivailo Kalfin (S&D).** – I will do that for you, Madam Commissioner-designate.

I come back again to this issue of cyber-security coordinator – in some countries they call it the ‘cybug saga’, or whatever. These are individuals who are empowered to follow what is happening and take measures in order to increase security. This is the network for basic international cooperation.

I would put the question again: would you be ready to support such a position within the European Union? Would you also oppose abuse in the other direction – abusing the Data Retention Directive? This happens in different countries; it is happening in my country, in Bulgaria, where the police want practically unlimited access to any communication on the internet or through the mobile phone. What would you do in order to strike this balance of having cyber security and yet not interfering with the fundamental rights of the person?

4-060

**Neelie Kroes, Commissioner-designate.** – On the point that you raised about the Data Protection Directive, it is Commissioner Reding – the Commissioner for this portfolio – who has to revise that Directive and take into account the aspects that you mentioned and that I addressed. I think that it is highly important that we are clear cut, that we do not waste time and that we work together to address those issues. It is also as much public

as private stakeholders that you need to get together in Europe.

If I am confirmed by you, what I want to propose is a major strategy to strengthen the EU's capability in network and information security and to include a new role for ENISA. That would support your thought too.

4-061

**Oriol Junqueras Vies (Verts/ALE).** – Buenas tardes y gracias por su presencia, señora Kroes. Lamentablemente, las operadoras no siempre han satisfecho las expectativas sobre el mercado de telecomunicaciones que se habían generado con su desregularización. Ahora, la crisis económica ha frenado bruscamente la inversión privada y prioriza los retornos a corto plazo, y, además, algunas regiones geográficas no resultan suficientemente atractivas a causa de su baja densidad o de su complejidad orográfica.

En este contexto, y tomando en consideración las Directrices comunitarias para la aplicación de normas sobre ayudas estatales al despliegue de redes de banda ancha, pensamos que la instalación de redes de comunicaciones electrónicas de nueva generación, con el apoyo de las administraciones públicas, es un elemento clave para incrementar la competitividad e impulsar el cambio del modelo productivo.

¿Qué medidas prevé tomar la Comisaria para incentivar la instalación de redes de nueva generación y, especialmente, para acelerar el proceso de aprobación de proyectos ya existentes pendientes de su aprobación?

4-062

**Neelie Kroes, Commissioner-designate.** – There are two lines to take. Number one, if those rural areas are areas in which, normally speaking, private investors are not that interested, then state aid is allowed and the guidelines completely cover an initiative from a Member State. So that is what should be done.

This, in addition to the initiative by the Commission last year, or the year before, means that the funds are there. I was a bit surprised that not all Member States have so far taken the opportunity to get that funding for projects in the digital area, in broadband.

As for the other part, where there is interest from the private sector, we need to sit down together. I am absolutely aware – thanks partly to my experience, as I mentioned before, in bringing the parties concerned in online segments together at a round table conference – that it makes sense to make it clear that it could be a win-win situation, taking into account that there should not only be the incumbent, but also the newcomers, on the market and that competition should be kept alive via transparent and legal backing – as that is one of the issues that those parties are raising. You can ask us to invest, they say, but what are your thoughts on the future and how are you backing this in terms of legality, and how can we be absolutely sure what type of regulation is on the table, as otherwise we will not stay?

So it is about sitting down together and just explaining what and how – together.

4-063

**Oriol Junqueras Vies (Verts/ALE).** – Otra pregunta: el antiguo representante de la Oficina Europea de Patentes en Bruselas, el señor David Sand, declaró que el debate respecto de la Directiva sobre *software* y patentes no se habría producido de haber existido un sistema judicial único y homogéneo que eliminase la actual disparidad de criterios estatales. Además, usted misma, durante la discusión sobre el sector farmacéutico, respaldó la creación de un tribunal central europeo sobre patentes, con el objetivo de establecer una jurisprudencia homogénea a nivel europeo.

¿Está usted de acuerdo con la posición del señor David Sand, que también es la de las grandes multinacionales de *software*? ¿Cree necesaria la creación de un tribunal central europeo de patentes antes de la elaboración de una nueva directiva?

4-064

**Neelie Kroes, Commissioner-designate.** – That is a fascinating question. First, it is not in the portfolio, but having said that the Patent Office is doing a great job.

We have to be quite clear that we are talking about software patents. If that is the case, I am very much in favour. But that is well known by all of you.

On interoperability: That was the big issue with Microsoft, and here we are. Last week we got the final agreement; interoperability for software is much better for the consumer, it is much better for the economy and it is much better for a competitive climate.

There may still be some uncertainty as to the types of standards involved in this, and, as you can appreciate, I am a bit careful. But this point will come back – there is no doubt about that – and we should discuss software patents. I am looking forward to receiving your information.

4-065

**Doris Pack (PPE), Vorsitzende des Ausschusses für Kultur und Bildung.** – Liebe Frau Kroes! Der Ausschuss für Kultur und Bildung tritt seit Jahren für das spezifische europäische Regulierungsmodell des dualen Rundfunksystems ein, weil er der Ansicht ist, dies sei die beste Garantie für Meinungsvielfalt und Meinungsbildung. Zu diesem System gehört ein starker, staatsferner und entwicklungsfähiger öffentlich-rechtlicher Rundfunk, der den Bürgern technologieneutral seine Dienste anbietet. Wie lautet Ihre Definition eines ausgeglichenen dualen Systems, und welche Rolle spielen Ihrer Meinung nach *Public Service Media* darin?

4-066

**Neelie Kroes, Commissioner-designate.** – It is a very clear question and we are aware that, depending on the public broadcasting services, we try to act using principles that are the same everywhere and tailor-made approaches. But we should be quite clear that the

definition in itself has to be as clear as crystal, otherwise we are not getting a real result out of our discussions. What we did in the past on competition issues was, I imagine, also quite an acceptable way for you of retaining diversity, which is a big issue. It is one of those issues that we are fond of in Europe and, at the end of the day, there should still be a competitive market where the consumer is able to pick out what he or she prefers.

4-067

**Doris Pack (PPE)**, *Vorsitzende des Ausschusses für Kultur und Bildung*. – Ich habe noch eine zweite Frage. Ich möchte gerne etwas zur UNESCO-Konvention hören. Ich entsinne mich, dass Sie in dieser Frage eine andere Meinung vertreten haben als die Mehrheit der Barroso-Kommission. Sie waren gegen eine innere Verbindlichkeit dieser Konvention. Haben Sie sich inzwischen bekehrt, und glauben Sie nicht auch, dass dieses Instrument etwas ist, womit wir gerade die Kultur- und Medienpolitik in der Europäischen Union unterstützen und vorantreiben können?

4-068

**Neelie Kroes**, *Commissioner-designate*. – I was not aware that there was such a split, but perhaps we can discuss that later on.

If you are asking about the relationship between this portfolio and culture – which has a close connection with the whole issue being dealt with here – I think it is absolutely vital to keep that bridged. Otherwise we are losing opportunities; the culture and media fields present a lot of opportunities where the new digital agenda can be taken advantage of.

4-069

**Petra Kammerevert (S&D)**, *Ausschuss für Kultur und Bildung*. – Wir haben ja im gerade verabschiedeten Telekom-Paket als eines der wesentlichen Prinzipien nochmals festgeschrieben, dass es sich bei der Digitalen Dividende gleichermaßen um ein Gut von wirtschaftlicher, aber auch der von sozialer und kultureller Bedeutung handelt und dass Einschränkungen der Dienste und der Technologieneutralität aus Gründen des Allgemeinwohls, zum Schutz von kultureller und sprachlicher Vielfalt und beispielsweise auch des Medienpluralismus ausdrücklich zulässig sind.

Jetzt ist aber auffallend, dass in den uns vorliegenden Papieren der Kommission genau diese sozialen und kulturellen Aspekte, beispielsweise im Bereich der Frequenzpolitik, kaum noch Erwähnung finden, sondern wieder nur der wirtschaftliche Aspekt im Vordergrund steht.

Daher meine Frage an Sie, Frau Kroes: Teilen Sie die Auffassung, dass bei der Aktivierung der Digitalen Dividende ausdrücklich sowohl ökonomische wie auch soziale und kulturelle Erfordernisse zu beachten sind? Wenn ja, wie wollen Sie die richtige Balance zwischen diesen teilweise widerstreitenden Interessen in Ihrem Arbeitsbereich hinbekommen?

4-070

**Neelie Kroes**, *Commissioner-designate*. – That is an interesting issue in which the Member States are also highly involved and talking about what we are facing with the new consequences of the framework that you have accepted. I think that it should be taken into account, and it would absolutely be a failure if we just cut culture or media out of it, for example. It should also be taken into account that it is one of the players, so let us bear in mind that there is an opportunity, but not a completely different treatment.

4-071

**Petra Kammerevert (S&D)**, *Ausschuss für Kultur und Bildung*. – Ich wäre ja schon froh, wenn es eine Gleichgewichtigkeit zwischen ökonomischer Betrachtungsweise und der Einbeziehung von kulturellen und sozialen Fragen gäbe.

Ich habe aber gerade zum Bereich der Frequenzen insofern noch eine Nachfrage, als dass ja klar ist, dass gerade terrestrische Frequenzen auch zukünftig ein wichtiges Übertragungsmedium – gerade für Rundfunkveranstalter – sein werden. Wie wollen Sie sicherstellen, dass genau diese terrestrische Plattform auch zukünftig hierfür weiterhin zur Verfügung steht – und da genau diese Allgemeinwohlintressen gewährleistet werden –, und nicht alleine ökonomische Interessen im Vordergrund stehen und möglicherweise dann Rundfunkveranstalter herausfallen?

4-072

**Neelie Kroes**, *Commissioner-designate*. – I get your point. I referred to this earlier in answer to one of your colleagues; it should be net neutrality; there should be a possibility for treating terrestrial, satellite and cable services in a way that allows for the development of those services. My answer to you: there is no need to worry that that will be skipped.

4-073

**Jean-Marie Cavada (PPE)**, *commission CULT*. – Madame, nous accueillons favorablement votre déclaration liminaire. Vous avez une question à la boutonnière, moi j'en ai d'abord deux dans la tête.

La première c'est que, depuis maintenant 100 minutes, nous parlons ingénieurs, tuyaux, industries, investissements, systèmes, et un peu régulation. Nous ne parlons pas de contenu. Nous nous acheminons vers de grandes catastrophes si votre mandat se consacre uniquement à l'organisation des industries digitales car, sans contenu, naturellement, elles ne vaudront pas grand chose, et les contenus viendront d'ailleurs. Nous serons donc, dans ces conditions, des gens davantage exploités qu'exploitants.

Ma question, donc, est celle-ci, Madame. Comme le Président de la Commission a dilué les responsabilités en trois ou quatre portefeuilles dans le secteur qui nous intéresse de près, je voudrais savoir comment vous allez travailler efficacement, d'abord avec l'univers des industries culturelles, des droits d'auteurs et des règles qui s'imposent quand on consomme des biens et des services culturels.

La deuxième chose que je veux vous demander, Madame, c'est comment vous allez fonctionner dans le cadre de la coordination avec les autres commissaires, que le Président de la Commission a soigneusement dispersés, ce qui est une faute, et sans doute une source de difficultés.

4-074

**Neelie Kroes**, *Commissioner-designate*. – I hope you will not blame me if I do not express my opinion on what would be the best for a certain portfolio.

The President has done a great job and has been successful in giving 26 Commissioners-designate a worthwhile portfolio. That has not always been the case – and I am not revealing any secrets here. Now all 26 Commissioners have a portfolio, which means that, one way or another, parts of certain portfolios are lost to others.

All in all, an excellent job has been done. This is a cooperative system. At the end of the day the Commission is the decision-maker, so no Commissioner can ever say 'I took that decision', as it is always only accepted when backed by the Commission. Having said that – and this is the advantage of having five years of experience – the collegial atmosphere is, in most cases, completely positive.

As I mentioned in my introductory remarks, with this portfolio it does indeed matter to have excellent contacts with Michel Barnier and Androulla Vassiliou, with Janez Potočnik, with Viviane Reding and also with Maire Geoghegan-Quinn.

The challenge is that we sit together – sometimes that will be more than two of us, but sometimes just two – on certain specific issues and cooperate. If that is not done in a collegial atmosphere then you have a point, but I am sure that Mr Barroso will keep an eye on things and if there is frustration or a quarrel then he will act.

In any case, you can be sure that I am a collegial type and love to be a member of a team.

4-075

**Jean-Marie Cavada** (PPE), *commission CULT*. – Madame, je voudrais vous poser une question complémentaire rapide, qui reprend un peu celle de Mme Doris Pack. Depuis vingt ans, on a développé les médias privés en Europe, avec un bon succès. Pour autant, on a beaucoup détérioré la qualité, et notamment l'information des citoyens.

Est-ce que vous serez favorable à l'idée d'aider les radios et télévisions publiques lorsqu'elles seront déséquilibrées, désavantagées par rapport au privé, c'est-à-dire à faire respecter un véritable équilibre?

4-076

**Neelie Kroes**, *Commissioner-designate*. – I love diversity and I am of course highly interested in quality on both sides, both public and private, but the public

media have a greater responsibility to provide quality, so they do have a special function. So let us go for the two and let us, indeed, be aware that we do not like systems. A balance, yes; here we are. Your body language is my body language and even mentioned by words.

I believe in a balanced system is which there is an equal chance of delivering what, at the end of the day, is worthwhile for our culture, for our citizens and for our economy – as, in a way, this is also part of the economy.

4-077

**Róza, Gräfin von Thun Und Hohenstein** (PPE), *Committee on Culture and Education*. – Madam Commissioner-designate, to continue on from the questions from my colleagues from the Committee on Culture and Education, we spoke about radio. What about press editors?

You know about their problems. The disregard of the rights of press editors on the Internet violates fair competition, disrupts sound earning patents, lowers the quality of the product, and may threaten the variety of titles on the market. Other parties increasingly exploit content published both in traditional form and in Internet form for their commercial purposes, which is possible today with the rapid development and progress of technology.

What is your proposal for creating a system which would provide access to wide content for the customers, but would not threaten the interests of press editors, the interests of consumers of this press and, at the same time, would encourage further development and further progress in ICT?

4-078

**Neelie Kroes**, *Commissioner-designate*. – Number one is to encourage them to be aware that, if they are sticking to the line that they kept until now, then there can be no solution. They have to combine what they have in mind with the new media, but they need to get the opportunities to present their information via the new media.

I believe in a competitive market so they should get an opportunity there.

4-079

**Róza, Gräfin von Thun Und Hohenstein** (PPE), *Committee on Culture and Education*. – If we talk about the opportunities in the market and about the principle of non-discrimination will you be as tough as you were with various decisions of yours as Commissioner? I am from Poland so you know what I am talking about. But will you be as tough as you were in order to ensure the non-discrimination principle for all European citizens shopping online? There is no equal access. For example, with regard to new and old Member States, one of the drastic examples is music from iTunes. What will your next action be in order to provide access for everybody?

4-080

**Neelie Kroes, Commissioner-designate.** – I have not planned to change my character, so you can be sure that you get what you got, so to say.

I am transparent, I am predictable and I seek to be fair. That being said, I need to add – and therefore you need to communicate – that this is clear to those who are involved in decisions or in discussions that are at the table.

Concerning the online music question, this was one of the issues that led me to initiate that round table meeting on online music. Anyhow, in our last round table meeting with those guys – and only a few girls – we did agree upon principles. To be honest with you, I was proud that no one left the room. There was a moment when that was a risk, but at the end of that meeting we did agree on the principles.

Now the implementation: that will be a tough journey, so to say. But you can be absolutely sure that I am doing my utmost and that I am trying to get to that point where your example is solved, for I cannot explain why in Poland or why, wherever, it is not possible to do what can be done in another Member State in the single market.

4-081

**Mary Honeyball (S&D), Committee on Culture and Education.** – I would like to return to what we were talking about earlier, about content and quality. Particularly, in terms of media pluralism which has, as you know, been an issue in Parliament already. It would appear that the three-stage approach which we have had since 2007 has really not been particularly successful; this is the case in some Member States more than others. But, in terms of political and cultural content, we are in danger of losing even more of the media diversity that we already have. I think that this is an important issue for the whole of the EU, so I would like to hear from you. What kind of concrete action would you take to ensure that media pluralism is promoted across the EU?

4-082

**Neelie Kroes, Commissioner-designate.** – Getting parties together and then finding out where the problem lies and what the solution might be. We then try to find a way to do it together, because media pluralism is a very important issue, not only for you, but also for me.

4-083

**Mary Honeyball (S&D), Committee on Culture and Education.** – If I could come back: I think this is quite a tough one, because some of the people we are dealing with are absolutely noted for not being at all collegiate and not really wanting to talk to anybody very much. So maybe we need to be a little bit tougher than that if we are going to be serious about promoting a diversity of views in our national and international EU news media?

4-084

**Neelie Kroes, Commissioner-designate.** – Give me a chance. We need to be aware that is tough; there is no doubt about that. However, I can claim to have dealt with tough situations earlier, so let me try to get the

parties together. Then we have to find out what the real problem is. Does it make sense? Yes or no. Is there a solution? Could we find a type of compromise or whatever? Anyhow, if we do not have a clear result, then we have to act. That is absolutely the case.

4-085

**Marietje Schaake (ALDE), Committee on Culture and Education.** – You have given us a very clear vision and many questions have been asked; you have talked about technology and a need for different inclusive infrastructures but you have also talked about the impact on society and democracy of technologies and the digital agenda. Besides the live streams coming out of this Parliament, some streams have been coming in. I have been touch with some citizens so I have decided to do something a bit revolutionary and put a question to you which was brought to me through the computer during this hearing, to show that technology can increase transparency and participation in democracy throughout Europe.

So I want to ask Mark's question. He basically says: you will work together with a lot of your colleagues in your portfolio because it encompasses so many areas. Will you also work together with Lady Ashton and the others, such as Commissioner-designate Füle, the person responsible for enlargement and member countries, to ensure that free speech and free expression will be guaranteed online and will be an integral part of the foreign policy of the European Union?

4-086

**Neelie Kroes, Commissioner-designate.** – I am grateful for that question from Mark. I think he has a point. It is not an easy one. My heartfelt answer is that I will do my utmost.

I know that Catherine Ashton is highly involved also in freedom of speech and the other issues, so I certainly will touch on these with her and with the Commissioner for Enlargement. Let us go for it. That is the fascinating part of this portfolio. It connects all fields. It would take less time to mention the portfolios not involved with this one – I cannot think of one at this moment.

4-087

**Marietje Schaake (ALDE), Committee on Culture and Education.** – I am here representing the committee that deals with culture, the media and education. Free expression, artistic expression and creation are, of course, very important for our committee and are also a very important source of the content that we are now able to share online and to create in different ways online.

I would like to learn from you how you envisage your cooperation with the Committee on Culture after what I now believe is your likely confirmation and how you see the role of the digital agenda in the field of culture, the media and education.

4-088

**Neelie Kroes, Commissioner-designate.** – It is absolutely important that we use all the opportunities

and all the challenges in this field, for more than one reason.

In most cases, where you refer to the educational part, the younger generation – even if we look at those who are learning for life – is quite young in thinking. If that is the case, then it would really be ridiculous not to use all the opportunities to fill in what could be done.

On the bridge to culture, it is also great to get more involvement via culture from those who are interested in those aspects in order to get a win-win situation. With regard to the issues that you are touching upon, it is also mindset.

We touched upon cyber-crime. We are also aware that this is one of those issues where youngsters – but not only youngsters – are not aware what can be done with their private information. So, in talking about education and culture, we need each other. If the message ‘think before you post’ – concerning not just message but content – could just be communicated to the young generation, then I would be less worried, but too often we are getting information that this really is a worry.

4-089

**Malcolm Harbour (ECR).** – Commissioner-designate, I wanted to get back towards your core portfolio about delivering a highly competitive telecoms market, which will encourage investment. As a number of my colleagues have pointed out, you are well known as a competition champion and you have been unhesitating in tackling cases of market domination across many industries.

I am sure you are aware that the average market share of the historic telecom incumbents in broadband across the European Union is 45% and has been for the last three years. In one major market they have a share of 57%.

Commissioner-designate, do you share my view that these high market shares are definitely going to inhibit investment and competition, and what do you propose to do about it?

4-090

**Neelie Kroes, Commissioner-designate.** – It is a reason to monitor those situations quite carefully and quite strictly for, in itself, a dominance does not mean that this is not tolerable or acceptable. It depends on the behaviour – is it an abuse of the dominance? From my portfolio so far we have had examples of the one category and of the other. So I am aware that certain of those incumbents do have a high market share but, if that is going the wrong way, then we have to act. And then we need facts and figures – and everyone can just knock on the door.

4-091

**Malcolm Harbour (ECR).** – I have to say that I was hoping that you would be rather more challenging than that, given your past record. I thought that was a very weak answer indeed, if I may say so.

Can I ask you then: what is your view about functional separation, which is operating in my own country and in the country that you know best, The Netherlands, and the fact that the incumbent KPN is installing open networks to boost demand for high-speed services? Now surely those are the sort of remedies that you should already be championing to deal with those countries in which we have a very high market share because I think all the evidence is, and we will get more surveys out shortly, that they are the way to boost investment and competition.

4-092

**Neelie Kroes, Commissioner-designate.** – There seems to be a misunderstanding, Mr Chair. I have indeed been active in the competition policy portfolio. There is no doubt about that. I did my job, so to say.

Having said that, we – the Commission – did not attack parties that were dominant and behaving. We were quite transparent when we were attacking and when we were asking for remedies and when we just said no. We did the same with functional separation. We did that in the energy sector. So you can be absolutely sure that if, at a certain moment in this portfolio you give me the chance to act if there is an abuse, I will act.

4-093

**Eija-Riitta Korhola (PPE).** – Commissioner-designate, I welcome the positive comment you made on the need for a digital single market. I would like to go further on that line with one concrete question. Would you support the idea of an independent and annually updated digital single market scorecard evaluating the Member States and the EU on progress on key economic and regulatory criteria for the digital single market?

4-094

**Neelie Kroes, Commissioner-designate.** – I am very much in favour of such a thought. Give me some time to think it through, as it is not a matter for today.

I have had experience with a scoreboard in the portfolio I am responsible for now – for state aid. I can assure you that, even though some people were not positive at the beginning, everyone is positive about it now. First a discussion has to be got under way, with people giving their approval. There it could be done but here it could not, and I cannot imagine now that this would be the case.

4-095

**Eija-Riitta Korhola (PPE).** – Thank you for your open attitude. What other or alternative means would the Commission contemplate to ensure that the digital single market is completed as efficiently as possible?

4-096

**Neelie Kroes, Commissioner-designate.** – You can be sure that there is a 2020 programme for this Commission. President Barroso is very much in favour and one of his babies, so to say, is the digital agenda. He is quite clear on what he wants in this field, so let us go for it. In cooperation with you, in cooperation with the Member States, in cooperation with all those who are



involved, the national regulators, etc., it should be possible to give it a big boost.

4-097

**Maria Badia i Cutchet (S&D).** – Señora Kroes, en su intervención inicial usted hablaba de las TIC y de las TIC que deben estar al servicio del ciudadano, efectivamente. Estas TIC nos han conducido ahora ya a una nueva era de Internet en la que no solamente se conectan ciudadanos con ciudadanos, ciudadanos con objetos, sino objetos con objetos. Usted conoce el plan de acción que la Comisión presentó en junio del año pasado sobre el Internet de los objetos y uno de los riesgos de esta conexión objeto-objeto evidentemente es el que no se pueda garantizar la privacidad a los individuos, a los ciudadanos.

¿Cree usted que con la legislación actualmente en vigor queda protegida la privacidad de los ciudadanos?

4-098

**Neelie Kroes, Commissioner-designate.** – That is one of the issues that Viviane Reding is highly interested in, and I can assure you that the two of us in combination will give it much thought. Taking it for granted would be absolutely the wrong attitude.

4-099

**Maria Badia i Cutchet (S&D).** – Una pregunta siguiente sería si usted cree que convendría llevar a cabo un estudio minucioso para asegurar que esta legislación, de que ya disponemos, garantiza dichos derechos a los ciudadanos.

4-100

**Neelie Kroes, Commissioner-designate.** – Yes, let us monitor it. Before taking a decision, let us find out whether there is a problem and whether it can be solved in some other way, taking into account that Viviane Reding is highly involved in this too.

4-101

**Andrzej Grzyb (PPE).** – Pani Komisarz! Wydaje mi się, że akurat Pani – a rzadko która teka ma takie możliwości – będzie mogła spełnić te dwa rozszerzone postulaty dotyczące między innymi subsydiarności i zrównoważonego rozwoju ze względu na zakres i, tak to nazwę, również przestrzeń, w której ten proces cyfryzacji musi nastąpić.

Chciałbym zatem zapytać Panią, jak Pani sobie wyobraża kwestie właśnie zrównoważonego rozwoju w dziedzinie dostępu do sieci szerokopasmowej, w internecie, w szczególności na obszarach problemowych, trudno dostępnych, na obszarach wiejskich, poza wielkimi aglomeracjami. Dodam, że istnieje tutaj też ogromne zróżnicowanie pomiędzy krajami członkowskimi. W wielu krajach jeszcze w dalszym ciągu dostęp do internetu jest realizowany metodą inwestycji poprzez sieci tradycyjne. Co w tej materii poza pomocą publiczną, którą Pani zechce dopuścić, można będzie zrobić?

4-102

**Neelie Kroes, Commissioner-designate.** – With the latest state aid guidelines on broadband I think we have

a clear answer. We should communicate perhaps more with Member States, for if the Commission is serious that in 2013 there should be 100% broadband coverage, then a lot has to be done.

The financial aspects could be solved via those funds which are available and which are well-known, but then you have to expand these. I have the impression that Parliament regretted that the Member States did not take this to a higher level, but there is a bit of speeding-up at the moment.

So if that could be covered... Of course, via the communication people should be made aware – and that could be via sustainability or via the other issues too, such as e-commerce but also e-health or e-education. So, for a lot of those issues, if a real programme is there, the impression I already have from certain Member States is that they are highly interested in cooperation in those fields also.

4-103

**Andrzej Grzyb (PPE).** – Chciałem jeszcze zapytać o przedstawiony w Pani pisemnej wypowiedzi program dostępności w dziedzinie, która jest określana mianem e-zdrowia. Czy również w tym programie upatruje Pani możliwość właśnie wyrównywania tych dysproporcji rozwojowych?

4-104

**Andreas Schwab (PPE), Ausschuss für Binnenmarkt und Verbraucherschutz.** – Zunächst einmal möchte ich sagen, dass ich großen Respekt vor Ihrer Arbeit in den letzten fünf Jahren habe. Da waren Sie in der Regel immer sehr *tough*, wie hier schon gesagt wurde. Heute finde ich Ihren Auftritt eher *smart*.

Aber nichtsdestotrotz möchte ich gerne, da es jetzt schon etwas später ist, ein bisschen konkreter werden. Der Kollege Rübiger, der inzwischen verweist, hatte vorher ja auf seine Frage, was Sie machen, wenn die Roaming-II-Regulierungsvorschläge nicht greifen, keine wirkliche Antwort von Ihnen bekommen. Deshalb möchte ich noch einmal ganz konkret nachfragen: Was werden Sie tun, wenn die Verordnung, die wir jetzt erlassen haben, nicht die Wirkungen bringt, die die Verbraucher von ihr erwarten? Werden Sie eine neue Verordnung vorschlagen? Ja oder Nein?

4-105

**Neelie Kroes, Commissioner-designate.** – The parties should be aware that I am highly interested in the results of the deals that were made, and the deals were between you, between the Commission and between the consumer.

That deal was backed, at the end of the day, by the parties – including the parties who deliver the service. What should be quite clear is that there should be no misunderstanding that if you are not performing then it is over and you can then go back to basics. No way. For this is an issue in which we can indeed prove that this makes sense.

What I hope is that this is not 'roaming forever', as then I would be a bit sad that parties had not got the message that in a competitive market you can make your living and you can make your profit, and also make a profit from investments, as this was one of the messages that you gave during one of the debates.

There should be a possibility to ask a price in which there is also a premium for risk. That is a normal way of dealing with demand and supply. So if that is the case then I am positive that the parties will be aware that it is not a matter of there being a new Commissioner so now they can go back to basics – no way.

4-106

**Andreas Schwab (PPE)**, *Ausschuss für Binnenmarkt und Verbraucherschutz*. – Ich entnehme dem, dass Sie so ein ‚Jein‘ antworten, also vielleicht ja oder auch nein. Dann gehe ich einmal vom Nein aus. Sie wollen keine Regulierung erlassen. Dann wäre meine zweite Frage: Was werden Sie den Regulatoren, die es ja gibt, an Anweisungen geben, wenn Sie hier keine Gesetzgebung erlassen wollen, damit die Ihren Wunsch, dass der Markt funktioniert, und dieses Ziel umsetzen? Sie können denen ja Vorgaben machen.

4-107

**Neelie Kroes**, *Commissioner designate*. – It is not *ein jein*, no way. It is just that I am trusting parties until they give the signal that they are not to be trusted. That was the deal in this case.

The start was to prove that the signal was received; that the price level in different categories is not acceptable – neither for Parliament nor for the Commission nor for the consumer. At the end they did not get the signal or if they did they were not willing to fill in. That has been done; and that has been done twice.

I still think that parties need to gain the trust of the Commission to prove that they got the signal. See if we are reliable in our approach, but first try it; and if that is not the case ...

We have to have the interim review and we have to have the final review of the consequences of the whole decision-making dossier – so there will be time for communicating with the parties.

4-108

**Marielle Gallo (PPE)**, *commission JURI*. – Madame la Commissaire désignée, je souhaite vous poser une question au nom de la commission des affaires juridiques, que je représente ici, et avec laquelle vous serez certainement appelée à travailler sur certains aspects clés.

À l'ère de la numérisation, quels seront les points principaux de votre stratégie visant à créer un marché unique du numérique pour les contenus créatifs en ligne et, surtout, quelles propositions législatives envisagerez-vous dans ce domaine?

Dans ce contexte, voyez-vous la nécessité d'appliquer la responsabilité de l'industrie, comme les télécoms et les fournisseurs d'accès à Internet, en ce qui concerne l'utilisation illégale en ligne des contenus créatifs protégés par le droit d'auteur?

4-109

**Neelie Kroes**, *Commissioner-designate*. – Illegality is certainly not acceptable. In general, as long as there is 'il' at the beginning of the word, it is not in conformity with the rules and regulations.

Regarding creativeness: we should take it in the same vein and perhaps even more seriously. Therefore, in the creative market, we should be aware that there should be a balance between what is offered and what has to be paid. In most cases, that would entail a legal approach; but again in close coordination and in close coordination with your committee too. I think we should also take into account that most of the parties in the game are against too much regulation, but if it is a must and if it adds to transparency and clearness, then we should do it.

4-110

**Marielle Gallo (PPE)**, *commission JURI*. – J'ai une autre question très précise. Quels sont les moyens de financement que vous comptez mettre en œuvre pour développer Europeana et, dans cette perspective, un accord avec Google est-il envisageable?

4-111

**Neelie Kroes**, *Commissioner-designate*. – Well that would be against the rules of competitiveness, as Google is also active in that market! I am a great believer in competition, which keeps organisations and parties awake.

Having said that, Europeana is a great initiative. To start with, it is about taking care of our past, 'just in time' so to speak, with which we have to continue. Then we are facing another aspect – as it is not only about orphan works and what could not be found out, but also the copyright issue again.

The fact that Google is active in this sector presents a challenge. We should be aware that it is in the English language and that, if we want to keep our culture of all those diverse languages in the field of our history and culture, then we should break through that circle. Otherwise they will pass by certain activities and initiatives – and you cannot blame them for that as they are a party on the market.

We should keep Europeana at the centre of our attention. We should have discussions and confront other parties to show that we do not accept that Europeana is only what it is now. It is great already, but it should be 'on wings', so to speak.

4-112

**Jorgo Chatzimarkakis (ALDE)**. – Vielen Dank für Ihre bislang sehr guten Antworten. Die digitalen Medien haben ja auch auf die gesamte Medienlandschaft einen enormen Einfluss. Die Menschen wollen immer mehr

online lesen und sind immer weniger bereit, Medien zu abonnieren.

Es gibt einen Umbruch. Die Medienlandschaft ist auch in gewisser Weise in Gefahr, hätte sie keine Werbeeinnahmen. Das ist das Problem. Werbeeinnahmen werden von uns in der Europäischen Union immer mehr reguliert, weil wir Werbung regulieren, obwohl es eigentlich ein Zeichen der freien Meinungsäußerung ist. Sie wird verboten oder stark reguliert. Das ist das eine Problem. Das andere Problem ist, dass ein Großteil des Onlinewerbemarktes in der Hand des schon oft erwähnten Anbieters Google ist, nämlich mehr als 50 %.

Meine Frage an Sie lautet: Sehen Sie den Medienpluralismus dadurch in Gefahr? Denn wenn Sie keine Einnahmen mehr haben, werden Sie auch keine Inhalte mehr produzieren. Was gedenken Sie, dagegen zu tun?

4-113

**Neelie Kroes, Commissioner-designate.** – We should be aware that it is not just a matter of it being there, that we are in favour of it and that we should not simply do whatever. Media pluralism is something that is liable to attack in certain circumstances. We have to be aware that it is closely connected with freedom of expression and it is closely connected with our culture and with democracy. I repeat that the declaration on freedom of expression and information was accepted in this House last October.

After the experiences with China – at least as described in the newspapers – it is a balance between freedom of expression and other fundamental values such as protection of minors and human dignity. That of course is also an aspect of this entire discussion. I think this means that legislation to protect minors, to protect privacy and the fight against illegal content should be on our ‘to do’ list; it should certainly be one of those issues.

Media pluralism for me is a positive crown jewel that we have to protect.

4-114

**Jorgo Chatzimarkakis (ALDE).** – Ich freue mich, dass wir dann auch eine Debatte über Werbeverbote, vielleicht in ihrem Portfolio, führen.

Sie haben es angesprochen. Onlineangebote, Informationen, die online gegeben werden, werden immer mehr genutzt, auch in sensiblen Lebensbereichen, wie z. B. der Gesundheit. Da haben wir es mit dem Phänomen zu tun, dass Menschen online mehr über ihre Gesundheit, über Medikamente erfahren wollen und auf immer mehr falsche und gefälschte Aussagen stoßen. Ihre Vorgängerin, Frau Reding, hat *trusted sources* – vertrauenswürdige Quellen – als Initiative gestartet. Sind sie gewillt, diese Initiative – die Zertifizierung von Onlineinhalten – fortzusetzen?

4-115

**Neelie Kroes, Commissioner-designate.** – It is quite important, for fake products are in general not acceptable and, when connected with health, they can be quite dangerous. So then we have to act.

4-116

**Ivo Belet (PPE).** – Mevrouw Kroes, na meer dan een uur nog eens een vraag in het Nederlands. Dat geeft u misschien de kans en ultieme gelegenheid om eens rustig in uw eigen moedertaal te antwoorden. Collega Chatzimarkakis had het over *online content*. Ik zou daar nog even op willen doorgaan, op die doeltreffende bescherming van de intellectuele-eigendomsrechten. Een van de mogelijke oplossingen om de gederfde inkomsten voor de creatieve industrie op het internet te compenseren, is een heffing op digitale dragers en/of op internetabbonementen. Ik weet heel goed dat u geen voorstander bent van heffingen, maar misschien is dat wel de weg van het minste kwaad. Mijn vraag is heel eenvoudig: hoe kijkt u daar tegenaan?

4-117

**Neelie Kroes, kandidaat-commissaris.** – Ik ben het met u eens dat het een voor een stuk een oplossing zou kunnen bieden en ik heb de neiging om te zeggen: waarom exploreren we dat niet verder? Aan de andere kant moeten we ons ook realiseren dat het dan weer om heffingen gaat. Hoe gaan we dat dan allemaal in goede banen leiden? Er over denken is in ieder geval een goede zaak, want het is wel een serieus punt.

4-118

**Ivo Belet (PPE).** – Ja, het is heel interessant wat u daar zegt en zeker interessant om op door te gaan de komende weken en maanden. Nog één aanvullend vraagje. Het Europees Parlement - dat is hier ook al verschillende keren gezegd - heeft duidelijk gemaakt dat het niet wil dat internetconsumenten van het internet worden gegooid, dat de internetconnectie wordt afgesloten wegens illegaal downloaden. Het alternatief zou ook kunnen zijn de zogenaamde graduele aanpak, waarbij het downloadvolume wat wordt ingeperkt of de downloadnelheid van de consument wat wordt vertraagd zonder dat het internet wordt afgesloten. Dat is een tussenweg. Hoe kijkt u daar tegenaan?

4-119

**Neelie Kroes, kandidaat-commissaris.** – U bent creatief, maar dat was waarschijnlijk al bij velen bekend. Mijn eerste punt is: ik heb naar jullie discussie over het *framework* geluisterd en ik heb vastgesteld dat er uiteindelijk een oplossing gevonden is met amendement 138. Dat amendement 138 bevat wat mij betreft basiselementen, onder meer de verzekering dat het recht gehandhaafd wordt.

De vraag is hoe uw voorstel uitgewerkt zou worden, bijvoorbeeld of er een normale weg van beklag is zodat er geen fouten gemaakt kunnen worden. Dat is een goede manier om aan te geven dat je het kunt combineren met amendement 138. Dat vind ik intrigerend.

Mijn eerste neiging is om te zeggen: laten we vooral heel voorzichtig zijn om dat te introduceren. Ik vond dat

jullie in amendement 138 een heldere oproep hebben gedaan en ik weet hoeveel bloed, zweet en tranen dat gekost heeft, ook in de discussie met de Raad. Maar ik denk dat je je ook een beetje op glad ijs begeeft.

4-120

**Matthias Grootte (S&D).** – Frau Kroes, Sie haben viel über Wettbewerb, über Unternehmen, über Konsumenten gesprochen, und seit dem 1. Dezember ist der Vertrag von Lissabon in Kraft. Hier im Vertrag wird betont, dass die Bürgerinnen und Bürger auch mehr an Entscheidungsprozessen in der Europäischen Union beteiligt werden sollen.

Die Europäische Kommission hat in den vergangenen Jahren viel unternommen, was die eParticipation angeht, und da würde mich interessieren, welche Aktivitäten Sie unternehmen wollen, damit diese Strategie weiterverfolgt wird und damit Europa und der gesamte Bereich, was europäische Politik angeht, offener werden – und nicht so viele Fragezeichen, wie ja hier an Ihrer Brosche zu sehen sind – offen bleiben?

4-121

**Neelie Kroes, Commissioner-designate.** – Absolutely yes. We will continue acting as we are now. I am just looking for the English translation of *uitroepteken*...

(*'Exclamation mark' suggested by Mr Belet*)

Exclamation mark! That would have been the sign that I would have pinned on if I had known of your question.

4-122

**Matthias Grootte (S&D).** – Was möchten Sie konkret in diesem Bereich unternehmen? Es geht einmal um die Beteiligung von Bürgerinnen und Bürgern und auch um die Nachverfolgbarkeit, darum, dass Bürgerinnen und Bürger, wenn sie Eingaben zu Gesetzgebungsverfahren machen, ihre Datensicherheit gewährleistet sehen und dass auch eine Reaktion von den Institutionen kommt. Was ist dort konkret in Ihren Planungen? Was haben Sie dort auf Ihrer Agenda?

4-123

**Neelie Kroes, Commissioner-designate.** – When we announce that 100% broadband coverage will be implemented and that the time schedule is 2013, we have to be quite clear to the potential consumer what is going to happen – otherwise it is one-way traffic. We need them to be aware that it is there, what the consequences are for their lives and that it could be a very positive thing for their lives, connections and jobs, etc.

4-124

**Angelika Niebler (PPE).** – Ich habe die Debatte jetzt sehr aufmerksam verfolgt, und ich muss sagen, dass sich für mich noch sehr viele offene Fragen stellen und mir auch konkrete Aussagen fehlen. Ich habe einmal mitgeschrieben. Gibt es nun einen Roaming-III-Verordnungsvorschlag, wenn der Markt nicht funktioniert? Da höre ich kein Ja, kein Nein, nicht einmal ein Jein! Was veranlassen Sie, um die Netzneutralität zu gewährleisten? Verteidigen Sie nun

auch im internationalen Umfeld den Kompromiss, den wir alle mühsam im Telekom-Paket – allen voran Catherine Trautmann – gefunden haben, um die Freiheit des Internets zu garantieren? Ja oder Nein? Was tun Sie für den Schutz der Inhalte im Netz? Wie schützen Sie die Meinungsfreiheit im Netz? Wohin geht denn die Reise in der Frequenzpolitik?

Also ich muss gestehen: Ich sitze jetzt schon so lange hier und habe immer noch nicht das Gefühl, zu wissen, in welche Richtung wir uns eigentlich bewegen. Meine Frage – einige Kollegen hatten es schon angesprochen –: Ausbau der Breitbandnetze europaweit, was veranlassen Sie da an konkreten Maßnahmen? Welche Anreize schaffen Sie, um hier einen riesigen Schritt in Europa vorwärtszukommen?

4-125

**Neelie Kroes, Commissioner-designate.** – On roaming, there seems to be quite a serious misunderstanding. In line with what was communicated to you by Viviane Reding, there should be an interim review, and that should be this summer. The final report would come a year later. What I have learnt is that, when you just ask for a report, then the conclusions of that report are detrimental: is your policy OK, does it need to be changed, etc.?

So that is my point: if I say that Roaming III will be there, then I do not expect that the parties will receive our signal, your signal, the Commission's signal as it were.

And by the way, we still have to deal with data, we still have to deal with a part of SMS, so it is not yet completely clear what, at the end – in summer 2011 – will be the final result of those decisions that have been taken by you and the Commission.

That being said, I think, therefore, that you cannot expect me to announce Roaming III, there is no way. I am positive, however – as long as there is no result that makes me change my mind, or if we cannot deal with the parties. So it is quite clear: if the trust is not there, then I will act, and that was what I was clearly mentioning.

On Network neutrality, there is only one answer. Yes, I am very much in favour and I mentioned to you the little message that I put a heart by net neutrality in my notes.

On online content we should be very much aware what is really in danger. For online content, I am very much in favour of freedom of expression – you would be surprised if I said anything different, and that would go against my feelings – but there must be some reaction if we feel that the online content goes against the dignity, for example, of a minority of the population. Then we do need to act on online content.

On broadband: 100% backing, and I am aware that I am taking a risk when I say this, on that time schedule, because you will be able to blame me if I am half a year

too late, and then, if you back me on this position, you will knock on my door and say ‘Come on, we have the written declaration that you will be in favour, not only in favour but that you will act to provide 100% backing’. I am taking a risk but I take it in full and full-hearted awareness that this is what Europe needs.

4-126

**Angelika Niebler (PPE).** – Ich würde gerne noch einmal nachfragen. Ich hatte meine Frage zum Roaming unter eine Annahme gestellt. Was machen Sie, wenn die Analyse ergibt, dass die Märkte nicht funktionieren? *You tell me you will act.* Meine Frage war: *What does that mean, you will act?* Konkret. Das war der Punkt, den auch die Kollegen angesprochen hatten. Ausbau der Breitband-Infrastruktur: Frau Kommissarskandidatin, in Ihrer früheren Verantwortung haben Sie ja wie keine andere Industriepolitik gemacht. Sie haben Unternehmen zerschlagen, Sie haben Märkte umstrukturiert – sehr erfolgreich, das muss ich zugeben! Die Instrumente, die Sie als Kommissarin für Wettbewerb hatten, stehen Ihnen ja jetzt nicht mehr zur Verfügung.

Deshalb auch hier noch einmal konkret meine Nachfrage: Welche Maßnahmen ergreifen Sie, um den Ausbau der Breitband-Infrastruktur zu fördern? Sie brauchen da doch die *global player*, um zu investieren. Welche Anreize schaffen Sie denn da? Das ist mir völlig unklar. Ich möchte noch einmal fragen, ob Sie da nicht etwas konkreter werden könnten?

4-127

**Neelie Kroes, Commissioner designate.** – Imagine the conclusions on roaming in the final report in 2011 are disastrous – are negative, then the parties on the market should be aware that we will act and there could be a Roaming III.

I am positive in my expectations, though of course everything depends on the conclusions of that final report. If it is not positive, or certain aspects of it are not positive, then I will want to know where the problem lies and what the solution could be, what type of solution we need and with whom – to get, at the end of the day, to that situation in which we are all in favour, where the consumer is paying for a service – not in an extreme way but, on the contrary, in a normal way that we can defend. It all depends on the final result of that report.

When you mention that it was different being the Competition Commissioner, in terms of the instruments that one had, I completely agree. However, do not underestimate things. As Commissioner for Competition Policy it was not only about fines and remedies, but also about trying to bridge certain issues for which we did not have instruments and could only come to a result via communication. I always say that if you have arguments – if you have good arguments – then unless the other party is not aware of the content of those arguments, in most cases you are going in a direction that could be productive. That is also possible in this case.

4-128

**Judith A. Merkies (S&D).** – Mevrouw Kroes, *last but not least*, de Sociaal-democratische Fractie heeft één grote zorg: uw sociale gezicht. We horen u praten over alles, over *level playing field*, over bedrijven, heel veel over techniek en regels, maar ik hoor u niet over de mensen. Ik hoor u niet over de banen, en ik hoor u ook niet over de enorme mogelijkheden die juist uw portefeuille biedt om uit de economische crisis te komen.

En dan heb ik een tweede vraag die wel heel makkelijk voor u zal zijn. Het mag niet, maar ik doe het toch. Wanneer maakt u een einde aan de hegemonie van Microsoft in de Commissie, zoals u ook al buiten de Commissie heeft gedaan in heel Europa?

4-129

**Neelie Kroes, Commissioner-designate.** – I am absolutely aware – and I regret that it did not come over – that in my starting remarks I touched upon the fact that this digital agenda is for the citizens/consumers in Europe and that is the main point I made at the start.

The next step I took was just to illustrate it with the different issues which could be taken into account in putting this over to the citizen and to the consumer.

Talking about e-health, I mentioned only too often the example of Denmark, but that is indeed one of those issues.

I have also touched upon elderly people, and have said: let us be aware that this could be of great importance for those ageing people who prefer in most cases to live on their own and not in a house for elderly people. That can only be offered if there is a means of communication and if there is an infrastructure in which you can take care of their special circumstances.

I have touched upon education; I have touched upon our minority people so what else can I do to explain that?

But also – and you can blame me for a lot, I am aware of that – in my current portfolio of competition policy, I think that I have been successful in communicating with the normal people in the street, in the shop, when people ask me: what is your job about? That was at the beginning, and now quite a number of them are aware that competition policy is ultimately there for consumers.

On jobs: yes, we are talking about the economy, we are talking about jobs and I have mentioned jobs and the economy, the small and medium-sized enterprises, so I feel a bit sad that this message did not come over.

However, I am grateful for your comments for now. I sincerely hope that at the beginning and at the end I have the opportunity to say that the digital agenda is all about people, and it is all about the circumstances European citizens are looking forward to having in Europe.

4-130

**Judith A. Merkies (S&D).** – Mevrouw Kroes, mag ik u er dan aan houden dat de mensen inderdaad de focus van uw beleid zullen zijn. En de mensen eerst, vóór alle andere mogelijkheden die ook geboden worden, van bedrijven, van *level playing field*. Natuurlijk is dat allemaal heel belangrijk, maar het gaat ons om het perspectief vanuit de mensen en vanuit de cultuur. En ik laat u ook nog de mogelijkheid om antwoord te geven op de tweede vraag.

4-131

**Neelie Kroes, kandidaat-commissaris.** – Het is een misverstand dat, als je het over bedrijven hebt dat het dan niet over mensen gaat. Ook bij bedrijven heb je het over mensen. Bedrijven is niet iets abstracts waar geen banen bij te pas komen. Het gaat over banen, over werkgelegenheid, over gezinnen die daarvan leven en die daarvan afhankelijk zijn. Dat gezegd hebbend, kunt u van mij inderdaad aannemen dat de mens bij mij centraal staat. Anders zou ik niet in de politiek zitten, in ieder geval niet vanuit mijn invalshoek.

Microsoft. U heeft een punt, en u kunt er absoluut zeker van zijn dat deze kwestie ook weer opgepakt wordt. We hebben dat echter ook gedurende deze periode in de Commissie gedaan. Het kan niet zijn dat wat je zelf predikt, niet zelf toepast. Ook ten aanzien van de Microsoft-case kunt u er absoluut zeker zijn dat we ook binnen de instellingen in Europa *open source* zullen toepassen.

4-132

**Der Vorsitzende.** – Herzlichen Dank. Damit haben wir alle Fragen gestellt, und wir haben Antworten erhalten. Wie das in den Regeln vorgesehen ist und wie wir das verabredet haben, hat jetzt zum Abschluss Frau Kroes noch die Gelegenheit, in fünf Minuten ihre Position oder wichtige Anliegen vorzutragen, wenn sie das gerne möchte. Dann können wir diese Anhörung für heute beenden. Frau Kroes, Sie haben das Wort.

4-133

**Neelie Kroes, Commissioner-designate.** – I really appreciate having the floor again. To advance a digital agenda we need to question our thinking. So I thank you committee members, I thank the Chair, for your questions and your thoughts today.

The European Economic and Social model is at a crossroads. We urgently need to find new ways to lift economic growth and bond our communities for our people. At the same time Europe's citizens and businesses are looking to us to help make their lives a little easier and a little better – and if it could be more than a little, great! The digital agenda, as you are aware, is key to this.

The challenge is vast, but with support from and close cooperation with you and the European Parliament and the backing of the President, great things can be achieved during the next five years.

If I am confirmed as Commissioner for the digital agenda, the optimist in me will work to build on

Europe's strengths; if I am confirmed as Commissioner for the digital agenda, the realist in me will remember that we cannot rest for a minute; if I am confirmed as Commissioner for the digital agenda, the pragmatist in me will listen to all those who have good ideas for moving the digital agenda forward.

I wish to recall the six building blocks I outlined at the beginning of this hearing: research and innovation, infrastructure, trust and security, access and skills, interoperability and open standards, and the online single market. By focusing on those six issues we will give Europe its best shot at success in world markets and that will help a generation of growth and jobs in Europe.

Shaw said: 'You see things as they are and ask why? I dream things as they never were and ask why not?' I think that Shaw was quite right in saying that. I think that together, if you back me, we can deliver change. As a committed European I seek your support, your backing, to have the opportunity to deliver a truly European digital agenda.

*(Applause)*

4-134

**Der Vorsitzende.** – Herzlichen Dank, Frau Kroes, für Ihre Antworten, Ihre Zeit und Ihren Einsatz! Ich bedanke mich auch bei den Kolleginnen und Kollegen für die Fragen. Wir sind dann mit der Anhörung am Ende.

*(Die Sitzung wird um 19.20 Uhr geschlossen).*