

Viviane Reding

Commissioner-designate for Justice, Fundamental Rights and Citizenship and designate Vice-President of the European Commission

Opening remarks at the European Parliament Hearing in the Committee on Civil Liberties, Justice and Home Affairs (LIBE)

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European Parliament Hearing

Brussels, 11 January 2010

Mr Chairman, Honourable Members,

Today is the third time that I have the honour of appearing before this House as a Commissioner-designate.

For me, **the hearings at the beginning of a new Commission are always a strong moment of our European democracy.**

A strong moment of political accountability.

A strong moment of debate.

And a strong moment to show all the citizens who are following these hearings via the Internet, that Europe is a very strong and unique democracy.

There are not many Parliaments around the world who have successfully battled for the right to examine in this way the future members of the executive branch of their government.

As you know, I was myself a Member of this House during 10 years and I have participated in this battle.

I believe that **we Europeans can be proud of this strong moment of our democracy.**

I am particularly proud as I am standing before you today as Commissioner-designate for Justice, Fundamental Rights and Citizenship.

Justice, Fundamental Rights and Citizenship are policy areas where citizens expect most from policy-makers.

But where Europe has also often disappointed the expectations of our citizens in the past.

The reason for this was not a lack of will. But that for a long time, Europe was **not fully equipped** to act in the interests of citizens in these important areas.

I remember this well from my time when I was Vice-Chair of the Civil Liberties and Internal Affairs Committee.

At the time, decisions taken by the Justice and Home Affairs Ministers were not very transparent or happened behind closed doors.

The Parliament had little say in the so-called "Third Pillar".

And EU legislation in this field was only the dream of a few visionary members of our Committee.

But now, the fight of the European Parliament has finally paid off.

Since 1 December, we – finally! – have the new Lisbon Treaty.

We all cannot stress enough that **this means a true revolution for the whole field of Justice and Home Affairs.**

The co-decision procedure with the Parliament and qualified majority in Council are now the rule for new legislation.

Judicial review is fully available both at the Court of Justice and in the national courts.

And – most important in my view – our EU Charter of Fundamental Rights is finally legally binding, and on equal footing with the Treaties.

It has been a long journey to arrive here.

Our citizens will now expect from Europe action and concrete results.

I am therefore convinced that the Lisbon Treaty is the right moment to re-orient our policies in the field of Justice, Fundamental Rights and Citizenship, and to turn them into practical results.

The reformed EU Treaty says, in Article 3, that the Union should offer our citizens an area of freedom, security and justice.

To me it is clear that there can be no freedom without both security and justice.

However, I believe that during the past decade Europe's policies have too often focussed only on security.

And neglected justice.

The Lisbon Treaty gives us the opportunity to bring now a new balance into our policies to strengthen the rights and freedoms of our citizens.

To emphasise this policy re-orientation, President Barroso has created a new separate portfolio specifically dedicated to Justice, Fundamental Rights and Citizenship.

If you confirm me as Commissioner, I intend to make full use of this re-orientation of EU policies made possible by the Lisbon Treaty.

In the interest of justice.

And in the interest of the rights of our citizens.

The Action Plan to implement the Stockholm programme will be the first test-case if this re-orientation will really happen.

The Stockholm programme includes around 170 new initiatives which the Commission will take and which will be debated and decided in this House.

I would like to single out three priority areas where I believe we need to show strongly that Europe's policy is changing with the Lisbon Treaty.

First of all, we need to strengthen substantially the EU's stance in protecting the privacy of our citizens in the context of all EU policies.

And this also when it comes to law enforcement and crime prevention.

And this also when it comes to our international relations with partners such as the United States.

Secondly, we need to strengthen the right of citizens to move freely in the European Union, whether alone or with their partners or family members.

Free movement is after all a core right of EU citizens.

It must be more than an abstract idea.

It must become a concrete reality across all EU Member States, and EU law must be rigorously enforced wherever necessary.

Thirdly, we need to ensure that also accused and suspected persons have clear rights in Europe.

It is all well that we have a European Arrest Warrant and a European Evidence Warrant.

But where a possibly innocent citizen must today expect to be surrendered, under European law, to the judicial authorities of another country, we must at the same time insist that European law guarantees a high standard of rights, notably as regards the fairness of the procedures, but also as regards prison and detention conditions.

It is evident that we also need to strengthen the rights of victims.

This is simply the other side of the coin. **There can be no area of justice and no mutual trust without common fundamental rights standards based on our common values.**

I therefore want to work swiftly with you on new EU legislation to strengthen procedural rights and the rights of victims.

Mr Chairman, Honourable Members,

There are many more items on my list for the Stockholm programme, where we can demonstrate the new focus of EU policies on the rights of citizens.

I am looking forward to debating these challenges further with you.

I am now available for all the questions that you will certainly have.

Viviane Reding

Commissioner-designate for Justice, Fundamental Rights and Citizenship and designate Vice-President of the European Commission

Opening remarks at the European Parliament Hearing in the Legal Affairs Committee (JURI)

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European Parliament Hearing

Brussels, 11 January 2010

Mr Chairman, Honourable Members,

It is an honour for me to appear before the Legal Affairs Committee.

It is your Committee that is in charge of the fundamental *legal* questions of our Union; of questions related to the interpretation and application of Union law; and in particular of civil law, commercial law and procedural law.

As you know, unlike many of you, I am not a lawyer myself.

I am therefore, first of all, full of respect and admiration for your legal expertise.

I intend to make strong use of this expertise in the coming years.

However, I have been a European politician for 20 years now. First in this House. And then as European Commissioner.

From this practical experience, I know well about the relevance and importance of the law in our European Union.

For me, our supranational legal order is the very heart of the European Union.

A Union that is not held together by force, neither police nor military. But only by the belief that jointly created rules have to be respected, applied and enforced.

Europe is a true "*Rechtsgemeinschaft*", as Walter Hallstein, the first Commission President, said, "*a Community based on the rule of law*".

That this "*Rechtsgemeinschaft*" has worked well over more than 50 years is a truly historic achievement.

We have many differences in Europe.

But we have finally learnt to make a strength out of these differences.

And to achieve "*Unity in Diversity*", which is the motto of the European Union.

"*Unity in Diversity*" is a motto that applies in particular to the field of law.

Yes, we have 27 *national* legal orders, with many different legal traditions.

But together, we Europeans have managed to create a rich *supranational* body of law.

By learning from each other.

By comparing different legal tools used in different countries.

And by eventually bringing them together in new, and very often stronger EU laws.

Laws which are first proposed by the European Commission.

And then debated and amended in this House and in the Council.

If you confirm me as your Justice Commissioner, I will always respect the different legal traditions that we have in Europe.

I will keep this in mind in particular in the field of criminal law where our EU powers are rather young, where national parliaments have an important say under the Treaties, and where we should not take lightly the risk that a Member State could trigger the “emergency brake” – a special procedure available in the field of criminal law.

However, in the field of civil and commercial law, you can count on me to propose new EU legislation whenever necessary and appropriate to strengthen our single market.

It is in the field of civil and commercial law where we need to be ambitious.

It is here where we can concretely help businesses with sound EU legislation that removes bureaucratic obstacles and reduces transaction cost.

It is here where we can make the daily life of citizens easier in Europe, in particular when they are moving or shopping across borders.

And it is here where we can make a concrete and very powerful contribution to fighting the consequences of the financial crisis.

To me, strengthening the single market is our best instrument for a quick and sustainable economic recovery.

I have seen in my preparation for this hearing that this Committee has prepared over the past years many very valuable own-initiative-reports – all of them asking for new legislation in the field of civil and commercial law.

I believe that many of these ideas can and should be taken up by the new Justice Commissioner.

Because they make a lot of sense.

It makes a lot of sense to abolish *exequatur*, a procedural step that can cost between 800 and 2000 Euro only in attorney fees just for getting a court judgement accepted on the other side of the border. Of course, we need some safeguards, but we need not burden our businesses with pointless and costly formalities.

It makes a lot of sense to think about common limitation periods for liability in case of cross-border traffic accidents. There are more than 500.000 cross-border road traffic accidents per year in Europe, and there is a clear need for legal certainty.

It makes a lot of sense to think about a European procedure for the attachment of bank accounts. The recovery rate of cross-border debt is only 37%. How can we expect businesses or citizens to have trust in our single market if more than 60% of debt remains uncovered in a cross-border situation?

I intend to follow up these and other valuable ideas that have been or will be prepared in this Committee.

I said before that I believe that we need to be ambitious as regards civil law and commercial law.

If confirmed as Justice Commissioner, I want in particular to bring more ambition and more coherence into contract law at EU level.

I am therefore grateful that President Barroso has entrusted me also with the responsibility for consumer legislation.

I have always been a strong advocate of solid consumer rights in our single market, as you know from our joint work on the EU Roaming Regulations.

I intend to continue this approach.

I also want to be ambitious when it comes to the political CFR, the Common Frame of Reference.

I want to give a strong political backing to this project.

For the United States and their 50 States, the Uniform Commercial Code has been a cornerstone of the US internal market.

Why should we Europeans not try to achieve one day a European Civil Code for our single market?

I want to make substantial progress into this direction during my mandate.

Mr Chairman, Honourable Members,

Jacques Delors once said that nobody falls in love with a single market.

I believe it is high time to change this.

Because our single market is the best asset that Europe has, in particular in these times of economic downturn.

And EU legislation on civil and commercial law can become a powerful tool for strengthening this single market.

And for putting this single market at the service of our citizens.

I am looking forward to work together with you on this.

I am now available for your questions.

Viviane Reding

Commissioner-designate for Justice, Fundamental Rights and Citizenship and designate Vice-President of the European Commission

Opening remarks at the European Parliament Hearing in the Committee for Women's Rights and Gender Equality (FEMM)

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Madame Chair, Honourable Members,

We will have only 30 minutes together.

I therefore do not want to take away too much time, as I believe we should concentrate first and foremost on your questions.

Allow me only to say how honoured and pleased I am to be today also auditioned by your Committee.

The strive for Women's Rights and Gender Equality has been a permanent theme throughout my political life, in particular since I served as President of the Christian Social Women in Luxembourg.

I therefore feel very much at home in this Committee, and I am glad to see many familiar faces.

I want to assure you that I will be a strong ally for you in further strengthening gender equality throughout the Union and in *all* fields of EU policy.

You can also count on me to do my utmost to further reduce the gender pay gap in the European Union.

I welcome that President Barroso wants to entrust me not only with the responsibility for our powerful anti-discrimination directives, but at the same time with criminal law competences and the tools to combat violence against women and children.

This will allow me to create **powerful synergies** between all these instruments for the benefit of **a very strong and very visible policy on gender equality**.

I also intend to place the communication activities of the Commission at the service of this policy.

The yardstick for all my action will be the Charter of Fundamental Rights, which is now finally legally binding, after the entry into force of the Lisbon Treaty and which must be respected by all proposals for EU legislation.

As Fundamental Rights Commissioner, I will therefore pay particular attention to rendering effective **Article 23 of the Charter**, which guarantees equality between women and men in all areas, including employment, work and pay.

Madame Chair, Honourable Members,

Now, without further ado, let's move on to your questions. That is what we are here for.