

ANSWERS TO THE EUROPEAN PARLIAMENT
QUESTIONNAIRE TO THE COMMISSIONER-DESIGNATE
Věra JOUROVÁ
Vice-President-designate for Values and Transparency

1. General competence, European commitment and personal independence

What aspects of your personal qualifications and experience are particularly relevant for becoming Commissioner and promoting the European general interest, particularly in the area you would be responsible for? What motivates you? How will you contribute to putting forward the strategic agenda of the Commission? How will you implement gender mainstreaming and integrate a gender perspective into all policy areas of your portfolio? What guarantees of independence are you able to give the European Parliament, and how would you make sure that any past, current or future activities you carry out could not cast doubt on the performance of your duties within the Commission?

In my current role as Commissioner for Justice, Consumers and Gender Equality, I have worked tirelessly to strengthen the European area of justice and fundamental rights, for instance by ensuring the establishment of the European Public Prosecutor's Office, the adoption of the General Data Protection Regulation and the Directive on Work-Life Balance. I have led the Commission's work against racism, xenophobia and anti-Semitism, on the protection of Lesbian, Gay, Bisexual, Transgender & Intersex (LGBTI) rights and on Roma inclusion. And I have worked to protect EU citizenship rights, including through measures to ensure free and fair European elections.

Both in my current role as Commissioner and in my previous role as Czech Minister of Regional Development, I have shown a deep sense of duty to take concrete actions to improve the lives of citizens. For many years, I have been a vocal advocate of European integration and I strongly argued for Czech accession to the European Union in 2004. I firmly believe that 15 years of membership have brought significant benefits to both the Czech Republic and to the European Union as a whole.

I am honoured to be designated Vice-President for Values and Transparency and I intend to build on my current work as Commissioner for Justice, Consumers and Gender Equality. In line with President-elect von der Leyen's Political Guidelines, my goal will be to make the European Union more democratic, more transparent and more resilient against new threats to its democratic societies and to individuals' fundamental rights. Above all, I will be a resolute defender of the European Union's fundamental values, including the rule of law.

My portfolio of Values and Transparency seeks to draw lessons from recent challenges, by making the European Union stronger and closer to its citizens, and defending Europe's values. The strong turnout at the 2019 European elections shows citizens' renewed interest and passion for the European Union. We must not disappoint their hopes.

In my current role as Commissioner for Justice, Consumers and Gender Equality, I have put women's rights and gender equality high on the agenda in all its dimensions: economic empowerment, equal pay, women's role in political decision-making, fighting gender-based violence, and promoting gender equality internationally. I will continue to support these efforts as Vice-President for Values and Transparency, as equality between women and men is one of the Union's fundamental values enshrined in Article 2 of the Treaty on European Union (TEU) and article 23 of the Charter of Fundamental Rights. Gender mainstreaming means paying particular attention to the impact any initiative may have on women's role in the economy and in society at large and I am committed to upholding this approach within the College and will work closely with the Commissioner for Equality.

I passionately believe in the importance of building trust in our democratic institutions. Public confidence in the work of the European Commission can only be assured if it is fully independent and free from outside influence. I take the solemn undertaking pursuant to Article 245 of the Treaty on the Functioning of the European Union (TFEU) extremely seriously. In my current role as Commissioner for Justice, Consumers and Gender Equality, I have shown my full independence and acted in the European interest. I can assure the European Parliament that I have scrupulously ensured that I have avoided any links to economic activity that would lead to conflicts of interest and I have faithfully fulfilled my obligations under the Declaration of Interests. This will be updated should any changes occur. I will fully respect the Code of Conduct of Commissioners and the Treaty obligations on independence, transparency, impartiality and availability as defined in Article 17(3) TEU and Articles 245 TFEU, as well as the obligation of professional secrecy under Article 339 TFEU. I shall neither seek nor take instructions from any government or any other body and will refrain from any action incompatible with my duties such as to engage in any other occupation.

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

How would you assess your role as a Member of the College of Commissioners? In what respect would you consider yourself responsible and accountable to the Parliament for your actions and for those of your departments? What specific commitments are you prepared to make in terms of enhanced transparency, increased cooperation and effective follow-up to Parliament's positions and requests for legislative initiatives? In relation to planned initiatives or ongoing procedures, are you ready to provide Parliament with information and documents on an equal footing with the Council?

I will take full political responsibility for the activities in my area of competence, as set out in my Mission Letter. I strongly believe in collegial decision-making and will closely work with my fellow Colleagues to deliver on the commitments made by President-elect von der Leyen in her Political Guidelines presented to the European Parliament. In particular, I will work closely with Vice-Presidents-designate Šefčovič and Šuica within the Commissioners' Group on a New Push for European Democracy, which I have been tasked to chair. I will also work particularly closely with Commissioner-designate Reynders on the crucial work on the rule of law that will be of particular importance. Given my horizontal responsibility for the Charter of Fundamental Rights, I will work with all Colleagues to jointly ensure that fundamental rights are upheld in all policy areas, including digital transformation, migration and security.

Engagement with the European Parliament is of utmost importance to me. I am fully committed to being accountable and to allowing the European Parliament to exercise its democratic oversight to the fullest possible degree, as defined in the Framework Agreement on relations between the European Parliament and Commission. In my current responsibility as Commissioner for Justice, Consumers and Gender Equality, I have attended regular dialogues with the ECON, FEMM, IMCO, JURI and LIBE committees, as well as attending hearings of temporary committees, such as PANA and TAXE3, in a spirit of openness and respect. I have followed up several Parliament requests for legislative initiatives, notably on work-life balance and on the protection of whistleblowers. And I am looking forward to playing an active role with the European Parliament in the Conference on the Future of Europe.

As Vice-President responsible for transparency, I will work closely with Parliament and Council to bring greater transparency to the entire legislative process. Moreover I commit to making public all the contacts and meetings I hold with professional organisations or self-employed individuals on any matter relating to EU policy making and implementation.

If confirmed as Vice-President, I am firmly committed to regular dialogue and exchange. President-elect von der Leyen's Political Guidelines and Mission Letters stress the intention to reinforce the special relationship between the European Parliament and the Commission.

I will ensure that the two co-legislators are treated on an equal footing, both in terms of accountability and information sharing. I will ensure my personal involvement in negotiations and will make myself available to the European Parliament and the relevant committees wherever possible.

Questions from the Committee on Constitutional Affairs

3. Electoral Law

Without prejudice to discussions that may be held in the envisaged Conference on the Future of Europe, which measures and initiatives do you consider necessary to enhance the European dimension of the European elections and citizens' awareness of their importance? How do you think the Commission could contribute to help in the completion of the ratification process of the Electoral Law by the Member States? What is your stance on the introduction of a transnational constituency, where transnational lists headed by lead candidates could compete? Do you find it to be compatible with the principle of degressive proportionality? In addition, would it not imply a parallel and simultaneous revision of the voting rules in the Council? What are your intentions when it comes to fighting against foreign interferences in national and European elections? What regulatory steps do you intend to take? How do you see the role of the Taskforce Stratcom in the future?

Without prejudice to discussions that may be held in the envisaged Conference on the Future of Europe, which measures and initiatives do you consider necessary to enhance the European dimension of the European elections and citizens' awareness of their importance?

The increased turnout at the 2019 European elections shows citizens' renewed interest and engagement in the European Union. This gives us both an opportunity and a responsibility to

seize the momentum and to works towards a Europe the people can better associate with. European democracy remains at times too far away from the people. We must address this and ensure that citizens feel they can influence things at the European level. In that context, citizens must first and foremost be able to exercise their political rights in full and have confidence that their voice matters. This is why we need to strengthen transparency, improve the way EU institutions communicate with citizens, increase resilience against threats to democracy and address institutional aspects.

As highlighted in the Political Guidelines, this includes improving the lead candidate system and addressing transnational lists in the European elections as a complementary tool of European democracy.

I also want to focus on practical measures to facilitate and modernise political participation. Access to voting is indispensable for active citizenship and social inclusion and I will look at how this can be improved. Europe needs to be where the voters are, which is increasingly online. We should already be preparing for the 2024 elections to meet the needs of our changing society, the aspirations of young and excluded people and the opportunities, as well as the risks, of digital technologies.

I will propose measures to deepen the European dimension of European parliamentary elections and citizens' awareness of their importance, building on the work of previous recommendations and learning the lessons from the 2014 and 2019 European elections. I will support reinforced transparency and accountability in the European political landscape. We should work together to reinforce the link between national and European political parties and make this more visible to citizens when campaigning. I will explore how we can give more help to European citizens facing obstacles to exercising their voting rights, as well as other measures to encourage citizen participation. I will support wide, balanced and impartial media reporting, including by broadcasted debates between candidates accessible from all Member States.

Media pluralism is an essential pillar of our European democratic system. I will use the Media Pluralism Monitor to identify risks to plurality in the media sector and propose cross-border projects to support independent and diverse journalism.

I will make sure that we make the most of funding programmes to increase awareness about European citizenship and the rights it confers. The next EU citizenship report, to be issued in 2020, should have a particular focus on nurturing and developing citizens' electoral rights. EU citizens also have the right to stand as candidates in their country of residence, irrespective of nationality, and I will support the exercise of this right.

I will work closely with the Parliament, Member States and European political parties to foster a truly European democratic space. I will draw on the data compiled by the Parliament in its assessment of elections, as well as the rich feedback from Member States and political parties on the conduct of the European elections.

How do you think the Commission could contribute to help in the completion of the ratification process of the Electoral Law by the Member States?

I am conscious that four Member States have still not yet approved the Electoral law reform agreed last year. It is important to finalise this process as a basis for further reforms ahead of

the 2024 elections. Whilst the Commission does not have a formal role in this process, I will engage with these four Member States to move the process forward and explain the new changes and the added value they will bring. The Commission should continue to support Member States' efforts in this field, including in the framework of the recently established European cooperation network on elections.

What is your stance on the introduction of a transnational constituency, where transnational lists headed by lead candidates could compete? Do you find it to be compatible with the principle of degressive proportionality? In addition, would it not imply a parallel and simultaneous revision of the voting rules in the Council?

As acknowledged in the President-elect's Political Guidelines, the experience of the 2019 European elections clearly shows the need to review the way we appoint and elect the leaders of European institutions. In this context, and as a complementary tool of European democracy, we should draw on the experience from the lead candidate system and address the issue of transnational lists in the European elections. Such lists could strengthen the European dimension of the elections, as they would give citizens in the different Member States the possibility to vote for the same candidates, Europe-wide. At the same time, if a transnational constituency were to be created, it would be important to ensure that parliamentarians would be able to represent and communicate closely with the voters who elected them, both for reasons of accountability and to be able to listen to them and to raise their concerns.

The Conference on the Future of Europe will provide the opportunity to agree on the right way forward. Concrete proposals on issues such as transnational lists should be brought forward by summer 2020 so that they can be in place in time for the 2024 elections. I will represent the Commission in the Conference on this issue and will play an active role in brokering discussions between the European Parliament and the Council on improving the lead candidate system and on the issue of transnational lists. The Commission can provide its own input in terms of options to ensure that transnational lists are practically feasible and can offer added value.

The Commission will follow up on the proposals from the Conference, where it has competence to act, and support the Parliament in amending the European electoral law. I am strongly committed to cooperate closely with all relevant actors throughout this process, notably with the Constitutional Affairs Committee and any other relevant body in the European Parliament, the General Affairs Council, national parliaments, and last but not least, with leaders of political parties.

I think that depending on their concrete design, transnational lists are not as such incompatible with the principle of degressive proportionality. If an agreement is found on transnational lists, two different systems could continue to run in parallel.

Therefore, I believe that it is neither necessary nor desirable to make a link with the voting rules in the Council.

What are your intentions when it comes to fighting against foreign interferences in national and European elections? What regulatory steps do you intend to take? How do you see the role of the Taskforce Stratcom in the future?

The Political Guidelines emphasised that we need to act against the risk of external interference from those who wish to divide and destabilise our Union. In the run-up to the recent European Parliament elections, we managed together with the Members of the European Parliament and with Member States to raise awareness about the threats and achieved a consensus that no elections are safe from the potential interference, and that this needs to be addressed.

But this is a complex threat, and the targets are constantly evolving. There is for instance a development that external actors are more often using domestic proxies. This homegrown interference and manipulation must not be ignored.

We need a holistic and permanent effort to build the resilience of our democracies in a systemic way by countering disinformation and by adapting to evolving threats and coordinated and intentional manipulations. The European Democracy Action Plan will address these threats to democracy. It will in particular look at the need for greater transparency and accountability. I want us to find practical solutions that ensure greater transparency in the area of paid political advertising and clearer rules on the financing of European political parties. Digital platforms are agents of progress for people, societies and economies, but they can also be exploited to destabilise our European democracies. We therefore need to address issues such as access and use of data. We need to have the right capabilities at our disposal to assess the threats for society. And by doing so we must never lose the balance. Our goal is to protect our European democracy, so it is clear that the respect for freedom of speech and open debate and of our fundamental rights and values must be our cornerstones. We must avoid censorship and the creation of “Ministries of Truth.” Freedom of expression and plurality of opinions must remain guaranteed.

My role as a Vice-President will allow us to bring together different activities and work streams into a single strategy and a coherent approach, combining knowledge and experience of governments as well as non-governmental experts from all parts of the European Union. To effectively counter disinformation and to build resilience, we need a comprehensive approach, involving governments, political parties, journalists, fact checkers, researchers, educators and civil society at large, as well as industry and the online platforms.

More concretely, we can build on the 2018 elections package and the Action Plan against Disinformation in a number of areas. First, we can improve in terms of detecting, analysing and exposing disinformation and other manipulations of European democratic processes, wherever they originate and whatever the tactics and actors employed. This needs to go hand in hand with wider efforts on cybersecurity and resilience against hybrid threats. Second, we can enhance intra-EU cooperation through mechanisms such as the Rapid Alert System and national and European cooperation networks on elections. Third, we can improve the effectiveness of communication through a coordinated response to disinformation incidents, as well as raising public awareness more generally. I intend to work very closely on these issues with the European Parliament and the High Representative/Vice President. I also intend to draw on resources from different departments of the Commission and EEAS to work closely together to achieve greater synergy and a coherent approach.

I set out in reply to Question 8 how I would intend to work to enhance media freedom and pluralism.

The European External Action Service has been at the forefront of efforts to tackle disinformation, with the work of three Strategic Communications Task Forces (East Stratcom Task Force; Western Balkans Task Force; Task Force South). Since the mandate from the European Council in 2015, it has had a real impact in exposing Russian disinformation campaigns in the EU's Eastern Neighbourhood. Since the adoption of the Action Plan against Disinformation and with the support of the European Parliament to the East Stratcom Task Force in particular, the work of the three Task Forces has been significantly stepped up, including in terms of pursuing proactive communications in the EU's neighbourhood, and raising awareness about the negative impact of disinformation. I am a staunch supporter of continuing and intensifying this work, and of deepening work with key partners such as the G7 and NATO, as well as with civil society and researchers.

Our work in this area has become a reference point for other international players. It has opened a door for the EU to cooperate closely with partners at the global level, including in the UN, and to advance international standard-setting on this important matter in order to secure a digital space safe for people and democracy.

4. Transparency

Which further steps do you envisage to take towards more transparency in the legislative process? Which further actions do you consider necessary to achieve the objectives of Better Law-making in this domain? What is your position regarding the stalled negotiations on a joint Transparency Register by the Commission? How do you think you could contribute to finding a solution, which respects constitutional specificities of each institution, such as the principle of the free exercise of MEPs mandate enshrined in EU primary law? Do you agree that there is a need to improve the exchange of documents and information between Parliament and the Council and allowing access for representatives of Parliament as observers to meetings of the Council and its bodies, in particular in cases of legislation?

Which further steps do you envisage to take towards more transparency in the legislative process? Which further actions do you consider necessary to achieve the objectives of Better Law-making in this domain?

I am convinced that more transparency in the legislative process helps to build public understanding and support for the substance of what is decided. It is also a powerful tool against disinformation.

The Commission has already taken significant steps to increase transparency. For example, through the 'Have your say' portal, it allows stakeholders and citizens to contribute throughout the process, as well as publishing the results of public consultations. I welcome the fact that the Commission has been ready to deliver transparency even on very sensitive issues – for example the Withdrawal Agreement negotiations with the United Kingdom were very transparent. Regarding the area of international negotiations in general, decisive steps have already been taken by the Commission, for instance by publishing draft negotiating directives, by offering public feedback on negotiating sessions and by publishing negotiating positions and final results.

I would support additional practical steps to increase transparency throughout the legislative process, building also on the efforts of the current Finnish Presidency of the Council. We should have the whole legislative cycle in mind from the inception phase to the direct application on the ground. For example, more information related to trilogues could be proactively published, though I acknowledge that the transparency of trilogues is mainly a matter for the Parliament and the Council. Concrete steps could be for the Parliament and the Council to publish indicative schedules of trilogue meetings and – after each meeting – a summary agenda listing the topics actually discussed. The final agreed text is already made public at the latest before it is put to a vote in the Parliament; I would support any moves by the co-legislators to make this publication quicker.

As regards requests for access to documents relating to ongoing trilogues, this needs, in line with the case law of the Court of Justice, a case-by-case assessment. This points to the release of the ‘four-column’ tables used in trilogues in most cases, and grounds such as sensitivity or the fact that negotiations are ongoing are not enough to justify a refusal to disclose. The Commission already applies the findings of the Court in its everyday work and rarely refuses public release of an entire “four column” trilogue document.

As Vice-President, I would engage with the Parliament and the Council to ensure a consistent approach on transparency in all areas.

The institutions should work together to launch the planned Joint Legislative Portal as soon as possible. This was a commitment from the three institutions in the 2016 Interinstitutional Agreement on Better Law-making. By presenting a simple timeline for each proposal, with links to the various underlying document, it will offer a user-friendly way for non-experts to find all public information about a particular legislative process that matters to them. Progress has been made, but the project is not yet finished. I believe this is an important tool for democracy and citizens’ engagement and we should accelerate the work to bring the Joint Legislative Portal to life.

There are other examples where we need to press on with work to implement the Interinstitutional Agreement on Better Law-making. Commitments made by the three institutions to improve communication to the public are important steps forward. We should make more of the moment when the legislative process reaches agreement and also when agreed legislation is implemented/enters into force, with a joint announcement and joint press conferences held whenever practical.

What is your position regarding the stalled negotiations on a joint Transparency Register by the Commission?

There is a strong public interest to increase transparency, and there is a shared will to work on a joint Transparency Register. A stronger framework for interest representation by means of a mandatory Transparency Register is an important component in our democratic infrastructure. My experience of the Commission’s practice of meeting only registered interest representatives is that it has a real impact in terms of interest representatives accepting the highest standards of ethics and openness by signing up to the Register.

I understand that significant progress has been made at technical level in reaching a preliminary agreement on all non-sensitive content, and that the current Council Presidency shares the Commission’s and the Parliament’s ambition to bring the negotiations on this file

to successful conclusion. This momentum should not be lost. I also welcome the new Rules of Procedure in the European Parliament which are a significant step towards more transparency on meeting interest representatives, in particular for Rapporteurs, Shadow Rapporteurs and Committee Chairs, and I count on an their full implementation.

If confirmed as Vice-President, I would engage with the partners in the European Parliament and the Council at political level before the end of the year and follow this up with an ambitious calendar of negotiations. The three institutions should all target a swift agreement and deliver a real boost to lobbying transparency which is a concern for the general public. In that context it will be important to find an agreement that will make it easy for users to find the information. The Commission has useful experience to share from its own transparency register.

How do you think you could contribute to finding a solution, which respects constitutional specificities of each institution, such as the principle of the free exercise of MEPs mandate enshrined in EU primary law?

In my view, the proposed condition that interest representatives need to register before meeting with MEPs is compatible with the freedom of MEPs' mandate. In the Commission's experience, this rule has not created problems for Commissioners and high-level officials, as interest representatives seeking meetings promptly registered when asked to do so. The same would presumably be true when they wished to meet MEPs. The interactions which are the most important for MEPs in order to carry out their mandate – such as meetings with constituents and citizens, and requests for factual information – would be excluded from the conditionality. We could also look at further safeguards to alleviate concerns with regard to the principle of the free exercise of MEPs' mandate.

The Treaty on European Union obliges the three institutions to conduct their work as openly as possible. The proposed conditionality would further strengthen the exercise of MEPs' mandate: it would make it easier for constituents and the public to follow the interests represented in the legislative process, without compromising the freedom of exercise of that mandate.

Do you agree that there is a need to improve the exchange of documents and information between Parliament and the Council and allowing access for representatives of Parliament as observers to meetings of the Council and its bodies, in particular in cases of legislation?

I believe that cooperation between the Parliament and Council can only benefit both the efficiency and the transparency of the legislative process.

The Treaty on European Union clearly states in its Article 16, that the Council shall meet in public when it deliberates and votes on the legislation. Article 15 of the Treaty on the Functioning of the European Union calls on all EU institutions to conduct their work as openly as possible, thereby establishing transparency as a shared responsibility. The European Council's Strategic Agenda for 2019-2024 also stresses the importance of transparency, and calls on each institution to revisit its working methods to ensure it is best able to fulfil its role under the Treaties. The emphasis on transparency in the Political Guidelines is fully in line with this.

Discussions in Council are underway on how to make Council's work more open and understandable to citizens and what type of internal, trilogue-related documents shall be made public. The Commission should continue to support efforts to enhance the transparency of the legislative process. I am aware of the ongoing discussions in the Council on what type of internal, trilogue-related documents should be made public and I intend to follow this very closely.

The specific issue of observer status for Parliament representatives in meetings of the Council and its bodies is for the Council to determine. The Parliament and Council need to resolve this question in line with the Treaty-based prerogatives of each institution and their internal working methods. Of course, the Commission should stand ready to facilitate this process if needed.

5. Independent Ethics Body and European Ombudsman

How do you see the scope, role and competences of the envisaged independent ethics body common to all institutions and how would you ensure that such a body is fully independent, equidistant from each institution, and that its decisions are efficiently enforced? How would you envisage its articulation with the role of the European Ombudsman? Are you ready to commit to a new statute for the European Ombudsman? If so, do you pledge to work with the parliament and do your utmost to have a new statute in the first year of your mandate?

It is important to underline that the Political Guidelines explicitly mention that EU institutions should be open and beyond reproach on ethics, transparency and integrity, if Europeans are to trust our Union. In these particularly challenging times, the trust of the European citizens is more important than ever. Therefore, I will treat ethics as a moral imperative.

As regards the general ethical framework, for both the Members of the Commission and the staff, there is already a very solid and valid set of ethical values, principles and rules in place. I am committed to ensuring the best implementation possible of these ethical requirements. Strict compliance, by both Members of the College and staff, as well as appropriate follow-up in the event of breaches, are in my view vital.

When it comes to Commissioners, the Code of Conduct was revised in January 2018, after seeking the opinion of the European Parliament, in line with the Framework Agreement on relations between the European Parliament and the Commission. The new Code strengthens the role of the Independent Ethical Committee of the Commission that is composed of external, independent persons. The Code of Conduct's rules are more comprehensive than the rules of most of our Member States.

As regards staff, the Staff Regulations, by which all staff members have to abide, contain a comprehensive set of ethical obligations, which were further strengthened by the 2014 Staff Regulations reform. The provisions requiring conflicts of interest to be assessed upon recruitment or reintegration after a period of leave on personal grounds are particularly important, as well as those provisions explicitly addressing the issue of lobbying and advocacy during leave on personal grounds or after having left the Institution.

With regard to the members of the different institutions, there are different ethical rules in the Treaties and EU law. This is natural, given that each institution has its autonomy and independence, and its own role under the Treaties. This is reflected in different codes of conduct adopted by some of the institutions.

I want to draw on these different experiences and perspectives before setting out a concrete way forward. Therefore, it is very important for me to engage in a dialogue with the European Parliament and with the other institutions of the EU on the way forward on this matter. We should together develop a European political culture based on ethical principles shared by all.

Some features seem to me of particular importance. For example, it will be crucial to ensure that an independent ethics body is able to react fast to situations that may arise at any moment, for instance by advisory powers. The administrative arrangements, the competences, the composition of the body and the number of its members need to reflect this need.

The composition of such a body and the selection procedure for the members would be key to its independence and quality, and therefore its credibility. The composition would have to reflect experience in different areas, institutions and functions. The persons to be selected would have to have an impeccable record of professional behaviour, experience, and a good understanding of how the EU institutions work. To preserve the ‘equidistance from each institution’, I do not believe that it would be appropriate to include sitting members of the institutions in this inter-institutional body.

The mandate of the European Ombudsman is defined in the Treaties, and is related to instances of maladministration. The Ombudsman can conduct inquiries on his or her own initiative and on the basis of complaints. The experience of the Ombudsman, her recommendations and findings will be an important contribution to the preparations for the body, and they will be an element the members of the body should certainly take into account. An independent ethics body and the Ombudsman are complementary.

According to the special legislative procedure on the Statute of the Ombudsman, the European Parliament has adopted a draft Regulation for a new Statute in February 2019. The Council has to give a consent, after an opinion of the Commission. The Commission, with the Vice-President for Inter-institutional affairs in the lead, has made clear that it will commit to working constructively with both the Parliament and the Council on this initiative and to delivering this Commission opinion as quickly as possible.

Questions from the Committee on Civil Liberties, Justice and Home Affairs

6. What will be your key priorities within the portfolio you have been assigned to and how does the portfolio of values and transparency in your view interact, dovetail and/or overlap with the portfolio of the Vice-President for Democracy and Demography, with the portfolio of the Commissioner for Justice, and with the portfolio of the Commissioner for Equality? Do you commit to appear in front of the LIBE Committee when requested and at least twice per year¹?

¹ The question would be maintained in case the request to the CoP to add one question to the general questions is not agreed.

I firmly believe that this portfolio is essential for the future of Europe, and that it can help us draw lessons from past experience. The European values are our common foundation that glues us together from North to South and from East to West. They offer the protection and give the rights to the people in a fast-changing and more uncertain world. They are also our anchor of stability, especially in times where we are tested, either from inside or from outside. In my work, I want to be the advocate for the people, to strengthen their rights and their feeling of being fully-fledged citizens rather than mere consumers in a Single Market or targets of manipulation. I want to contribute to building bridges between different parts of our Union striving to preserve and promote what unites us. My overall priority is to bring the EU closer to citizens, by making the EU more democratic, more transparent, more resilient against new threats, and more capable of defending the values we cherish. The different work streams entrusted to me all feed into these goals. My personal experience – as a Czech national having lived through the democratic transition 30 years ago – and my experience as Commissioner have given me a particular insight on these matters and reinforced my determination to succeed in this portfolio.

The rule of law should be a driver of European unity, not a source of division. I am fully committed to the priority given by the Political Guidelines to the rule of law, at the heart of the democratic and open Europe of which we should be proud. But to ensure this, it needs to be nurtured. We can never take the rule of law for granted. I will always privilege dialogue, advice and work to avoid crisis situations. There are many good practices and positive examples in our Member States. We can do more to discuss how our shared values should carry through to deliver on the key principles underlying the rule of law. But we must also be ready to act if needed, if other routes are not working and if national checks and balances have not been able to address a threat to the rule of law. We need to continue the work of the current Commission to give these issues the priority they deserve and also to continue to develop the tools to deliver on the rule of law. Working closely with the Commissioner for Justice, I will engage with the Council, with the Member States and with stakeholders to ensure that the rule of law is upheld and I will do so with determination and with an equal measure.

On democracy, my priority will be to create the space to ensure that our democracy can flourish. There can no longer be any doubt that our democracy is under threat. We must do everything we can to protect a healthy democratic ecosystem by strengthening our resilience, including ahead of the 2024 European Parliament elections. I will coordinate the work on the European Democracy Action Plan, working in particular to address the threats of external intervention. I will work on smart regulatory solutions to ensure greater transparency on paid political advertising and clearer rules on the financing of European political parties. I also want to pay particular attention to new threats flowing from the reality of democracy in the digital age, with risks including that digital platforms are used to destabilise our democracies and create discord. We need a holistic approach and coherent standards to be effective on issues such as disinformation and online hate messages without losing the balance of what we are doing and without compromising fundamental rights such as the freedom of speech. I have been personally very active in making sure that tech giants and online platforms cooperate on removal of illegal hate speech. Regarding disinformation, I have contributed to making sure that online platforms implemented the measures set out in the Code of Practice on Disinformation, including on transparency of political advertisements and scrutiny of ad placements. For example, between January and May 2019, Google took action against 131,621 EU-based ads accounts, Facebook reported on 1.2 million ads actioned in the EU for

violating its policies and Twitter reported rejecting 9,508 EU-targeted ads for violations of its quality ads policy. But we need a coherent approach that applies to all actors.

Another key element is developing further our democratic infrastructure to improve the lead candidate system and to address the issue of transnational lists. I want to use my role as chair of the Commissioner Group on a New Push for European Democracy to ensure that the Commission makes the strongest possible contribution on these issues.

On fundamental rights, my position as Vice-President brings a horizontal responsibility. Fundamental rights are key to what makes Europe distinctive. Policies on digital (notably on artificial intelligence), on inclusion, on migration, on equality, on media, on security all have a key fundamental rights dimension. Fundamental rights protect everybody, and the rights of minorities, the rights of the child, and more generally the protection of the vulnerable are all areas where I look forward to working closely with my fellow Vice-Presidents and Commissioners. In doing so, I will pursue the work I started under the current Commission to promote and enforce the Charter of Fundamental Rights. We will soon celebrate the 10th anniversary of the Charter. I will use this as an occasion to review our Strategy and to address its implementation and any loopholes that might exist, both on the substance and on its effective enforcement. I will pay particular attention on the implementation of the Charter at Member States level, and I see a strong role for the Commission in its effective enforcement. I will also ensure that the Commission includes fundamental rights in the design of its actions and proposal. I will continue the efforts to promote the Charter, as it touches real life situations of citizens. And I want to ensure that the European Union finally accedes to the European Convention of Human Rights.

On transparency and the respect for values, I want to work with the other institutions to make the European Union an example of transparency in action. This means ensuring that our legislative process is well understood and shielded from any hidden interest. I am committed to working towards the creation of the independent ethics body common to all EU institutions, as set out in the Political Guidelines. This would be a key symbol of our determination to respect highest moral standards and to increase the trust in the EU democratic system.

Concerning the organisation of my work with my colleagues, the European Commission functions on the principle of collegiality and team spirit. The President-elect has set out how this will be backed up through the responsibilities given to Vice-Presidents. As Vice-President, I will ensure that, in full collegiality, all the expertise and resources required to deliver on my portfolio are pulled together and put to good use. I am also strongly committed to an outward-looking approach, engaging with the European Parliament, the Council and the Member States but also with stakeholders more broadly and the public at large. This is essential to deliver on our objectives in areas such as the rule of law and democracy.

This will entail close working relations with many members of the College. As stated in my Mission Letter, I will chair the Commissioners' Group on a New Push for European Democracy. This group will provide a strategic forum to ensure that all work strands are coherent, that we look at all policy areas and do everything we can to contribute to strengthen democracy, build the resilience of our societies and ensure strong safeguards for citizens' rights. As stated in the Mission Letters, I will coordinate the Commission's work on the rule of law, working closely with the Commissioner for Justice. I will collaborate with the Vice-President for Democracy and Demography on specific issues for the Conference on the Future of Europe.

I attach a great importance to constant dialogue with the European Parliament and its committees. I would welcome the opportunity for a regular debate with the LIBE Committee and will see merits in having it at least twice a year. I also expect to find in the Parliament a strong partner to pursue the key priorities I have highlighted for my mandate.

7. As the coordinator of the Commission's work on upholding the rule of law, how do you want to strategically progress in this area and what do you envisage as your first priority in this regard? What role do you envisage for the European Parliament when it comes to upholding the rule of law? The two decisive actions on Rule of Law taken on Poland and Hungary are proving difficult to find any cohesive way forward in Council. How do you intend to implement effectively the priorities of the new Commission in this field, including the actions provided for in the Communication published in July if there are no serious consequences for Member States breaching the rule of law? How do you intend to ensure that the procedures initiated under Article 7(1) regarding Hungary and Poland are dealt with in Council with no further delay? Can you commit to support the European Parliament in its request to be fully involved, including being invited to outline its position to the Council, in the Article 7(1) procedure regarding Hungary? How would you define the specific preconditions for the new Commission to trigger the Article 7(1) TEU or Article 7(2) TEU procedure in order to avoid allegations of political bias?

Rule of law is one of our core values and is inseparable from democracy and fundamental rights, including free media. We have learnt that we cannot take Rule of Law for granted, and we have to be vigilant. I will be strong on principles, predictable in treating Member States equally and determined in my actions. I will make sure that prompt and proportionate action is taken when the rule of law is in danger. We have a number of tools available. Beside Article 7 TEU, the Commission should also make full use of its infringement powers where there is a breach of EU law. The developing case-law of the European Court of Justice in this area is crucial and also creates new obligations.

There are ongoing procedures which need to be carried through and Article 7 procedures need to be given the attention and engagement required to have the impact intended. As to the role of the Parliament in the Article 7 procedures discussed at the Council, the Commission has always been of the opinion that all institutions deserve a fair treatment. Here, there is a need for a transparent and proportionate approach.

I also want to open a new chapter in terms of dialogue and to pursue an approach where promotion and prevention will be enhanced. We need to engage with Member States, including within the Council, and I will play a full part in this. The comprehensive rule of law mechanism in the Political Guidelines will bring new depth to the work on the rule of law, ensuring an EU-wide scope and objective annual reporting by the European Commission for all Member States. I would strive to use this to bring a new dynamic into the debates where we can also discuss and share the best practices and build a better understanding for different solutions.

In July, the Commission already set out such an approach in more detail, in particular in the form of an annual rule of law review cycle covering all Member States and addressing all rule of law relevant issues, such as justice systems, the functioning of institutions, and checks and

balances, as well as corruption and the media. The implementation of this new mechanism with a systematic and transparent approach will be a key priority for the first year of the new Commission. On this, I will work closely with the Commissioner for Justice.

The Political Guidelines underline that the strengthening of the rule of law is a shared responsibility among all EU institutions and all Member States. This will therefore involve close cooperation with the European Parliament and the Council as well as dedicated dialogue with all Member States. The Political Guidelines highlight the role of the European Parliament as a democratic forum for public debate and therefore a key arena for the promotion of our common values. It would for example be very welcome if the outcome of the Commission's analysis could form the basis of debates in the European Parliament, which could then feed back into the review cycle through a dedicated follow-up. I also welcome the active and independent role of the European Parliament in promoting the rule of law. I am for example aware that the Committee on Civil Liberties, Justice and Home Affairs decided recently to continue and expand the work of its special working group on this.

With regard to the Council, it is important to distinguish between the new mechanism, which acts as a preventive tool aimed at identifying issues early on and promoting dialogue, and the more formal procedures to address issues that have already been identified.

On Article 7 TEU, the institutions should work together to intensify the collective nature of decision-making, taking into account the different roles of the institutions at different stages of the procedure and notably the power of Commission, but also the European Parliament, to initiate it. When it comes to the proceedings under Article 7 TEU, once the procedure has been launched, it is the Council that plays the leading role. The current Council Presidency is encouraging reflection on the procedures and I hope that this will create a basis for more effective discussions in the future. This is a welcome move towards more efficient proceedings. It could also be helpful to improve the decision-making process in terms of the institutional steps, with clear procedural rules.

As set out in the Political Guidelines, where possible, the overall objective should be to find a solution that protects the rule of law, with cooperation and mutual support, but without ruling out an effective, proportionate and dissuasive response as a last resort.

In all the work on the rule of law, objectivity is key. I believe that the Commission has always taken its role as guardian of the Treaties very seriously. With the new rule of law mechanism, particularly its emphasis on dialogue and on treating all Member States alike, we will have an opportunity to reinforce this, and to show that awareness of the different circumstances and traditions of different Member States does not mean diverting from the essential features behind an effective rule of law.

8. As the Vice-President responsible for media pluralism and press freedom, what actions will you prioritise to ensure media freedom and media pluralism as well as to counter disinformation and fake news especially in light of the constant attacks journalists are being faced with in some EU Member States? Will you go further and take concrete measures to improve the working environment for journalists and to prevent attacks against journalists and ensure their safety, including via EU-wide anti-SLAPP legislation? What concrete measures do you seek to put in place to ensure that targeted assassinations of investigative journalists such as Daphne Caruana Galizia and Jan Kuciak are prevented from occurring and better

investigated in Member States? When preparing your work on countering disinformation, how exactly do you plan to ensure that any measures proposed do not counter freedom of expression, freedom of the press, or media pluralism¹?

Q. As the Vice-President responsible for media pluralism and press freedom, what actions will you prioritise to ensure media freedom and media pluralism as well as to counter disinformation and fake news especially in light of the constant attacks journalists are being faced with in some EU Member States?

I am convinced about the fundamental importance of media freedom and pluralism for democracy and the rule of law. Media landscapes in Europe and globally have undergone a dramatic change in the past decades. ‘Traditional’ media have lost considerable advertising revenues, and hence market power, to the internet and online platforms. One of the major challenges for the forthcoming Commission will be to take action to make the industry more economically sustainable, as a bulwark for democracy, while enabling it to fulfil independently its social mandate as a public watchdog. The media, and the online platforms, have responsibilities, but they also play an indispensable role in our democratic fabric. There is also an important read-across to the work on the rule of law, where the role of journalists and the media is crucial. I see a need to take a holistic approach, also promoting quality of journalism, looking at the market situation of quality independent media and at the role of online platforms.

We have an important tool with the Media Pluralism Monitor.² It is a reliable scientific tool implemented by the Centre for Media Pluralism and Media Freedom at the European University Institute in Florence. Its analysis shows that no Member State is free from risks in this area while recent developments in certain Member States raise serious concerns. The Monitor offers an excellent starting point to gauge the state of media pluralism and freedom across Europe today and it will be a centrepiece of our work going forward. In 2020 the Media Pluralism Monitor will look at the issue of media pluralism online which is one of the key challenges we face.

The recently revised Audiovisual Media Services Directive will change the landscape significantly as the revised rules will lead to more transparency on ownership structures and will establish a network of independent regulatory authorities. The Copyright Directive explicitly supports quality journalism. I will monitor the implementation of these steps carefully and draw lessons on whether more is needed to support a healthy environment for media pluralism in the EU against the challenges of concentration, digital reality, political independence and social inclusion.

As part of my new mandate, I will ensure that the Commission continues to prioritise funding to independent projects which monitor risks to media pluralism across Europe, map violations to media freedom, and support journalists whose safety is under threat. I want to ensure that we can continue to provide valuable financial support to independent projects dedicated to cross-border investigative journalism, for instance by supporting relevant networks. I will also consider further measures at EU level, drawing on the 2013 Report of High-Level Group on

¹ If question 1 becomes redundant this question could be split in two to better reflect the provisions of Article 3(5) of Annex VII of the Parliament's rules of procedure.

² Implemented independently by the Centre for Media Pluralism and Media Freedom at the European University Institute.

Media Freedom and Pluralism, using EU competence and my political capital to act where necessary.

As for disinformation, I set out in Question 3 how I would intend to work on an area of crucial significance for our democracy.

Q. Will you go further and take concrete measures to improve the working environment for journalists and to prevent attacks against journalists and ensure their safety, including via EU-wide anti-SLAPP legislation? What concrete measures do you seek to put in place to ensure that targeted assassinations of investigative journalists such as Daphne Caruana Galizia and Jan Kuciak are prevented from occurring and better investigated in Member States?

Media freedom, including the safety of journalists, is a key pillar of democracies, next to rule of law, fundamental rights and separation of powers. Media freedom and pluralism is a *conditio sine qua non* for upholding freedom of expression and the right to information. Without a free media, corruption and abuse of power can flourish unchecked. That is why I believe threats to media freedom in one country are threats to the whole EU. I am ready to have new ambition on this front and engage with the European Parliament, the Member States, the media and other stakeholders to identify common solutions and stronger European response to threats.

The Commission condemned in the strongest possible terms the assassinations of Maltese investigative journalist Daphne Caruana Galizia and Slovak investigative journalist Ján Kuciak. Their deaths are a stain on Europe's democratic consciousness. I personally raised these serious crimes with the Maltese and Slovak authorities on multiple occasions in my capacity as Justice Commissioner. I also had the honour of meeting the journalists' families and colleagues. The Commission has already made it clear that it expects independent and thorough investigations in both cases and urges the responsible Slovak and Maltese authorities to continue the ongoing investigations up and until the proceedings can be brought to a satisfactory conclusion and justice served.

Member States remain primarily responsible for ensuring internal security and the Commission has no competence to intervene in individual national investigations. It is however important to also recall that case law of the European Court of Human Rights requires Member States to ensure that there is no impunity against the perpetrators of physical attacks on journalists and that effective investigations are carried out. Systemic problems on this matter have also a rule of law dimension. Besides this, as the threats to Europe's citizens are increasingly cross-border in nature, information exchange and the operational cooperation among Member States and EU agencies are of key importance. The European Arrest Warrant is also a key tool in this context. Examples where cross-border organised crime may have been involved in cases involving pressure on the media show once again how deepening law enforcement cooperation on the lines set out in the Political Guidelines is of great importance for the stability and security of our societies as a whole.

The issue of Strategic Lawsuits Against Public Participation (SLAPP) can be considered as an abuse of defamation laws. In particular, I am aware that such lawsuits can amount to a misuse of the law which makes it possible to threaten journalists with lawsuits that would be too expensive to fight – even in cases where the lawsuits have little or no chance of succeeding – which can create a chilling effect and are therefore a threat to media freedom. I therefore

consider that this issue is of direct relevance to my portfolio and the combination of questions at the intersection of private international law, public policy and media freedom deserve deeper analysis.

Q. When preparing your work on countering disinformation, how exactly do you plan to ensure that any measures proposed do not counter freedom of expression, freedom of the press, or media pluralism?

Freedom of speech must be preserved at all costs. In my part of Europe, we fought for it for too long and paid a price too high for not having it for me to look lightly at any potential threats to it. Moreover, we need to distinguish between illegal content (such as incitement to hatred and violence) and lies, which are harmful but not illegal.

Disinformation erodes trust in institutions and in digital and traditional media, and weakens our democracies by hampering the ability of citizens to take informed decisions. It impairs freedom of expression, a fundamental right enshrined in the Charter of Fundamental Rights of the European Union. Online platforms that distribute content, particularly social media, video-sharing services and search engines play a key role in the spread and amplification of online disinformation. The responsibility and accountability of such platforms are at the centre of the debate.

The Code of Practice on Disinformation is the first worldwide self-regulatory initiative where the industry has recognised its responsibility and readiness to become more accountable. At the heart of this Code remains a clear commitment by its signatories to protect the fundamental right to freedom of expression.

We will need to evaluate the Code of Practice in order to decide whether any further measures, including those of a regulatory nature, are needed. In doing so, I will stay vigilant not to upset the balance and to make sure that the freedom of expression remains protected.