

Conference debate with Viviane Reding Notre Europe / Sciences Po Paris

On 14 September 2011, EU Justice Commissioner Viviane Reding took part in a conference debate, organised by Notre Europe and Sciences Po, in Paris. Nearly 400 people attended the event. In her opening speech on desirable developments in economic, political and institutional terms, she in particular presented the crisis "as an opportunity" and hoped for a "new Schuman plan". She then replied to a lot of different questions from participants from all over Europe.

Notre Europe has summarised the main issues addressed during this debate.

- **Protection of personal data, a key dossier**

Asked about the **protection of personal data**, Reding pointed out that this is a key but complicated dossier because of its three major components.

On the one hand, the rights of the individual have been strengthened by the Treaty of Lisbon and the integration of the Charter of Fundamental Rights: all European Union legislation must therefore take them into account, including the 'right to be forgotten'. During the reform of the directive in 1995, it will be essential to take into account new technologies, which do not amend the rights themselves but their application.

It is also important to note that European law is very economic and that it affects companies directly, especially those working at the global level. While there are no longer any borders for the internet, one can see differences between member states in their interpretation of the principles of the 1995 directive, which leads to some fragmentation of the single market and high costs for companies. It is therefore essential that the European Union has common rules and that there are regulators that are independent of governments and industry, which would also do away with superfluous administrations in the 27 member states of the EU.

Finally, the Treaty of Lisbon implies respect for European values and rights of citizens in all policies, including police and judicial cooperation. Beforehand it was mainly a matter for the private area, including during the adoption of the directive in 1995. Protection of personal data must therefore be part of this new context and the institutions must ensure the security of this data. The European Commission has therefore received a mandate from the Council and the European Parliament to negotiate with the US to promote reciprocity and equality of treatment and therefore to avoid that the 'the rule of law' exists in Europe but not in the US.

- **The opportunities arising from the internet, new media and social networks**

Aware of the **importance of the internet**, the European Commission had made its development a priority. A European e-Justice portal has therefore been set up to bring together all the information needed by citizens and justice professionals. In addition, EU Commissioner Neelie Kroes, who is in charge of the digital strategy, has proposed a Digital Agenda to develop new technologies including in rural areas. European Commission President José Manuel Barroso is calling for **eurobonds to finance infrastructure also concerning new technologies and new media** and not restricted to transport.

Viviane Reding expressed the view that the new media are changing the way policy is made. Messages between politicians and citizens now have two directions: they are top-down and bottom-up. However, she pointed out that there can be an area of lawlessness in these new media and that it is therefore important to have the means to **combat cybercrime**. In countries where freedom does not exist, social networks are a huge source of information, as is shown by the examples of the 'Arab spring' or dictators blocking access to the internet. However, these new media are not natural for everyone and so it is necessary to continue to use the 'old' media.

- **Area of freedom, security and justice: for a Erasmus for justice ' and a common asylum system**

Enshrined in the Treaty of Lisbon, justice is a new European competence. The aim is to establish minimum rights (translation, interpretation, information) for all citizens in Europe. In this area, European harmonisation is however not the best way to achieve it because the member states have experienced different changes in their practices and laws. It is therefore preferable to create bridges between different legal systems. That could be in particular via an '**Erasmus for justice**' for legal practitioners, which would make it easier to resolve crossborder legal issues such as divorces or successions. In addition, during a criminal trial, it is worth granting a status to the victim, which is a big gap in the legal process.

Combating crime is a national competence. If a member state takes measures, including eviction measures, it must do so for every citizen that has committed a crime or an infringement. By contrast, **any discrimination against a group on ethnic, religious or national bases runs counter to EU law**.

A year after having been emotionally moved by the **treatment of the Roma in France**, Reding is coming back to the policy towards them. Each member state must deliver a report on its national programme and its action strategies on the basis of the European context (education, health, professional training) by the end of 2011. These reports will then be presented to the European Parliament in spring 2012. The EU has about 10 million Roma citizens, who live in conditions of disrepair and poverty. Thus, 58% of Roma children do not go to school, which markedly reduces their prospects in life. This is a problem that needs to be dealt with in the long term as there can be no short-term solution.

Going further, Reding pointed out that the issue of the **repatriation of delinquent minors** is set down in European and international treaties, in particular the United Nations Charter on the rights of the child, which stipulates that repatriation can be envisaged if necessary and in the interests of the child. In the case of repatriation of Roman minors, France and Romania need to work together to ensure that these minors are taken care of when they return, which is the *sine qua non* condition for their repatriation. With this in mind, the two countries are planning enhanced cooperation with exchanges of judges.

In terms of asylum, the '**Dublin II**' regulation stipulates that an asylum-seeker files his/her application in the first European country in which he/she arrives, which is generating a lot of criticism because the rules for granting asylum and hosting conditions vary considerably from one European country to another. In addition, some member states are more exposed than others to the arrival of refugees, which would argue for responsibilities being shared. Cecilia Malmström, the EU's Commissioner in charge of home affairs, is currently working on a **project to 'communitarise' asylum policy in Europe**. In Reding's view, Europe had the duty to host the 'real' refugees while, on the other hand, if people arrive in Europe for economic reasons, there must be appropriate measures that allow them to be sent back. A clarification of the rules would make it possible to strengthen the acceptance of the right of asylum.

- **The EU on the international stage**

The European Union does **not wish to interfere in a country's domestic affairs** but demands that its relations with third countries imply respect by the latter for the rule of law and fundamental rights. That also applies in

the context of the EU's enlargement policy. While the Balkan wars are over, there is still resentment and ethnic and religious hatred, especially between Serbia and Kosovo. Rapprochement and reconciliation will take time and will require a lot of effort. However, we must not forget that, in the European Union, national identities are of great importance and must be preserved. Reding therefore advocated a 'European confederation of nation states'. The Charter of Fundamental Rights also perfectly underlines **the values that unite us but also our cultural differences, which enrich us**. Saddened by the development of political but also religious extremism in a number of European societies, she however welcomed the response of the Norwegian people, which, in her view, has shown great maturity by strengthening the acceptance of 'the other' after the recent terrorist attacks.

The European Union has no doubt about its capacity to influence its partners to move in what it considers to be the right direction. Thus, Reding expressed the view that setting up a **carbon tax** is a first step towards protecting the environment. She wanted to set it up even if it could put a strain on the EU's competitiveness if other countries are not ready to adopt it.

As the Treaty of Lisbon envisages, according to her, the '**communautarisation**' of foreign affairs, Catherine Ashton was given two hats, one as High Representative for Foreign Affairs and Security Policy and the other as Commissioner responsible for the EU's external action. For Reding, this shift is positive but is not the ideal solution. Gradually, joint embassies outside the EU are being set up with the long-term objective being to set up a European embassy. Thinking is underway on the EU's representation in international organisations such as the UN. But it is a slow process because it is about changing the mentalities of the foreign affairs ministers of member states.

Reding expressed the view that **free trade cannot be challenged** and that it would be wrong to want to rebuild the barriers to trade that have been gradually broken down. Europe is not ready to close in on itself to become a "fortress". Thinking is also underway on reforming the Common Agricultural Policy (CAP) in order to respond to the criticism of too much protection for farm products while safeguarding European productivity.

▪ **Democracy and dialogue in the EU**

Reding expressed her opinion that the **process of appointing the European Commission is one of the most democratic processes in the European Union** and added that, since the entry into force of the Treaty of Lisbon, it is now possible for the President of the Commission to dismiss a commissioner. She then came back to the appointment process: each member state proposes three candidates. The one who is finally selected then has to attend a three-hour European Parliament hearing, which is a real test because MEPs know their area very well and European law is very difficult... During their mandate, the commissioners are regularly summoned and asked questions by MEPs.

Enshrined in the treaties, the **European social model** foresees integration and respect for social partners in the drafting of European law. Thus, decisions are not imposed by one of the parties but decided after regular dialogue between the institutions and social partners.

▪ **The EU faced with the economic and financial crisis**

It is in the interests of all the member states to have balanced budgets: so the golden rule is an interesting one on condition that it is applied. The '**European semester**', which envisages the monitoring of public accounts by peers and therefore some pressure if the countries go off course, has already had concrete results. The Commission thus does a public analysis of the situation of countries and tells them which direction to take. It is not hesitant about taking more coercive measures if needed. Reding called for a strengthening of the efficiency of controls over the economic and budgetary situation of countries. A year ago, the Commissioner responsible for Economic and Monetary Affairs, Olli Rehn, also presented a '**legislative package**' designed not just to

improve coordination and the Stability and Growth Pact but also to put in place sanctions for the eurozone. However, some member states are reluctant to implement domestically what they are calling for to the outside world and the European Parliament is struggling to impose itself.

With the euro having been the victim of numerous attacks, some people have been critical of the fact that José Manuel Barroso and Herman Van Rompuy have not had much to say on the subject. Reding rejected this criticism, referring to the recent speech by José Manuel Barroso at the European Parliament. In her view, citizens expect more commitment and passion and fewer politically correct or legally acceptable replies. Voters do not forgive a lack of sincerity. So it is essential **'to add more passion and to develop means to make Europe loved'**, such as the Erasmus programme for example.

Member states have shown **solidarity** in the face of the crisis in Greece. However, to get out of the impasse, the Greek government and citizens need to show a real will to put in place the essential reforms to quickly repair errors made over a period of decades.

- **Towards 'more Europe'**

In 1994, during an interview with Jean-Pierre Elkabbach, François Mitterrand had announced that we needed **'more Europe'** and then, in his last speech to the European Parliament in January 1995, he announced that "nationalism [was] war!" and that MEPs were "now the guardians of our peace, our security and this future!" For decades, it had been stated that the European Union would welcome the people from Eastern Europe if they chose freedom and broke the communist yoke. Following the fall of the Berlin wall, it was necessary to take a very important political decision allowing for the **continent to be reconciled**. This rendezvous with history could not be missed and a decision was made to enlarge the EU to ten Central and Eastern European countries plus Cyprus and Malta.

Even though problems continue, integration has come a long way. While it is preferable, according to Reding, to make the European Union with all 27 member states, where there is an impasse it is desirable to go ahead with a group of countries who want to go ahead while leaving other countries the option to join this **enhanced cooperation** when they want to. This formula has worked well for the Schengen area and for the euro.

Reding concluded the debate by calling on the young people to tell France's presidential candidates what kind of Europe they want.