

**MR BOURLANGES, Vice-chairman, in the Chair**

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**Chair.** - We are here today for something important, the hearing of Mr Rocco Buttiglione, who has been put forward by the Italian Government and appointed by President Barroso to a post which very largely coincides with the responsibilities of the committee I have the honour to chair. It is therefore natural and valuable that our committee should hear him, even if we fully understand that another committee has also done so.

The hearing will take the following form: Mr Buttiglione will introduce himself and give an introductory address. The committee members will then ask questions which will be grouped under a number of headings: firstly, general questions; secondly fundamental rights; thirdly, asylum and immigration; fourthly, judicial cooperation, and fifthly, the fight against organised crime, police cooperation and terrorism.

The hearing will take place as follows: each committee member on my list will ask a question which must not last more than one minute. If it does, we will in any case have a pretty precise note of each member's speaking time, and any Group whose members run over the total allotted time will have no further speaking time available. I would ask the members of each Group to respect their fellow Group members, so that all of them get the chance to speak.

Then - and this will be my most delicate task - Mr Buttiglione, the Vice-President-Designate, will answer each question for two minutes, which is, obviously, fairly drastic. I will be obliged to intervene to make sure that this rule is respected, for, should the Commissioner-Designate go 10 or 20 seconds over the time for each question, we would find ourselves in a pretty unmanageable situation. So, Mr Buttiglione, please excuse me, but I will have to exercise a terrifying right of censorship, which is rather paradoxical when you are here as our guest in your role as a defender of freedom.

**Díaz De Mera García Consuegra (PPE-DE).** - Mr chairman, I would like briefly to raise a procedural point. I cannot understand why you are being so strict with the allocation of speaking time, and penalising the political group of anyone who may go over his or her own time. I have just come from a hearing of another Commissioner, where the chair was generous in the use of speaking time, although that may be compatible [sic] with rigour in the use of the same speaking times. Mr chairman, I think that our committee's importance merits a certain tolerance in the way speaking time is handled.

**Chair.** - Mr Díaz de Mera, I don't want to open a debate on this point. I think that you need - this would be valuable for you - to approach your coordinator, who like all the coordinators, thought that this was the procedure that we should adopt. It is clear that the Group coordinators' concern was to allow a lot of questions to be put, and as soon as we have a large number of questions, the time for answers is limited. I can assure you that I personally would have rather gone in the direction you indicate, but I am very respectful of the wish of the coordinators of the various political Groups, who are concerned to assign a strict deadline to each question, so as to allow a large number of Members to ask questions and get answers from the Vice-President-Designate.

That is all I have to say. I don't think that we need to open any debate. In any case, if you have complaints, speak to your coordinator, who will be able to give you all the details you are asking for. Without any further delay, we are now going to begin with the introduction. Is there another point of order? Ah, it's Mr Pannella! Of course, a meeting with Mr Pannella and no point of order is not a meeting.

**Chair.** - Mr Díaz de Mera, I don't want to open a debate on this point. I think that you need - this would be valuable for you - to approach your coordinator, who like all the coordinators, thought that this was the procedure that we should adopt. It is clear that the Group coordinators' concern was to allow a lot of questions to be put, and as soon as we have a large number of questions, the time for answers is limited. I can assure you that I personally would have rather gone in the direction you indicate, but I am very respectful of the wish of the coordinators of the various political Groups, who are concerned to assign a strict deadline to each question, so as to allow a large number of Members to ask questions and get answers from the Vice-President-Designate.

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**Pannella (ALDE).** – That is not the only reason, Mr chairman, why we are not in a parliamentary meeting. I simply want to share your satisfaction, I had no doubts on this score. You confirmed to us that you would chair our meeting and chair our Assembly in accordance with the rules adopted by this Parliament, and I welcome that, because there are chairmen who claim to be liberal and who, for that reason, see no need to apply the rules. We know that it is difficult and in this instance I feel that it is you who are right, not the others. That said, I should simply like to add that our rules disregard the coordinators - I am talking about our Rules of Procedure - and that our Parliament is increasingly becoming a Parliament of groups, of parties, of bureaucracies, rather than a Parliament of parliamentarians. It is not your fault, but I wanted to raise this important point.

**The chairman.** – I think that everyone has listened closely to the point you wanted to make. Now I should like us to get on with the hearing of the Commissioner-designate - he is here for three hours, and not one minute more - otherwise all the words we expend on this topic will prevent us from holding with him the discussions and exchanges of views required before this Parliament can vote on the approval of the College.

Commissioner-Designate, you have the floor for an introduction which will enable you to introduce yourself and outline your approach to your task. After that, my fellow MEPs will put questions to you in keeping with their mood and their opinions.

**Buttiglione, Commissioner-designate.** - Dear colleagues. Allow me to call you colleagues because I sat alongside you for several years and know and have worked with the more senior members of the committee. It is a great pleasure and an honour for me to stand before you today. I have had the honour of representing European citizens alongside you, and I hope that today will be the start of a long and fruitful process of cooperation in furtherance of the same ideals as those we pursued when I was one of your number.

The first issue I should like to raise is not new to you, since it is something that we discussed together when I was a member of this committee, namely relations between the Commission and Parliament. European politics in general and the EU institutions in particular are currently at a turning point, particularly as regards the role of the Commission. The Commission can be seen in two ways: as a semi-judicial body with responsibility for protecting the Treaties, and as such, as a body that is relatively independent of Parliament and that provides the Council with certain guarantees; a semi-judicial body and, at the same time, a body that plays a senior administrative role on behalf of the Council. Or it can be seen as a body that has taken on a political dimension and is capable of identifying the general European interest in the proper and necessary interplay with the Member States. In order to be able to have the authority required to define a common European project that represents a synthesis of the aspirations of the various Member States, the Commission is in need of strong and steadfast support from Parliament.

Parliament gives us the democratic legitimacy that otherwise we would not have. It prevents the Commission from becoming nothing more than a bureaucratic body. The attacks that are often made today on the European project itself, and not just on the Commission, stem from a concern about bureaucratisation that has nothing to do with our administrative set-up, which is extremely efficient, but focuses instead on power escaping democratic control. And that democratic control is exercised by you.

So parliamentary control does not undermine the Commission; on the contrary, it strengthens the position of the Commission that we are trying to create. And I think I can say that this is not my own personal position, but that of the Barroso Commission as a whole. We want to work with Parliament, and President Barroso has spoken of a strong partnership with Parliament. It is only by working with Parliament that we will be able to perform a proper political role within the

Union, and by this I mean the political role entrusted to the Commission by the Constitution. You would like the Commission to bring forward implementation of some aspects of the new Constitution, and I share this desire with you. I believe that the new Constitution sketches out a path forward for us and that we should lose no time in moving along that path. I would, however, draw your attention to an old Latin saying: 'nemo plus juris in alium tribuere potest quam ipse habet', which means no one can give someone else more rights than he himself has. Our desire to embark on the path laid out by the new Constitution is limited by the fact that we cannot undermine the rights held by the Council. We can make proposals to the Council in compliance with the Council's rights, but we cannot usurp those rights. We cannot act outside the confines of the legal basis contained in the current Treaties.

Nonetheless, the current Treaties do allow us to do quite a lot, particularly in the specific field of freedom, security and justice. In this sphere the Treaties give us substantial room for manoeuvre, and the first opportunity we will have to check whether there is a will to make a move towards the Constitution is the forthcoming European Council meeting. As I have just said, the Commission cannot give something which is not the Commission's to give. However, in relation to a substantial part of the current powers of the Commission and the Council, Article 67, paragraph 2 of the EC Treaty provides us with a means of moving from an intergovernmental method to a Community method, and thus of extending Parliament's power of codecision to matters of vital importance to the future of Europe, such as immigration. I should like to thank you and, in particular, your chairman, Mr Bourlanges, for your firm commitment to calling on the European Council to give a clear signal that this will be the case. We are already behind schedule as regards some aspects of the matter, and this arrangement could already have been in place on 1 May 2004. We hope that it soon will be, as this would send out the clear political message that there is a will to move towards the system laid down in the Constitution.

The policy field in which we work recently took on a new name. My responsibilities no longer cover justice and home affairs, but freedom, security and justice. Is this no more than a change of label? I think not. I believe that the substance, or at least the emphasis, of this policy has changed. There is a growing demand from society as a whole for security. Following 11 September, 11 March - the terrible attacks on New York and Madrid - and the awful things that have happened in Chechnya and other parts of the world, society is scared and is calling for more

security. We must give it more security. We are at war with terrorism and this is a war which we must win and which we will win. So we need more security, but at the same time, we must not forget that in combating terrorism we must not reduce freedoms within our society. The challenge currently before us, therefore, is to provide more security while at the same time ensuring greater freedom; not only must we not reduce freedoms, we must extend them.

As an Italian, allow me to use Italy as an example of terrorism can be combated. During the seventies and the eighties, Italy underwent a major assault from terrorist groups and managed to react without undermining the rule of law and while leaving freedoms intact. Max Weber once wrote that the State exists in order to increase its own power and asked whether there was any limit to this process. He came to the conclusion that the limit would be reached when, in order to increase its own power, the State would have to abandon the fundamental values that gave its existence a meaning.

I do not believe that the State exists in order to increase its own power. We live in a different century from Max Weber. However, I do think that we should heed his warning, so that we do not end up '*propter vitam vivendi perdere causa*', as the Romans would have said; in other words, in striving to maintain life, losing the things that make life worth living; and in striving to maintain security, losing the things that make our civilisation what it is: a democratic civilisation; a civilisation based on freedoms. We are America's friends; we are America's brothers; but we are not America's twin brothers. There are many things that we should copy from the United States, but not Guantánamo (although it must be said that the US is reviewing the methods it uses to combat terrorism).

The time allotted to me is running out, if I am not mistaken, so I shall touch on just one more issue. In your written questions, you raised a large number of specific issues, and I cannot deal with each of them in turn. I will therefore confine myself to saying a few words on the issue that was most central to the discussions held prior to our meeting, namely immigration. I believe that it has now become clear - despite some initial misunderstandings - that I have never proposed that concentration camps be set up in North Africa, to which illegal immigrants residing within the Union would be deported, and that I have no intention of proposing such a thing. Apart from the fact that the very idea is repugnant, such a move would be impossible because we must not

forget that the countries on the other side of the Mediterranean are sovereign States and would never allow this to happen.

What is at issue is in fact something quite different. There is currently a humanitarian crisis in Libya and other parts of North Africa, with large waves of migrants coming in from other parts of Africa. These migrants require humanitarian assistance which the coastal States cannot provide in a satisfactory manner. I believe this to be a matter of direct concern to us. Then there is the problem of stemming migratory flows, channelling them more effectively and replacing illegal immigration with legal immigration. One thousand one hundred and twenty-seven people have drowned in the Mediterranean while attempting to reach the shores of EU countries. And these are only the recorded number of deaths; we do not have figures for the real number of deaths, which are probably many times more than the figure I just quoted. What makes the whole affair even more painful is the fact that many of those who died could have entered Europe through legal channels if they had known our rules, if they had had some vocational training and if they had been able to contact our employers. So this is precisely what I believe we should do, namely make it possible to transform illegal immigration into legal immigration and to bar the way to illegal immigration, which is instrumental in the growth of organised crime in our countries.

These are not new ideas. This is what Germany did in Italy up until 30 to 40 years ago, when Italy was a country of emigration, and what Italy has done in Albania, and Germany in Turkey. Such measures are a normal part of policy on legal immigration. I do not claim to have the answer to all the problems. However, I do believe that this issue should be placed firmly on the agenda. In my view, it should be dealt with as part of a Mediterranean agreement governing relations with the other Mediterranean countries which should call for greater democracy and thus, for example, the signing of the Geneva Convention by Libya and Algeria, which have yet to sign it. It should call for economic cooperation, action to combat illegal immigration and the opening of legal immigration channels. The right to apply for asylum is a related, but different, matter, and we do not intend in any way to undermine the specific nature of the rights of those entitled to apply for political asylum.

Lastly, I should like to pay tribute to Antonio Vitorino, who performed the truly extraordinary task of creating a climate of trust within the Council, between Commission and Council and between Commission and Parliament. Starting almost from scratch, he established a legacy that now needs to be built on. So I see my main task as being to further the process that was started under the impetus of Antonio Vitorino.

Please forgive me if I have gone on for too long, and thank you for your attention.

**Chair.** - Vice-President-Designate, I am not going to comment on your statement. I would simply point out that the title of your portfolio, 'Justice, freedom, security' is taken straight from the Amsterdam Treaty. I think that we can all rejoice that after so many years, the Commission has finally taken this wording on board. We have, I think, only one single Institution left to convince of the reality of the Amsterdam Treaty, namely the Council, which continues to insist on speaking about Justice and Home Affairs.

With that small reservation, I think you have scrupulously respected your speaking time and that is a good start. I am not sure that it's going to be quite enough to carry the committee with you, but it's a good start.

**Klamt (PPE-DE).** - Mr Buttiglione, I am delighted to welcome you once again to a meeting of our committee, after a gap of several years and in a different role. Mr Buttiglione, the written questions to the commissioners-designate focused essentially on the continuation of their predecessors' work. However, the enlargement to take in ten new Member States and the future European Constitution are setting us new tasks and new challenges, and this also requires new approaches. Could you please tell us what issues your work will focus on in the future? What contacts do you have in the new Member States and what form do you see constructive and effective cooperation taking in the future?

**Buttiglione**, - *Commissioner-designate* - Thank you for your question. It gives me an opportunity to address a key point. Repeated reference is made to the enlargement of the EU. I should like to talk about the reunification of Europe. These new countries do not simply represent an addition to the existing institutions. Naturally enough, they must find their place in those institutions, but they also bring us a new form of wealth: a new awareness of the central values of our European heritage, an awareness regained in the fight for freedom and democracy. For this very reason, I am entirely convinced that they can make a major contribution to the European Union and that we will gradually be forced to revise many of our approaches if we are to make this new wealth our own.

We remember the beginnings, the values on which Europe is founded, the fight for peace which was the starting point of this whole story. It is clear that the dialogue with the new Member States will lead us to change the focus of all our policies. For now I will mention only one point. We not only have a problem in the Mediterranean, we also have an immigration problem on the Union's eastern border. I know that a steady flow of refugees are heading west from Chechnya and other countries, mainly towards Poland. We must work together with the Poles. The fact that nobody is dying perhaps makes the situation seem a little less dramatic. This may change, however. The need for cooperation is very great.

**Roure (PSE).**- Commissioner-Designate, do the positions you have stated come from you as the Italian Government Minister you still are - for, unless I am mistaken, you have not to date demitted office? Are you not thus putting at risk your obligation of independence and your duty to work for the common good of the Union? Your Government has taken a certain number of decisions on the area of freedom, security and justice: opposition to the European arrest warrant, blocking the directive on racism and xenophobia, lightening the sanctions to be imposed when false returns are declared, etc. Do you see yourself as a representative of your country and your government, or are you ready to be an independent Commissioner? Furthermore, we would like to know whether you will accept our committee's assessment, whatever it might be?

**Buttiglione, Commissioner-designate.** - That's not one question, it's lots of questions!

I should like to say, first of all, that I am in the process of resigning. I have written to the Italian Prime Minister, Silvio Berlusconi, tendering my resignation and telling him that I am dealing with routine business and that I hope to be replaced as soon as possible. Of course, I also have the right to remain in office, because there is no incompatibility between the post of Commissioner-designate and that of minister. Moreover, Mr Barroso was criticised for resigning before his appointment had been approved by Parliament. Views differ on this matter, therefore. At all events, I am in the process of resigning and I hope to be replaced as soon as possible.

I am an independent Commissioner. A Commissioner is not responsible to his national government. He is nominated by that government, but he is not dependent on his national government. A Commissioner is guided solely by his conscience and the need to secure the approval of European people and he acts in the interests of European people. That is my belief and I am prepared to act in that way. I think that there will be other opportunities to talk about European arrest warrants. There have been problems in Italy, but I have talked to the President of the Senate and he has undertaken to exert pressure on the political forces involved with a view to reaching agreement on a definition of the European arrest warrant in the very near future. I might add that other countries have also had problems. The Czech Republic completed the approval procedure in September. Italy is lagging behind, but not to any excessive degree.

**Chair.** - Allow me to say that I do not think Parliament's services have done themselves justice at all by putting up display boards for the hearings of the Commissioners which show the name of the Commissioner followed by his or her nationality. We are dealing with a Commissioner-Designate or a Vice-President-Designate, not an Austrian, not an Italian, not a Frenchman.

**Alvaro (ALDE)**- - Mr Buttiglione, a minute is a relatively short period of time in which to gain an overview of your work and your agenda, but an overall picture is what we are seeking, after all. What would interest me are details of the key items on your agenda, your working methods, what you expect of yourself and the factors which influence your decision-making. More specifically, what is your top priority for your term of office and what steps do you plan to take to achieve that priority? Whilst I hope this issue will not arise for you - although you never know - in what situation would resignation be a logical course of action for you? Above all: what factors inform your decision-making, and what role does your closeness to the United States and the Vatican play in that process?

**Buttiglione, Commissioner-designate.** - The first priority is to consolidate the Commission's ability to take political action, and that implies cooperating with Parliament. I believe that the Commission should become or be a political player and this is the reason why I want to work together with Parliament. All the other priorities are contingent on this first priority, but I don't want to talk about the others at the moment.

Am I prepared to resign? Of course, if President Barroso asks me to. If he tells me that such a step would be in the interests of the European integration process and the Commission, I am prepared to resign at once. Although I am a friend of the United States, I am not an American. Sometimes, like all Europeans, my views differ from those of the United States. Europe must work together with the United States. I make no secret of my opinion that Europe must form part of an Atlantic community, but that community needs two pillars, one of which must be Europe. We must be prepared to negotiate on an equal footing with the Americans on the issue of the future of the world and on shared responsibility for the future of humanity.

As regards the Vatican: I am a Catholic, that is no secret, but that has virtually nothing to do with the Vatican. It is a matter of faith, of personal convictions. I feel that a person can be a good Catholic and, at the same time, a good European. If that were not the case, then neither Adenauer, nor de Gasperi, nor Schuman, nor Helmut Kohl could be counted as great Europeans.

**Chair.** - I don't know if I should discount the applause.

**Buitenweg (Verts/ALE).** – Mr Buttiglione, some of your views are diametrically opposed to European Union policy. For example, the Charter of Fundamental Rights prohibits discrimination on grounds of sexual orientation. That is a provision which you actively sought to remove during the Convention in 2000. You have said that homosexuality is a sin and must be regarded as an 'index of moral disorder'. Can you explain why you are asking us to make you responsible for an active policy to combat discrimination against gays, lesbians and bisexuals? Why are you so keen on this responsibility? I am really curious to hear your reply. And can you give one particular example of how you intend to go about it?

**PAFILIS (GUE/NGL).** - Thank you, Mr Chairman. Mr Buttiglione, you and your predecessors claim that you are creating a Europe of safety, democracy and freedom. However what we have seen over the last few years, and especially since 2001, is a sudden - even explosive - growth of all repressive mechanisms throughout the European Union. One might even say that the most highly-developed sector is repression.

Secondly there has been a generalised assault on individual rights and freedoms, and I am not alone in claiming this as very many people both in my country Greece, and throughout the European Union think alike. We are now going too far: for example, we are witnessing the infringement of the confidentiality of personal data, the criminalisation of trade union activity, and all this in the name of the campaign against terrorism, and we are even abolishing the presumption of innocence. I would therefore ask you:

firstly, whether you intend to put an end to this political assault on individual rights and freedoms, and

secondly, can you announce a measure to be introduced soon to protect the individual rights and democratic freedoms of workers?

**Chair.** - You have used up 30 seconds of your group's speaking time.

**Blokland (IND/DEM).** – Mr Buttiglione, the Dutch Presidency, in the shape of Prime Minister Balkenende, has launched a discussion on standards and values in the European Union: in particular values which the Member States share with each other and which transcend the purely economic. One of these fundamental values is the anti-discrimination clause. Do you intend to give that clause priority in your policy over other fundamental rights, such as freedom of religion and freedom of expression? Another value which we in the Union share is protection of human life; even people who are drug addicts should not be written off. Toleration policy and restrictive policy appear today to take little account of these values. We know, from criminal investigations, that the drug trade is mixed up with arms dealing, human trafficking and the funding of terrorist activities. What are your plans for tackling these serious issues in Europe?

**Van Hecke (ALDE).** – Mr Buttiglione, I should like to ask you something about one of the most difficult issues which will be on our agenda in the next few weeks and months and which will probably shape the European Union in the coming decades, if not in the coming century. My view is that Turkey is not a European country. In my opinion it is not a European country geographically, politically, culturally, historically or in terms of religion. In my opinion we should maintain with Turkey the best possible neighbourly relations, the best economic relations, even including preferential treatment, but that that country cannot become a full member of the European Union. Setting aside the question of human rights, I should like to know your position on the possible accession of Turkey to the European Union.

**Chair.-** Vice-President-Designate, we have reached the end of the first round. I would like to ask you for two clarifications, however. Firstly, with regard to the answer you have just given Mr Vanhecke, will you tell me if I have properly understood what you are saying: does this mean that you are not hostile to the principle of Turkish accession, and that your possible reservations would concern the attitude of one side and the other, and particularly of Turkish society? Have I understood properly: in principle, you are in favour of accession? That's my first question.

Secondly: it seems to me that you haven't really answered one of the questions asked by Mrs Roure on what your attitude would be if our committee were to decide that you were not in a position to discharge the duties of a Member of the Commission. If that were to happen, would you spontaneously resign as one of President Barroso's candidates for Vice-President-Designate, or would you take the approach that it is up to Parliament to treat the whole as whole? I would like to know your opinion on this specific point, because the question was asked, and I did not hear an answer.

**Buttiglione, Commission Vice-President.** - I think I have already answered. I think that if President Barroso, having considered the results of the parliamentary hearing, asks me to step down, I will. I think I have already said this.

**Chair.** - Except for the future, not for the current situation.

Now, we have a kind of interlude in our programme, because we have the Chair of the Women's Rights Committee, Mrs Záborská, here. Her committee did not have the chance of holding an audition, and so we are very happy to welcome her committee's questions to Mr Buttiglione.

**Záborská (PPE-DE).** - Commissioner-designate, in your response to written question 32, which deals with the adoption of the Daphne II programme for the period 2004-2008, you talk about granting temporary residence permits to victims of violence who cooperate with the competent authorities.

Women who are victims of violence are often not only illegal immigrants but also trapped in modern slavery. Is the Commission thinking of providing assistance for women who are victims of violence but who are unable or unwilling to cooperate immediately with the competent authorities on account of physical, psychological, moral or other trauma? What does the Commission consider that it can do to help these women who are unwilling to cooperate immediately with the relevant authorities?

**Zappalà (PPE-DE).** - Mr Buttiglione, the constitutional Treaty provides for a major increase in Parliament's powers in the sphere of freedom, justice and home affairs. What is your view of Chapter 4 of the Treaty, and what approach do you intend to adopt in your relations with Parliament prior to ratification, in your future role as Commissioner with responsibility for this area? This question gives you with an opportunity to provide the further explanations requested by our chairman, Mr Bourlanges.

**Buttiglione, Commissioner-designate.** - I believe that everything possible should be done to act in accordance with the spirit of the Constitution as from now, although obviously while remaining within the confines of the legal basis currently available. I have already referred to the fundamental issue of Article 67(2), which allows the partial communitisation of our sphere of action, and I believe that special attention should then be paid to the entire scope of Chapter 4 in relations between the Commission and Parliament. There are a lot of things which, under the existing legal basis, the Commission is not required to do, but which it could be required to do and will indeed be required to do under the new Constitution. I believe that where such things come within the Commission's exclusive sphere of competence, we should start working on the basis of the relevant procedures as of now, either fully or in part, depending on what is possible. Where they do not come within the Commission's exclusive sphere of competence, I believe that a joint approach should be made to the Council with a view to obtaining its consent on bringing de facto communitisation forward, even where there are as yet no legal grounds for doing so. This does not of course mean going against the existing legal basis, but there is a difference between going against and going beyond the existing legal basis.

This will obviously require extremely close and amicable cooperation between the Commission and this committee, made possible in particular by the close relations I intend to foster with the committee itself and with its individual members. In my view, what is required is to act in accordance with the spirit of the Constitution by going beyond, but not against, the letter of the existing Treaties.

**Chair.-** Allow me to bring you back to this point, Vice-President-Designate, because I find your answer lacking in enthusiasm and exactitude. The EP, and this committee in particular, have asked that the whole of Title IV - and you, ladies and gentlemen of the PPE, voted for this - of the EC Treaty to be brought not under the Community method, as you say, because it's there already, but under the Article 251 system, which means qualified majority voting and codecision. I would like to give you the possibility - and I am sure that you won't turn it down, despite the support, which I believe to be dangerous, that you are receiving from one side of the floor - to say that, in your view it is the whole of Title IV of the EC Treaty which you wish, as did your predecessor Mr Vitorino, to see brought under the Article 251 system, and that should you be appointed Vice-President in charge of this portfolio, do everything in your power, unreservedly, to bring about the complete fulfilment of that commitment.

**Buttiglione, Commission Vice-President** - Mr Chairman, it is possible that I failed to be precise, but I am certainly not lacking in enthusiasm. I am for the complete the complete communitarisation of Title IV, and I think that the maximum effort should be forthcoming from both Commission and Parliament to achieve this. I was perhaps not very precise, but I can assure you that I am not lacking in enthusiasm.

**Klamt (PPE-DE).** - Mr chairman, I believe that there are grounds. This is the first hearing in which something like this has happened. I do not regard judgmental comments by the committee chairman as appropriate at this point and I would ask you to confine yourself to your role as chairman.

**Alvaro (ALDE).** - I fully understand Mrs Klamt's objection. However, may I remind you of our agreement that, in the event of an unclear answer, the chairman would have the right to put a follow-up question.

**Chair.** - Ladies and Gentlemen, thank you for your request to be allowed to speak on one side or the other. I think that pursuing this debate is entirely prejudicial to the smooth running of this hearing and to the Vice-President-Designate's right to be heard under optimum conditions. I have to say that the observations which have been made and Mr Buttiglione's answers have certainly provided all the committee members with precise details which some of us probably did not find in his initial answer. I think that here, I have played the Socratic role appropriate to a chairman.

**Gruber (PSE).** - Mr Buttiglione, in the questionnaire you said that full compliance with the Charter of Fundamental Rights and the greatest possible degree of freedom and pluralism in the media were of essential importance to the Europe that we wish to build. You will know better than I do that the Charter will become binding when the new Constitution comes into force. On 23 June this year the Council of Europe adopted a resolution on pluralism in the media, in which Italy was cited as a bad example for other countries, and I do not need to explain the Berlusconi affair to you. I should therefore like to know your opinion on the situation in Italy, and as you have said yourself, under no circumstances can the Commission ignore requests made by Parliament, even when it does not agree with them. This means, to use your own words, that the Commission must give a prompt and detailed answer to Parliament which, as you know, on 22 April 2004 adopted by a large majority a resolution calling for rules on conflicts of interest and pluralism, particularly in connection with the events in Italy. I would therefore ask you what you intend to do at a political level in this area.

So, firstly, what are your views on the situation in Italy? And secondly, what practical political steps will you be taking? I would ask you not to answer that this does not come within your portfolio, because here we are talking about action to be taken by you as a representative of the Commission as a whole.

**Buttiglione, Commissioner-designate.** - As regards the situation in Italy, I believe there to be genuine problems regarding pluralism in the media. I do not think these problems are all on one side. I believe that there are various media cartels in Italy and that liberalisation would be of benefit to Italian democracy, if such liberalisation were general and open to all. Two important legislative measures have been taken with a view to this: a law on conflicts of interests and one on telecommunications. I think the Commission should assess these measures and form its own opinion on them. I do not believe that Italy deserves to be put in the dock as if such problems existed in Italy alone. I believe that similar problems are also to be found in other Member States and will be willing, when we have an opportunity to discuss the matter at greater length, to supply more than one example. I believe media pluralism to be an important issue and one to which the Commission should give a great deal of attention, because, as Cicero said, citizens decide between the alternatives that are put to them and citizens in a democracy always take the right decision when the alternatives are put to them in a clear and honest fashion. So the issue of media pluralism and freedom is of essential importance to democracy.

What does the Commission intend to do? I think it should monitor the present situation and, after careful thought, put forward measures that will promote genuine pluralism and freedom in the media in all European countries. I am afraid that I must say, however, that as far as I know, in this area the Commission is obliged to work with the Member States because to a large extent such matters come within their sphere of competence. Where they do not, they are connected to only a very minor degree with freedom, security and justice and come instead within the remit of my colleague, Mrs Reding, who will naturally have a lot to say on this matter.

**Pek (IND/DEM).** - I hope that we can have a normal and sound relationship with this Commission. Commissioner-Designate, my first question is both easy and agreeable. In your opinion, is marriage a relationship between a man and a woman, or perhaps something different?

The second is somewhat more difficult. While much energy is currently being put into building the structure of the European state through accelerating the draft constitution, it is assumed that this structure can be built exclusively on the basis of the law and of human rights, which are, in fact, imposed by minorities. Do you think that this is sufficient basis for building a lasting European state? Is there not a need for some deeper ideological values which would make it timeless, as has been the case in the history of mankind as we know it to date?

**Cederschiöld (PPE-DE).** – Mr Chairman, just briefly, before my question, I ought perhaps to point out that it would surely be most agreeable for all concerned if we were to hold our assessment debate after the hearing, so that the hearing so to speak functions by itself and then we should hold our assessment debate separately.

Now for my question, Mr Buttiglione. We were both members of the Convention dealing with fundamental rights, and there we drafted an article on openness. The Treaty (Article 255) also provides for a right to openness in all legislation, not only in the codecision procedure.

I believe that the ratification process would benefit if openness prevailed there too. There is nothing to prevent the Council from immediately applying the new Treaty's transparency principle, and it is undemocratic that voters cannot at present find out what position their government has adopted on an issue within the Council.

As for my specific question: do you intend to take measures to apply the new Treaty's transparency principle in the rules of procedure of the Commission and Council after 29 October, that is, when the governments have signed the draft Constitutional Treaty?

**The chairman.** - Thank you for this first round of questions, which centred on the intervention by the representative of the Committee on Women's Rights. We decided to schedule that intervention before the section of the hearing dealing with fundamental rights because it was an honour to work together with that committee.

Now let us turn to the issue of fundamental rights.

**Chair.** - If I may say so, Vice-President-Designate, I think that that there is a legal basis, Article 13 of the ECT, for fighting discrimination. Do you intend to make use of this?

**Buttiglione, Commission Vice-President.** - Yes, the problem is knowing whether this article can be applied to the particular case envisaged in the question. I am not entirely sure, but if it is applicable it will be applied.

**Mastenbroek (PSE).** – Thank you, chairman, and welcome, Mr Buttiglione. I have a question for you concerning the tension between security and privacy. We have already talked on several occasions in more general terms about the tension between security and rights and on the tension between security and privacy, but I have a specific question about the idea of creating a European obligation to store traffic data on the Internet and mobile telephony. The Council is currently working on a proposal to make it compulsory to store such data in all Member States for a period of one to three years. The proposal covers the traffic data of all Internet and mobile phone users and not simply of persons suspected of an offence or of conspiring to commit an offence. This of course has major implications for privacy and so I should like to ask you what your opinion is in general of the idea of establishing a European obligation to store such data. Do you think it is necessary as a security measure? Do you think it is proportional within the context of a state founded on the rule of law and, if so, why?

**In 't Veld (ALDE).** – Thank you, chairman. We are here today not just to look at your suitability as a Commissioner, but also at whether you are a credible candidate for this particular portfolio. You have just made a number of remarks about homosexuality and about women and you say that your personal views have no influence on your policy. You say that you are opposed to discrimination, and so I find it slightly surprising that you, in your capacity as a minister, are cosignatory to a law transposing a EU directive on equal treatment which in effect legalises discrimination against homosexuality in Italy in the army and the police force. As a Commissioner you cannot simply take a neutral stance and sign the Convention. The Commission has the right of initiative and, as Commissioner for this portfolio, you will be responsible for extending and proactively promoting this area. You have, of course, prepared yourself for this portfolio and so you doubtless have specific plans for improving the position of homosexuals and women over the next five years. And before we make up our minds it is essential for us to hear something of this, because we would very much like to know whether in the next five years you are going to become the champion of women's and gay rights or whether we shall simply be marking time for five years.

**Chairman.** You have spoken of the defence of homosexuals according to a different approach and you have stated your opposition to a certain type of attitude. What do you mean by that? What type of attitude exactly do you reject?

**Buttiglione**, *Commissioner-designate*. I defend the principle of the charter, that is to say, the principle of non-discrimination, which means that no discrimination on the basis of sexual orientation is justified in the different spheres of life. Every European citizen has the same rights as all others. That is all.

**Kósané-Kovács (PSE).** – Mr Commissioner-designate, Europe is already multicultural and will become increasingly so. That is why I should like to know from you whether you see any moral difference between people of different faiths or between those who are religious and those who are not? You once said that some groups of immigrants had relatively high crime rates while others had low ones - meaning in the latter case the Catholics and Christians. If everybody has the same right, do you take this to mean that they also all have the same right to discriminate against others, to abuse the Jews or the Roma or to condemn homosexuality? If not, what legal steps will you take to implement Article 13 to which the chairman referred a short time ago and which will determine the tasks entrusted to you?

**Coelho (PPE-DE).** - Thank you very much Mr Chairman. Commissioner-designate, we are living in a time when there is tension between the claims of freedom and security. We want more security, for the precise reason that we want better protection for our freedoms. If strengthening security were to compromise freedom, we would be negating one of the most important inheritances of our civilisation and the rule of law.

Commissioner Vitorino, the outgoing Commissioner, understood this very well, and acted accordingly. We felt this in many areas, including his prudent advocacy of introducing biometric data into passports and visas.

We noted that in your opening words, you stressed that it was necessary for more security to be counterbalanced by more freedom. One of our freedoms concerns data protection. You have mentioned this already, but I would like a political reply. How do you view the protection of personal data? Is it an expression of fundamental human rights, or an obsession which unnecessarily interferes with the fight against crime? Finally, how are we to ensure data protection not only under the first pillar, but also between pillars?

Thank you.

**The chairman.** – Thank you, I think we have been informed in great detail about fundamental rights; we will now tackle the third point, the third sector: asylum, immigration. The first question will be put by Mr Gaubert, vice-chairman of this committee and member of the PPE Group.

**Gaubert (PPE-DE).** – On the issue of immigration, we are playing with words. Whether it is termed a holding camp, a transit camp, an information camp, a camp remains a camp. As chairman of the LICRA, an international NGO set up to protect human rights, only too often I have seen good intentions turn into something much more sinister. I have seen assembly camps become nothing more than concentration camps, characterised by a breakdown in law and order and religious indoctrination. I want to see clear, detailed proposals for a coherent policy, in the short term, the medium term and the long term, involving measures in the area of co-development, cooperation, harmonisation of asylum law, quotas and reception arrangements. We have a huge responsibility. The answers cannot be technical or technocratic, they must be political. I am therefore looking to you, Mr Buttiglione, to initiate a substantive debate on this matter with us, the Members of the European Parliament. I would remind those who might have forgotten this fact that we are the elected representatives of the 25 peoples of the Union. I feel that we have the right to be consulted and that you have the duty to give us answers to the human problem of immigration, combining more security, more freedom, more justice, more respect for others and more solidarity. Immigrants are not numbers, they are flesh and blood beings.

**The chairman.** – Did you put a question? Mr Buttiglione can reply, but I don't think there was a question for him to answer.

**Gaubert (PPE-DE).** – Mr chairman, he can give an answer dealing with the problems of harmonising asylum law, quotas, reception arrangements, co-development and cooperation.

Don't you agree?

**The chairman.** – It's not that there was no question, it's that there were five.

**Buttiglione, Commission Vice-President.**- I have to say that I am entirely in agreement with what you have said. Immigration is one of the fundamental problems of our century. Only, I would like to raise one objection to what you have said, namely that it is not a problem of justice and home affairs or simply of freedom, justice and security. It is a problem for the Commission as such, because we cannot have an immigration policy if we don't have a foreign policy and a cooperation policy. If we take the current situation, I think that we need cooperation with the countries on the other side of the Mediterranean, and also cooperation with the countries on the Union's western [sic] frontier. This cooperation is based on the spread of democratic principles and respect for human rights. And even that is not enough, because we also have a terrible situation in the Sahel. A lot of people are coming from the Sahel. If we want to have the moral right to send them back home, saying that they have no right of asylum because they are not suffering from political oppression, we need to restore conditions for human life in the Sahel, because today, the desertification of the Sahel has brought about a humanitarian and economic situation which makes human life in that region impossible. Furthermore, we need to integrate cooperation policy - the Sahel - and foreign policy - the countries on the far shore of the Mediterranean -, and the Geneva Convention needs to be signed by those countries which have a close cooperation link with us and with our policy. I have to say that Antonio Vitorino has already done a lot in this direction, because we already have a project on the right of asylum which is, I think satisfactory.

**LAMBRINIDIS (PSE).** - Thank you very much, Mr Chairman. The successful and peaceful incorporation of immigrants in European societies is seen by many as the greatest political challenge facing the present new generation of politicians in Europe. However, the Commission has appointed only one official in this area, a temporary official with a contract until May.

How do you intend to enhance the ability of the Directorate-General for Justice and Home Affairs to develop initiatives on integration, instead of its current almost exclusive and extremely problematic obsession with a police approach to the issue? There is another even more important point: which political objectives do you believe should the European Union and the Member States set in planning a framework for the successful integration of immigrants?

Will you support the idea of creating a European fund to provide financial support for initiatives by Member States? In this connection, please outline your position on the lack of a legal basis for funding the policy for the return of immigrants to their countries of origin, a policy which does not seem to be much of a problem for the Commission, unlike the fund for integration?

**Carlshamre (ALDE/ADLE).** – Mr Chairman, Amnesty International has said that the widespread violence against women is the greatest human rights scandal of our age. The most flagrant example of this is the slave trade. This slave trade has not been consigned to history and does not only go on in far-away countries. The slave trade exists here and now in the heart of Europe.

Human beings are bought and sold, exploited and killed, and not in small numbers, either. Hundreds of thousands of people are sold into the European sex industry, and by far the majority of them are women. This we already know. It is high time that something concrete was done about it.

In your home country, Italy, there is a good example which ought to be emulated in other Member States. Article 18 of your Immigration Act gives victims of the slave trade the right to a residence permit, first temporary and then permanent.

In my country, Sweden, we have a law which prohibits the buying of sex, and this has very successfully reduced this all-embracing slave trade.

My question is: are you prepared, as a Commissioner, to work to make these good Swedish and Italian examples part of European reality?

**Chair.-** Here, I think that in Community law there already exists a directive which provides for the rights of victims of the kind of trafficking you are referring to, to obtain support, specifically financial support, in exchange for a cooperative attitude with regard to wiping out this banditry. I think that all of that deserves to be applied, Commissioner-Designate. We hope, obviously, that the Commission will galvanise the Member States into effective implementation of this right.

**Buttiglione, Commission Vice-President.**- Here, I think that there is virtually general agreement between the Member States. The problem is the insertion of women into society in our European countries, i.e. the possibility of obtaining the right of residence. Here, there are States which are in agreement, and there are States which are not in agreement. I think it would be highly desirable to do it. Of course we don't have the option of imposing this obligation on the Member States, but we do have the possibility of asking that at the very least, women who are expelled from their country of origin be given aid which will allow them to be reintegrated into the life of our countries.

**Frasconi (Verts/ALE).**- The practice of swiftly and unceremoniously packing aspiring emigrants off home is starting to become a habit with the government in which you have until now been serving as a minister. Only a few hundred people are in fact involved, when as we all know, countries like Tanzania and Chad are having to cope with millions of refugees. As you know, in the Cap Anamour affair, the Italian courts have heavily criticised the Italian Government's approach and Italy has come in for severe criticism from the UN and a large number of NGOs. I should like you, in your capacity as Commissioner-designate, to state whether you deem this practice illegal or in keeping with international agreements. I would point out that this is an area that could be communitised within a few months' time, and therefore one in which you could have a right of initiative; a power of initiative.

I should also like to know, again on the subject of camps - and this is my last word, Mr Chairman - whether you envisage drafting a legislative proposal seeking to establish such camps outside the European Union when this matter comes within the Community sphere. If yes, what would this involve? Thank you.

**Buttiglione, Commissioner-designate.** - As to the first issue, as I have already said, a Commissioner does not come under the authority of the government of his country of origin and, should the Italian Government violate any humanitarian principles, I shall judge the matter impartially. Having read the same papers as you did this morning, I called the Italian Minister for Internal Affairs and asked him 'What are you doing?'. He told me that 2 029 illegal immigrants had arrived, 1 766 of whom had come from Libya and had landed on Lampedusa, a small island whose normal population is no more than 500 people and which has a surface area of four to five square kilometres; an island measuring two kilometres by two kilometres. Of the above number, 804 were readmitted to Libya because they were unable to apply for asylum. Note that they were not expelled; they were refused entry at the border, which is something quite different under both national and international law. Two hundred and fifty-two people who, on the basis of prima facie evidence, appear to be entitled to apply for asylum were sent to the Crotone centre where they are being given assistance in applying for asylum. The identity of the others is in the process of being established. I repeat that this is a question of admission being refused, not of expulsion. Naturally, if I were Commissioner I would check these data and attempt to obtain fuller and more detailed information so as to be sure that everyone who is or appears to be entitled to asylum is able to submit an application and be treated as an asylum seeker. I think I have now given you all the information I have on the matter and am prepared to express a more detailed opinion when I obtain further information. I believe steps should be taken to facilitate access by the Office of the UN High Commissioner for Refugees.

As to the other matter, what is at issue is not so much the establishment of centres but the furthering of the existing policy seeking to disseminate information and open up legal immigration channels.

**Borghesio (IND/DEM).** On the same point, chairman: Commissioner-Designate, an airlift is currently in progress, people are being packed into aircraft, handcuffed, summarily identified and many of them have no guarantee that they have the right to seek asylum. I believe we are facing a situation of mass deportation. Italy is violating the European Convention on human rights as well as the Geneva Convention's obligation not to refuse admission. You have stated on numerous occasions in this session that you will continue to work with Vitorino, who has said that the European Union must cooperate on the subject of immigration with states which respect the Geneva Convention. Given that Libya has not signed the Geneva Convention, do you not consider it necessary to act immediately to block this deportation? And if Libya does not subsequently sign the Convention, will you refrain from setting up permanent centres in Libya?

**Buttiglione**, *Commissioner-designate*. On the first point, I must say that the information I have does not correspond to what you have just told me. As I have already explained, according to the information I have received, the right to submit a request for asylum is being respected and those who can submit such a request are being detained in Italy so that the Italian authorities can judge their requests. If my information proves inaccurate, I will certainly be the first to condemn the action of the Italian government; however, I have no doubts at this time that Commissioner Vitorino will take all suitable initiatives and I will, most certainly, support the decisions he takes on this subject.

With regard to the second point, I believe that we must exert great pressure on Libya to agree to sign the Geneva Convention and I also believe that signing the Convention is a fundamental element for effective cooperation with Libya, going beyond the limits of immigration.

**Zappalà (PPE-DE).** I would like to state that I find it regrettable that there is any discussion of deportation in Italy, as if we were living in another era, and because I find this regrettable, I am stating it in Italian.

**Catania (GUE/NGL).** Having personally witnessed the way the carabinieri and the Italian police work, I can confirm what vice-chairman Zappalà has just said. Perhaps our country is displaying a high degree of sensitivity to our structures and human nature during such a delicate, difficult and terrible stage in the challenge of immigration, if, as is true, and I add this information to what the Commissioner already has, on 1 October the Prefecture of Agrigento drafted an agreement with Médecins Sans Frontières to provide prompt health care services, something which, in fact, the citizens of Lampedusa do not have access to as they currently still have no hospital.

I would like briefly to ask the Commissioner two things, one of which he has already partially answered: does he believe that a European office should be set up in Africa, not in an ad hoc, but in an institutional manner, to give information on conditions for immigration? We certainly need to regulate immigration, but the African states also need access to resources which would favour economic and social progress, which in turn would curb immigration.

**Buttiglione**, *Commissioner-designate*. As far as I understand, the behaviour of the carabinieri, the public security forces and the Italian staff involved in the events of this emergency in Lampedusa has been exemplary and there has been an enormous spirit of humanity. I repeat, as far as I understand. Were it otherwise, I would be the first to condemn the violation of international regulations or humanitarian principles.

With regard to the second point, in theory, our consulates already have a duty to provide the services of the type of European centre spoken of by Mr Borghezio, or of possible information centres to be set up in North Africa. This is not new, but we must make efficient and organised what is already being done inefficiently and in a disorganised manner, and with poor results.

Italian law, for example, but also that of other countries, allows legal immigration in conjunction with a work contract. But how can an employer and a potential employee contact each other with the Mediterranean between them? The law is a good one, but its application is still inadequate, precisely because it lacks this possibility, and my proposal is to create it. This would allow people to arrive on flights, not wrecked boats, with a work permit in their pockets - and this would give us the legal immigration that is the best antidote to illegal immigration. It goes without saying that this should be useful, but it will not work if there is no programme of cooperation to allow the creation of jobs on the other side of the Mediterranean. In turn, the economic growth of these countries is not possible without a strong drive towards democratisation and respect for human rights in the whole Mediterranean.

I return to my original point: the need for a general Mediterranean agreement to guarantee human rights, and specific regulations on immigration and economic development.

**Angelilli (UEN).** Mr Chairman, first of all, I would like to welcome the Commissioner-designate to emphasise what I believe to be our conviction, that is, the conviction of the citizens of Europe that there is a real need for a common policy on immigration, built on two fundamental principles; obviously complete integration on the policy for regular immigration but also, and inevitably, effective controls on illegal immigration, within, of course, the bounds of the law.

This brings me to the cases we are seeing today, particularly in Italy which is one of the countries of Europe that unfortunately finds itself frequently alone on the front line, without adequate support from the European Union. As I said, Italy finds itself facing an unrestrained influx of illegal immigrants and having to manage social and humanitarian dramas of truly enormous proportions. I ask you first of all, what powers will be given specifically to the agency to be set up to control the borders, beyond mere coordination between the different states?

**The chairman.** - You have taken up 20 seconds of the time allocated to Mr La Russa.

**Angelilli (UEN).** Mr Chairman, I was speaking. Our group can decide later whether to eliminate speaking time completely. But you have been speaking now for a minute. Could you please allow me 10 seconds to conclude? So, do I have 10 seconds to continue, or not? The chairman could at least give me a reply.

**Chair.-** It is up to the chair to give the floor to speakers fairly regularly, and to intervene. I am simply saying that your group has run out of speaking time, and that the time which you are taking will be deducted from Mr De la Roussa. That is all.

**Angelilli (UEN).** Allow me to press the point that you have been speaking for two minutes. This is not acceptable. We are Members and we have listened to everyone, and all have overrun the time limit. You have intervened at least ten times, taking speaking time away from others, so please allow me my ten seconds which will not detract from the time of Mr La Russa. If not, I will have to get up and leave the room because of this truly antidemocratic attitude. It is really discourteous.

**Chair.-** Have you grasped the rules of the game? The rules are that your Group has a certain amount of speaking time. If you take the speaking time from the rest of your Group, you can certainly continue. I was simply protecting Mr De la Roussa's rights. That is the rule of the game. But if you want to speak for another 25 seconds, your Group will have used up all its speaking time. That is all. The choice is yours. It is not mine. Thank you, the floor is yours.

**Angelilli (UEN).** - Let me finish my final question. Are any appropriations being provided for the administration of repatriation expenses? Lastly, forgive me and please do not count this as speaking time, but I wanted to put a question to Mr Catania, who has blackened the reputation of our country. I am a citizen of that country and I should like to know what his sources are for the information he has just given regarding human rights.

**Buttiglione, Commissioner-designate.** - Three minutes? Unbelievable!

**The chairman.** - Yes, two minutes were allocated for the question, so it is only normal that I should give you a little more time to reply.

**The chairman.** - Madam, I think that's enough. You are not putting questions to Mr Cattania, you are putting questions to the Commissioner-designate. Moreover, I cannot allow you to claim that I have taken anyone's speaking time. The speaking time for each group has been strictly calculated and the coordinators decided that I should intervene to clarify matters and refocus the discussion. I am keeping strictly to the arrangements agreed among the coordinators and I am keeping strictly to the speaking time allocated to each group, including yours. You have used your speaking time and that of Mr La Russa, that is your choice. You should not be putting questions to Mr Cattania. You have put questions to the Commissioner-designate, who will now reply. Commissioner-Designate, over to you and because I am generous I will give you three minutes.

**Buttiglione, Commissioner-designate.** - Thank you for this question, which touches on one of the essential aspects of the problems we are facing. We have a common border and this common border needs to be protected by a common force, but for the moment border control authorities exist only at national level. Some countries, such as Spain, have a very long maritime border, while others, such as Poland, have very long land borders and others still have few if any frontier areas to protect. All countries have airports, of course, but the effort required for these is relatively insignificant.

What are we doing to help those countries who are performing a task which benefits us all? If these countries do not protect their borders, what will happen? What will happen is that illegal immigration will penetrate not only these countries, but others as well. Many of those who are stopped at the Spanish border are seeking to enter France and, if they were not detained in Spain, would proceed to France, Germany and other countries. Hence the need to coordinate border controls and also to share costs in an appropriate manner.

The current Commission has already examined this problem in depth and sought to respond to it with two proposals. The first is to set up a border control agency and coordination agency, which would serve to establish standard procedures and monitor the efficiency of border protection, since high-quality border controls are in the interests of everyone, including those who do not have a direct frontier.

The second suggestion relates to mutual support. Mutual support takes two forms: as far as the agency is concerned there is the need for financial support, the possibility of sharing the costs of border protection. The second is the possibility of setting up a rapid reaction task force, consisting of staff from different countries able to intervene when emergencies arise. This would be useful and would help to relieve the pressure on those directly in the front line, which could otherwise be hard to bear.

**Van Hecke (ALDE).** – Mr Buttiglione, you have taken a stance on a number of issues today which cannot be regarded as politically correct. Whether one supports this or not, it seems to me like a breath of fresh air in this Institution. You have also adopted a not politically correct attitude towards the possibility of somehow detaining immigrants, would-be immigrants and asylum-seekers in frontier regions outside the European Union. Tony Blair has already put forward this proposal, so you are not alone and you have shown that you will seek solutions instead of simply magnifying the problems. I have two specific questions. What are your views on the ideas of drawing up a list of safe countries? The Commission has always been opposed to this in the past. Secondly: what do you think of Tony Blair's original proposal that people already on European territory and seeking asylum should be repatriated to territories outside the European Union until a decision is taken on their cases?

**VARVITSIOTIS (PPE).** - Mr Buttiglione, it is true that you have just corrected what you had said in your interview of 14 September. However, for humanitarian reasons you left open the issue of creating holding areas for illegal immigrants. I am also totally opposed to your revised position, but I should like to ask you a number of specific questions:

How long will illegal immigrants remain in these areas?

Who will pay for their stay there?

Who will be responsible for guarding them?

When their time there comes to an end, what will happen? Finally, what is the legal basis for these areas?

**The chairman.** - Commissioner-Designate, perhaps I am misinformed, but I thought that your predecessor, your future predecessor, Mr Vitorino, said that the key thing was to establish joint asylum and reception facilities, but on the territory of the Union, so that we would find ourselves in a situation very different from the one you are describing.

**Kudrycka (PPE-DE).** - Commissioner-designate, I am happy that you have mentioned among your priorities ensuring the security of the European Community by strengthening its eastern land borders, and that you also discussed in your written answers the gradual accession of the ten new states to full membership of the Schengen zone. I would like to know how you propose to make this a reality in the shortest possible time?

Knowing, for example, the bitter experience of Italy, which had to wait some seven years for admission to Schengen, will you be in a position to display the necessary determination in taking such a decision at a political level, even bringing influence to bear on the Council of Ministers? Do you not consider it inadequate to assess merely from a technical perspective what is, after all, such a politically and socially important process, bound up with a fundamental principle of the European Union, complete freedom of movement for the individual?

**Chair.**- You have a few seconds more, because the stopwatch had not been started. I am very happy to give the PPE a few seconds more, since it missed out a little earlier.

**Chair.-** Thank you, now we are to tackle the problems of judicial cooperation, that is to say the fourth heading. The first speaking is Mr Nassauer, of the PPE.

**Nassauer (PPE-DE).** - Commissioner-Designate, we have considered the issue of the contradictions between freedom and security. Institutional cooperation is also concerned with the relationship between the European Union and its Member States. Some people see Eurojust as an embryonic European Public Prosecutor's Office. However, that would necessitate the introduction of a European Code of Criminal Procedure and a body of European criminal law. Do we really need a European Criminal Law Code? At present, Europol collects data. That is not enough! But do we therefore need a European FBI now?

**Buttiglione**, *Commissioner-designate*. - There is a long answer and a short answer to the first question. I will give the short answer. Not in the next five years, that is to say not during this Commission's term of office. Perhaps later, there is some scope for discussion.

In reply to the second question, I will already be happy if Europol works more effectively. At present, Europol is going through something of a crisis. There is not enough mutual trust. In very many cases, the Member States fail to pass on important items of information to Europol. As a result, Europol is unable to provide proper analyses. The Member States then say: Europol is ineffective, something which I doubt. The reason for this ineffectiveness is that the Member States are not cooperating with Europol as they should. I would put it like this: first we need a Europol which is working effectively, so that it can carry out its tasks to the full. Then we can talk about what further developments might be desirable.

Of course we need more cooperation in this area. We must be involved. Terrorism is a real danger and this danger has a European dimension. We need a European instrument. Even whilst complying with the subsidiarity principle, there are many areas where action can be taken more effectively at European level than by individual States.

The Public Prosecutor's Office is a matter for discussion. First of all, however, we must take steps to ensure that the existing institutions work effectively: Eurojust on the one hand, and Europol on the other. Then we can start to think about further developments.

**Kreissl-Dörfler (PSE).** - Commissioner-Designate, you are still a national MP and a minister. However, today we can make a break with the past - that does not interest us any more. After all, as a Commissioner you will be completely independent and your actions and decisions will not be influenced by any instructions from your home country. This is what we expect. This is only right.

However, the European arrest warrant is an instrument, not an institution. The agreement on the warrant has not yet been signed by all the Member States, and above all not by the government of which you are a member. What are the main reasons for this? Do you even care whether the European arrest warrant, in its current form, is actually introduced and employed in all the EU Member States? This is a key point. What is your personal view on this issue, and what was your personal view during your time in government?

**Buttiglione, Commissioner-Designate.** - I'm afraid that you are not fully informed. This proposal has been signed by the Italian Government and approved by the Italian Parliament. It is now being considered by the Senate. I have spoken to the President of the Senate, Mr Marcello Pera, and told him that Italy must do what it agreed to do when it signed the proposal. We must honour our international commitments. My impression is that the process will be completed over the next few weeks.

Moreover, this is no straightforward matter. There were problems in other European countries as well. The last country to ratify the agreement in its parliament, in September, was the Czech Republic. The Italians are the last, but they are not far behind others. In the Czech Republic, an application has been made to the Constitutional Court and we do not know when the law will actually come into force. At all events, I am in favour. I have always been in favour. I even mounted a political campaign in Italy calling for us to honour our commitments. This is of course not something very recent, it dates back to my time as a minister in the Italian Government.

**Lax (ALDE/ADLE).** – Mr Buttiglione, how do you view the development of the EU's relations with Russia? What is going on there is cause for serious concern. Russia is not consolidating its democracy. The regime violates freedom of the press and arbitrarily imprisons dissidents and rivals. The war in Chechnya is dragging on and on, minority rights are hardly recognised at all. Do you consider that the EU should shut its eyes to this development?

At the same time there is a big need to relax excessive visa requirements for our EU citizens so that trade, enterprise and cultural exchanges can be promoted. With you as a Commissioner, will we see a consistent policy towards Russia which insists on respect for democracy, human rights and the needs of citizens...? *(The speaker ran out of time.)*

**The chairman.** - You have slightly exceeded your speaking time, we have to make an effort now to complete the hearing. Please be brief from now on. Mr La Russa, you do not have any speaking time, but so that you don't feel completely cheated by your colleague, I will grant you 30 seconds.

**La Russa (UEN).** - I believe that Europe must concern itself with justice as well as markets. The communist terrorist Cesare Battisti has received three life sentences. The Battisti affair raises questions concerning the role and influence of the European institutions. Should the Commission not devise a strategy, in accordance with Article 31 of the TEU, to prevent the recurrence of such deplorable incidents, which offend public sensibilities, and support the adoption of measures to prevent a known criminal from moving around freely within a Member State?

**Buttiglione, Commissioner-designate.** - I shall also try to be brief. I believe that the Commission is doing its best, in that it has developed the European arrest warrant, which is intended precisely to make it impossible in future for such glaring failures of judicial cooperation to recur within the Union and to overcome the mistrust they betoken. In this case, Italy was deemed to be a virtually unsafe country and I do not believe that Italy deserves this. With regard to the past, there is nothing we can do, although an improved climate of cooperation for the present and future might help us to better regulate questions related to the past.

**Díaz De Mera García Consuegra (PPE-DE).** - Congratulations, Commissioner-designate; my questions concern pillars essential to our security.

Europol has above all a strategic advisory role within the structure of the third pillar, but with an almost complete absence of operational connotations. How will you strengthen the operational dimension? When will we have EIS in Europol, the data-processing system which has already cost us EUR 20 million?

As regards the euro, it is being forged. It is not sufficiently protected, and it is forged in countries which are not yet - and I stress yet - members of the EU. What can we do?

With regard to the police chiefs' Task Force, do you intend to enhance relations between the police chief Task Force and the inter-terrorist group, a goal of the Dutch Presidency which I applaud wholeheartedly?

**Buttiglione, Commissioner-designate.** - This is a very important problem, because on the one hand, the problem of terrorism is at the heart of people's concerns in Europe today.

On the other hand, there is a lack of adequate coordination. I think that we must work together. With regard to the problem of EIS, we intend to do everything possible to get it working as soon as possible.

There is the problem of coordination within the Council, because Mr de Vries's remit lies in an area which in some sense, also involves the Commission. I have had a very cordial and very fruitful meeting with Mr de Vries, and I hope that we will be able to work well together, but we also have the problem of protecting the networks of the trans-European network, and this again involves transport tasks, my colleague and friend Barrot, tasks which involve energy and tasks involving scientific research.

I do not exactly know what to do, but I think that it will be necessary to set up a working party within the Commission so as to produce enhanced coordination of the various aspects of security, and that could give us greater strategic vision.

Moreover, there is the problem of operational action, and I believe that while we are waiting for the major new development of the Constitution, which will permit much greater coordination, the police chiefs' Task Force could be the thing, at this time, which takes us in the right direction.

**Chair.-** Thank you, you will have the chance to continue, I would imagine with Mrs Diéz González's question, for the Socialist Party.

**Díez González (PSE).** - Mr Buttiglione, I would like to come back to an issue already mentioned. Actions sometimes speak louder than words.

Italy has not transposed 11 of the 12 anti-terrorist measures approved by the Council - the detention and hand-over order, or the decision on money laundering, inter alia. Italy has not transposed these into national law.

You are still a minister in the Italian Government. How are we supposed to believe that what you have not done as a minister, you are going to push forward with as a Commissioner?

Mr Buttiglione, I think you will understand that in these circumstances and with such precedents, what you are asking us for is not a vote of confidence, but an act of faith. But this is a Parliament.

**Buttiglione, Commissioner-designate.** - Firstly, I do not believe that there is an individual vote of confidence in this Parliament, not as far as my reading of European legislation goes. Secondly, you are not passing judgment on the Italian Government, but on Commissioner Buttiglione. Get the facts about the attitude of Commissioner Buttiglione on all these Italian political issues, and you will discover that Commissioner Buttiglione always strove to achieve maximum Italian cooperation with European legislation. And is it true that the Italian Government is so incompetent? I do not know. It would be interesting to check this.

**The chairman.** - Thank you, Mr Guardans, your group has exhausted its speaking time, therefore I can grant you only the additional 30 seconds I have generously awarded to the others.

**Ignasi Guardans Cambó (ALDE).** - Mr chairman, I will be brief, and I thank you for your generosity.

We know that you had coffee with Mr de Vries, and that Mr Vries has already started to go for coffee with Mr Vitorino, but the reality is that all these powers assigned to Mr de Vries as anti-terrorist coordinator are sterile, absolutely useless, if the Commission is not 100% involved. For that reason, over and above playacting for the benefit of European citizens and giving the impression that you all get on very well, have you plans to develop, as far as possible, a genuine anti-terrorist policy as part of your remit?

**Buttiglione, Commissioner-designate.** - What you have rather undiplomatically said is something that I partially agree with, much more diplomatically.

We need coordination because these powers are scattered, and the result is that it is difficult to get results. How can we achieve coordination? The first thing is to sit down at a table and talk. This is something which we have in some sense already started doing and I hope that we will be able to go on talking so as to find specific paths.

One hopeful element is the new Constitution. You know that the new Constitution allows more effective, more concentrated action, it gives us a new instrument which I think that, as far as possible, we need to anticipate. How can we anticipate this instrument? We cannot create it, because that goes beyond the rights that we have. The idea that I have at the moment - but I am prepared to change it if there are better ones - is that the police chiefs' Task Force is the instrument which could perhaps begin to develop some tasks which will later have a stronger institutional foundation. I think that the police chiefs' Task Force is gaining in authority, is gradually developing an ever-greater ability to establish priorities and make real coordination possible, because without defining priorities there can be no coordination. The first problem that we have is defining priorities, but there is also a material problem: without resources, it is difficult to produce security.

**Chair.-** Mr Catania, you have 30 seconds for the same reasons as the preceding speakers, 30 seconds to put your question. Thank you.

**Catania (GUE/NGL).** - There is a common thread linking criminal organisations and terrorist organisations - namely financial interests and in particular the profits from drugs trafficking and arms trading. In order to curb the profits made by mafias and terrorist organisations, should we not promote an anti-prohibitionist policy seeking to reduce the damage done by drugs while at the same time keeping track of trade relations in the European arms industry?

**Buttiglione, Commissioner-designate.** - That is a solution which some have advocated and others criticised. There are those who say that a policy of zero tolerance even against small-scale dealing is the best way to undermine drugs trafficking and also prevent collusion between drugs and organised crime. I am not convinced that either side is right here. I believe that it is a problem which should be handled with the utmost delicacy and with a greater awareness of the way in which society itself is involved, without ever forgetting one major problem. We must not see those who take drugs as hopeless cases, but must create the conditions for their rehabilitation. We should not be looking for a way to let them die without inconveniencing us, we should be looking for a way to let them live.

**Brejc (PPE-DE).** – According to Eurobarometer surveys European Union citizens don't feel safe. Seventy-one per cent of respondents believe that joint decisions and actions by the European institutions and the Member States are needed to combat crime effectively.

In the document 'Priorities of the EPP Group' for this parliamentary term we have focused, in particular, on the security of people and property and have stressed the significance of enhanced cooperation between judicial and police authorities in the fight against criminal organisations.

We have also stressed this point of view in the 'Objectives' and other parts of the Constitutional Treaty. Mr Buttiglione, what will you do to ensure greater security for people and property during your term of office? Thank you.

**Gröner (PSE).** - Commissioner-Designate, I am somewhat dismayed at the nonchalance with which you dismiss issues concerning discrimination and, for example, violence against women.

Women and children are being exploited by organised traffickers, a form of crime whose dimensions now far exceed those of drug-related crime. All this is well known, hence my question: what personal role do you plan to play, also in your capacity as Commissioner - given that your predecessor, Anita Gradin, developed the DAPHNE and STOP programmes into important instruments - in getting the witness protection programmes off the ground? I found your earlier remarks unsatisfactory. How can we respond to this problem, for example by means of a European Year Against Violence 2006, as provided for in the DAPHNE programme? Parliament has approved that proposal. And how can we combat violence in families? Here again, I am not sure of your commitment and I am anxious to see how the CEDAW, the International Convention on the Elimination of all Forms of Discrimination Against Women, is implemented in practice. In that area, you must exert pressure on the Member States.

**Buttiglione, Commissioner-Designate.** - Were my answers on these matters really so superficial?

I didn't have that impression. I believe that I have already made my views and intentions clear with regard to trafficking in women and the need for a policy on protecting those women who are prepared to testify as witnesses. And, should they not wish to testify, a policy on how we can help them find acceptance in their own societies once again. DAPHNE is of course a very important instrument. We are already working on the next stage, what might be termed DAPHNE II. This is one of our Commission's top priorities.

I am personally committed to this issue and I have pointed out that I, not as a Commissioner but as a private individual, have been involved in helping women in Italy or Lecce. We have gained experience there which can be useful to anyone genuinely interested in this matter.

May I warmly invite you to visit me in Santa Cesaria so that you can see what we have achieved in this area. That might be interesting for both of us.

**Tajani (PPE-DE).** - Commissioner-designate, I welcome what you have said, particularly as regards the question of security and your assertion that ‘more security means more freedom’. We must also tackle the question of trials and the slowness with which they are conducted. There are so many cases pending before the European Court of Human Rights. Long drawn-out trials mean that it is harder to combat organised crime and terrorism, but they also mean that people lose faith in justice systems in the European Union. What steps will you take to improve the efficiency of justice in Europe and ensure that judicial decisions are taken within a reasonable and foreseeable timescale?

**Buttiglione, Commissioner-designate.** - Thank you for your question, which touches on a vitally important question, since trials are taking longer and longer all over the European Union. The problem is more serious in some countries than in others, but it is a problem we all share to some extent and clearly justice delayed is justice denied. We know that in civil cases it sometimes happens that by the time the sentence is passed the subject of the dispute is no longer relevant and we know that in criminal cases often it is not the sentence that is the punishment but the trial itself, since a lengthy trial may destroy someone's life, even if the outcome proves favourable.

What can be done? The Commission is already working on a number of areas: one concerns the possibility of arbitration, not as a substitute for civil proceedings but as an option giving citizens greater choice and probably enabling disputes to be settled more quickly. I also believe that work is needed on dialogue between the legal systems of the various countries, which differ so widely, in order to define common standards for proper administration of justice.

I would also like to bring in another matter, which you did not mention but which seems to belong to the same area, and that is the question of the rights of the defence. The Commission has drawn up a Green Paper on this subject and I shall examine the response to it very carefully.

Greater emphasis is needed on the rights of the defence and this is a case where mutual recognition without harmonisation will clearly struggle to succeed. A minimum of harmonisation to build mutual trust is a precondition for securing the best possible results from mutual recognition. This also applies to the European arrest warrant where the difficulties we have encountered have arisen in precisely these areas. Yet is it possible for us to have full trust where the differences between the systems are so great?

**Segelström (PSE).** – Mr Commissioner-designate, at the end of this year you will be presenting an EU strategy for narcotics with written answers and you will also submit an action plan at the beginning of 2005. I wonder whether you agree that preventive measures to reduce demand are central or primary.

In addition, I wonder what the Commissioner-designate intends to do to ensure that the action plan devotes special attention to preventing drug abuse by young people - which often means use of such drugs as hash or marijuana - and the culture which seems to be spreading all over Europe with the sale of drugs to our young people in normal places where young people meet, well-known restaurants and bars, but also outside schools and no longer in disreputable surroundings.

I think you said earlier today that leaving it to Member States to decide on legalisation or not seems irresponsible; it is applying the laissez-faire principle when our young people are being exploited by unscrupulous drug pushers every day, everywhere in Europe.

**Chair.-** Thank you, this is my last intervention before the floor to Mr Mayor Oreja. I would point out that there is a hearing in this room at 4.30. After Mr Mayor Oreja's question, the Vice-President-Designate will have the opportunity of concluding. He has agreed to do this in three minutes. At that point, we will close the meeting, and I would ask you, dear colleagues, to make every effort to get out of the room so that it can be brought in order for the next meeting. Mr Mayor Oreja, you have the floor for a maximum of one minute, at the very most.

**Jaime Mayor (PPE-DE).** - Mr Buttiglione, having listened to you, there is no doubt that you have an enormous, far-reaching future responsibility as the head of this department of this Commission and we parliamentarians share this same responsibility, because we are facing the EU's most important challenge of the next few years, namely the development of an area of freedom and justice.

It is true that taking your words this afternoon literally, in the areas of your remit, your statement on the defence of human rights and your European ambitions is impeccable. But what I would like to ask you, Mr Buttiglione, is: in practice, how can you push the development of this police and court area, this area of freedoms, in order to bring it closer to Europeans? How can you get Europeans to sense that terrorism is the main issue, and what can you do to ensure that the victims of terrorism are the major protagonists in the creation of this European area of freedom?

**Buttiglione, Commissioner-designate.** - I am fully aware of the scope of the challenge facing us. It is challenge that concerns the future of the European institutions. In these five years we can build a Europe of law. With regard to its essential features, economic Europe is, if not complete, then certainly well-defined and with a proper foundation. In the five years ahead we have the chance to build a Europe of law. We have this opportunity because in the many fields in which Antonio Vitorino was able to map out a strategy we now have the specific tools to give that strategy the effective implementation of which Mario Oreca was speaking. If our action to date has been limited then it is because, although it has been possible to adopt common positions or common decisions in many areas, it has not been possible to introduce directives or regulations. Directives and regulations are the instruments through which the legal positions, worked out at length by aligning the stances of the different Member States and securing Parliament's approval, are actually able to make an impact on people's lives. In many cases this has not been possible. In some cases it has, and this has been almost miraculous given the procedures we have had to work with. From November onwards, I hope, we will not only have the instrument of directives and regulations, but also, with effect from 1 November 2006, we will have European laws and framework laws if, as I believe and hope, the new Constitution is adopted. This will give us great scope for action and with it great responsibilities. We will be building a Europe of law using the tool of mutual recognition, but not forgetting that mutual recognition alone is insufficient, as we have seen in all our discussions today. Mutual recognition and harmonisation are like the two legs of a man and you cannot walk properly on only one leg. We need harmonisation not for its own sake, not at any cost and not to destroy the historic particularities of the various legal systems, but harmonisation to create the climate of confidence which will enable mutual recognition to work effectively. It is difficult for the authorities of one country to accept decisions by the authorities of another country without question if there is a gulf between the material rights they recognise. If there is an acceptable difference between these rights, it will be much easier. This is the challenge facing us. The other question you raise is that of terrorism and here I should like to state quite clearly that it is impossible to imagine Europe withdrawing from the fight against terrorism. While the events of 11 September have profoundly shaken public opinion in the United States, creating the sense of an impending threat and thus the need for an effective war on terrorism, in Europe this has not occurred on the same scale. We have had the 11 March in Madrid and this must be a milestone for the way we think in Europe. I believe that after 11 March in Madrid we must share the conviction that there is no escape from

the fight against terrorism. Yet how do you combat terrorism? With firmness, with resolve, with a willingness to use all necessary means, but at the same time with faith in democracy and the rule of law. You fight terrorism by isolating those who espouse violence, fiercely opposing those who are beyond redemption, but leaving open the prospect of dialogue with all those who are tempted by violence but who may yet choose the path of democratic participation in the life of our countries. We need dialogue with immigrant communities, inter-religious dialogue with Islam, an ability to understand that there is more to Islam than terrorism and that terrorism is a departure from and a betrayal of many of the basic principles of Islam, the ability to create conditions in which those who come among us, but also those who remain in their own countries, can hope to find a job, fall in love, have children, and build a place where they can find happiness through their own efforts. Realising these objectives is a vital part of what we are trying to do. Do not forget that Europe was born from an idea - no more wars in Europe - and if this idea is to hold firm and if future generations in Europe are to live in peace, it is vital that we are able to repeat this message at both our eastern and Mediterranean borders. No more wars means that everyone has the chance to pursue his or her ideal of human happiness.

**The chairman.** - Commissioner-Designate, it is clearly not for me to make any assessment of the hearing. That is the parliamentarians' job. However, let me thank you for accepting the formal and time constraints which we have imposed on you. You have demonstrated that you not only have faith, but also an acute awareness of the constraints of religious ceremonies. The coordinators' meeting will be held at 16.45 in Room 5G2 with a view to preparing the assessment. My thanks to all those who helped to organise this hearing and, of course, to the interpreters. Thank you once again, Commissioner-Designate.

## MR GARGANI IN THE CHAIR

The session is open. We have the hearing of the Commissioner designate, Prof. Rocco Buttiglione. Welcome to the committee and also the Commissioner-designate. We are all familiar with the reasons for this hearing, as meetings such as this have been held by Parliament since 1999. It is my belief that the relationship between Parliament and the Commission, through its designated members, is extremely important for agreement to be reached, connections made and for all to be aware of the themes on the agenda throughout the legislature. Mr Buttiglione has already been heard by the Committee on Civil Liberties, Justice and Home Affairs. There were some minor problems in connection with this committee and its autonomy, significance and special characteristics, which I defended (I have to say) strenuously, and resulted in the decision of the Bureau to give him a specific and impartial hearing.

We deal with very particular and specific legal problems, for which the Commissioner is Commissioner-designate Buttiglione, who is known not only to me personally, being Italian, but to all of you in the committee as seasoned members of the past parliamentary term. The Italian presidency brought a series of initiatives on fundamental and important issues, such as contracts and bid directives, to a conclusion, with the help of Mr Buttiglione's drive and determination and I must emphasise how commendable I believe this. So this is a short introduction to Mr Buttiglione. He also worked on the agreement which Parliament signed with the Commission and the Council. I was also involved in drawing up and signed this interinstitutional agreement, which has ensured a much closer relationship with the Commission.

I would like to see Mr Buttiglione commit himself to attend as often as possible in the future. Parliament has expressed the wish that the Commission be represented at all its sessions, as occurs in national parliaments, including that of Italy, my own country. It has not been possible to do so completely, but the Commission has been present wherever possible. In most cases, the presence of the Commissioner is needed in order to establish a dialogue between Parliament and the Commission and hence to resolve problems. The Legal Affairs Committee is competent for all matters concerning civil, commercial and international law - issues which I believe go beyond national confines and affect the fundamental rights of the family, and I stress this, as well as property law, succession, contract law and the right to health.

The treaty of Amsterdam made this connection with the themes of civil procedure, the protection of fundamental rights, and the aim of creating an area of freedom, security and justice in the sphere of legal cooperation. The treaty of Nice took this even further, giving the European Parliament the role of colegislator. Of course, the Constitution should have taken another step closer to the establishment of material right and a unified law of procedure, but it was decided that harmonisation of the national legal systems was preferred, and this is the road we are travelling. With this relationship behind the directives we have made and will make, we will also bring to a conclusion other directives making it possible for Europeans to be able to go to court and be sure of getting a judgement. This will be the theme of a great relationship which I believe we want to have with the Commission. Consequently, we call upon the Commissioner-designate to address these problems from this point on, to establish a sphere of security with respect for human rights and a legal space to be at the foundation of all discussion in this legislature.

I thank you all and give the floor to Commissioner-designate Buttiglione who has ten minutes to present his main points.

**Buttiglione**, *Commissioner-designate*. Thank you Mr Chairman for the kind words with which you recalled both my activities as chairman of the Competition Council during the last Italian presidency and my presence among the Members of this Parliament. Honourable members of this committee, allow me to call you honourable colleagues since I have shared three very important years together with many of you. I believe that I am known to all, or nearly all, of the oldest members of this Parliament and hope that with the new members we can get to know each other and establish the relationship of trust which is essential for the European ideal to move forward. The relationship between Parliament and the committee is fundamental to making it possible to seize the major opportunities which lie before us and which have been opened up by the new Constitution. I would like to offer Chairman Gargani immediate reassurance. Yes, I am committed to accomplishing the maximum level of cooperation with this committee. I would like us to succeed in coordinating scheduled institutional commitments so as to be able to attend the meetings of this committee and I hope to have the opportunity to speak directly with all the members, both through the groups and also individually. This is fundamental because, without reciprocal trust, there will be no progress in the building of Europe.

What do we want to stress politically at this moment? The first concern is the political destiny of Europe and also how the Commission defines itself. We stand at a crossroads: we can choose to be a semi-judicial body or also (which is almost the same thing) a high-level administrative body at the service of the Council. In this case, the Commission does not need any close relationship with Parliament, and it would be understandable for its relationship with Parliament to be seen as somewhat limited. Alternatively, the Commission could be seen as the seed of Europe's political individuality. In this case, it needs to stand with Parliament. A Commission that willingly accepts parliamentary control, which submits itself without objections to parliamentary control in order to have Parliament's support, becomes so much more authoritative in synthesising general European interests. It becomes more authoritative in Council sessions in accomplishing its fundamental task: bringing together the just and legitimate demands of the different Member States in a form which expresses the common good for all. Meanwhile, on the other hand, it is ever more evident that we need the Member State, for the nation state is now too limited a concept in an era of continental politics, to defend citizens' rights effectively. Because we must remember that it is not the Commission, nor Parliament and not even the Council or the

Member States that stand at the core, but the citizen. The political institutions exist to allow the citizens to develop fully their personalities, and for all to meet their own destiny.

Cicero, one of the great founding fathers of Europe, told us the purpose of the law. I quote from memory, but I believe correctly 'Lex est quidam hominis ad hominem proportio, quae servata societatem servat, corrupta corrumpit', i.e. the law is a relationship between one man and another, a correct relationship between one man and another which, if maintained, keeps society on its feet and which, if corrupt, drags the whole of society into corruption.

For this reason, the theme of law is not secondary to the building of the Europe that we desire, but central to it. I believe that the next five years will be just that: the years for building European law. I would not say that work on the European economy is complete, but the fundamental treaties have been set down. In the next five years, we must build on the laws of Europe and so give new force to the economy. This is because economic freedom is a fundamental component in building Europe. The market, the pillar on which we have built our other activities, signifies economic freedom, but this can be seen as only one aspect of the human freedom. Our task is this, then, to move from the freedom of man as an economic subject within the market, to the freedom of the citizen operating within the European Union, seizing the great economic, civic, cultural and human opportunities which this space opens up for human self-realisation. This is the objective we are all working towards and it justifies the very existence of the Union.

Consequently, this committee in particular is an especially important and prominent partner in the dialogue between the Commission and Parliament. We want to and must work together to build shared laws in this space. As the chairman reminded us, we have chosen the model of mutual recognition. The Constitution also confirms our fundamental choice to construct an area of law through mutual recognition of the different legal systems which exist in Europe. It is a choice which requires particular commitment from all of us. Mutual recognition is the fundamental route to this end. Nevertheless, I believe that each one of us is convinced that there is a need for a certain level of harmonisation for such mutual recognition to function and bear fruit.

Mutual recognition and harmonisation are in a certain sense the two legs that support the human being. One cannot walk well on one leg. Mutual recognition requires a high level of trust between the various systems. This high level of trust is possible because we share a common basis, that of a legal heritage which unites us all. Allow me to refer, as I did to a certain extent at the beginning, to the great historical heritage of Roman law. Our systems all come from this source, even Common Law for all that it was not drawn up from continental Roman law (let us say from the school of Bologna). It is for this very reason that the systems are not so distant from each other and this allows us to feel part of one single legal civilisation. We need, however, to reinforce this in such a way that we can use the instrument of mutual recognition to the full.

Mutual recognition and harmonisation. Not harmonisation as an end in itself, not as an instrument of homogenisation, nor as an instrument for cancelling out the differences of the various systems which often express the traditions by which our legal cultures are enriched, and our need to stick closely to the fabric of the social relationships of our countries, but harmonisation as a condition for creating that common trust without which we cannot respond to our citizens expectations. Such harmonisation requires both legislative and non-legislative instruments and the role we must all play is one which gives stability through legislation.

Here, I believe I have to state clearly and enthusiastically my agreement with Parliament's requests for us to anticipate as far as possible the new rules of the Constitution in all we do until 1 November 2006. As you know, that is the date when we will have a new Constitution, giving this Parliament significantly broader powers of codecision than before, powers which will extend to a whole new area.

Can we anticipate in this way? My intention is to do so as far as possible. I would remind you once again of an ancient maxim from Roman law 'Nemo potest alio plus iuris tribuere quam ipse habet', no-one can give another more rights than he has himself. We cannot direct the rights of the Council and, in many cases, we will be able to act only with Council's agreement, but as far as we are concerned, we want to anticipate the spirit of the new Constitution and our first opportunity to do so will be at the next European Council, where we can ask to move from the current intergovernmental system to a Community system, with full codecision of Parliament on

the basis of Article 67(2) of the Treaty establishing the European Community which provides the legal basis for our action. Not only would this have great practical significance, but it would also send a specific political signal of the will to move in this direction. I mean to say that the fundamental concern in this should be the right to citizenship: to grant everyone the right to feel that they are citizens of Europe. We must move towards a Community with a strong legal basis within which we can all feel that we are citizens, with no discrimination and with universal access to rights.

In accordance with Article 67 (2), we can carry out a wide range of legislative activity before 1 November 2006. Obviously, after that date, this will broaden even further and be better specified, so we will be able to produce truly precise European laws and legal frameworks. But legislation is not the only activity ahead of us. There is much to do with regard to promoting alignment between the different systems. Or, if you wish, instead of using 'alignment' we could say understanding and dialogue between the different systems. Here provisions for the exchange of information, the formation of a judicial body and the creation of a common image of the European jurist, as well as the spread of a European legal culture in all the public administrations are extremely important. We can take non-legislative action for this, obviously in conjunction with and recognising the competence of the Member States, but at the same time we can also develop a political function beyond what is possible on a purely legislative basis.

More and more, the European system is characterised not as a hierarchical and pyramid structure, but as a system in which different elements coexist, with qualitatively diverse but linked jurisdictions, and with a system of governance in which it is crucial for everyone to know what others are thinking and how they react to their legislative and generally political activities. To be able to do this, consultation is of prime importance and should be extended to those areas where it has been lacking until now. As far as I am able, I will try to pursue this decisively in order to achieve maximum participation.

I believe that there are certain areas where harmonisation needs to move forward. There is the issue of enforcing European bills which could be brought into effect immediately throughout the Union, as well as that of enforcing sentences. The right exists to realise in tangible terms a protected interest, and enforcement rules from this point of view are important. I would like to

stress the importance of enforcement procedures, for that is where there is a greater need to promote harmonisation and where we must also put common European solutions to the test. For example, we live in a Europe of 25 states, in all of which the major companies operate with the problem of getting payment in the same way. But there are also small firms operating in the smaller states. Even those operating in a small state, whatever their size, will need to go beyond their borders. We want to give them the means to allow them to enjoy uniform legal protection, at least on certain essential matters related to enforcement procedures.

Another issue raised by chairman Gargani on which I have to say something is the right of access to justice. We have to make sure that access to justice is as equal as possible for all, and that every European citizen in any part of the Union can exercise this right. We must also look at the question of how long it takes for a judgement to be made. This can be longer or shorter, but is always unacceptable in all our countries. Justice delayed is justice denied and often the decision is reached when the material object of the dispute has already disappeared. I recall the great jurist, Rudolf von Jhering who wrote a superb book on the objectives of law 'Der Zweck im Recht'. The law exists to protect people's vital interests. When carrying out the law does not obtain this result, then the law has failed.

We need a strong common commitment on all these matters, and I guarantee you my utmost determination. Let us not forget (as I said at the beginning), that law is what holds a society together. Creating European law means creating the basis for the realisation of the European ideal: a community of free people, living in peace, who have learned to resolve the controversies within themselves, among themselves and with the outside world not through violence, but through the law. The great German jurist, Karl Schmitt, said that politics is decision, and the first decision is that between war and peace. In fact, Schmitt, in certain aspects, preferred war. Europe, however, has opted for peace and the decision for peace is a decision for law. Another of the great men who founded Europe, Saint Augustine, left us a saying, 'justitia fundamentum regnorum', which I would like to adapt slightly to 'justice is the foundation of political communities'.

**Chairman.** – Thank you Mr Buttiglione. I think the applause shows how grateful we all are to you. Let me first give the floor to Mr Lehne.

**Lehne (PPE-DE).**- My dear Mr Buttiglione! First of all allow me to express my great pleasure that you are here today. In the last legislature, you and I worked together on a series of very difficult issues, and I think we managed very well. I would be delighted, if there were to be an opportunity in the course of this legislature to continue working together with equal success.

My question concerns an area which does not necessarily, at least as things currently stand, fall within your remit, namely the issue of the harmonisation of civil law. You know that the Commission, with the aid of specialists, is beginning work on the so-called reference framework for unified European civil law. This is currently under the overall control of the DG for consumer protection, but I could imagine that in a more developed EU - since it is not only a question of consumer issues - the Justice Commissioner would also be more heavily involved in this issue. What is your position?

**Buttiglione, Commission Vice-President-Designate.**- It would be too easy for me to say that I am fully in agreement. I do not want to start fighting with my colleagues. I would say that we have to work together and only later decide who should be the principle responsible for this issue. In any case I would, if possible, extend the question a little. We have only had the Directorate-General for Justice and Home Affairs for a few years, since Amsterdam. Many elements, which this principle should, in conceptual terms, contain, were previously dealt with by other areas. That was a stroke of good luck, of course, because otherwise they would not have been able to be dealt with at all. But at that time, we still had an 'economistic' vision. At that time the Community was concerned only, or principally with economics and we were an economic Community. We are now a Community of citizens. It would therefore perhaps be a good idea, to bring these various fragmented areas together, and, where possible, deal with them under a single, unified political heading.

**Berger (PSE).**- I am also delighted, Mr Buttiglione, to be able to greet you here, and the question put by Mr Lehne has just indicated that we have a problem of competence. This committee has very many areas of competence, which fall within the remit of other Commissioners, for example in the area of the internal market. I still don't quite understand why you have to go through a second hearing with us. There are certain points of contact, but this committee's main focus does lie rather within the remit of other Commissioners. Since I am one of those who worked together with you on the successful negotiations of the legislative package on public procurement, I should also like to acknowledge the quality of collaboration I enjoyed with you.

You yourself have already raised the area of civil law and the progress we can aim at once the new constitution has come into force in the near future, we hope. One of the areas of applications of the new Article 269 will also be family law, and you yourself have also referred to the principle of mutual recognition, which must, however go hand-in-hand with a corresponding harmonisation. This strikes me, per se, as a very balanced approach.

However, unfortunately I cannot pretend that I was not at your hearing before the Committee on Civil Liberties yesterday, and did not hear your statements on what you conceive the family to be. For that reason I must now ask you whether, despite your personal view of the family, of the role of women, which is still too strongly anchored in Roman law, and of homosexuality, we can imagine that forms of family life at present still slightly atypical, must also be included under mutual recognition, and that you will be fully committed to this?

**Buttiglione, Commission Vice-President-Designate.**- Thank you for the question. First of all I am here because you invited me. Otherwise I would not have come. I am pleased that I was invited. I maintain that we need a solid core in all these areas. This core should in principle be the Commission's Justice and Home Affairs, and on the other side, your committee in Parliament. We need not only harmonisation of the various national legislations of the Member States, but also within the European institutions, within Parliament and within the Commission. I see no other institution that could play a coordinating role in this area, other than this parliamentary committee on the one side, and on the other, my department in the Commission. Overall, I am glad I have come here today, and I am pleased to be able to negotiate and talk with you.

Concerning the family: I have the impression that my ideas about the family have not been properly understood. I did not say at all that I would like a family where the wife does not work or stays at home to have children and rear them. That is not my dream of what the family should be. What I said was something different. I said that women today are overburdened, and that we need to develop a policy for women which will allow them to be mothers on the one hand and on the other allow them to develop their own talents professionally. We need a policy for this, because the market alone does not give women this possibility. This an important responsibility, because the family plays an essential role, i.e. produces and rears children. We have found no appropriate replacement for this role.

There exists very serious literature on these issues. I would like, perhaps, to cite the name of Bruno Bettelheim, an Austrian.

*(The Chair interrupts the speaker)*

As far as homosexuals are concerned: I am in favour of non-discrimination, without exception. They have the same rights as all other human beings in Europe, no more and no less.

**Chairman.** – Since three minutes are allocated for questions and answers, I would remind you that, the shorter the question, the fuller the answer can be. We shall bear in mind that Mr Buttiglione has already been through one hearing and is now undergoing a second, which, I think, raises his stature as a Commissioner. Mrs Wallis, you have the floor.

**Frasconi (Verts/ALE).** – Commissioner-designate, you spoke of mutual recognition in connection with the question of harmonisation of laws and I too believe that, particularly for matters such as freedom of movement, mutual recognition enables us to avoid running up against the principle of harmonisation or the principle of subsidiarity, which you have often mentioned in recent times. There is a consultative document by the Commission on the future of the area of security, justice and freedom which says that: ‘Regarding judicial cooperation in civil and commercial matters, the implementation of the mutual recognition principle needs to go further particularly as regards family law and the enforcement of judgments, in guaranteeing rapid and effective procedures so that individuals and firms exercise their rights’. Clearly, in order to ensure that mutual recognition guarantees freedom of movement, we need to take into account recent developments in family law in some countries and the fact that families are defined in different ways in different countries. In the light of what you have said regarding the importance of mutual recognition and in the light of what the outgoing Commission says, I should like to know whether we can expect from you in the months and years ahead an initiative recognising freedom of movement that also extends to families defined in a way different from how they are defined at present.

**Buttiglione, Commissioner-designate** – If the question is whether to expect a European directive recognising marriage between homosexuals, the reply is clearly ‘no’! The Union does not provide a definition of marriage. In the Commission’s documents you will find definitions by other legal bodies, but, strange as it may seem, there is no common definition of marriage. However, if the question is whether the effects on property or other matters deriving from the break-up of a marriage should be harmonised - since then the focus would be mainly on the break-up - or whether to expect a similar initiative to enable effects on property and other matters to be regulated in such a way as to make people’s lives easier, then the answer is ‘yes’ - although it remains the case that each state is sovereign in determining what does or does not constitute a marriage.

**Borghezio (IND/DEM).** – In your previous hearing with the Committee on Civil Liberties, you said that you were in favour of all countries of the European Union participating in the European arrest warrant, which some people, particularly in Italy, believe poses a very serious threat to civil liberties. Knowing you as I do and having been able to appreciate at the hearing your attachment to the values represented by European civil liberties, I wonder whether you also intend to undertake to safeguard civil liberties from what could prove to be a ‘moloch’ for Europe, the proposed European public prosecutor’s office, bearing in mind also the current lack of harmonisation and the remote as well as recent past of at least part of the current Italian judiciary. Not to mention the prospects of finding oneself before a judge steeped in the human rights traditions of Turkish law.

Secondly, I should like to make a plea on behalf of the veterans of ’44, who recently applied once again for a judgment by the Italian Constitutional Court recognising their rights as forced labourers in German camps. They wanted me to intervene to ask the future European Commissioner to look into this sensitive issue.

**Buttiglione, Commissioner-designate** – With regard to the second part of your question, I should be happy to meet you to discuss the problem to see what can be done within the terms of reference of the Commission to assist these victims of the war and national socialism.

With regard to the first part of your question, I can confirm that Italy has undertaken to transpose the European arrest warrant into domestic law. President Pera was kind enough to inform me yesterday that Eurojust would be brought before the Senate this week and the European arrest warrant next week. Furthermore, the doubts you express over the European arrest warrant are not entirely without foundation. Perhaps it would have been more reasonable to begin with harmonisation of the rights of the defence and protection of citizens' rights via a European habeas corpus. Yet we must not forget that 11 September has happened, creating a pressing need to give priority to the fight against terrorism. Commissioner Vittorino has already launched an action line focussing on 'protection of rights' and Mr Gargani referred to it earlier when speaking of access to justice. We must guarantee a minimum level of basic protection for the rights of all European citizens and this will help to create that climate of mutual trust that will pave the way not only for full acceptance by everyone, including those who have opposed the European arrest warrant, but will also enable us to overcome some of the problems in transposing the joint decision on the matter, as well as some of the doubts and difficulties that have arisen in various countries, such as the Czech Republic, the United Kingdom and Ireland.

**Libicki (UEN).** - Commissioner-designate, the views of our generation are changing on the relationship between nations and societies and the right to such practices as abortion, euthanasia, same-sex marriage, cloning, genetic engineering or stem-cell research using human embryos. Some people find this morally extremely reprehensible, while others are morally indifferent. All of us should see this as a great challenge for civilisation. Meanwhile, as we have recently witnessed, these issues are dealt with by means of legal expedients such as freedom of movement, freedom of information and freedom of scientific research. Do you not think that it undermines the dignity of European law to handle the great problems of civilisation in such ways?

My second question is this. We are witnessing more and more overproduction of laws. The family, civil and penal codes grow ever thicker, as do national constitutions, not to mention the draft constitution of the European Union. What is your opinion on this overproduction of laws and the intrusion of laws into areas of people's lives which were not governed before by law, but by morality?

**Buttiglione, Commissioner-designate** – I am a firm believer in the importance of ethics and morals. Nevertheless, societies need law because law regulates the co-existence of different peoples and enables those who have different beliefs and morals to live together and work to build the same common good. We are now at a stage in the history of mankind where it is possible for man to manipulate his own destiny. Man's powers have developed far beyond what was previously possible. This ability to change our own destiny places a greater moral responsibility on our shoulders. It is worth recalling the brilliant insight shown by Goethe in 'Faust', where he shows us how much damage an apprentice sorcerer can do when he believes it is morally acceptable to do anything that is materially possible. Then there is Wagner, Faust's foolish servant. We are trying not to be foolish servants. A great debate is needed on these questions, one in which I personally have already taken part and intend to continue doing so. Clearly the European institutions can only encourage this debate and then reap the fruits of it after mature reflection.

The third question you raised concerns not whether morals are sufficient without law, but the fact that law has become too complex - and here I fully agree. An enormous amount of simplification needs to be done and this Commission undertakes to carry out extensive streamlining of European law, where possible by bringing fragmentary provisions within a single framework.

The question has been raised of a possible European code of contracts. Perhaps it is not a code that is needed but rather a law to organise and bring together existing and future legislation on contracts. This would help the legal world, but above all the citizen.

**Chairman** - Commissioner-designate, before moving on to other questions I wanted to raise one matter. It is an organisational problem rather than a question of substance. It is something to which I am very attached, probably because of my long period of service as an Italian Member of Parliament. It concerns attendance at parliamentary committee meetings by the Commissioner. Since the inter-institutional agreement stipulates that there should be a constant presence by the Commission, I should like you to give an undertaking to the committee that you will be willing to attend whenever we invite you and whenever we hold a debate or examine in depth problems relating to the programme you are setting out here.

The second thing I wanted to say, and I think you are aware of it - although I only learned of it last year - is that 18 October has been designated the European Day of Civil Justice. Civil justice is the main part of our work and you made a very important remark in this connection, pointing out that peace depends solely on the law and that Europe must be a Europe of peace. Yet spend our time dealing with emergencies, in other words criminal law. In order to unite Europe, it would be better if we spent our time on civil law. This day is therefore of particular importance. I do not know what plans there are for 18 October or whether the parliamentary committee can be involved. This is an important date which should be used to focus on the issues and not just the folklore. So if you have any ideas about this important annual event, I think that would be very valuable.

**Buttiglione** *Commissioner-designate* - On your first point, Mr Chairman, I had already given a brief reply, but I am happy to return to the matter. I am fully disposed to attend meetings of this committee whenever I have the honour to be invited. I will provide you with a list of my work commitments in order, if possible, to avoid clashes which would place me in the difficult situation of having to choose whether to attend a committee meeting or fulfil some other function required by my position. I firmly believe that it will be possible to maintain a sound and solid relationship. With regard to the Day of Civil Justice, I share your belief in the vital importance of this event, as we are under no illusion that progress in this field can be made only through legislation. We must move ahead by fostering and promoting a process that will help to develop a civic consciousness. I do not know what preparations have been made for this year's event, but I am sure that Commissioner Vittorino has given some thought as to how to involve the parliamentary committee. In any case, I shall be sure to inform the Commissioner of your wishes. With regard to the 2005 event, for which I shall be responsible, you may be certain that the committee will be fully involved.

**Buttiglione, Commissioner-designate.** - Thank you for asking that question. The reply is simple: yes. I am doing my utmost to achieve that result. We know that in this area we can probably achieve a lot more through conviction, dialogue, pooling of experience and the pressure that comes from the knowledge of how other countries have solved their problems without resorting to direct legislation which, particularly in the case of constitutional law, is obviously only a very remote possibility for us, if indeed it is possible at all.

As to the issue of minorities, I would repeat what I said to the previous committee. As an Italian, I am very proud of the way in which in Italy the full exercise of not just individual rights but also the rights of the minorities living in the country has been guaranteed. I think this stands as a good example and one which I, as Minister for Community Affairs, have systematically brought to the attention of countries that have applied for membership of the European Union - both those in the first wave that has already been completed and those in the next wave. Europe must be a place in which people who have different ethnic origins and who speak different languages can all share the benefits of the same political structures on a basis of total equality.

**Doorn (PPE-DE).** – Mr Buttiglione, you are partly responsible for the Interinstitutional Agreement. That is good, because I have three questions about it and, in particular, about the point to do with reducing administrative costs, which is one of the big problems currently facing us in Europe. Do you agree that reducing administrative costs is a collective responsibility of all the commissioners? Can you confirm that, when drawing up new rules, the Directorates for which you are responsible will apply impact assessment on a consistent basis to avoid new administrative costs? And will you ensure that your Directorates have sufficient know-how and are able to apply the procedures required for assessing administrative costs in a flexible way?

**Zingaretti (PSE).** - Commissioner-Designate, I have read up on the subject of the European arrest warrant because I feel that the time has come for the matter to be cleared up and for your opinion to be made known. As you know, the delays in Italy are no accident and will need to be addressed by you as a Commissioner who believes in Europe, which is something about which I have no doubts. The Italian Government signed the framework decision, but has not submitted an implementing bill and the majority in parliament has made radical changes to the opposition's text and actually made the situation worse than under the current European Convention on Extradition. The disagreement focused in particular on several provisions placing major restrictions on the framework decision which, in accordance with your own wishes, involves a system based on trust among the various courts. If, however, the text is adopted, a request for arrest made by a third country would once again be submitted to an Italian court for a ruling, thus creating a wholly new judicial review stage at national level. This would make the framework decision extremely difficult, if not impossible, to implement. I should like to hear your views on this restriction - which, as far as I can see, is relatively major - that your majority has placed on a European framework decision, and, given that you have announced changes, I should like to know whether you think these changes will be in line with those put forward by the majority of which you are a member in Italy.

**Gargani (PPE-DE).** - And the European aspect?

**Zingaretti (PSE).** - Obviously, because you said earlier that you intended to put forward changes.

**Buttiglione, Commissioner-designate** - You can explain it to me afterwards if you wish. I have no intention of putting forward changes to the framework decision or the transposing legislation in the individual Member States. I take the view that we should pursue a policy of protecting rights and I have based my approach on Commissioner Vitorino's Green Paper on rights. It is not a question of changing the European arrest warrant, but of furthering a wholly desirable process of harmonisation from the standpoint of rights rather than that of punitive action by the State.

As regards the situation to which you referred, the question of whether the Italian transposing legislation does or does not distort the European arrest warrant is something that we shall assess once the act has been adopted and duly forwarded to us.

Mr Chairman, I should like to move away from the situation in Italy and make a remark of general European import. There are two fundamental issues here. The first is the abolition of *exequatur*, in other words the right of the political authorities to refuse to execute a decision. I think that all the Member States agree to this. And transposition appears to have been relatively uniform, although I do not have enough information to be able to draw any firm conclusions about the transposing legislation. The second issue is the right of the judicial, rather than political, authorities to check whether a few preconditions - such as the act also constituting an offence under national law - are met. Problems may well arise in Italy in connection with this specific issue, but there are also a lot of problems in other countries. Once we have received all the transposing legislation, we shall monitor the situation and decide what to do.

**López-Istúriz White (PPE-DE).** – Mr Chairman, I should like to thank the Commissioner-Designate for two reasons: first, and not least, for being someone who has demonstrated and publicly said that he has principles in a day and age when it would appear that principles and values are something to be ashamed of. Fortunately, our Commissioner-Designate has demonstrated what he believes and I am reassured to know that his principles are also those of the European Constitution.

I would also thank him for his brilliant expositions both yesterday before the Committee on Civil Liberties and today in Legal Affairs. He has made manifest his magisterial command of this subject. On that basis, I want to ask him about a proposal that exists by the European Council to modify a directive of 1997 on money laundering. There are measures for controlling money laundering, a most important issue, as the Commission will know, in our country, in Spain, because of terrorism and the sources of illegal funding for terrorism.

It is no less certain that this in some sense affects possible future controls on the activities of the liberal professions. Many members of this committee, if not most of us, are lawyers, and we have some understandable personal concerns with regard to possible limitations.

**Buttiglione, Commissioner-Designate.** - I am very grateful to you for what you have said, it is important to have principles and I hope to be faithful to my principles in the service of the European Constitution and the European Union.

The problem that you raise is a difficult problem. I believe that there has to be monitoring of the results of the implementation of the directive, so that we can see what is really important and necessary and what is not.

What is necessary to combat terrorism, is justified; what is not, and it is possible that there are certain things which are not necessary to fight terrorism, is an unjustified attack on the liberal professions and on citizens in general. This can be revised.

This is not an issue which falls directly within the powers of this Directorate-General, but I think it is important to speak to the Internal Market Commissioner and see what the result is of a re-examination following the first period of the directive's application so as to verify the results and see, on the basis of the results, what is necessary and what is not. Because we very frequently set off, with a very good, very concrete reason, fighting terrorism, and there are lots of things which get added which do not always have much to do with the original purpose.

**Antoniozzi (PPE-DE).** - Thank you, Commissioner-Designate, both for appearing before us and for your introduction to today's extremely authoritative and fertile debate. You have in fact already covered some of the questions that I wanted to ask you. I shall therefore confine myself to raising a matter which I think is of great concern to all members of the public and to which you referred in your introduction, namely the slow workings of the Member States' legal systems. Delays in legal proceedings are inevitably leading to disaffection with the public justice system. Alternative channels such as mediation or arbitration can provide useful practical solutions, but cannot take the place of the courts, which naturally come within the State's preserve. So, in your view, what areas should the public justice system cover and what role should be played by alternative means of settling disputes, if this is a matter that can be considered at Community level?

**Buttiglione, Commissioner-designate.** - Thank you for asking this question, which focuses on one of the fundamental aspects of the present situation. The difficulties involved in obtaining a rapid ruling from the courts, particularly in commercial and civil matters, are leading people to explore alternative channels. The principle to which you referred, namely that the existence of forms of arbitration and mediation cannot deprive anyone of the right to apply to the courts for their rights to be upheld must stand firm, as this is a fundamental right. However, the use of such instruments is, I think, spreading from a few areas in which it was originally more common, into other areas. I would not, in principle, wish to place any limits on this spread. Arbitration and other alternative instruments are serving as a safety valve without which our economic systems would probably shut down. We are focusing on monitoring developments in this field, which, naturally, we cannot regulate to any great extent from outside, and on promoting codes of practice that are adopted on an independent basis by operators in the sector and that provide sounder guarantees to the users of such means of dispute resolution.

The fact remains, however, that this is not an adequate solution to the problem. It is a fallback solution whose importance should not be under-estimated but one which must not distract our attention from the issue of what can be done to reduce the length of court proceedings. In many cases, the length of court cases has become a punishment in itself. Paradoxically, in many systems, sentences are handed down ever later and ever more rarely, but the very fact of being involved in a trial can in some cases result in a person's life being destroyed as they watch their companies and even their families falling apart. This is not right when the person concerned is eventually found innocent. We must find a way of upholding rights in this area as well. The Commission cannot do an awful lot in this area, but it can do something. This obviously does not come within the Community legislative sphere, or does so only marginally; however we can open up appropriate channels for action and comparison. The work we are performing with a view to forging links between the various legal systems and the fact that we can intervene in cases with cross-border implications are useful levers in our hands. We must, of course, cooperate closely with Parliament and, above all, the Member States.

**Szejna (PSE).** - Commissioner-Designate, allow me to put this question in Polish which, as a matter of fact, is probably not such an unfamiliar language to you, given the numerous lectures you have given at the Catholic University of Lublin. I would like to ask, in connection with the creation of numerous new powers, about the work of the institutions of the European Union, particularly those which function on an international scale such as Europol and Eurojust. What, according to you, should the criteria be for assessing their efficiency and productivity? How do you evaluate the work of Eurojust today, especially given the prospect of its being converted into the European public prosecutor's office in accordance with the Constitutional Treaty, and what, according to you, should be the evaluation criteria when setting up new European Union institutions or reforming existing ones?

**Buttiglione, Commissioner-designate.** - Thank you. It is a joy for me to hear Polish being spoken in this room. As you have so kindly pointed out, I made a small contribution to the Polish people's great struggle for freedom, which was in fact a struggle for both freedom and for Europe. We must not forget that, at the time, Europe and freedom were closely linked in the minds of the Polish people and I believe that this will continue to hold true in the future. The issue you have raised is of great importance.

Right, first Europol. We need to make Europol stronger and we must ask the Member States to give Europol greater support. The information which the Member States give Europol is not always of the highest quality. As a result, the analyses made by Europol are not of a high enough quality. It is a vicious circle which we must break: with better information and more cooperation from the Member States, Europol will be more effective.

Now Eurojust. Eurojust is now a pillar of the policy that we are in the process of establishing, and the idea of a Public Prosecutor's Office is something that needs to be worked on. However, a prosecutor's office needs a court and a body of law. So we must be very careful when we determine the law on the basis of which the office is to operate and the court within whose jurisdiction the office is to carry out its duties. These are complex matters. I am in favour of a prosecutor's office, but I do not wish to play down the difficulties involved. If they are not satisfactorily resolved, we are likely to get nowhere, and that would not be good news for the European institutions.

**Gargani (PPE-DE).** - It would be better to stick to politics; to learn something about politics instead, which would not do any harm either. Mrs Frassoni, this is the second time you are taking the floor as well.

**Frasconi (Verts/ALE).** - No, that is not a problem. First of all, Commissioner-Designate, I must say that your reply to Mrs McCarthy surprised me somewhat, because in that reply you again tried to maintain the rather contradictory position that when someone has moral convictions, those convictions have no impact on political matters. They quite obviously do, as you yourself have said, because when faced with a proposal which goes against your moral principles, you will fight it. You have said so yourself. So the rather rhetorical discussion that lasted the whole of yesterday afternoon has, in a sense, reappeared here today in your reply to Mrs McCarthy. It will be interesting to see how this will work in practice.

I should very quickly like to ask you a question about your reply to question 8 on comitology. I must confess that I found your answer rather surprising, because it was negative. We asked whether, as regards comitology, it would be possible in your field, which we hope will soon - and at all events before the Convention's text is adopted - take on a legislative dimension, to bring forward some of the provisions set out by the Convention, particularly those dealing with transparency and control by Parliament over the executive procedure. Your reply was negative, and I should like to know why.

**Buttiglione, Commissioner-designate** - On the first matter, I am sorry to disappoint you, but I am not a very intelligent person and am not bursting with ideas, which is why I get used to the ones I have and do not often change them. What I said does not in any way contradict what I said yesterday. Yesterday, the question was: Do your moral principles prevent you from accepting the principle of non-discrimination when applied to homosexuals? My reply was: No, my moral principles allow me to accept it. I hope that when someone threatens the freedom of the European Union, you yourself will want to have a Commissioner who stands up against the threat because of his moral principles. This is what the struggle for freedom has always been based on. The struggle for freedom is not merely a political matter, it is above all a moral issue, and your Polish colleagues could confirm this from their own recent experience.

My reply to the other question is extremely simple. I hope that we shall move as soon as possible from the old system to the new system, thus allowing me to provide the Commission with more material, a greater degree of transparency. Until that happens, my hands are tied by the fact that some types of information are available to some people and not others. The decision is not mine to make; it is mine and the Council's, and I obviously cannot undermine the Council's rights. In practice, I think this affects other committees more than this one, because as I was saying earlier this committee's activities come under the first pillar and so I do not see it as much of a problem, since the conditions required for the provision of comprehensive information already exist. If it is not comprehensive, we will work towards making it so. Wherever those conditions do not exist, I myself am willing, but cannot give what is not mine to give. You will of course know, given that the issues of privacy, the right to information and the availability of information were widely discussed in this Parliament, that we cannot make use of information relating to a user without having first obtained that user's consent. This is the principle on which the right to privacy is based, including at institutional level.

**Panayotopoulos-Cassiotou (PPE-DE).** - Mr chairman, I should like to return to the subject of the family, one to which our Parliament attaches particular importance. Commissioner-Designate, I should like to ask you whether you think it will be possible to reach agreement among the Member States on a joint platform, one which acknowledges the specific characteristics of the family, its right to citizenship and the role of family associations. Can such a policy lay down general principles concerning the rights and needs of the family? Can these family policies be separate from and cut across other European Union policies and complement the latter? I ask myself how people can love what nature provides, how people can claim to have a green outlook and yet not take a positive view of the family, the natural heart of our society.

**Buttiglione, Commissioner-designate.** - Thank you Madam, yes, I believe that there is much that we can do for the family over the next few years. The Constitution makes explicit reference not once, but twice, to the family and the rights of the family. This is very important, because the legal impact is strengthened, and will be strengthened even further as from 1 November 2006. As things stand, the Constitution has no legal force, which is why we must act in accordance with the existing legal basis. Nevertheless, on that basis we can do more even now. I think that this should be one of our priority concerns. Naturally enough, every effort must be made to achieve a consensus, because there are widely differing views on what the family is, there is a discussion on the role of the family, but I fear that it will not be possible to achieve, across all the political groups, agreement on the need to lend strong support to the family and to children. The family is an institution for the protection of children and children represent the future of Europe. The problem of falling birth rates is now a very serious one in all the EU Member States and I believe that priorities are changing in many countries. I am thinking, for example, of the platform put forward by Mr Clinton, not Mr Bush, in the United States, which made family values a central feature of the Democratic platform. What is more, progress has also been made in the Republican platform, to the extent that there is now general agreement on the priority to be given to family values and the need for a strong policy in support of the family. I feel that this has already had an impact in European cultural circles and I hope that impact will increase in the future.

**Chairman.** - Commissioner-Designate, we have reached the end of this hearing. I think you will agree that today's discussions have been calm and composed. The members of my committee have an understanding that allows them to overcome divisions and focus on European issues. I thank you on behalf of my colleagues. You have approximately five minutes in which to wind up. We are running a little short of time, but if you would like to say a few last words, please do.

**Buttiglione, Commissioner-designate** - Mr Chairman, I would simply like to thank you and your committee. Parliaments are the fundamental institutions of democracy. This does not mean that they are perfect; they are sometimes sectarian; sometimes unjust; and sometimes the scene of fierce clashes. However, if this essential forum for debate did not exist, it would be impossible for the representatives of all the different opinions, all the different spiritual beliefs, to be found in any political community to express themselves and finally reach agreement on a number of issues that enable us all to feel part of the same European Union. I believe that this hearing has been an important exercise in democracy and should like to thank each of you for taking part.

**Chairman.** - I am afraid that we must vacate the room as quickly as possible, because another hearing is scheduled to start. Mr Buttiglione is the only one to have had two hearings.