

Mr. Jerzy BUZEK
Chair of the Conference of Committee Chairs
PHS 08 B046
BRUSSELS

Subject: LIBE evaluation of Commissioner-designate Dimitris AVRAMOPOULOS

Dear Mr. Buzek,

In accordance with Rule 118 of the Rules of Procedure of the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs held a public hearing on Tuesday 30 September 2014 with Commissioner-designate Dimitris Avramopoulos, who, subject to the positive outcome of the nomination procedure, will be responsible for Migration and Home Affairs.

Prior to the hearing, the European Parliament had sent the Commissioner-designate a list of written questions. Two common questions were approved by the Conference of Presidents and three specific questions were prepared by the LIBE Committee in its area of responsibility. The Commissioner-designate replied in writing to the questionnaire.

The course of the hearing

The hearing opened with an introductory statement of the Commissioner-designate of 15 minutes, in which the Commissioner-designate referred to the Charter of Fundamental Rights, the importance of ensuring openness and security, the Common European Asylum System, the importance of international and European solidarity and resettlement, the need to tackle irregular migration in full respect of fundamental rights, the importance of maximising the benefits of international mobility, the priority that will be given to the revision of the Blue Card Directive and to the negotiations on the Directive on students and researchers, Schengen as one of the greatest achievements of European integration, the importance of efficient border management, Frontex and the possible creation of a European Border Guard System, the fight against organised crime (including smuggling, trafficking in human beings, terrorism, and cybercrime) and the recent judgment of the Court of Justice on the Data Retention Directive.

The introductory statement was followed by a first round of 8 questions from representatives of each political group and of the non-attached Members. After the replies by the Commissioner-designate to the first round of questions, the Members of the LIBE Committee asked 37 further questions.

The Commissioner-designate then made a closing statement, followed by the Chairs' conclusion of the hearing.

Evaluation

On the basis of the written answers to the questionnaire, as well as the responses to the oral questions during the hearing, the Committee on Civil Liberties, Justice and Home Affairs is giving the following assessment:

The Commissioner-designate has shown his aptitude to become a member of the College of Commissioners and is qualified to carry out the particular duties he has been assigned.

As a general profile, Mr. Avramopoulos is an experienced candidate with strong political skills. As far as the competences related to the area of responsibility of the LIBE Committee are concerned, the candidate showed a sound knowledge of his portfolio.

He showed commitment to establish close cooperation with the European Parliament based on trust and mutual respect, and in particular constructive cooperation with the LIBE Committee, notably with a regular exchange of views with the Committee.

The Committee also appreciated the candidate's commitment to keep the LIBE Committee regularly updated on the state of play of the implementation of all EU instruments under his responsibility, including infringement proceedings (he committed to launch infringement proceedings, when necessary, against any Member State which would not comply with the EU legislation without exceptions) and fully informed on the negotiations of international agreements.

The Commissioner-designate stressed the need for a holistic legal migration framework, for a complete and consistent implementation of the Common European Asylum System and for the provision of safe and legal routes into the EU. Further clarification on this issue will be needed in a future LIBE Committee meeting once confirmed. The Commissioner-designate declared his availability to undertake a "fitness check" of the legal migration legislation in place.

In his replies, the Commissioner-designate referred to the detention of minors. The Committee recalls that as a general rule minors should not be detained. The existing EU legislation allows for detention of minors only in specific and highly exceptional circumstances. Further clarification of this issue will be needed in a future LIBE Committee meeting once confirmed.

The Commissioner-designate's expressed his engagement to consider as a high priority the negotiations of the recast Students and Researchers Directive.

The Commissioner-designate stressed the importance of the external dimension of this policy area and answered specific questions on some readmission agreements with third countries.

The Commissioner-designate promised to be the strict guardian of the implementation of the Schengen rules including the absence of controls at internal borders. He committed to inform the Committee regularly on developments concerning the Schengen rules and to improve them further with the help of the Committee. He considered an aim to be common European rules for the common external border. With regard to the enlargement of the Schengen area to Bulgaria and Romania, he stated that both countries fulfil the conditions for accession and he committed himself to support the aim of Schengen area membership of these two Member States in the near future.

Asked about the competences and resources of Frontex, the Commissioner-designate called on the Committee to support an initiative he intends to launch in view of strengthening the agency. He emphasized in particular the search and rescue dimension of Frontex and of the need to provide the agency with more resources, including financial ones.

The Commissioner-designate called for the Smart Borders initiative to advance. Europe as a main tourist destination needs a modern system which guarantees fundamental rights and proportionality. He acknowledged that there are reservations with regard to this initiative (mentioning, for example, proportionality, respect for fundamental rights and costs) and committed to take them seriously. He stated that at the start of 2015 there would be a revision of the proposal referring to the on-going study and planned pilot programme. He mentioned that overspending, such as that which occurred with SIS II, has to be avoided and considered the work of the Court of Auditors, which did a report on SIS II, of notable importance.

The Committee welcomes the Commissioner-designate's commitment to combat organised crime and terrorism. The Commissioner-designate indicated his intention to devise an updated framework for European action to combat organised crime, with focus on fundamental rights and synergies with external actions. He also indicated his particular attention to the fight against smuggling of migrants, actions against cybercrime and improving exchange of information for police cooperation. The Commissioner-designate announced a new action plan for 2015 to fight smuggling, using investigation, intelligence, innovation and international cooperation.

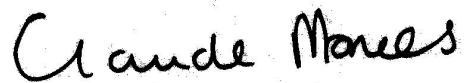
The recent threats posed by foreign fighters are a concern shared by the Committee and by the Commissioner-designate. Exchange of information, cooperation among Member States and appropriate action in the field of prevention, counter radicalism, law enforcement and terrorism financing are key therein. In this respect, the Commissioner-designate indicated his willingness to analyse EU and national terrorism measures to see whether they comply with fundamental rights.

On the implications of the Court of Justice judgement on the Data Retention Directive, the Commissioner-designate stressed that he will examine the best options for the way forward in an open dialogue with the European Parliament and fully respecting the principles of proportionality, privacy and the protection of fundamental rights. He also stressed the existing link between data retention and PNR.

As far as the competences related to the area of responsibility of the LIBE Committee are concerned, the candidate showed commitment, knowledge and European credentials. However, his answers at times lacked detail and concrete proposals.

The Committee is looking forward to regular and fruitful cooperation with the Commissioner-designate.

Yours sincerely,

A handwritten signature in black ink that reads "Claude Moraes". The signature is written in a cursive, slightly slanted style.

Claude MORAES

CC Martin SCHULZ, President of the European Parliament