

COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME
AFFAIRS

COMMITTEE ON THE INTERNAL MARKET AND CONSUMER
PROTECTION

COMMITTEE ON LEGAL AFFAIRS

INVITED COMMITTEES:

COMMITTEE ON CONSTITUTIONAL AFFAIRS

COMMITTEE ON CULTURE AND EDUCATION

COMMITTEE ON BUDGETS

COMMITTEE ON BUDGETARY CONTROL

COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

HEARING OF MICHAEL McGRATH

COMMISSIONER-DESIGNATE

(Democracy, Justice and the Rule of Law)

TUESDAY, 5 NOVEMBER 2024

BRUSSELS

1-0002-0000

IN THE CHAIR:**JAVIER ZARZALEJOS***Chair of the Committee on Civil Liberties, Justice and Home Affairs***ANNA CAVAZZINI***Chair of the Committee on the Internal Market and Consumer Protection***ILHAN KYUCHYUK***Chair of the Committee on Legal Affairs*

1-0003-0000

(The hearing opened at 09:03)

1-0004-0000

Javier Zarzalejos, *Chair of the LIBE Committee*. – Please take your seats.

Dear Members, dear Commissioners-designate, dear all, I would like to welcome you, both those present in the room and those watching us live on web stream, to the confirmation hearing of Michael McGrath, the Commissioner-designate for Democracy, Justice and the Rule of Law.

This meeting is held jointly with my colleagues from the Internal Market and Consumer Protection Committee and the Legal Affairs Committee, to whom I will pass the floor shortly for their introductory remarks.

Having received your replies to our written questions, Commissioner, we take note of your readiness to cooperate with the European Parliament, to be regularly present in our meetings and plenaries, to follow up on Parliament's legislative initiatives and share timely information with us as co-legislator and arm of the budgetary authority.

We obviously count on you to inform our committees in advance of all upcoming proposals and to provide us with detailed justifications when urgent action is required. This will ensure transparency and allow Parliament to properly exercise its prerogatives.

The Commission should indeed be an honest broker in all legislative procedures and interinstitutional negotiations, ensuring equal treatment of Parliament and the Council. This is very important in the context of the revision of the framework agreement between the European Parliament and the Commission, and we count on you to fulfil these commitments.

Mr McGrath, if confirmed, you will be entrusted with a portfolio which includes topics falling in the remit of the committee I represent, such as democracy, the rule of law and the protection of fundamental rights, media freedom, and strengthening the fight against corruption. Therefore, we are ready to hear your plans on how the rule of law can be effectively upheld within our Union, and the protection of fundamental rights and our democracies reinforced.

You will also have in your remit aspects linked to criminal justice and data protection, and we are here to hear more about your commitments in those areas.

But your mission goes further, and I will now pass the floor to my colleague representing the IMCO Committee, Anna Cavazzini, for her opening remarks. Anna, the floor is yours.

1-0005-0000

Anna Cavazzini, *Chair of the IMCO Committee*. – Thank you, Javier, and also, in the name of the IMCO Committee, I welcome you, Commissioner-designate, dear colleagues, but also all the guests also who are watching online, to this hearing.

You know that consumer protection is at the heart of IMCO's portfolio and also yours. Consumer protection affects the everyday life of citizens in the European Union. It's very close to the EU citizens. It's contributing to make the single market work effectively. So I want to really underline the importance of this hearing. We look forward to commitments, to clear commitments, how to protect consumers and how to empower consumers in the digital and green transitions. We regret, of course, that consumer protection is not part of your title. Nevertheless, we trust that it will constitute a significant pillar of your work.

I would like to inform all of you that before the hearing, Mr McGrath replied in writing to a questionnaire. The written answers have been distributed to all Members in all languages. In line with the guidelines for approval of the Commission – this is Annex VII to the Rules of Procedure – during the evaluation of the hearing, coordinators have to state clearly whether they consider the candidate to be qualified both to be a member of the College and to carry out the particular duties he has been assigned to.

I would like to also inform you that the confirmation hearing will be streamed live on the Parliament's internet site, and it will also be possible to access the video recording of the hearing on the same site a couple of hours after the hearing.

Interpretation is provided in all 24 languages and as usual we ask all the speakers to speak clearly and slowly, and you can of course also use your own language.

Now I would like to pass the floor to my colleague, the Chair of the JURI Committee.

1-0006-0000

Ilhan Kyuchyuk, *Chair of the JURI Committee*. – Thank you, dear Anna. First, the overall structure of the confirmation hearing: the Commissioner-designate will be given a maximum of 15 minutes for a presentation and then we will proceed with three rounds of questions. So, the first round of questions by the political groups' coordinators. Then, the second round of questions based on the overall distribution of speaking time among the political groups. This will include a representative from the non-attached Members and the round will be concluded by questions by the chairs of the invited committees, and we have many of them today. And lastly, we go to the final round of questions by political groups in reverse order. The Commissioner-designate will have 5 minutes at the end of the meeting for a closing statement.

I want to recall that the Committee on Legal Affairs assessed the question of potential or actual conflict of interest, and has raised no objection to the holding of this hearing. Commissioner-designate, this confirmation hearing will also cover the remit of the Committee on Legal Affairs, which is very important for the EU citizens, as it touches on their daily lives. This will include areas that have not necessarily been fully fleshed out in your mission letter, but they do fall fully within the justice portfolio, such as cross-border cooperation in the area of civil justice, civil law, company law, commercial law, contractual law, procedural law, family law, and ethical aspects of the virtual worlds or the future of justice, as explored in the recent Draghi report.

Today, we bring jointly our three committees to this confirmation hearing, as we often cooperate with each other when it comes to all the elements of your portfolio. With these opening remarks

and structured confirmation of the hearing with the Rules of Procedure, I hand back the floor to the LIBE Chair.

1-0007-0000

Michael McGrath, *Commissioner-designate*. – Thank you and good morning, everyone. Chair Zarzalejos, Chair Cavazzini, Chair Kyuchyuk, can I just start by expressing my own deepest condolences to you, Javier, and to all of our Spanish colleagues and, indeed, to the Spanish nation on the terrible loss that you have suffered in recent days in Valencia. Our hearts are broken, and my thoughts and prayers are with all of you.

Honourable Members of the European Parliament, I am pleased to appear before you today as Commissioner-designate for democracy, justice and the rule of law.

Is mór an phribhléid é a bheith anseo libh go léir sa Pharlaimint ar maidin chun ceisteanna an-tábhachtach do mhuintir na hEorpa a phlé. Gabhaim buíochas libh as an deis sin.

Je tiens à remercier tous ceux qui ont participé à l'organisation de cette audition. C'est un exercice important pour notre démocratie.

Together, you represent no fewer than eight parliamentary committees. This underlines the broad nature of the portfolio President von der Leyen has entrusted me with. Upholding the rule of law, protecting the fundamental rights set out in the Charter, ensuring free and fair elections, a vibrant pluralist media and enhancing consumer protection are topics that touch the very core of what the European Union and this Parliament represent.

I want to begin, therefore, with a promise to work closely with this House, consulting and listening to your advice at every stage of my work, should you confirm me as a European Commissioner. Like you, I am a parliamentarian. I have served as a public representative for 25 years – first at local level, then as a member of my national parliament for over 17 years, most recently as Ireland's Minister for Finance.

I have the deepest respect for you as the directly elected representatives of the citizens of the European Union. One of the politicians who inspired me during my formative years was John Hume – a peacemaker, a statesman and a proud Member of this Parliament for 25 years. I assure you that in my work, your voice and the voice of the people you represent will be heard.

Honourable Members, in asking for your support today, I will set out my vision for this portfolio over the next 5 years, and how it fits into the President's broader political guidelines on European security, competitiveness, and the green and digital transition.

In the current geopolitical context, we must cherish and defend the values that make the EU a beacon of peace, tolerance and hope, including democracy, respect for fundamental rights and the rule of law. Many risks were identified prior to this year's European elections, including disinformation threats and sophisticated manipulative methods using AI. The fact that there were no major disruptions to the conduct of the elections was remarkable, but it did not happen by chance, and I want to pay tribute to the work of Parliament and Vice-President Jourová in particular.

As President von der Leyen has said, our democracy is a constant work in progress, and over the next 5 years – should you confirm me – I will make this a priority. Central to our approach will be the Democracy Shield – a new integrated framework to bring together all the key elements needed to protect and defend our democracies from foreign information manipulation and interference.

And as the directly elected representatives of European citizens, your input is essential. I intend to take into account the recommendations from the work of the special committees on foreign interference, and I want you to have joint ownership of this work.

First, working closely with my colleagues, we will need to improve our expertise, preparedness and capacity in countering foreign information manipulation, interference and disinformation, while guaranteeing a reliable information framework.

Second, we must strengthen resilience in our societies, improving awareness of disinformation and media literacy, particularly among younger generations. Media freedom and the safety of journalists are central to a questioning, dynamic and democratic society.

Third, we must ensure integrity of electoral processes and the safety of election candidates. In the face of mounting threats to their security, we need to protect election candidates from undue pressure, particularly women, who are often subjected to abuse, amplified by misogynist stereotypes.

And we will champion civic engagement and participation, including through youth dialogues and citizens' panels, to bring citizens' ideas directly into our policy-making. European democracy needs to be more vibrant.

The sense of belonging to a society that values and respects who you are, that protects your individual rights, is the basis of our Union. Should you confirm me, I will work tirelessly to uphold the Charter of Fundamental Rights. This will include building greater awareness of the Charter among citizens and empowering civil society.

The importance of upholding fundamental rights must mean that compliance with the Charter should be factored into Member States' access to the many benefits which flow from EU membership. Where breaches of the Charter occur in the application of EU law, we stand ready to act, using all means at our disposal, including launching infringement proceedings, which have proved to be an effective tool. And by demonstrating our steadfast commitment to protecting fundamental rights, we will also ensure all candidate countries are proud of the Union they seek to join.

In today's world, where the resilience of our democracies, societies and economies is constantly put to the test, our values are what bind us together and make us stronger. Just as citizens need to feel democracy working for them and that their fundamental rights are protected, they must see that the rule of law is upheld across the European Union. And they look towards the European Union to make sure that this is the case in all Member States.

Honourable Members, if confirmed, the promotion and defence of the rule of law throughout our Union will be an absolute priority for me. I would like to acknowledge the unwavering commitment of Commissioner Reynders to defending the rule of law in our Union and, if confirmed, I intend to build on his work with your support.

The rule of law is an essential safeguard for the functioning of our democracies, the protection of individual rights, and the prosperity of our societies and economies. It lies at the heart of a Union of equality, opportunity and social fairness. The Rule of Law Report developed by the Commission in the last 5 years has proven to be an important tool to detect, prevent and address emerging challenges in Member States.

I will fully engage with Member States, acting as an honest broker to prevent rule of law-related issues occurring in the first place and to resolve those that arise, as a forthright guardian of our values. I will also engage with civil society organisations and stakeholders on the ground.

My emphasis will be on achieving measurable progress in addressing rule of law deficiencies. I believe we need to respond effectively to failings when they occur, and I will not hesitate to act where appropriate, using the full toolbox of measures at my disposal.

Building on the existing Rule of Law Report, I will oversee the introduction of a stronger focus on the single market. The rule of law is a precondition for mutual trust, and a vital element of competitiveness and the fostering of a business environment that supports investment and innovation.

I'm also committed to promote the rule of law in our neighbourhood, and I look forward to including more accession countries in the Rule of Law Report as and when they are ready. Together with the Commissioner for the budget, we will develop a closer link between the Rule of Law Report recommendations and financial support. Respect for the rule of law is a must for EU funds.

We will propose that EU funding also be dedicated to national measures, for example on fighting corruption, and protecting the EU financial interests. I will also propose the first ever comprehensive EU strategy against corruption to foster integrity, and to strengthen coordination among all relevant authorities and stakeholders in this area.

Honourable Members, the world around us has become more fragmented and unstable. Organised crime groups are on the rise, targeting our society, economy and, indeed, our European budgets. And this is why, if confirmed, I will work towards making the fight against crime more effective throughout the prosecution chain.

I will work together with the Commissioner for the budget to improve our anti-fraud architecture. This should include reflecting on areas in which the European Public Prosecutor's Office will need more powers to look at cross-border serious crime, in particular corruption that impacts Union funds and cannot be handled alone by Member States. And I will work to improve cooperation between the EPPO, Eurojust, Europol and OLAF.

Every year, 75 million people in the EU fall victim to a crime, and many of you have expressed to me your concern as to how victims are treated. So I will propose a new victims' rights strategy to ensure a well-functioning, victim-centred justice system that not only aims to establish the truth, but also the right of victims to a remedy. And I will explore how we can strengthen the European arrest warrant. I will also propose a strategy on the use of digital technologies to ensure justice is more efficient, resilient and secure everywhere in the Union.

If confirmed, I would like to explore how we can further strengthen our fight against crime. I would particularly value your perspective, and I look forward to the opportunity to engage with you on this important topic.

Honourable Members, at the border of our Union, there is a country courageously fighting to defend its freedom and the lives of its citizens. Since Russia's unjustified invasion of Ukraine, the EU has been steadfast in its support of Ukraine. I would like to pay tribute to the Members of this Parliament for their ongoing support of Ukraine. If confirmed, I will continue to work to ensure that we play a full part in the efforts of the international community to ensure Russia's full accountability for the crime of aggression and the war crimes it is committing.

Honourable Members, the next Commission mandate will have a clear focus on enhancing European competitiveness. There are many ways I can contribute to this, in particular by promoting independent, efficient and effective justice systems which support a thriving investment and business climate.

Simplified and harmonised rules in the area of civil and company law can substantially reduce administrative and legal costs associated with judicial proceedings for businesses. I think the time is right for a fresh look at the future of EU civil and company law, building on the conclusions of the Letta and Draghi reports. And I want Members of this House, Member States, industry, SMEs and academia to be part of this reflection.

In this context, we will examine how to promote the use of digitalisation to tap into the enormous growth potential of AI. This includes taking stock of work to date on finding the right balance for liability rules in this field, to give citizens confidence that their rights can be effectively protected.

More generally, we will also need to look beyond company and civil law at the full range of rules applicable to business life. We will look together at how a new EU-wide legal status – the '28th regime' – could help innovative companies grow, by overcoming legal, administrative and fiscal barriers and creating common conditions for all key aspects of business activity.

Honourable Members, the single market has been the greatest single driver of the European economy. Further deepening of the single market has the potential to unlock considerable benefits for our consumers. If confirmed, I will develop a new consumer agenda for the next 5 years. This will address the digital and green transition, including sustainable growth and a specific action plan for consumers to be able to fully access goods and services in the single market.

Product safety is an essential prerequisite of a thriving economy. I am pleased that the General Product Safety Regulation begins to apply on the 13th of next month and I thank all the MEPs for their work in advancing this important initiative. I recognise the concerns that many Members have expressed to me regarding unsafe products sold through e-commerce platforms.

In response, and with your support, I will assess the need to update legislation and ensure enforcement. Our aim must be to ensure the compliance with safety requirements and consumer rights throughout the EU, and a level playing field for all of the businesses in the Union.

But for consumers to trust the market, they need to know that their rights are respected, also when they buy or navigate online. That is why I will take forward a Digital Fairness Act to reinforce consumer protection in targeted areas, to complement the existing EU digital rulebook. I want to make sure that consumers are not exploited for commercial purposes, that social media influences are not misleading our consumers and that our children are sufficiently protected online.

I will address dark patterns, marketing by social media influencers, addictive design of digital products and unfair personalisation practices. Working with colleagues, the protection of minors from harmful content and practices will be a priority. I will ensure that the protection of our children from manipulative practices when playing online games remains a priority in consumer policy.

Many Members have raised the issue of digital subscriptions, noting that it is considerably more difficult to cancel than it is to subscribe, and I will work with you to address this issue. The General Data Protection Regulation has been a success, and I will ensure this legislation is properly enforced in a manner that is coherent across the Union and applied in line with the new EU digital rulebook.

Dear honourable Members, I do not underestimate the task at hand, nor the responsibility I am asking you to entrust me in upholding the most cherished values of this Union. I believe I have the qualities and experience needed to tackle the challenges ahead, and to support President von der Leyen and my fellow Commissioners-designate in our collective work, not only in strengthening our security, safeguarding our values and boosting our competitiveness, but also proving our worth to European citizens and those who will join our Union in the future.

In conclusion, I reiterate my appreciation for your engagement with me over recent weeks and the many policy suggestions you have put forward. I reaffirm my commitment to the Framework Agreement, and the provision of complete and timely information to Parliament, honouring the principle of equal treatment of Parliament and Council. And should I be confirmed, I look forward to attending plenary debates and committee meetings on many occasions to engage in dialogue with you, cooperating in a spirit of mutual respect.

We have much work to do in the years ahead and, working together, I know we can achieve a more prosperous and secure Europe, and a brighter future for all our citizens. Thank you for your patience and I look forward now to our discussion.

1-0011-0000

Javier Zarzalejos, *Chair of the LIBE Committee*. – Thank you, Mr McGrath. Now we move to the first round of questions by the political group coordinators, with a five-minute slot each, within which there will be one minute for the question and two minutes for the answer from the candidate Commissioner, with the possibility of a follow-up question from the same Member, which must be no longer than one minute with one minute for their reply. Please stick to the time allocated, otherwise the development of the session will be very difficult.

So we start with the EPP group and Ms Lena Düpont.

1-0012-0000

Lena Düpont (PPE). – Thanks, Chair, and good morning to you, Mr McGrath. I, of course, very much welcomed what you had already outlined in your vision for the portfolio. But I'd like to pick up on two words that you actually said at the end of your intervention, which is a 'prosperous and secure' European Union, and allow me to address a question around that.

The first question stems also from a report you just also cited, the Draghi report, when it comes to the interlinkage between GDPR and AI, and the complexity and, of course, also the overlapping between those two, which might lead to our European companies to fall behind AI advancements. They are confronted with regulatory uncertainty. They are facing disproportionate burden and a fragmented implementation of both, but especially of GDPR, that does not only undermine our very values as the European Union but, of course, also undermines and hinders innovation, growth and competitiveness.

So how would you like to address that? Also bearing in mind that in the current trilogue, as just mentioned, we could probably overcome the GDPR and go for a reform of that.

1-0013-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much, Ms Düpont. And this is, I think, a very important question. The upholding of GDPR and data protection, of course, is a fundamental right that we must stand over and defend as a Union. But I do not believe that it is contradictory to

our objective of improving the competitiveness of the European Union and indeed fostering and supporting innovation.

Of course, the GDPR is technologically neutral, and its existence has not prevented but rather enabled the bringing-forward of a whole range of legislative initiatives in the digital space in recent times, including the DSA, the DMA and, of course, the AI Act itself. And I think we can have both. We can have the highest standards of data protection within the European Union, while at the same time using all of the potential that technological advances provide to us to support innovation in our economy. And, of course, the AI Act itself facilitates and strengthens the enforcement of fundamental rights, including the Union data protection law.

I think what is really important is clarity and consistency. I think those two issues are going to be really important over the period ahead. In that regard, I know that the European Data Protection Board has engaged in the application of Union data protection law in the area of AI, with the aim of coordinating the views of all the data protection authorities around the Union.

So that issue of consistency, I think, is really important so that when companies are seeking to develop and deploy AI in our Union, they know how it would be regarded from a GDPR perspective throughout the European Union. And I know that at the end of this year, the European Data Protection Board will adopt an opinion binding on the data protection authorities regarding the processing of personal data for the development of AI models. And hopefully I'll have more time to respond to you in a moment.

1-0014-0000

Lena Düpont (PPE). – Yes, the follow-up question would actually then be dedicated to a bit more of a security question.

Your mission letter also tasked you to step up the fight against foreign interference and disinformation. Independent media is at the core of an informed society, and journalists do play a crucial role for any democratic society.

How will you make sure that (a) journalists are better protected, and (b) independent media guarantees a fair access for each and everyone in order to take informed decisions?

1-0015-0000

Michael McGrath, Commissioner-designate. – This goes to the heart of our Union, and for me, the implementation of the European Media Freedom Act in all respects is going to be a key priority. As part of that, and in association with other initiatives that we have brought forward, the safety of journalists is going to be an integral part of our work.

We have, of course, the 2021 recommendation on the safety of journalists, and we will continue to monitor Member States' actions in its implementation. I stand ready to revise that recommendation to support effective application of the European Media Freedom Act safeguards for journalists.

Of course, we also have the anti-SLAPP directive – anti-SLAPP, which targets journalists. My ambition is to ensure that we have a swift and a strong implementation of the anti-SLAPP package, which of course includes both a directive on cross-border civil proceeding and a Commission recommendation applying to all types of proceedings. So that's going to be a very important instrument as well.

We also need to look at aspects of jurisdiction and applicable law relevant to SLAPP cases.

1-0016-0000

Birgit Sippel (S&D). – Thank you very much. Dear Mr McGrath, democracy, rule of law and fundamental rights, as you mentioned, are the foundation of the European Union and it's therefore very important to have strong and effective tools to make sure that Member States are held accountable when backsliding on these foundations.

So, will you commit to expanding the Rule of Law Conditionality Regulation to cover all areas of rule of law and fundamental rights? And how do you envisage reinforcing Article 7 application?

Can you confirm again that you will publish the Commission's Rule of Law Report on an annual basis? And how will you make sure that the recommendations are binding and more time-bound, potentially by making the recommendations linked to EU funding?

And the final question on equality before the law, which is a very principle on rule of law: how will you ensure that principle, and what concrete actions are you planning to take, in particular given that minorities and women are disproportionately impacted by backlashes in rule of law?

1-0017-0000

Michael McGrath, Commissioner-designate. – Thank you, Ms Sippel. My approach to rule of law will be, yes, to engage, first and foremost, a dialogue with Member States, but please be reassured of my absolute determination to use all of the tools at our disposal and then to work with you and to work with colleagues in the Commission and to work with the Council on ways in which we can improve the toolbox that we have.

When I stand back from the detail and I look at the progress over the last number of years in terms of the EU's approach to rule of law, much has been achieved, and due in no small part thanks to the work of Parliament and, of course, Commissioner Reynders.

But we will take a fresh look at the tools. It is important that they are consistently applied. The Rule of Law Report, of course, applies to all Member States and has recommendations for all Member States. I commit to being hands-on in supporting Member States when it comes to implementing the reforms in practice.

I think we need to monitor and to track in a better way the implementation of the various recommendations that are made every year within the Rule of Law Report. And we need to be prepared to use the tools at our disposal.

The Conditionality Regulation is an effective tool. It is, of course, under the Commissioner for Budget, but, in the context of the mission letter and the political guidelines commitment to strengthening the connection and the relationship between the rule of law recommendations and access to EU funds, we will, as a College and with the Parliament, be discussing all of the options that we have, particularly in the lead up to the next MFF.

And in that regard, I think the lessons from the NextGenerationEU, the Recovery and Resilience Facility, the reform for money principle, the deployment of super milestones has been a really important initiative in the context of rule of law, which has led to a lot of positive change.

1-0018-0000

Birgit Sippel (S&D). – Thank you. Mr McGrath, you are also responsible for monitoring the application of fundamental rights, including protection of privacy and personal data, as well, as you mentioned, the enforcement of GDPR across Member States. So what do you see as the greatest challenges to these rights at the moment, and how are you concretely planning to safeguard them?

You are also entrusted to promote data flows with international partners. How will you ensure that the adequacy findings hold up in the European Court of Justice, as the previous ones – for example, with the US – have been annulled by the Court?

Furthermore, how will you ensure that the new rules the Commission is planning on data retention will also pass the test of the Court? And maybe you can also come back to the question on equality before the law?

1-0019-0000

Michael McGrath, *Commissioner-designate*. – Thank you, Ms Sippel. So just to loop back for a moment, you asked for a commitment in relation to the Rule of Law Report being on an annual basis. I'm happy to give that commitment and to work with you in relation to the reinforced application of Article 7, which of course is currently before the Council. And I think it would be a positive thing if Parliament, which, of course, initiated the current Article 7 that is before Council, was given an opportunity to present and have its voice heard.

In relation to GDPR and data protection, I think the adoption of the Procedural Rules Regulation is going to be an important initiative and will help to ensure the even-handed and consistent implementation of GDPR, particularly on a cross-border basis. So that, for me, is going to be a key requirement, and ensuring there's greater coordination through the work of the European Data Protection Board is something that I will also be aiming for. And again, just to reassure you of my commitment, in every respect there will be full equality before the law.

1-0020-0000

Fabrice Leggeri (Pfe). – Monsieur McGrath, la lettre de mission que vous a donnée la présidente von der Leyen mentionne un bouclier démocratique et la protection des valeurs de l'UE.

Selon vous, l'islamisme politique et l'apologie du terrorisme islamiste sont-ils compatibles avec les valeurs de l'UE? Qu'allez-vous faire pour aider les États membres à combattre ces fléaux lorsqu'ils minent nos valeurs européennes et s'attaquent au mode de vie et à l'identité commune des Européens? Qu'allez-vous faire pour protéger la liberté de pensée, la liberté d'expression ou l'égalité entre les femmes et les hommes lorsque l'islamisme politique instrumentalise les institutions européennes contre nous? Pensez-vous qu'il soit acceptable que la Commission européenne finance des ONG ou des universités liées aux Frères musulmans et à d'autres organisations islamistes radicales, voire liées au Hamas, qui est une organisation terroriste? Le 16 octobre dernier, le directeur de l'Agence nationale turque, responsable d'Erasmus+, a lui même glorifié le Hamas. Quelles mesures allez-vous prendre en conséquence? Allez-vous exiger la fin de tels partenariats et demander un remboursement des fonds européens versés par le passé?

1-0021-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much, Mr Leggeri, and from my point of view, respect for our values applies to everyone. Democracy, equality, rule of law, freedom, human rights, respect, freedom and dignity – these are non-negotiable.

We have to ensure, as a Commission and as a Union, that we uphold our values in every respect and in all aspects of our work, and of course the Charter of Fundamental Rights, which falls under my remit as a Commissioner-designate, has to be upheld. We will have the annual report in respect of the Charter of Fundamental Rights, which will now move to more of a monitoring report, and that is important.

You speak about freedom of expression. That is a fundamental right and a very important building block of our democracy. But of course, it is not an absolute freedom, and there has to be an appropriate balance struck in ensuring that we do not in any way tolerate hateful language or anything that is moving into the criminal area that can have an impact on the citizens of the European Union.

In relation to funding of NGOs and different groups, from my perspective, it is vital that we support organisations that respect and uphold our EU values, and that for me is the bottom line and there are various checks and balances that are currently in place, and the assessment of project applications and applications for funding by different bodies.

As you know, we have some very successful programmes: the Citizens, Equality, Rights and Values programme, and a Justice programme, which focus on EU values. Based on our past experience, the Commission will learn from the application of the values and the application of the checks and balances, but funding will continue to be provided to organisations and to programmes that support our EU values.

1-0022-0000

Fabrice Leggeri (Pfe). – Monsieur McGrath, dans vos réponses écrites et dans vos réponses précédentes, vous insistez beaucoup sur le rôle de la Cour de justice de l'Union européenne.

Ma question est la suivante: est-ce que, en tant que commissaire européen chargé de la justice, vous allez favoriser un gouvernement des juges contre le gouvernement des colégislateurs?

Dans certaines circonstances, des décisions de la Cour de justice de l'Union européenne peuvent aller fondamentalement à l'encontre de la volonté des États et à l'encontre de la volonté du Parlement, en tout cas, à l'encontre de la volonté souveraine des peuples qui ont élu leurs représentants de manière tout à fait démocratique.

Dans ce cas, la seule solution est-elle de se soumettre à la Cour de justice ou bien allez-vous prendre des initiatives pour faire adopter de nouvelles législations européennes pour contrecarrer les décisions des juges qui ne conviennent pas aux aspirations des peuples d'Europe souverains?

1-0023-0000

Michael McGrath, Commissioner-designate. – Thank you, *Monsieur*. I think it is important that we all respect the primacy of EU law. Our EU values, which are in Article 2 of the Treaty, the Charter of Fundamental Rights (which will reach its 25th anniversary next year), again are EU law. I and fellow Commissioners, if we are approved, will be guardians of the Treaties. That would be our mandate.

And of course, the overarching interpreter of EU law is the Court of Justice, but national courts are also EU courts. So the first port of call for the enforcement of EU law, for the interpretation of EU law, is the national court and the national judicial system. And then beyond that, of course, it will go to the Court of Justice if required.

So we have, I think, a good system of checks and balances in place. But the fundamental point is we have to accept the primacy of EU law, and we have to accept the pre-eminent position of the Court of Justice as being the ultimate arbiter of EU law, as it applies in all Member States.

1-0024-0000

Tobiasz Bocheński (ECR). – Thank you, Chair. Commissioner-designate McGrath, the European Parliament’s Committee on Legal Affairs has underscored the need to respect EU Member States’ legal sovereignty, particularly given the expanding scope or what some call also ‘inflation’ of EU law and its potential to encroach upon national competences.

Could you share your view on how national parliaments and courts should play a role in safeguarding Member States’ legal frameworks against possible overreach by EU institutions? Specifically, what steps will you take to ensure that national sovereignty is preserved and that EU legislation respects the principle of subsidiarity, remaining within the bounds of its intended powers?

1-0025-0000

Michael McGrath, Commissioner-designate. – Thank you very much, Mr Bocheński, and I think this is an important question – that we need to be clear about what the checks and balances are, and the appropriate balance of power within the European Union.

But I do think that on this question of subsidiarity, the Treaties are clear on the matter concerned. The principles of subsidiarity and, of course, proportionality govern the very exercise of the EU competences, and the Treaties also provide for different instruments to ensure that these principles are respected.

There is, of course, a role for national parliaments in ensuring that the principle of subsidiarity in respect of laws coming through the European system is being upheld. I have seen that system work in practice in my own parliament, and I’m sure many of you and your own countries will have observed that as well. It’s set out in Protocol No 2 to the Treaties and under the *ex ante* ‘early warning’ mechanism: national parliaments can issue reasoned opinions on draft legislative acts. And of course, that is a tool that they have used.

The preliminary reference mechanism, in addition, provides national courts with a procedure for dialogue with the Court of Justice of the European Union. This allows for an *ex post* verification of the conformity of acts of the EU institutions with primary law, including the principles of subsidiarity and proportionality. So that procedure for dialogue, I think, is a very important mechanism and a channel that is there to be used to ensure that subsidiarity and proportionality are fully respected in all of the work that we do.

But again, we have to respect the primacy of EU law over national law, and all decisions by the Court of Justice, including orders for interim measures, are binding on Member States and, indeed, on national courts. This is a fundamental part of the EU’s legal order and it’s the basis of everything else that we seek to do.

1-0026-0000

Tobiasz Bocheński (ECR). – My second question refers to the rule of law, because the rule of law mechanism, especially its link to EU funds, has been a point of contention, notably among Central and Eastern European countries.

How will you ensure that this mechanism is applied impartially and transparently, preventing any risk of political misuse? We seek reassurance that all Member States, regardless of their political orientations, will receive equal treatment under this mechanism. In short, how will you balance the necessary EU oversight with a genuine respect for national legal sovereignty?

1-0027-0000

Michael McGrath, *Commissioner-designate*. – Thank you for the follow-up question. I can give you that reassurance because I think it strikes to the heart of what we need to be about. We have to be impartial in the application of the full rule of law toolbox that we have.

And, you know, I come to this with a fresh pair of eyes. I will make decisions based on the evidence and based on the facts that I see. I do not have any preconceptions. So I will engage in a very fair and even-handed manner with all Member States. But nobody should be under any illusions. I will be prepared to act in a strong and forthright way to ensure that the rule of law is respected by every Member State of the European Union.

When it comes to the annual Rule of Law Report, there is a well-established set of methodology. It is, of course, the Commission's view. It is the Commission's assessment, but they do take account of national authorities, civil society, international institutions; there are a whole range of people and bodies that input into the report, but ultimately it is the conclusion and the assessment of the Commission. And I will oversee this work very, very closely if I am confirmed, and I will be impartial in all of my work.

1-0028-0000

Veronika Cifrová Ostrihoňová (Renew). – Hello and welcome here with us, Commissioner-designate. I would like to touch on the media freedom side of the equation, so we can expand a little bit on that, because we know that for media organisations to fulfil their democratic purpose, they have to operate free from undue political influence. Journalists face threats, women in journalism face particular threats and unique challenges.

So I want to ask and for you to expand on what you're thinking in light of the recent legislative developments in certain Member States, where political influence increasingly impacts or threatens to impact public broadcasting governance.

How will you ensure that the European Media Freedom Act and anti-SLAPP legislation are effectively implemented? And how do you plan to navigate political pressures from Member States while ensuring effective implementation of the legislation? I was wondering if you could outline your ambition in this regard for the upcoming five years.

1-0029-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much, Ms Cifrová Ostrihoňová. I can assure you, I will not bow to any pressure, first of all. I will examine everything on its own merits.

But when it comes to protecting journalists, protecting independent media and supporting human rights defenders, there will be no compromise, because that is at the heart of what we stand for as a European Union, because their work represents an important pillar in the rule of law and in our democracy, and makes a very important contribution to the protection of our fundamental rights and they exercise important watchdog functions. They are in the community, they are in our Member States, and they deserve our full respect and indeed our full support.

So for me, working very closely of course with Executive Vice-President-designate Virkkunen, the implementation of the European Media Freedom Act will be a top priority. In that regard, setting up the new European Board for Media Services and its secretariat will be an early priority that we must achieve. We will ensure the Commission carries out a regulatory fitness check of all Member States to make sure that the implementation of EMFA is fully on track.

I also want to assure you that the consideration of pluralist media, the independence of media, will continue to be an important part of the annual Rule of Law Report. It's one of the four key pillars of the Rule of Law Report, and that will continue to be the case, so it will be complementary to the implementation of EMFA.

As I said, we stand ready to update the 2021 recommendation in relation to the safety of journalists, because we have seen, as we know to our cost, a number of murders of journalists within the European Union, and this is reprehensible. We have to take a very firm stand when those who are holding others to account are punished as a result, because we all suffer if we allow that pattern to develop.

1-0030-0000

Veronika Cifrová Ostrihoňová (Renew). – I'm going to slightly shift to a different topic that you touched upon in your opening words. It's the Victims' Rights Directive. Because in response to the written questions, you mentioned that one of your core priorities is to leverage criminal law at the EU level to defend and protect EU citizens and its values.

So regarding the Victims' Rights Directive, how do you intend to ensure that all key elements adopted in Parliament's positions are safeguarded throughout the interinstitutional negotiation process? Given that you listed this as one of your main priorities, how do you envision this progressing? Could you be more specific? Thank you.

1-0031-0000

Michael McGrath, Commissioner-designate. – I thank you for raising this, because it is a priority for me in the course of my work, if I am approved by you, and I will need your support to get the Victims' Rights Directive over the line.

Because as you have touched on, the Council has adopted a different view in respect of a number of different strands of the Victims' Rights Directive. I believe we need to do more to support victims and to uphold their rights when it comes to access to justice, for example, when it comes to protecting the rights of victims. My goal in the negotiations ahead will be to keep the highest standards originally proposed by the European Commission, which I know the report of the European Parliament on the revision of the Victims' Rights Directive is very supportive of the Commission's proposals.

So I thank you for that. This is going to be a key priority. We now stand ready to start the interinstitutional negotiations, and it's a file that I look forward, working with you, to getting stuck into.

1-0032-0000

Tineke Strik (Verts/ALE). – Thank you, Chair. Dear Mr McGrath, you seem to be quite positive about the progress being made on the rule of law, but I see actually an ongoing deterioration in a number of Member States, despite measures being taken by the EU. So we need a more convincing enforcement strategy.

So my question is, would you commit to every rule of law deficiency indicated in the Rule of Law Report being accompanied by a specific recommendation, a deadline for rectification, and the tool to be used in case of non-compliance, including budgetary measures? And also ready to assess a possible link between a rule of law and fundamental rights deficiency and the EU budget in a transparent way, and in that sense, to trigger budgetary consequences in case of the non-implementation of European court judgments?

And are you ready to commit to assessing compliance with milestones or with recommendations at the level of practice and implementation, and not only at the abstract level on paper, and to involve civil society in monitoring this compliance?

1-0033-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much, Ms Strik. To be clear, what I am positive about is the work of the Parliament, of the Commission and the Council, in the progress that has been made in the toolbox. When I look back over the hearing Commissioner Reynders did five years ago, and I look at what we have now, the toolbox has been developed to a significant extent. We have more to do – and I'll come back to that – but the Conditionality Regulation didn't exist, the horizontal enabling condition on the Charter of Fundamental Rights didn't exist, the annual Rule of Law Report didn't exist. So much has been done. But notwithstanding the improvement in the architecture, we are seeing slippage and we are seeing backsliding, and we are seeing rule of law concerns – not just in one country or two countries; when I met many of you privately, you shared your concerns with me about issues in your own country.

So the rule of law applies to all Member States, and that has to be the bedrock of our consideration of this issue. So while I acknowledge that progress has been made in the architecture and in the toolbox, where I think we need to do more and we must do more is in the follow-through, is in the implementation, is in the area of consequence. And that is where the mission letter, the political guidelines from the President, I think is very clear.

Respect for EU law is a must for EU funds. And if we just use that as the foundation of our next step, then I think we will not go wrong.

I will engage in a collegiate fashion with my colleagues in the Commission in respect of the next steps. I have looked at the different instruments that are there already, and I've formed my own opinion. But I have to be collegiate and work with colleagues in relation to where we need to go. I've already highlighted that I think there are lessons that can be learned from the RRF, in terms of reform for money, super milestones. So for now we have the mission letter. We have the political commitment from the President. And I assure you, I will work with you and colleagues to give effect and give expression to that commitment in tangible terms over this mandate.

1-0034-0000

Tineke Strik (Verts/ALE). – I agree with you, Mr McGrath, that it's not about the tools, but it's about the use of the tools. And that should become more extensive and also with a stronger sense of urgency, as our values are really under threat in a number of Member States.

So, therefore, would you commit to make full use of the enforcement tools in cases of breaches of the fundamental rights of the EU, in particular infringement procedures based on Article 2 of the Treaty of the EU, of expedited infringement procedures, of applications for interim measures before the CJEU, and systematic follow-up actions if these judgments are not being implemented?

And on Hungary, would you commit to request an interim measure before the CJEU in the case of the Hungarian protection of sovereignty law? And would you commit to support Parliament's call for the Council to continue its formal Article 7 hearings in the case of Hungary, and to address concrete recommendations as a follow-up? And would you commit to initiate the procedure under Article 7(2)?

1-0035-0000

Michael McGrath, *Commissioner-designate*. – Thank you, Ms Strik. I'll start with the second part of your question in relation to Article 7. I would like the Council to bring that to a conclusion in relation to Article 7(1) and to come to a view. I'm very conscious that Parliament initiated that particular procedure, I think it was in 2018. And I think Parliament's voice should be heard and should be given that opportunity to present before Council in that respect. And I will support the reinforced application of Article 7. We will examine the Commission communications around Article 7. Of course, the 2014 rule of law framework does provide for a formal dialogue with the Member States, and I think we do need to come to a view in relation to that.

Yes. I am prepared to use the full suite of tools that we have when it comes to breaches of the Charter of Fundamental Rights, and my focus over the period ahead will be on building that closer link between the recommendations in the annual Rule of Law Report and, indeed, access to EU funds. The Commissioner has not been shy in issuing infringement proceedings. I think in the justice area alone, it's about 400 that have been issued in the last five years. And on the issue of interim measures, we will ask the Court to deal with the case you referred to swiftly and will keep under review all options that we have to bring about an outcome.

1-0036-0000

Konstantinos Arvanitis (The Left). – Κύριε McGrath, θα ήθελα να σας πω ότι αναλαμβάνετε ένα χαρτοφυλάκιο το οποίο έχει διευρυμένες αρμοδιότητες και διάφοροι τομείς του δεν είναι ιδιαίτερα δημοφιλείς στην ατζέντα των κρατών μελών. Αντιμετωπίζουν, δηλαδή, πολιτικές αντιστάσεις και απροθυμία μεταρρυθμίσεων από τα κράτη μέλη στην πράξη. Η ενεργοποίηση, όπως ακούσατε και από άλλους συναδέλφους, του μηχανισμού αιρεσιμότητας για παραβιάσεις του κράτους δικαίου συχνά προσκρούει σε πολιτικές σκοπιμότητες και υποχωρεί. Εργαλειοθήκη χτίσαμε, σας άκουσα που το είπατε. Πολιτική βούληση πέντε χρόνια δεν είδαμε επί της ουσίας. Έτσι, λοιπόν, ο μηχανισμός χάνει σε κύρος και αποτρεπτικό βεληνεκές και προδίδει αδυναμία πολιτικής βούλησης και έλλειμμα θεσμικής αποφασιστικότητας. Ερωτώ: Πώς σκοπεύετε να βελτιώσετε τη διαφάνεια και τη συνοχή του ρυθμιστικού πλαισίου που αφορά στο κράτος δικαίου και πώς δεσμεύεστε να κινηθείτε ως προς τη διασφάλιση της ομοιόμορφης εφαρμογής σε όλα τα κράτη μέλη; Δεύτερον, τι θα αλλάξετε και με ποιες συγκεκριμένες ενέργειες, ώστε να εγγυηθείτε τη συνεπή και αποδοτική λειτουργία του μηχανισμού αιρεσιμότητας;

1-0037-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much, Mr Arvanitis, for your question. I think the conditionality mechanism has proven to be an important tool. I'm conscious that it does come under the Commissioner for the budget, but of course its application is in respect of the principles of the rule of law, where there is an impact on the EU funds or the financial interests of the EU.

So it is framed in a certain way and, as you know, it has been invoked. There is in one particular case, in the case of Hungary, over EUR 6 billion of funds currently not available because of the Council decision in respect of the conditionality procedure under recommendation of the Commission.

I want to acknowledge the work of all of the Members of Parliament in the development of that mechanism and that procedure over the last number of years. I can assure you, from my part, there will be no lack of political will. I hope that even apart from the details, you get a sense this morning of the kind of person that I am, but also of the approach that I will bring to this issue, because the rule of law and respect for it in our Union is really the basis of everything else. If we don't have respect for the rule of law, then everything else begins to fall apart, and so we cannot allow an *à la carte* approach when it comes to rule of law in Member States throughout the European Union.

So I assure you of the political will, I assure you of my willingness to look at new ways of doing things, to strengthen our approach, to ensure that there is uniformity and consistency. Again, in direct dialogue with many of you, you did raise concerns about what you would regard as a lack of consistency. My approach will be evidence-led. It will be based on the facts. It won't be based on any preconception or any prejudice.

1-0038-0000

Konstantinos Arvanitis (The Left). – Στο πεδίο των αρμοδιοτήτων σας αντιμετωπίζουμε έντονες προκλήσεις, παραδοσιακές και νεοπαγείς: αρύθμιστη οριζόντια διείσδυση της τεχνητής νοημοσύνης, κακόβουλες ξένες επιρροές, έντονη παραπληροφόρηση και ολιγοπώλια στην ενημέρωση, παρακολουθήσεις με λογισμικά, όπως στην υπόθεση Predator, προσφάτως, και Pegasus, αρρυθμίες στην απονομή δικαιοσύνης και στη λειτουργία των θεσμών, άνοδος του ευρωσκεπτικισμού και τάσεις φυγής ορισμένων από τις κοινές μας θεμελιακές αξίες. Η προγραμματισμένη προσχώρηση της Ένωσης στην ΕΣΔΑ αναμενόμενα θα αυξήσει κατακόρυφα τις υποχρεώσεις εποπτείας. Σε μια τέτοια αρνητική και *de facto* αντιδραστική περιρρέουσα ατμόσφαιρα, πώς θα κινηθείτε ώστε να κάμψετε τις αντιστάσεις και να καταφέρετε στην πράξη να αναπτύξετε και να εφαρμόσετε με επιτυχία μια πιο προωθημένη εργαλειοθήκη για την προστασία της δημοκρατίας και του κράτους δικαίου;

1-0039-0000

Michael McGrath, Commissioner-designate. – The proposal for a Democracy Shield is very important and is an overarching framework within which much of the other work that we will be doing will sit within. I look forward to working with all of you in relation to the development of this Democracy Shield, because it will seek to address the very issues that you have highlighted there.

There are many, many threats to our democracy. Yes, some of them are external to our borders, but they're not all external to our borders – if we were to be honest with each other. There are threats to democracy within the European Union, and we need to deal with those in a very effective and a very forthright way as well.

So for me, the development of this Democracy Shield is not some abstract theoretical concept. It has to be real, it has to be tangible, and it has to make a difference. And it has to get down to the level on the ground of where our citizens are at. Because if they see us making practical changes that can restore their faith in democracy, then this Parliament and all of us will be the richer for it.

1-0040-0000

Mary Khan (ESN). – Meine erste Frage bezieht sich auf den *Digital Services Act*, der auch vielfach von Kritikern als Zensurgesetz kritisiert wird. In Deutschland führt diese EU-Verordnung dazu, dass sogenannte *Trusted Flagger* als Meldestellen das Internet durchsuchen dürfen. Der Geschäftsführer der größten deutschen Meldestelle namens REspect! erklärte kürzlich, dass auch Beiträge gemeldet werden, die nicht strafrechtlich relevant sind, um deren Löschung zu erreichen. Dies stellt einen massiven Eingriff in die Meinungsfreiheit und den demokratischen Diskurs dar.

Daher möchte ich Sie fragen – Sie haben ja eingangs so schön über Rechtsstaatlichkeit gesprochen: Wie wollen Sie verhindern, dass dieser massive Eingriff in die Meinungsfreiheit stattfindet, wenn der DSA doch ausdrücklich darauf abzielt?

1-0041-0000

Michael McGrath, Commissioner-designate. – Thank you very much, Madam Khan. I think it's important we are clear that the Digital Services Act and all of the strands within it – with the exception of illegal content online – is not about content moderation. It is about ensuring that there

are tools in place to identify systemic risks: tools such as fact-checking, tools such as media literacy, tools such as empowering our citizens to themselves identify misinformation and disinformation. So it's about empowering our citizens, while of course ensuring that at an EU level and within the national competent authorities, we do have a framework to protect people online.

But I want to assure you of my absolute commitment to protecting freedom of expression as a fundamental right. The DSA is not about censorship. I'm conscious that the DSA, of course, comes under Executive Vice-President Virkkunen, but we will be working very closely together in respect of the implementation of the DSA and, in particular, tackling issues like disinformation and implementing the European Media Freedom Act, which I believe is important.

We have, as you know, the 2008 Framework Decision on combating racism and xenophobia by means of criminal law. This regulates the criminal response to racist and xenophobic hate speech and hate crime. And I know in the past mandate, the Commission has made an effort to finally get all Member States in line with these standards in their criminal laws.

So just to say: freedom of expression falls to me as Commissioner-designate, with responsibility for the Charter of Fundamental Rights, to ensure that it is respected and upheld, and we have to achieve an overall balance. But it is not an absolute right. When it crosses certain lines, then we need to have a system to intervene and respond to protect our citizens.

1-0042-0000

Mary Khan (ESN). – To go on with the DSA, former Commissioner Thierry Breton had a number of clashes with Elon Musk concerning X and its apparent lack of content moderation. Breton even went as far as to propose large fines for X if it did not comply. Elon Musk has always made it clear that he stands for free speech and freedom of expression – a view that is shared also by my party and also by my citizens in Germany.

Therefore, I would like to ask you: will you use the same aggression to force Musk and X to comply with the DSA? What will be the consequences for X if they refuse? And lastly, would you ban it from being used in the European Union, if X does not comply? Thank you.

1-0043-0000

Michael McGrath, Commissioner-designate. – Thank you for your follow-up question. There are very extensive powers within the Digital Services Act that in certain circumstances can be deployed by the relevant authorities. And as you know, we have the 2022 Code of Practice on Disinformation, which is going to be converted into a code of conduct on disinformation.

So I have a wide enough brief and issues to work with, but the core implementation of the Digital Services Act does come under my colleague, EVP-designate Virkkunen. I look forward to working with her and to supporting her in her work, and ensuring the full implementation of the DSA, the achievement of which was a very significant milestone by this House and the co-legislators.

1-0044-0000

Javier Zarzalejos, Chair of the LIBE Committee. – Thank you, Mr McGrath. Now we have completed the first round of political coordinators, and now I pass on the hammer to Chair Cavazzini.

1-0045-0000

Anna Cavazzini, Chair of the IMCO Committee. – Thank you. I will take it with pleasure. So stick to your time, please.

Thank you so much for your discipline. We start the second round of political speakers. You're all aware it is now without a follow-up question. So, one-minute question time – please stick to your time – and then a two-minute answer, without a follow-up question.

We start for the EPP with Dóra Dávid.

1-0046-0000

Dóra Dávid (PPE). – *Dia dhuit*, Mr McGrath. The Commission's recent digital fitness check highlights harmful practices consumers face online, potential gaps in legislation, and ineffective enforcement, although the fitness check didn't focus on minors specifically. But minors also face many of the highlighted practices and more, because the internet was not designed with children in mind.

So, Commissioner-designate, what will you do to protect minors against the risks they face online? What will be the scope of your actions and when will you take them, and how will you ensure effective cooperation between all the responsible authorities to ensure swift enforcement and to keep up with technological developments?

Last night I had a quick chat with your AI-generated avatar on a really cool website, and he basically said he would improve digital literacy and child safety features, create a task force for swift enforcement, and propose legislation within the first 6 to 12 months of the mandate. His answers were a bit generic, so I'd be interested in what the real Commissioner-designate would do. Thank you.

1-0047-0000

Michael McGrath, Commissioner-designate. – Thank you, Ms Dávid. I'll try to do a little better than the AI-generated avatar, if I can, but I just want to acknowledge the priority that you have afforded to this issue, to the protection of minors online. It is one that I share and I'll work with you in relation to this issue. We all know children are very active online and often are the early adopters, or the first adopters, of very new technologies.

The purpose of the Digital Fairness Act when it comes to minors is not about replicating anything that's done in any other legislation. The DFA is about dealing with gaps that are there in the protection of consumers in the digital space, including the protection of minors, so issues not covered by existing legislation such as video games, for example. Specific concerns have arisen with the sale of virtual items using in-app currencies, for example; another problem concerns gambling-simulating features, such as loot boxes and video games, which are virtual items to give randomised rewards. We would be naive to think that the pre-eminence of these features and games are not having a long-term impact. I think that they are, and I think we need to be clear-eyed about the risks, and we need to respond to those risks as well.

Moreover, many social media influencers have a young audience, and their content could include endorsements of vaping, plastic surgery, unhealthy foods. And we just have to ask questions about whether there needs to be some oversight or some regulation of all of those areas.

I will ensure that the Commission fully supports, in its coordination role, joint enforcement actions of national authorities at an EU level. Next year, I will present the results of a scientific study and experiment on marketing techniques that adversely affect the purchasing behaviour of children in online games.

So we need to work through the detail of how we are going to protect children online in the DFA. But it's a piece of work that I look forward enthusiastically to working with you on.

1-0048-0000

Chloé Ridel (S&D). – Thank you very much. I didn't speak to your AI avatar last night, but maybe I should have done. My question focuses on the European Public Prosecutor's Office that has proven very effective in protecting the financial interests of the EU over the last few years by billions of euros, but its workload has significantly increased in the past.

This Parliament has repeatedly called for extending the EPPO's mandate to include, for example, the crime of sanction evasion and circumvention. New competences in this field could significantly improve criminal prosecution and the effective enforcement of criminal sanctions across the EU.

So my questions are the following. Will you commit to significantly push for the increase of the EPPO's resources for it to be able to carry out its task? Will you ensure that a revised EPPO regulation will be adopted before the next MFF? And finally, do you support extending EPPO's mandate to sanction evasion and what steps will you take towards reaching unanimity in the Council in this regard?

1-0049-0000

Michael McGrath, Commissioner-designate. – Thank you, Madam Ridel, and I do agree with you about the success of the EPPO. I think it does really excellent work, and I welcomed the fact that it is included within the mission letter and particularly on the issue of having the necessary reflections on the possible extension of the competence of the EPPO to other cross-border serious crimes, in addition to fraud – in particular corruption that impacts Union funds and cannot be handled alone by Member States, as is so often the case given the transnational and highly complex nature of these crimes. So I will do all that I can to work with you to bring about a stronger and a more independent EPPO.

In that regard, I would like to accelerate the revision of the EPPO regulation and that will involve looking at a number of different issues, including the rules on the EPPO's competence, and assessment, for example, of whether such rules are sufficiently clear and comprehensive to ensure an efficient delivery of EPPO's mandate, or whether they need to be changed in light of the EPPO's competence to other criminal offences. We need to look at the procedural rules on the EPPO's investigations as well. The EPPO's governance and data protection regime should be part of the revision and, of course, the EPPO's relations with its partners, both within the EU – notably the Commission, OLAF, Europol and Eurojust – but also outside the EU.

I will do all that I can to ensure that the EPPO has the appropriate level of funding to effectively do its work, and I will support Member States as well in bringing forward national measures that they can implement to protect the EU's budget. So I think the EPPO is doing very good work. I think the extension of its competence is something that I would support, and I look forward to working with you on the detail of that.

1-0050-0000

Adrián Vázquez Lázara (PPE). – Como comisario propuesto de un país que se ha acogido a la cláusula de exclusión voluntaria en materia de Justicia y Asuntos de Interior, tiene usted una gran responsabilidad a la hora de defender el Estado de Derecho y de actuar si es necesario.

Como sabe, hay Estados miembros que atacan sistemáticamente este principio fundamental y horadan la separación de poderes, que incluso señalan a jueces en medios de comunicación, que aprueban leyes a medida a sus aliados políticos, incluso a fugados de la justicia, con tal de mantenerse en el poder, o que mantienen fiscales generales del Estado que están siendo juzgados por su arbitrariedad en el cargo, y que también atacan a medios de comunicación libres y colonizan televisiones estatales para imponer una línea editorial.

Ante estos ataques, la lentitud de la Comisión a veces se interpreta como un doble rasero que depende del color político del Gobierno que los comete. Por eso, le quiero preguntar qué hará usted para evitar la sensación de ese doble rasero y, sobre todo, qué hará usted para definir recomendaciones claras para cada una de estas situaciones en el futuro informe sobre el Estado de Derecho.

1-0051-0000

Michael McGrath, *Commissioner-designate*. – Thank you, Mr Vázquez Lázara. First of all, in relation to Ireland, of course, you identify correctly the protocol that is there. But I would also point to the more recent approach of Ireland when it comes to a range of files: the e-evidence regulation, the transfer of criminal proceedings regulation.

So wherever possible and in line with the Irish common law system, for Ireland to opt into some of the existing and any future instruments of criminal justice, cooperation is something that I will encourage.

I know that Ireland is now on a pathway to joining EPPO, and I look forward to working with the Irish authorities to make sure that that work is concluded. I know the intention is to do it before the Irish Presidency, which happens in mid-2026.

The question of double standards: again, to me it really doesn't matter who is in power. There will be no double standards when it comes to my approach on the rule of law issues. I know this is a political chamber. Perspectives will vary. I got a clear sense of that when I met with many of you individually, whether your party was in opposition or in power. Of course, I will listen to everyone and hear their point of view. But I will have to be guided by the evidence and the facts that I see when it comes to the Rule of Law Report.

So investing appropriately in the Rule of Law Report, ensuring that it remains at the heart of our approach to rule of law. We are committed to adding the single market dimension, which is important, because I know that certainty and trust and confidence is a really important factor for businesses who are deciding to invest in another Member State, or indeed to trade on a cross-border basis.

So that is important, but fundamentally, to give you that reassurance of a very impartial and even-handed approach to all rule of law issues in Member States, irrespective of who comprises the government.

1-0052-0000

Pascale Piera (Pfe). – Monsieur le Commissaire, au regard de vos réponses écrites, la Commission européenne serait l'éminente protectrice de la démocratie, de la transparence et de l'indépendance des médias et de l'état de droit. Pour y parvenir, le dernier outil en date est un bouclier européen pour la démocratie.

Si je comprends bien, votre véritable objectif serait de lutter contre les ingérences étrangères, de «vacciner», selon les termes d'Ursula von der Leyen, l'Union européenne contre la désinformation et les menaces hybrides.

Comment comptez-vous garantir qu'un tel bouclier européen pour la démocratie n'entrave pas la liberté d'opinion ou l'indépendance des pouvoirs? Comment comptez-vous protéger les lanceurs d'alerte? Le projet n'est-il pas, à terme, de créer un commissaire à la vérité? D'une façon plus générale, quels faits justifient que cette Commission non élue endosse un tel rôle de contrôleur de la démocratie?

1-0053-0000

Michael McGrath, *Commissioner-designate*. – Thank you for your question. I think fundamentally the answer is that democracy is a founding value of the European Union, in Article 2 of the Treaty, and so upholding and protecting democracy in all respects is an essential part of the work that we do. And it's certainly going to be an essential part of the work that I do.

The Democracy Shield is an important initiative. It will have a number of different elements, as you know, countering foreign information manipulation and interference and disinformation. It will include measures to preserve the fairness and integrity of elections and strengthening the democratic checks and balances. And I look forward to the conclusion of the report into the European elections that were held earlier this year as well. It will support the co-legislators to find agreement on the update of the regulation on European political parties and foundations. It will also put a strong focus on societal resilience and preparedness, including through increased digital and media literacy. And that's where many of the issues that you have touched on there are important. But finally, and most importantly, in many respects, it is about putting the citizens at the heart of our democracy, embedding citizens' participation and engagement in our work, instilling a true and a lasting culture of participative democracy.

But there is no attack on freedom of thought whatsoever. We have the Charter of Fundamental Rights. It must be upheld. It is EU law. And it will fall to me as part of the annual reporting mechanism, which will now move to a monitoring basis to ensure that the charter, in all its respects, is fully respected and implemented.

1-0054-0000

Assita Kanko (ECR). – Thank you. Since its creation, Europol has received strong support from the Member States and from this Parliament. I myself am a strong supporter of our police forces. However, good police work is wasted if justice does not follow. The police need to see that their work is leading to change. People need to see that justice is being done. In your written answers, you elaborate on Europol-Eurojust cooperation to protect our citizens. Can you tell us more on how you will support the work of Eurojust to make justice work?

Second, I care a lot about women's rights. Sadly, the fight for women's rights is not won yet – not outside Europe and also not inside Europe. We saw what Hamas did to the Jewish women. We saw the troubling images of a girl defying the despicable morality police in Iran. We know that Sharia courts do exist in Europe. Everywhere, rape crimes are too often unpunished. What will you do to make sure rape is criminalised equally all across the EU and there is one justice system for all women? Thank you.

1-0055-0000

Michael McGrath, *Commissioner-designate*. – Thank you, Madam Kanko. I know this is an issue you are very passionate about and we spoke about it when we met in advance of the hearings. I want to acknowledge all of those that have worked on the Violence Against Women Directive and I want to acknowledge the work of, for example, Frances Fitzgerald from Ireland, who was a parliamentary rapporteur on that file.

I think it did result in a significant breakthrough. It's not the end destination – there is more work to do – but it has allowed for the adoption of the first ever Violence Against Women Directive at an EU level. That was a very significant milestone, of which I think everybody can be proud, comprehensively covering all areas of prevention, protection, support and access to justice.

The Commission and this House, I know, did all that they could at the time to ensure the inclusion of a definition of rape based on the lack of consent in this directive, but it was not possible to achieve that at the time. The Commission can encourage Member States to introduce the concept of consent in their national definitions of rape when transposing the directive, and we would encourage that. It is an abominable crime, and it is important that there is uniformity and consistency across the Member States in terms of the work in that regard.

If, following implementation of the directive, it appears that further action is needed, I would also consider a proposal adding gender-based violence to the list of euro-crimes. I will be working very closely with Commissioner-designate Brunner in his work in that regard.

I'm conscious of time, and I want to just acknowledge the second issue you raised: Europol and Eurojust. I think one of the real innovations has been the establishment of joint investigation teams, and I want to assure you that I will be following through on all the opportunities that are there to increase the cooperation between Eurojust and Europol, both of whom do excellent work.

1-0056-0000

Svenja Hahn (Renew). – Thank you very much, Commissioner-designate, for jumping so effortlessly between the broad topics of your portfolio. I would like to talk more about the single market portfolio – something we haven't talked much about yet – and particularly simplification, with regard to the digital fairness rules.

I was very pleased to see in your mission letter that there are a lot of issues that are very dear to my group, particularly a reduction of bureaucracy, simplification, streamlining, because I think we need a turn-around when it comes to regulation, and it will need the Commission, Parliament and the Council to work for real change.

You, yourself, said, looking at the Digital Fairness Act, we need to complement it with existing laws. The fitness check we saw only assessed three fields, but there are rules in place for many other areas. So I would like to know a bit more about how you will tackle the task of developing a Digital Fairness Act without creating a comprehensive new law, duplicating existing rules? And where would you see potential to cut red tape?

1-0057-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much for your question. I do believe that the Digital Fairness Act can make a contribution to the overall agenda of the Commission and indeed the Parliament to implement simplification. And it was indeed another aspect addressed in the recently completed digital fitness check of EU consumer law, which you referenced in your opening remarks. For example, in the area of consumer information, the fitness check identified

scope for simplifying the information obligations in the case of purchases of digital content in video games and in-app purchases. That's just one example.

There's a much wider question about simplification, and there are many measures within my portfolio where I can make a contribution: the upgrading of digital company law, the introduction of the '28th regime', for example, the manner in which we implement the Corporate Sustainability Due Diligence Directive, just to name a few examples. And the digitalisation of justice generally, I think, will offer a significant opportunity for cost reduction and reducing the burden of administration as well.

The Digital Fairness Act is not about layering additional requirements that are already in other bodies of law. I think the legal key that is there is currently missing coverage in respect of certain digital activities and for consumers in particular (and hopefully we'll have an opportunity to go into them) around the dark patterns, and the addictive design, and the personalised behaviour, and the role of influencers. I gave the simple example earlier on of, you know, we all sign up to subscriptions. It seems to be very easy to sign up. It's really difficult to cancel a subscription. Can we deal with issues like that?

So simplification will have benefits for consumers, but it will also have benefits for businesses. And I'll be looking at every opportunity available in the Digital Fairness Act and across the full suite of files that I have in my portfolio for simplification opportunities.

1-0058-0000

Katarina Barley (S&D). – Dear Mr McGrath, first of all, I would like to know if we can expect consumer protection to be added to your title as Commissioner, which we would find important.

Secondly, I will give you the opportunity that you just asked for: business models on the internet are partly based on what experts call 'addictive design'. You mentioned it, and research shows that the overuse of such platforms can cause serious harm to physical and mental health – not only with minors, by the way – as well as material damages. And of course, the big tech businesses behind that are fully aware of these effects.

So you propose a digital fairness act. Do you commit to include concrete legislation to protect Europeans from such addictive designs? Doing this, of course, means tackling the business model of big tech. So as a commissioner, do you commit to take on those very powerful players?

1-0059-0000

Michael McGrath, Commissioner-designate. – Thank you very much, Ms Barley. Of course, the addictive-design element of the digital fairness act proposal is called out in the mission letter and in the political guidelines.

So, yes, there will be concrete measures which we will have to develop together to address addictive design – which can come in many different forms, but we know that the whole purpose of many of the online platforms, many of the products online, is to keep you there, is to keep you online and to keep bringing you back. So, features like infinite scroll, autoplay, constant notifications are all designed to bring you back onto the platform.

So that does require attention. It is complex. It is not going to be easy. But we will need to bring in measures to protect consumers in that regard.

As you know, the President has also confirmed there will be an EU-wide inquiry on the impacts of social media on wellbeing, and we must make full use of the Digital Services Act to ensure that large social media platforms take measures to protect minors as well.

In my view, there is room to strengthen the protection of consumers online, and that is what the digital fairness act will seek to do. It will not duplicate – and I want to give everyone this reassurance – the body of work that has been completed by this Parliament and the Council and Commission over the last number of years. A lot has been done in the digital space, the DSA, the DMA, the AI Act itself, the General Product Safety Regulation.

There are so many different instruments, and many of you have raised concerns about duplication and layering more requirements. This is about closing gaps that are there, which will help to protect and support consumers in their decision making and in the choices that they make. It will also ensure that we do help to protect minors online. I hope that that is an issue that we can all unite around in our work on this important file.

1-0060-0000

Michał Wawrykiewicz (PPE). – Mr Commissioner-designate, thank you for your strong commitment to protect the rule of law. I have three issues I would like to address.

First, I'm getting back to the means that you will use to protect the rule of law and to prevent Member States from a backsliding of democratic standards. I refer to the obvious examples like Orbán's regime in Hungary, but also to other Member States – less obvious examples like Slovakia or Spain, where we should also protect the rule of law. So, the fundamental question arises: are you going to use the existing toolbox? Or maybe you are planning to improve it? And do you consider any new legislative proposals?

Second question: erosion of the rule of law principles threatens our common single market. How do you plan to address those issues, especially in Hungary, which uses protectionist tax policies?

Third question: what is your assessment of the situation of democracy and the rule of law in the Western Balkans?

1-0061-0000

Michael McGrath, Commissioner-designate. – Thank you very much for your question. In relation to the rule of law, I think one of the real strengths of our approach is that it applies to every Member State and every Member State is subject to the annual Rule of Law Report, where an assessment is carried out and where recommendations are made. I want to strengthen the follow-through, the implementation, the action. The Rule of Law Report is not an end in itself. It is a very useful tool. It is preventive in nature. It has led to positive change. But I do think there is more that we can do.

You ask me: will I use the existing toolbox or create new ones? The answer is both. I will use the existing toolbox. It is there. The conditionality mechanism, for example, is a permanent feature that does not end when this MFF comes to an end in a number of years' time, but there will be other opportunities that we have to strengthen and build a closer link between compliance with rule of law and access to EU funds, and that is the space where work needs to be done. There is no definitive answer at this point in time as to how that will be done, because I have to engage and negotiate with colleagues across the Commission, in particular the Commissioner for budget, who has obviously very direct responsibility in terms of the MFF.

On the single market dimension of the Rule of Law Report, as a former finance minister, I understand the way in which companies make decisions when they are trading internationally. They want to have predictability. They want to have certainty. They need to have confidence in the judicial system. They need to know the contracts they entered into with a third party in another Member State will be enforced in that country's legal system. So those are the very issues that the single market dimension of the Rule of Law Report will add, and I look forward to doing that.

Of course, in relation to the Balkans, I know in recent weeks, last week, the 2024 Enlargement Package clearly highlights the progress and the outstanding issues in each country. But I'll be working with the Commissioner for enlargement and we'll continue to consider expanding the Rule of Law Report to other candidate countries.

1-0062-0000

Kim Van Sparrentak (Verts/ALE). – Dear Mr McGrath, I will follow up on some of the previous questions on the Digital Fairness Act, because you've mentioned minors a lot, but no one's self-discipline can beat the manipulative, addictive tricks we face online, and there is clear proof of the negative effects of addictive design and excessive screen time – it creates anxiety, depression, even affects our brain development and attention span. So it's high time we gain control over both our own time and our own timelines again.

The European Parliament has called on the Commission to be the first in the world to tackle the addictive design of online products and services with legislation, and now it is up to you to tackle this problem for our generation and the generations to come. You say it is complex, but if we started to look at digital products and services as the products we use the most in our lives, then maybe we can actually do something.

So will the announced Digital Fairness Act contain clear, binding rules against addictive design for consumers of all ages? And will you ban the most harmful and addictive design features, such as the endless scroll and autoplay of videos?

1-0063-0000

Michael McGrath, Commissioner-designate. – Thank you, Ms van Sparrentak. Yes, we can do something and we will do it together when we bring forward this file. We're going to have to work really closely. I understand the business model of big tech and of these firms, and they want to keep people online constantly, including our children. And that is how to get more money for the advertising that is spent on their platforms.

So we understand the model and we are going to have to address this in the Digital Fairness Act. And I can assure you that we will, because there are harmful functionalities on these platforms that have an impact on children in particular during those formative years, and the effects can be lasting. In many respects, the studies are only happening now, but I think we have enough evidence to allow us to take action in that regard.

Yes, the Digital Fairness Act will cover all consumers, irrespective of age – I think it's important to put that on the record – but it will certainly pay special attention to the protection of minors as online consumers. And that is what they are – they are part of the near 450 million consumers in the European Union, many of whom are online every single day.

In more general terms, I think it's important to make the point that while we already have a comprehensive suite of consumer protection legislation in the EU, it applies to all market participants, but it is technology-neutral, whereas in recent years the growth and development of

commerce online, of games online, has just been exponential, and that has created issues that we need to examine.

So this file will be a priority for me, and I will work very closely with you on the detail and the specific measures, but I think we do share a common objective.

1-0064-0000

Dirk Gotink (PPE). – Mr Commissioner-designate, looking and listening to all the priorities that you have for democracy, justice and the rule of law, your friends in the IMCO Committee will hope you also spend time on consumer protection and competitiveness, because, as you know, the European market is being flooded with billions of packages from China.

Meanwhile, customs authorities and inspection agencies lack the capacity to properly check for health and safety standards. This exposes consumers to potentially dangerous products, but also pushes local retailers out of the market. It is a massive challenge for consumer protection and competitiveness.

So the questions would be: first of all, the responsibilities in the College are shared. How will you come to an integrated approach with your colleagues on this? What can we expect in terms of cooperation inside the College? Second, what does your roadmap look like on consumer protection? I think it was asked already before: concretely, when can we expect proposals? And lastly, what actions on the compliance issue, the market surveillance issue, can we expect from you regarding third countries? Thank you.

1-0065-0000

Michael McGrath, Commissioner-designate. – Thank you, Mr Gotink, for these questions. I will be working very closely with EVP- designate Virkkunen in relation to e-commerce and the issues that flow from that, and product safety is an area where we have much work to do.

I welcome the General Product Safety Regulation – it's great to see that it's about to come into effect next month. We now need full and consistent implementation of that across the European Union. So we need a consumer protection cooperation network to coordinate and work very closely together. The European Commission will ensure that there is coordinated action, including coordinated enforcement action, where that is appropriate.

But I do believe we need to review the consumer protection cooperation regulation, and in my opening remarks, I touched on the need for a new consumer enforcement initiative. At the moment, the powers rest at Member State level. That works well in many respects, but I think there are breaches that cross a certain threshold which require an EU-wide response. We can do that to an extent through coordinated responses of the national competent authorities, the surveillance authorities. But I do think centrally there is a need for investigative and enforcement powers.

So for me, bringing forward the review of the consumer protection cooperation regulation will be a priority. And I would like to work with you and your colleagues to scope out what an enforcement initiative might look like in that respect, because I do regard it as a priority.

I was looking at the stats, and data in the EU Safety Gate portal show that China accounts for about 50 % of notified dangerous products in EU markets. And we all know the platforms that are flooding the EU with products – many of which do not meet basic EU safety standards. There is improving cooperation with the Chinese authorities. I want to examine that, to see how we can improve that further and to stop this supply at the source. They should not be coming on the online marketplace in the European Union.

1-0066-0000

Luke Ming Flanagan (The Left). – The Commission recently announced that it will begin infringement proceedings against Ireland for not carrying out market surveillance on construction products, saying 'several thousand houses in Ireland suffered very serious damage' as a result of defective products. The Commission also said: 'the limitation of market surveillance activities to on-site measures endangers the free circulation of safe construction products in the Union. Due to the defective construction products, several thousand houses in Ireland suffered very serious damage'.

However, your government has publicly said they will strongly defend its position. The department has said it is actively undertaking market surveillance of construction products in compliance with EU legislation. That's not true.

In the mission letter from Ms von der Leyen, she says you will ensure the EU continues to be a global standard-bearer in terms of protection and product safety. You said here today that our voices will be heard, and you also said that the rule of law must be upheld in all Member States. Also, that you'd be an honest broker. How can we trust someone from the poacher family to be a gamekeeper?

1-0067-0000

Michael McGrath, Commissioner-designate. – Thank you for your question, Member Flanagan. Yes, I am aware of that formal letter of notice that has gone from the European Commission to the Irish Government back in July in relation to alleged failure to fulfil obligations under the Construction Products Regulation. You have summarised there the position of the Irish Government and they have responded to the Commission. Of course, the Commission now will have to consider that response and the Commission will, on the basis of the evidence, objectively make a decision as to whether or not that file advances and moves into a reasoned opinion and a more formal infringement proceeding basis.

But for me, the fundamental issue is that the necessary reform that had to take place is now happening in Ireland. And I welcome the fact that, in 2022, the Regulation of Providers of Building Works and Miscellaneous Provisions Act was enacted – a very important piece of legislation, which is to develop and promote a culture of competence, good practice and compliance with the building regulations in the construction sector. This will involve a statutory register, for example. The government is also progressing the establishment of an independent building standards regulatory authority. I think that is a necessary and an important reform.

Of course, coming from Ireland, I am all too well aware of this, as I know you are, because you represent many of your constituents who have been devastated by the defective concrete block issue. And the focus, I know, of the government in Ireland is to try and support people through the remediation scheme. There will be different views on the nature of that scheme, and I have no doubt it will be an issue that will be debated in the course of the next number of weeks in the general election and by the parties that will form the next government.

But certainly I think it's important that that scheme is implemented, that people are looked after. I know that many of them have had their lives and their homes devastated, and it's important that they do receive full remediation.

1-0068-0000

Pierfrancesco Maran (S&D). – Thank you. Mr McGrath, I go back to the question from my colleague Barley. Can we expect that consumer protection will not only be a priority but added to your title as Commissioner?

The next agenda will be key as consumers are increasingly faced with misleading commercial practices, both in online and physical marketplaces. One example is dynamic pricing that was recently used in the sale of Oasis concert tickets. In the Digital Fairness Act, will you look into regulating dynamic pricing, especially in the field of culture and entertainment?

Another worrying trend is shrinkflation or skimpflation, where the quantity or quality of goods is reduced but the price is not changed. Will you commit to enforce or revise EU laws to ensure that sellers declare instances of shrinkflation or skimpflation, as still happens in some Member States?

1-0069-0000

Michael McGrath, *Commissioner-designate*. – Thank you, Mr Maran. And I do apologise to Ms Barley for not answering the question about the title.

I hear you. It's not my decision; of course, it's a decision for the President and the College. As you know, the DG that I hopefully will be working with is the DG for Justice and Consumers, but whether it's added to my title as Commissioner is above my pay grade. But I hear what you've had to say in that regard.

Thank you for your question on dynamic pricing. There's been a big debate about this in Ireland as well, in the context of the concert ticket sales for Oasis, and I know the national body there has commenced an investigation. Of course, dynamic pricing is not prohibited in EU law. Traders can freely determine the prices, so long as they adequately inform consumers about the total price. But there may be aspects of dynamic pricing that do constitute an unfair commercial practice. And I think it's in that space where the current examination may well be taking place. I want to look at this in the context of the Digital Fairness Act, and I will work with you and with all colleagues. And I am open-minded as to what solution we need to put in place, because it is an issue, particularly in the event ticket sector. I think that is quite different, where over the space of 2 or 3 hours, the price can multiply five- or sixfold.

And in relation to the other issues, I think when it comes to shrinkflation – which we have all seen, I think, in recent years – the Price Indication Directive is important; that must be fully implemented. It allows consumers to weigh up the different options and their products so they can see the price per unit. I think that's very important. And I think the powers are there to deal with that at national authority level. I have to say, I wasn't familiar with skimpflation; I had to look that one up in my preparation over the last number of weeks. But again, I think there are powers there. But we do stand ready to do more if that is required in the context of the Unfair Commercial Practices Directive. It's important there is full transparency for consumers in relation to any changes in the quality or the composition of products. That must be fully open and transparent.

1-0070-0000

Jorge Martín Frías (PFE). – Gracias, señor McGrath, por su tiempo. Me gustaría hacerle dos preguntas. En sus respuestas ha señalado que es muy importante para usted la libertad de expresión, aunque la verdad es que no ha hecho mención expresa a ello en su respuesta al formulario. Mi primera pregunta es qué haría como comisario para que la libertad de expresión recogida en la Carta de los Derechos Fundamentales de la Unión Europea no sea vulnerada por los Estados miembros, pero tampoco por la propia Comisión, porque, como usted bien sabe, se puede acabar legislando sobre el discurso de odio y al final se acaba con la libertad de expresión, como por ejemplo acabamos de ver en Irlanda, donde la propuesta de ley sobre discursos de odio fue retirada el pasado mes.

En relación con que usted quiere incluir en el informe anual sobre el Estado de Derecho cuestiones relativas al mercado único, la segunda pregunta es qué va a suponer eso en la práctica y cómo va a garantizar que este informe no siga siendo una herramienta ideológica contra Gobiernos de Estados miembros elegidos democráticamente, como ha sido hasta la fecha contra Polonia, hasta que alcanzó el poder el candidato de la Comisión, como ha sido contra el Gobierno húngaro o como ha sido, en el último informe, contra el Gobierno de Italia.

1-0071-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much, honourable Member. It is not about ideology. It is about our values. It is about ensuring that everyone in the European Union is respected as an equal.

In the achievement of that, we have to pay particular regard to minorities. We have to ensure that the values of the European Union are fully upheld for them in every respect. I will always defend and protect the Charter of Fundamental Rights. It's going to be a core part of my job, and that, of course, involves freedom of expression.

But we also have to be honest, and acknowledge that there is a balance to be struck between freedom of expression and addressing hate speech, hate crime, and indeed, disinformation as well.

I know that the Commission proposed in 2021 that the Council adopt a decision to include hate speech and hate crime in the list of so-called 'EU crimes' in the Treaty, which are particularly serious cross-border crimes. But that requires unanimity and the required level of support was not there.

Of course, we will continue to observe developments in the Council and stand ready to explore alternative ways within the scope of the existing Treaty provisions.

But I can assure you it will not be at the expense of the fundamental freedoms that we afford to all EU citizens, including freedom of thought and freedom of expression. But there are boundaries, and the boundaries are that we have to ensure that we respect everybody within the EU, and that we particularly respect minorities, who are more vulnerable than others in their day-to-day lives.

1-0072-0000

Denis Nesci (ECR). – Signora Presidente, signor commissario designato, nella Sua *mission letter*, Lei è incaricato di integrare il mercato unico nella relazione sullo Stato di diritto per affrontare le questioni giuridiche che riguardano le aziende, e in particolare le PMI, che operano oltre confine.

Potrebbe chiarire quali misure concrete intende promuovere per migliorare la protezione giuridica di queste imprese all'interno dell'Unione? E come prevede di coordinare il processo di allargamento per includere nella relazione anche i Paesi candidati, assicurandone la prontezza per aderire a questi standard?

Infine, nella relazione annuale, se la sente di impegnarsi affinché le prossime relazioni della Commissione europea siano *evidence-based* e non redatte conformemente a posizioni fornite da ONG ideologicamente orientate?

1-0073-0000

Michael McGrath, *Commissioner-designate*. – Thank you, Mr Nesci, for your question. Yes, I can commit that the Rule of Law Reports under my stewardship will be evidence-based.

Of course, we do listen to many voices when the Rule of Law Report is being prepared, including NGOs, but also the national authorities. Their voice is important. The draft of the country chapter, as you know, we share with the national authorities in advance, and their input will be very carefully considered, and they will be given a very fair hearing and every opportunity to address any issues that they think are factually incorrect in the context of the Report.

In relation to the candidate countries and the single market dimension: as you know, the annual Report earlier this year included Montenegro, North Macedonia, Albania and Serbia for the first time in the annual Rule of Law Report. I think that was an important signal, and we look forward to extending the Rule of Law Report to include other candidate countries, as and when they are ready.

On the single market issue, it is important that we move ahead quickly with that. So I want to confirm that the next iteration of the annual Rule of Law Report will involve a single market dimension. I believe it does need to address the issues of legal certainty, of confidence in the judicial systems, contract enforcement and so on, so that we strengthen our single market.

At a time when the European Union is trying to improve its competitiveness, there are barriers within the single market to the conduct of trade, to the conduct of commerce arising from rule of law issues. We also have to be honest about that. Certain infringement proceedings have been taken by the Commission in respect of specific matters relating to that.

1-0074-0000

Ilhan Kyuchyuk (Renew). – Thank you so much. Mr McGrath, you touched upon the very important issues related to Democracy Shield threats within the European Union, but also threats outside European Union. I want to deepen my question a bit to fundamental values of the Union and particularly Article 2 of the Rule of Law Report.

Sometimes – not sometimes, but usually – Parliament was calling consistently for a review of Article 2. In addition, across the Union, it's becoming evident that from an administrative proceeding point of view, the organisation of free and fair elections are an extremely important element when it comes to checks and balances within the institutional set-up of the European Union.

Would you be working at this within the scope of Rule of Law Report, or would the threats to free and fair elections be addressed within the European Democracy Shield as a severe risk to our democracy?

1-0075-0000

Michael McGrath, Commissioner-designate. – Thank you, Mr Kyuchyuk, for your question. As you know, the Rule of Law Report currently deals with four important pillars around judicial independence, media freedom, media plurality, the adequacy of the anti-corruption framework within the Member State, and the appropriate checks and balances at an institution level within the Member State as well.

What I've been asked to do in the mission letter is to include the single market dimension. So that would be a priority, because I need to move ahead and give effect to that very quickly. I also want to build that closer link between the rule of law recommendations and access to EU funds, because that is a specific commitment that I think is broadly supported across the House.

We will keep the structure and the nature of the Rule of Law Report under review and if there are any changes that are appropriate and would help to make the report more impactful, then I am open to that. But I don't want to be in an endless cycle of report writing. I want action, I want implementation, I want to get things done and I want to see improvements in countries where there has been slippage or backsliding in respect of rule of law. That will be my priority: to see action.

Of course, when it comes to the Charter of Fundamental Rights, the Commission monitors the application of the Charter on an ongoing basis as part of its regular monitoring of EU laws' implementation, and adopts annual reports on the application of the Charter, which will now move from being a thematic snapshot to being a monitoring report. So we have to give thought and careful consideration to the nature of that report.

Then, of course, we will bring forward on the issue of elections that you spoke about, which is so important, the European Democracy Shield. We will engage with stakeholders, including the European cooperation network on elections, which I think is an important initiative as well.

1-0076-0000

Емил Радев (PPE). – Уважаеми г-н Макграт, в писмото си с Вашите задачи от Вас се изисква да допринесете за намаляване на задълженията за докладване с най-малко 25%, а за малките и средните предприятия - поне с 35%. В писмените си отговори се ангажирате с постигането на тази цел и повтаряте, че възможната административна тежест ще бъде взета предвид, за да не се претоварват компаниите, които се борят с бюрокрацията.

Като Комисар по правосъдието, Вие ще наблюдавате изпълнението и прилагането на много от наскоро приетите актове, включително Директивата за надлежната проверка на корпоративната устойчивост. В писмените си отговори също споменавате, че виждате поле за творческа, нова работа по прилагане на законодателството. Какво да разбираме под това твърдение? В случая на Директивата за надлежната проверка бихте ли обмислили, например, гратисен период или забавяне на нейното прилагане, ако стане очевидно, че то създава огромни препятствия? Как възнамерявате да решите проблема с факта, че насоките на Комисията за бизнеса ще дойдат едва след прилагането ѝ на национално ниво и има ли начин насоките да са готови по-рано? Благодаря Ви за вниманието.

1-0077-0000

Michael McGrath, Commissioner-designate. – Thank you very much for your question. My priority when it comes to the CSDDD will be to ensure a timely and effective implementation of that. I do believe we need to pay particular attention to the relevant support measures that will be needed as part of the implementation phase. We need to make it as easy as possible for companies to comply with the directive, and that is why we will need to provide every support possible, including detailed guidelines, to make sure that the transposition and then the implementation happens in line with the timeline that we have set out. As you know, it is a staggered implementation between July 2027 and July 2029, so it does take account of the capacity to prepare for new rules while ensuring that EU targets can be met.

I think it's important that we provide the legal certainty that's needed. Many of these large companies are already having to comply with equivalent national laws that might not be of the same depth or standard, but they are having to comply with national due diligence laws. So I think it's important we give them the certainty that this is going to happen. The legislators have concluded their work, and now the focus has to be on the implementation of it as quickly as possible.

That does mean consulting with stakeholders on the priorities of implementing measures such as guidelines, and also on the key issues to be addressed, including on the draft guidelines themselves.

I note your question in relation to the timing of the guidelines. In general, I think it's important that we provide the support measures as early as possible. So I will engage with the team in the DG in relation to that practical implementation, that we make it as easy as possible. And, of course, this directive doesn't impose additional reporting obligations, they're already provided for in the CSRD.

1-0078-0000

Lara Wolters (S&D). – Also some very concrete questions on corporate sustainability due diligence from my side.

As just demonstrated, I think some are still trying to discredit this piece of legislation. Earlier today you talked about a fresh look at company law, the manner in which we implement the CSDDD, you just said, making that as easy as possible.

So how do you view this debate? What side are you on? Concretely, how will you ensure the timely and effective implementation of CSDDD, including the related reporting requirements in CSRD that were just mentioned?

Will you commit to dedicating more resources in the Commission on this than is currently the case, including for that very important development of those guidelines?

Do you commit to the submission of a report by July 2026 on additional due diligence requirements for financial undertakings, including a legislative proposal?

Then, lastly, internationally, the UN negotiations on an instrument on business and human rights – what will you do to advance that? Thank you.

1-0079-0000

Michael McGrath, Commissioner-designate. – Thank you very much, Ms Wolters, for your question.

You ask me where I stand on the issue of the directive, so at the fundamental level. So, we must proceed. The directive is there, it must be transposed and it must be implemented. In doing so, we do have to provide as much support and assistance as possible to ensure it can be done seamlessly and efficiently.

On the question of reporting, as you're very familiar and I know you've done a huge amount of work on the directive. For reporting, the CSDDD relies on the CSRD and its associated European sustainability reporting standards, thereby avoiding duplication. That's an important message that we give to those who are critical or sceptical of this proposal. It does avoid duplication for companies in the scope of both sets of rules.

But it's important that we take a global lead in the European Union on these issues, on a sustainable business model being adopted by businesses that respects human rights and promotes the environment across the full supply chain of their operations.

I also believe that the CSDDD will have a wider impact outside of the European Union, not least because of the nature of the supply chains, but other jurisdictions that want to trade with the European Union will see this as a global leading implementation measure. That for me is where really effective change can be brought about.

So the focus will be on delivering the implementation support measures foreseen in the directive to facilitate compliance and support the companies in their sustainability transition, including the guidance documents, the model contract clauses, the single helpdesk, and I'll engage with you in

relation to the timelines and the specific modalities of the steps we need to introduce, but we do need to proceed.

1-0080-0000

Regina Doherty (PPE). – Thank you, Chair. *Fáilte go dtí Parlaimint na hEorpa. Is maith an rud é go bhfuil tú anseo linn inniu.*

Michael, President von der Leyen has asked you to contribute to reducing reporting obligations by at least 25 % and 35 % for our SMEs. And Mario Draghi highlights that there are areas where the EU should do less and show more self-restraint, because regulation is seen by more than 60 % of EU companies as an obstacle to investment.

And yet, at the same time, your mission letter asks you to present proposals on a new digital fairness act, a new '28th' legal regime, further regulation for e-commerce platforms, a new consumer action plan, modern product safety policies and updates to the GDPR act, amongst other acts.

Given the conclusions of Draghi, particularly regarding overregulation and subsidiarity, how will you ensure that these reforms meet the aims of enhancing EU competitiveness, and don't create new barriers and burdens on job creation and investors, whilst also protecting and upholding the rights of all of our consumers in the EU? So my specific question is: will you make a competitive test part of all new legislative proposals?

1-0081-0000

Michael McGrath, Commissioner-designate. – Thank you very much, Madam Doherty, for your question. Of course, there is that overarching obligation that all Commissioners-designate are being asked to comply with, and that is to make our contribution to improving the competitiveness of the European Union and to reducing the reporting requirements for SMEs by 35 %.

As the President said in the guidelines, I and the other Commissioners-designate will work with the Commissioner in charge of implementation and simplification to stress-test the *acquis* and remove any obsolete, overlapping and inefficient rules. So that is a clear commitment.

I'll also have regular dialogues on implementation with stakeholders, so that we are aware of the realities on the ground, and that we ensure, through the new SME and competitiveness check, that we avoid unnecessary administrative burdens, maintaining high standards.

As you know, I intend to launch a justice for growth strategy that will look at civil law and company law. And one of the lenses that I will be using when I when I look at that is where are the opportunities to reduce red tape and make it easier for businesses to trade – because this is an issue that comes up very consistently – but to do that in a way that doesn't dilute rights. And I think it is possible to achieve that. So that high-level process and justice for growth, I think, will afford opportunities.

I'm committed to the digitalisation of justice. I think there is a lot of potential there. I'll look at ways that we can help SMEs in particular, with the business register interconnection system. We have the unique European company identifier. When it comes to the CSDDD, my focus will be on guidance to support businesses and their compliance, with as little bureaucracy as possible.

And in the area of consumer protection – and I think we don't afford enough attention to this – by strengthening consumer protection, particularly around e-commerce, that is improving the competitive position of EU businesses so that there is a level playing field for them operating in the

single market, which at the moment is distorted by the amount of unsafe products coming into the European Union.

1-0082-0000

Judita Laššáková (NI). – Veľmi pekne ďakujem. A vážený pán McGrath, som veľmi rada, že ochrana spotrebiteľa a právny štát sa snúbia vo vás (tu som). Lenže ochrana spotrebiteľa je naozaj taká oblasť, ktorej sa nie veľmi radi venujú advokáti. Veľmi často vznikajú občianske združenia, ktoré potom zastupujú občanov pred súdom. A keďže v práve platí, že právo patrí bdelym, v mnohých prípadoch kvôli tomu, že to dotýčné občianske združenie ani len nespolupracuje s právnikom, v mnohých prípadoch takýto súdny proces prehrávajú. Dokonca sú aj občania, ktorí takýmto spôsobom prišli o svoje nehnuteľnosti. Ja sa chcem spýtať, či budete vyvíjať nejakú iniciatívu na to, aby sa takéto občianske združenia podrobili určitému právnemu zabezpečeniu, poprípade aby si platili nejaký fond na plnenie, ak budú poškodení občania. Ďakujem.

1-0083-0000

Michael McGrath, Commissioner-designate. – Thank you very much for the question. I believe that access to justice, whether it be civil justice or criminal justice, is a fundamental right that we must give expression to, whether that be in the area of consumer law to ensure the consumer rights are protected and upheld. Very often people may find consumer law very complex, they can be bamboozled with, you know, detailed terms and conditions, and when they seek to vindicate their rights, there are barriers put in their way and many people just give up.

So that is why we need to make sure that at Member State level, the organisations that support consumers to vindicate their rights are supported themselves through the Member State budgets, and we will do what we can through the European Union as well. I think that's really important because I think some businesses can take advantage of that situation where some consumers are not well enough informed or perhaps just not able to navigate what can be an overly bureaucratic or complex system of enforcing their consumer rights.

So this is a part of the portfolio that I am really looking forward to getting stuck into. I think there's a lot that we can do to help consumers in the European Union. And, as I said a moment ago, I think that will actually help businesses as well, because of the integrated nature of the global marketplace. If we ensure that companies who are selling into the European Union are also subject to these obligations – at the moment many of them, particularly in the area of product safety, are not complying – that will strengthen the relative position of European businesses in selling into the single market.

So I would hope to work with you on these issues, because I think there is an opportunity to make real progress for the citizens who we are here to serve.

1-0084-0000

András László (PFE). – Mr McGrath, what Ms Strik said about the Article 7 procedure against Hungary doesn't sound like the rule of law. The Greens want to be the prosecutor. They want to be the judge and jury, and they want to carry out the sentence. Does this sound like the rule of law? Because to me, it sounds a lot more like Soviet-style State trials and something with which, unfortunately, Hungarians are already very familiar.

Second topic: there have been several high-profile murder and knife attacks committed by illegal immigrants residing in the EU, despite the fact that they have leave orders from Member States. But authorities do not carry out these leave orders. So do you agree that this is a rule of law problem?

What will you do to protect European citizens? And do you agree that Member States should detain these people with leave orders until deportation?

And my third question is: Ursula von der Leyen was called on by the EU Ombudsman to release the text messages she exchanged with Albert Bourla, the CEO of Pfizer. If the Commission President can ignore the EU Ombudsman, why shouldn't everyone else?

1-0085-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much for your question. I reiterate the basic point that rule of law requirements apply to everyone, and it will give me no comfort or no joy to be using the various instruments that we have, that are currently being used. But if I need to do so, I won't hesitate in doing so, because if we do not have the rule of law in every Member State, then that will encourage others to also backslide and to renege on their democratic obligations.

So protecting our values, protecting our fundamental rights, supporting our democracy in every Member State will be my North Star. That will be my mission. That is what I will seek to do every day in the course of my work. And the various instruments are there. But I also want to say my first port of call will be dialogue; it will be dialogue with Member States, to engage with them, to challenge them, to hear what they have to say, but then to back that up with action, if I believe that that is warranted.

And to your second point: a crime is a crime. It doesn't matter who commits the crime. If a crime is committed within the European Union, then we have to make sure through the judicial and criminal systems in the Member States and, where we share powers, at an EU level that we have the appropriate tools to respond. We have now an asylum and migration pact for the European Union, and the focus should be on the implementation of that. But I do not believe that we should seek to be divisive, to set one group in society up against another group in society, because a crime committed by one is more serious than a crime committed by another, by virtue of their identity or where they come from. If it is a crime it should be treated accordingly by the European Union.

1-0086-0000

René Repasi (S&D). – Mr McGrath, your mission letter requires from you to help innovative companies grow by means of corporate law. In my eyes, innovative companies need investments without becoming prone to killer acquisitions. Steward ownership is a way to achieve this goal through asset locks and the separation of voting and economic rights.

Germany and the Netherlands are currently considering the introduction of such new legal form. Will you commit to exploring changes in EU law to support the creation of such long-term-oriented ownership models across Member States and as part of the '28th regime', ensuring that asset lock provisions are created or at least protected at European level?

Do you consider the harmonisation of elements of corporate forms, such as asset locks, next to an ambitious overall '28th regime'?

Would you commit to adjusting the EU Mobility Directive in order to protect national corporate forms for innovative companies with asset locks from abusive conversions?

And finally, when working on the '28th regime', will you commit to presenting a legal form that cannot be misused in order to hollow out national core determination rights, as was recently allowed by the Court of Justice in the context of the SE?

1-0087-0000

Michael McGrath, *Commissioner-designate*. – Thank you, Mr Repasi, for your question. Bringing forward the '28th regime' is going to be an important piece of my work and it will involve consideration of a number of the specific issues that you have identified there in your remarks.

I think at a fundamental level, it is about ensuring that where a company is formed in a Member State, it is fully recognised across borders throughout the European Union for the conduct of business. It is about bringing down barriers to the full operation of the single market. There are certain aspects of it that I think are pretty obvious. There are others that will require very careful consideration.

A '28th regime' should be set up fully online. It should benefit from the application of the once-only principle when setting up subsidiaries and branches in another Member State, and it should no longer need to obtain an apostille. It should have a European unique identifier for companies, which provides a single identity and is based on a single registration and a multilingual digital EU company certificate. So these are issues that I think it should be relatively straightforward to reach agreement on.

What I want to see in relation to companies in the European Union is that they can scale and grow within the EU. For example, when we have entrepreneurs, when we have high-potential start-ups, we see too many early exits, and I think we need to look at the different mechanisms that will help to incentivise companies to remain in European ownership for the long term, to grow and develop, and to become companies of a global scale.

I know the issue of an asset lock is not a new phenomenon. It's an essential feature of non-profit entities. But with regard to companies, it can also be a way to retain capital for the long term. And that is so important because companies need to continue to reinvest if they want to grow to the next level.

But I will work on the detail with you as we develop the '28th regime' as a concept.

1-0088-0000

Ana Miguel Pedro (PPE). – Commissioner-designate, my first question is about the future scope of the EPPO. Are there additional areas of serious cross-border crime we believe could be addressed to further protect the EU, and do you foresee any possibility to expand its mandate before the launch of the next MFF? Do you see a need to establish dedicated police units or other specialised entities to combat financial economic crimes affecting the EU budget, as advocated by the EPPO?

The next topic I wish to address involves Russia's war in Ukraine. In light of this ongoing conflict, what measures can you take, perhaps in collaboration with the EPPO, to enforce justice in cases of war crimes? Can the EPPO help enforce sanctions to cut off funding that supports Russia's aggression? Finally, do you anticipate any new legislative or non-legislative initiatives to improve cross-border access to justice and judicial cooperation within the EU?

1-0089-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much for your question. I will start perhaps with Ukraine and the work that we are doing and where we need to do further work over the period ahead. First of all, on the question of accountability, taking discussions forward on the establishment of a special tribunal for the crime of aggression within the institutional framework of the Council of Europe is going to be a priority. So I'll work with you and with Member States, as

well as the High Representative, to step up the Union's support to Ukraine in the area of justice, because I think we can make an important contribution.

On the issue of sanctions, as you know, earlier this year, the Union adopted a Directive on the criminalisation of sanctions violations, thanks also to support of this House. So I will make sure that the Freeze and Seize Task Force can take forward its work and explore all possible avenues to ensure a better enforcement of our sanctions, notably by means of criminal law.

In relation to the EPPO, which you raised, and to say a quick word about the EPPO and Ukraine as well, as you know, under the previous Commission mandate, Eurojust and the EPPO have already stepped up their support for Ukraine. The EPPO signed a working arrangement with the Prosecutor-General's Office of Ukraine and the National Anti-Corruption Bureau of Ukraine. If necessary, I will ask from the Council the mandate to negotiate an international agreement with Ukraine on its cooperation with the EPPO. I think that is an area where progress is possible and we should seek to bring that forward.

My priority now is to complete the evaluation of the EPPO regulation and to bring forward a revision of that regulation dealing with the rules of EPPO's competence, particularly the extension to the area of corruption on a cross-border basis, to procedural rules, to governance and data protection regime, and its relations with its partners, both within the EU and outside the EU.

1-0090-0000

Sergey Lagodinsky (Verts/ALE). – Thanks so much, Commissioner-designate. First of all, I apologise that I didn't consult your avatar before asking you in person, but it's great to see you again.

When I would sum up an important dimension of your future work, it would be accountability and transparency. From that perspective, two questions.

Number one, on accountability of companies. Lara Wolters already mentioned we are looking now at the delay in implementation of CSRD by 17 Member States. We are having a huge pushback by some Member States on CSDDD.

How will you ensure the proper implementation? You said you want implementation, but what are the instruments and what is the plan and the strategy there? Because you will be facing this resistance by Member States in the future, and already now.

Furthermore, criminal responsibility, when we're talking about criminal prosecution of companies held liable for environmental damage...

(The Chair cut off the speaker)

... the three minutes that I have ...

(The Chair tells the speaker that he only had one minute)

Okay. Well, thank you very much. I will have the rest of the questions to your avatar.

1-0091-0000

Michael McGrath, Commissioner-designate. – Thank you, Mr Lagodinsky, for your question. You're asking for the detail of how we will proceed and ensure that the CSDDD is implemented. In that regard, the focus will be on delivering the implementation support measures foreseen in the

Directive to facilitate compliance and to support companies in their sustainability transition. But this is work that must proceed. There should not be any reason for delay.

This will include various guidance documents, model contract clauses for companies for their due diligence efforts and a single help-desk to provide dedicated advice to the questions that will nevertheless arise. And all of these measures will bring additional clarity and legal certainty to companies.

So I will ensure that this work is prioritised, that we do listen to stakeholders. Yes, of course, there will continue to be engagement, but we will support both large companies and SMEs, as well as other business partners who are impacted in the value chain.

We should aim for a high level of harmonisation in respect of the transposition of this directive, and where there is foot-dragging and where there are delays, we will not hesitate to act, because it is important that we proceed. I will do all that I can to minimise the burden without detracting from the core objectives and the fundamental aims of this directive.

The adoption of the Environmental Crime Directive in the last mandate was certainly a major step forward in ensuring that crimes against our environment do not go unpunished, and I want to assure you that I will work closely with Member States to ensure the swift and proper implementation of the provisions in national laws in the coming months and years ahead.

1-0092-0000

Mariusz Kamiński (ECR). – Szanowny Panie Kandydacie! Uważa Pan, że sprawozdania na temat praworządności są ważnym narzędziem działania Komisji Europejskiej. Ja tym sprawozdaniom zarzucam brak obiektywizmu, nierzetelność i skrajne upolitycznienie.

Przez ostatnie lata Polska była bezpardonowo atakowana za rzekome łamanie praworządności. W sprawozdaniu za rok 2023 koronnym dowodem na to miało być aresztowanie przez polskie służby specjalne hiszpańskiego lewicowego dziennikarza Pabla Gonzaleza. W rzeczywistości był to Paweł Rubcow, rosyjski szpieg udający dziennikarza, którego po niedawnej wymianie szpiegów osobiście witał na lotnisku w Moskwie Putin.

Czy wyjaśni Pan, jak mogło dojść do zamieszczenia tak kompromitujących błędów w tym sprawozdaniu? Czy jako komisarz zajmie się Pan tym, co naprawdę dzieje się teraz w Polsce w zakresie przestrzegania praworządności? Czy zajmie się Pan łamaniem praw człowieka, przypadkami stosowania tortur wobec więźniów politycznych, o czym milczy sprawozdanie na temat praworządności za rok 2024?

1-0093-0000

Michael McGrath, Commissioner-designate. – Thank you very much for your question. As with all Member States, I will engage directly with the Polish authorities on the Rule of Law Report and the recommendations, ensuring that there is implementation initiatives in respect of those recommendations. I think that is important. The Rule of Law Report under my stewardship will be evidence-based. It is an objective and reliable report. The Member State concerned will be given an opportunity to examine the country-specific chapter and to respond to the issues that arise within it.

The Commission is the guardian of the Treaties, and it is our job to ensure that the values in Article 2 are fully respected and upheld. It will be a report that continues to be based on a clearly set out methodology, where all voices are listened to from within the country. And of course, the

Commission ultimately will form its own assessment, and it is the Commission's responsibility to reach a conclusion in terms of the Rule of Law Report.

As you know, the Commission decided in May to formally withdraw the reasoned proposal and to close the Article 7(1) procedure for Poland. And as Commissioner, with your support, I will support Poland in the implementation of the measures it committed to take under its action plan on rule of law, as well as any other steps to protect and promote the rule of law in Poland. The Commission will continue to monitor closely the progress that is being made in that respect, and will report on this in particular under the rule of law process over the period ahead. We will use all the tools at our disposal to ensure compliance. But of course, I will engage directly with the Polish authorities and I will ensure there is an even-handed and fair approach adopted in all dealings with them.

1-0094-0000

Jeannette Baljeu (Renew). – A lot has been said already on the need to enhance our competitiveness and support EU business against unfair competition. It is clear that measures need to be taken in the coming period of time to create a level playing field inside and outside the EU.

You already mentioned the product safety regulations and the Digital Service Act introducing new obligations for online platforms. My question would be how will you ensure that digital platforms take their responsibility for the safety of third-country products for EU consumers? What additional measures will you support to prevent unsafe goods from reaching our markets through these channels? And what would be the timeline that you envision for that?

1-0095-0000

Michael McGrath, Commissioner-designate. – Thank you very much, madam, for your question. I think the context here is unprecedented growth in the level of e-commerce imports into the European Union.

If you look at the statistics, customs authorities in the EU are confronted with billions of small packages that are shipped directly to the consumer. 354 million of these items were imported in May 2024, which is twice the amount of May 2023 – twice the amount in one year – and three times the amount of May 2022. This corresponds to over 10 million parcels per day.

So this gives a real sense of the scale of the challenge that we face to ensure the consumers are protected and that product safety standards that we set in the EU – and we are a global leader when it comes to safety standards for products – are respected.

As you know, last week, the Commission announced it has opened formal proceedings against Temu to assess whether the provider of the e-commerce platform has breached its obligations under the DSA in areas linked to the sale of illegal products, the potentially addictive design of the service, the systems used to recommend purchases to users, and data access for researchers.

So the scale and the gravity of this problem requires a coordinated EU response, using all of the tools that we have at our disposal and an open mindedness to developing new tools.

The tool that is just about to come into being is the GPSR and, again, thank you all for your support for that. That will now give the national market surveillance authorities takedown order powers. So if they see products that are unsafe on a platform being sold into the European Union, they can issue a takedown order to get that off the internet. I think that is a proper power that they will have.

There are other activities that will be done: online mystery shopping, organising product safety sweeps. So there's a huge amount of work that we will do. We'll have to work very closely with the customs authorities as well, of course, in terms of their obligations, and work then internationally with the jurisdictions from which these products are being exported to the European Union.

1-0096-0000

Ewa Zajączkowska-Hernik (ESN). – Szanowny Panie! Pana CV i dotychczasowa aktywność, postawa społeczna wskazują, że jest Pan jednym z lepszych kandydatów na komisarza w tej kadencji. Gratuluję zdolności politycznych przy byciu ojcem siódemki dzieci. Jednak otrzymał Pan nominację do teki, która Polakom kojarzy się z hipokryzją poprzedniej Komisji Europejskiej oraz partyjnie motywowaną ingerencją w wewnętrzne sprawy Polski.

Pod hasłem troski o praworządność w Polsce poprzednia Komisja Europejska szeregiem swoich działań doprowadziła do nakładania kar finansowych na mój kraj oraz do wstrzymania istotnych środków finansowych, by następnie – po politycznej zmianie rządu w Polsce bez żadnych reform wymiaru sprawiedliwości – uwolnić środki finansowe bez takich wątpliwości dotyczących praworządności.

Inne państwa członkowskie mają lub będą mieć według pani von der Leyen kłopoty finansowe ze względu na brak sympatii pani przewodniczącej Komisji Europejskiej do ich obecnych rządów. Czy Pana zdaniem tak ma wyglądać system redystrybucji środków unijnych? Ma on się opierać na politycznym szantażu, braku przejrzystości i na uznaniowości?

1-0097-0000

Michael McGrath, Commissioner-designate. – Thank you for your question. The choices that will be made will be objective and will be based on the evidence that we have before us. And so, where a view was taken, for example, following a reassessment in relation to Article 7(1), that a clear risk is no longer evident because of commitments that have been made, then that is the basis of a conclusion that the Commission would have reached.

But of course, we have to see follow-through and we have to see implementation. And the point I'm making to all of the Member States is that words are good, but actions are more important. And so we need to see the implementation and the follow-through of compliance with rule of law and the commitments that have been made. So I can assure you there will not be any any hypocrisy in terms of the approach that I'm going to take. I will certainly be engaging on a bilateral basis with the Polish authorities, as I will be with the other Member States as well over the period ahead.

1-0098-0000

Mario Furore (The Left). – Signora Presidente, signor commissario designato, uno dei pilastri della nostra democrazia è l'indipendenza dei media e la libertà dei giornalisti: sono contento che lo abbia già citato in un altro intervento.

La Commissione europea nella scorsa legislatura ha preso importanti decisioni per difendere lo Stato di diritto, che è minacciato anche da altri Paesi.

Le faccio un esempio: in Italia, una legge del 2015 assegna al governo il potere di indicare l'amministratore delegato della TV pubblica, la Rai, e di nominare anche – in parte – il consiglio di amministrazione. La politica, insomma, decide la governance della Rai.

E i risultati, purtroppo, si vedono: nella classifica sulla libertà di stampa nel mondo, l'Italia si colloca infatti al 46° posto e anche la relazione 2024 sullo Stato di diritto ha certificato questa criticità.

Le chiedo dunque come intende affrontare il problema dell'indipendenza dei media italiani ed europei e dell'ingerenza della politica. Ci può dire se questa legge del 2015 è incompatibile con il *Media Freedom Act* e come seguirà il recepimento del regolamento negli Stati membri?

1-0099-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much, honourable Member, for your question. My approach with Italy will be the same as with all of the other countries. I will take the 2024 Rule of Law Report. We will go through the recommendations. We will engage. We will see where there has been action and follow through, and where there has not been. Then we will hold everyone to account and ensure that the next steps are taken.

I intend to follow closely the measures that need to be adopted in Italy to make sure that justice is more efficient and is quick. The establishment of a comprehensive regulation of conflict of interests, lobbying activity, and financing of political parties to prevent corruption will be a priority for me, and as Commissioner, I will pay particular attention – you've raised the issue of media freedom, including the independence of the public service broadcaster, as well as the improvement of the safety and the working conditions of journalists, and to the protection of the right to demonstrate, as these are all essential for a free society.

So the Rule of Law Report provides us with the basis of making progress. It should be acknowledged that overall, when I look at the data, I look at the recommendations across a whole range of countries and I see what actions it has led to, there has been significant follow through – in the order of two thirds of recommendations are in full or in part implemented. Of course, we want full implementation, but we also want it to happen swiftly.

1-0100-0000

Ilhan Kyuchyuk, *Chair of the JURI Committee*. – Thank you so much. The first one is Sven Simon on behalf of AFCO. Chair Simon, please. Same rule: one minute question, two minute answer.

1-0101-0000

Sven Simon, *Chair of the AFCO Committee*. – Thank you, I have three questions.

First, how would you engage to advance negotiations between Parliament and Council on Parliament's recent proposal for a European Electoral Act of May 2022?

Second, how do you intend to address the Council's security concerns while maintaining Parliament's objective of maintaining control over European political parties and foundations?

And the third question you already have answered. You mentioned the Commission's reports assessing the state of the rule of law in Member States, and it was addressed several times here. I would like to draw your attention, really, to the problem that we face with having legal cultural differences. If you take, for example, the legal judge, '*Gesetzlicher Richter*', which doesn't exist in most Member States, or the term always used and translated with 'rule of law', but '*rechtsstaatlichkeit*' or '*état de droit*' have a different meaning. So I'd really like to ask you to advance a unified understanding – an understanding that acknowledges national nuances while reinforcing the rule of law as a cohesive rather than divisive force in Europe.

1-0102-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much, Mr Simon, for your question.

First of all, in relation to the European political parties and foundations. If I am confirmed, I will do all that I can to support the process of reaching an agreement on the proposal to amend the regulation on the statute and funding of European political parties and European political foundations. I think this is an important file. As indicated in the mission letter, I will work to rebuild the bridge between Parliament and Council, recognising the precious expertise of Parliament in the actual functioning of European political parties and foundations.

We've come through some very, very difficult times over the last number of years with the invasion of Ukraine, and the focus has quite rightly been on an appropriate response to that. But I do believe that the legal framework of the political parties in the European Union and foundations does need to be developed so they can reach their potential under the Treaties. And I want to work with you in relation to all of that.

In relation to EU electoral law. Again, I look forward to working with your committee in respect of the competence we have at an EU level, and, of course, recognising the principal role that there is at Member State level as well.

My bottom line will be I want to see more democracy. I want to see more participation in elections. And if there are changes that we can make at an EU level or encouragement that we can give to Member States using the tools at our disposal, to empower more of our citizens to participate more actively in the democratic processes of the European Union, then that is something that I will do. I'll pay particular attention to the issue of mobile EU citizens, because too many of our EU citizens are not given an opportunity to participate in the democratic process.

1-0103-0000

Nela Riehl, *Chair of the CULT Committee*. – Dear Mr McGrath, on behalf of the CULT Committee, my question is the following. Given the division of responsibilities for media policy, how do you plan to ensure coherence and regulatory consistency between the European Media Freedom Act – the EMFA that you've mentioned before – and related legislation such as the Audiovisual Media Services Directive, the AVMSD, especially considering that they fall under different Directorates-General, DG JUST for the EMFA and DG CONNECT for the AVMSD?

How will you avoid the fragmentation of oversight and potential discrepancies in the EU media policy if these key frameworks are not managed by the same Directorate-General? Thank you very much.

1-0104-0000

Michael McGrath, *Commissioner-designate*. – Thank you, Madam Riehl, for your question. The first thing to reassure you is there will be very close cooperation between myself and EVP-designate Virkkunen. We have already discussed this issue. I have met with DG CONNECT. My own DG will now be taking responsibility for the implementation of the European Media Freedom Act, and we will ensure that there are proper procedures in place so that the coordination is really close, because it needs to be.

You are correct, the EMFA is an integral part of EU media policy. It builds on the framework that we have on the Audiovisual Media Services Directive, and I think when you take them together, they give us a very good opportunity now for a comprehensive set of rules that foster the internal media

market, allow media companies to operate freely across borders, but also for our consumers to have access to diverse media content.

The EMFA does take account of the unique place of the media in our democracies and in our culture, and my focus now will be on the swift implementation of the EMFA. In that regard, the setting-up of the new European Board for Media Services, which is an upgrade, as such, of the ERGA, which is the current network of national regulators under the AVMSD. This will make the cooperation among regulators much more efficient. I will ensure that the two instruments are applied in a cohesive and a coherent manner, and we will work very closely with EVP Virkkunen in that respect. So getting that board and its secretariat up and running will be a key priority.

We will also ensure that the EMFA rules on findability of media content, on connected television and audience measurement are swiftly implemented also, and ensure that a regulatory fitness check on all Member States is carried out to ensure that the implementation is well on track for the August 2025 deadline. I look forward to working with your committee over the period ahead on that.

1-0105-0000

Monika Hohlmeier, *Vice-Chair of the BUDG Committee*. – Thank you very much, Chair.

On the one hand, dear Commissioner-designate, we were glad to read in your written replies that you are ready to ensure the best possible direct information flow with the Parliament. On the other hand, you underlined the duty of sincere cooperation with the Member States concerning the monitoring of the fulfilment of the horizontal enabling conditions.

How will you reconcile these two commitments and ensure that the Parliament, as one arm of the budgetary authority, is informed in a timely and transparent manner about the ongoing discussions with Member States, the assessment of the Commission and, when applicable, the breakdown of frozen funds by tools aimed at protecting the financial interests of the Union against breaches of Union law?

1-0106-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much, Ms Hohlmeier, for this question. I think it's important to reaffirm my commitment to provide complete, timely and detailed information to Parliament, and together with the Commissioner for Budget, who, of course, is responsible for the Conditionality Regulation, and indeed other Commissioners responsible for the horizontal enabling condition on the effective application and implementation of the Charter, we will strive to provide Parliament with the breakdown of frozen funds by tools aimed at protecting the financial interests of the Union against breaches of Union law.

So there needs to be information flow consistently and happening in a seamless manner. And I give you that commitment. I anticipate I'll be coming before the relevant committees of Parliament on an ongoing basis in that respect.

I think the horizontal enabling condition is an effective tool that helps us to enforce the implementation of the Charter of Fundamental Rights. And of course, in the context of the next MFF and the next Common Provisions Regulation, there will be a need to examine what is an appropriate legal basis for the next mandate in terms of ensuring that the Charter of Fundamental Rights is fully upheld over the period ahead.

Of course, the Commission is mindful of its duty of sincere cooperation with the Member States, given that the monitoring of the fulfilment of the horizontal enabling condition is based on a

constant dialogue and engagement between the Commission and the Member States. Of course, there will always be political sensitivities around discussions where EU funding is involved, and that is why it is important that there are clearly established lines of communication and information flows set up involving the relevant Commissioners, the relevant parliamentary committees. And I give you that solemn commitment to work in a genuine spirit of collaboration with you and your committee members over the period ahead.

1-0107-0000

Caterina Chinnici, *vicepresidente della commissione CONT.* – Signor Presidente, signor McGrath, anch'io faccio seguito alle Sue risposte scritte al Parlamento per chiederLe oggi di fornire ulteriori informazioni circa le misure concrete che intende adottare per garantire che le raccomandazioni della relazione sullo Stato di diritto aventi un impatto sul bilancio dell'Unione siano seguite in modo rigoroso e il modo in cui queste azioni saranno coerenti con l'obiettivo generale di rafforzare l'architettura antifrode.

E ancora, potrebbe darci maggiori dettagli sugli accordi di lavoro che metterà in atto per cooperare con il commissario per il Bilancio, la lotta antifrode e la pubblica amministrazione?

1-0108-0000

Michael McGrath, *Commissioner-designate.* – Thank you very much for your question. It's important that we acknowledge the role of the Rule of Law Report. It is a preventive instrument. It is designed to effect positive change within Member States in terms of compliance with rule of law. But it is just one tool. We also have tools that we can respond where breaches take place and we will not shirk in our responsibility to do that.

I also think it's important that we support the Member States in their efforts to tackle corruption. As you know, there are proposals for a new anti-corruption directive as part of an anti-corruption package. I think that should be a priority for this Parliament and certainly will be for myself, and I look forward hopefully to working with you in that regard.

I also will do all that I can to support the organisations that get funding under the CERV programme and the Justice programme, because I think they do excellent work and they can really help us in that regard as well.

So when it comes to anti-corruption, when it comes to anti-fraud, I will have to work hand in glove with the Commissioner for the Budget and of course with the Parliament as well.

The centrepiece of what we need to do here is to give effect to the ask, which is that respect for our values and respect for EU law is a requirement for access to EU funds.

So that will require a considerable evaluation and thinking as to how best we do that – that we build on the existing architecture, but we strengthen our grip on rule of law to make sure that there is that direct link, that the President has now given us a mandate and which the Parliament, through its vote, has supported.

1-0109-0000

Lina Gálvez, *Chair of the FEMM Committee.* – Thank you, Chair. Mr McGrath, as the Chair of the FEMM Committee, I will ask you three questions.

First, how will you ensure that equality continues to be prioritised as part of the democracy, rule of law and fundamental rights portfolio in the current Commission? And what will you do to ensure a link with the Commissioner for Equality?

The second one is, how do you plan to safeguard women's rights against gender misinformation and related anti-democratic movements, and to protect women's rights defenders and civil society activists?

And finally, the third one is, given that the measures of combating violence against women and domestic violence are not yet implemented in all Member States, and given that the regional disparities concerning this matter are notorious when analysing national legislation and the statistics, what are your concrete plans to decrease these regional disparities and ultimately ensure more prevention and protection of victims? How will you take into consideration the under-reporting of these crimes?

1-0110-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much for your question on behalf of the committee.

First of all, can I give you an assurance that I and this Commission will not handle the equality portfolio any differently from the previous Commission? My predecessor, Commissioner Reynders, was in charge of justice. Commissioner Dalli was in charge of equality. And in the new Commission, it will work in the same way. If I am confirmed as Commissioner, I will ensure that there is a horizontal application of the equality perspective, that it is not just a pot we dip into every now and then, but it applies uniformly across the board in everything that we do, for example, promoting inclusiveness in our democracy. In the upcoming Democracy Shield, there will of course be an equality dimension to that. There certainly is when it comes to the safety of candidates that I alluded to earlier on. And of course, we have the new Victims' Rights Directive that I am really anxious to try and bring forward.

In relation to your question about gendered misinformation and anti-democratic movements, together with the Commissioner for Equality, we will consider how best we can tackle this phenomenon in the upcoming revision of our LGBTIQ and gender equality strategies. I can already highlight some elements, but time is limited. I want to ensure that the EU budget continues to support civil society in the areas of fundamental rights, and especially in matters of gender equality and LGBTIQ rights in the EU and beyond.

Your third question was in relation to combating violence, I think, and I just want to assure you, I'll be working closely with the Commissioner for Equality to ensure proper coordination of the implementation of the legislation that has been passed, the Directive on combating violence against women and domestic violence, within the general framework of victims' rights. I think that is important. Twenty-two Member States now are bound by the requirements of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and hopefully more will do so.

1-0111-0000

Alexander Sell (ESN). – Vielen Dank, Herr McGrath, dass Sie heute gekommen sind und sich unseren Fragen hier stellen. Ich sitze hier als Vertreter einer Partei, die von über 6 Millionen Deutschen gewählt wurde; wir sind zweitstärkste politische Kraft in unserem Land. Tatsächlich haben wir mehr Wähler, als Ihre irische Heimat Einwohner hat. Ähnlich erfolgreich wie wir sind andere nationalkonservative Parteien in anderen Ländern Europas: Fast 8 Millionen Franzosen

haben RN gewählt, 2 Millionen Italiener die Lega, 1,4 Millionen Polen haben unseren Freunden von der Konfederacja ihre Stimme gegeben.

Doch trotz dieser Wahlerfolge werden Vertreter unserer Parteien von wichtigen Positionen in diesem Parlament ausgeschlossen. In Deutschland wird meine Partei vom Geheimdienst verfolgt und soll sogar verboten werden. Keine andere Partei wird so häufig Opfer politischer Gewalt wie unsere. Das ist der Zustand der Demokratie in Europa: Demokratische Mitspracherechte werden verletzt, Millionen von Menschen werden um ihre Stimme gebracht – und eben nicht in Russland oder China, sondern hier bei uns.

Herr McGrath, Sie wollen Kommissar für Demokratie, Justiz und Rechtsstaatlichkeit werden. Ich möchte Sie deshalb fragen: Erstens: Wie beurteilen Sie die Einschränkung demokratischer Partizipation hier im Parlament, aber auch in den Mitgliedstaaten der EU – Stichwort *cordon sanitaire*? Und zweitens: Was halten Sie vom Vorgehen der deutschen Bundesregierung gegen die demokratisch gewählte Opposition? Und schließlich drittens: Ist es nicht an der Zeit, ein Rechtsstaatsverfahren gegen die deutsche Bundesregierung anzustrengen?

1-0112-0000

Michael McGrath, *Commissioner-designate*. – Thank you, honourable Member. I am a democrat to my core. I respect the democratic mandate of every individual who is elected by the citizens in a Member State or in a European election context.

I respect mandates for sure, and I'm happy to engage with anyone who subscribes to democratic principles. However, where there can be no compromise is in respect of our values in Article 2: democracy, equality, rule of law, freedom, respect for human rights, human dignity. There is no room for compromise. These are not optional extras. They are not à la carte. You cannot pick and choose. So respect for them, respect for the Charter of Fundamental Rights and respect for our democracy in every form is absolutely essential to the work that we do.

Those are the guardrails. Those are the parameters within which I will engage with everybody and listen to their perspective. But there will be no compromise on the essence of what constitutes our European Union. What I have referred to, this is EU law. The values in Article 2 are EU law. The Charter of Fundamental Rights has full Treaty status, since the Treaty of Lisbon. And all told, the charter is almost 25 years old and it should be celebrated next year in that respect.

No compromise on those issues, because the future of our European Union and the future of our democracy is at stake.

1-0113-0000

Pernando Barrena Arza (The Left). – Thanks, Chair. Commissioner-designate McGrath, considering the Schrems I and Schrems II rulings which both underscored the importance of protecting EU individuals' data from mass surveillance and led to a reassessment of the US adequacy status, how can the European Union justify granting adequacy status to Israel, where similar concerns about mass surveillance and privacy violations have existed for years?

Would you acknowledge that by depicting Israel as a moral jurisdiction for data protection and a geopolitical ally, without properly addressing its well-documented disregard for privacy and data protection rights, the EU is effectively normalising mass surveillance practices and that these practices are nowadays enabling atrocities in Gaza? As a result, the Union could be identified as complicit in activities that implicitly recognise or sustain Israel's unlawful occupation. Can we have your assessment on this issue, please?

1-0114-0000

Michael McGrath, *Commissioner-designate*. – Thank you for your question. When it comes to adequacy decisions, the European Union has to be satisfied that the same level of safeguard is in place in the partner country as it is within the European Union.

So that is the fundamental question that has to be answered when an adequacy decision is being reached. Do we have the confidence? Can we be sure that the same safeguards that we have in the European Union in relation to data protection is fully respected by our counterpart? It is in that circumstance that the European Commission will make a decision in respect of an adequacy decision.

Of course, we'll continue then to monitor on an ongoing basis the implementation of all of the adequacy decisions that are currently in place. And it is the objective of the Commission, with a view to facilitating trade, to facilitating mutual cooperation, that within those parameters and within those safeguards of respecting in a mutual way, the level of data protection safeguards, it is our objective to enter into further adequacy decision arrangements over the period ahead.

1-0115-0000

Jaume Asens Llodrà (Verts/ALE). – Señor comisario propuesto, me gustaría hacerle tres preguntas. Usted ha hablado de la desinformación, y estamos de acuerdo en que sin verdad no hay libertad y en que la mentira destruye el derecho a recibir información veraz y la democracia. Esta semana lo hemos visto con la DANA en Valencia: los bulos de la extrema derecha han generado confusión, descoordinación, miedo, odio e incluso agresiones como la que vimos con el ataque al presidente del Gobierno. Usted ha hablado hoy aquí de diferentes instrumentos para combatir este fenómeno; yo le quiero preguntar si uno de esos instrumentos va a ser una propuesta legislativa.

En cuanto a la segunda pregunta, nos preocupa que algunos Gobiernos, como el de Hungría, puedan utilizar las normas para limitar la actividad de la sociedad civil organizada. Me gustaría saber si se compromete usted a introducir un capítulo sobre la sociedad civil en su informe sobre el Estado de Derecho.

Y la última pregunta: ¿cómo cooperará con la Comisión y defenderá ante los Estados miembros la propuesta sobre las asociaciones transfronterizas europeas, y cómo va a apoyar al Parlamento en la próxima negociación con el Consejo?

1-0116-0000

Michael McGrath, *Commissioner-designate*. – Thank you for your question. In relation to the Rule of Law Report, we will keep its composition under review. I have a commitment that I must deliver on, which is to include a single market dimension. So that will be the first priority.

Of course, civil society organisations are part of the Rule of Law Report process and do feed into the consideration by the Commission of the different issues that are being assessed every year in the context of each country specific chapter.

I think when it comes to disinformation, we have a lot of work to do. We have put in place very significant architecture over the last number of years, and I want to acknowledge all of the work that has been done, not least with the Digital Services Act.

But there are also further steps that I think we can do. There are other tools and cooperation structures that we can continue to roll out – rapid alert system, we can work with the European Cooperation Network on Elections, the European Digital Media Observatory, the Code of Practice on Disinformation, which is becoming a code of conduct on disinformation under the Digital

Services Act and, of course, we are committing in the political guidelines to the establishment of a European network of fact checkers.

I think that is important, that we empower our citizens to get to the truth, to get to the heart of the matter and to make up their own mind based on the facts. Nobody should fear the facts.

That is what I think we should seek to do as part of the the work on disinformation over the period ahead.

1-0117-0000

Moritz Körner (Renew). – Dear Commissioner-designate, the decline in the rule of law in certain Member States has had a negative effect on the fair treatment of companies and the SMEs in the countries. In order to incorporate competition law enforcement into the EU rule of law monitoring framework, can you today promise that within the first 100 days after being confirmed, you will establish a joint team from DG COMM and DG JUST and task them to ensure that competition law is upheld within rule of law standards and vice versa?

Also, you mentioned the progress on the rule of law toolbox as a whole, thanks to the pressure, I think, of Parliament, but also of Commissioner Reynders. But the best toolbox has to be used. So are you really willing to be strong there, even if it creates tensions? Or to put it bluntly, will you be a pain in the ass of wannabe autocrats in some Member States? That is my question.

1-0118-0000

Michael McGrath, Commissioner-designate. – Thank you very much for your question. Well, first of all, on the treatment of SMEs in the context of rule of law and what we can do within the annual report, I acknowledge that respect for rule of law is a key ingredient in any successful economy. And for a business environment that fosters innovation and investment, it is a prerequisite, and companies need to have that confidence.

So at an early date – and I've committed to the next iteration of the annual Rule of Law Report – we will provide for that single market dimension, dealing with the issues around legal certainty, equality before the law and the prohibition of arbitrariness also in the single market, with a view to enhancing our competitiveness and also the protection of investments.

In relation to the rule of law more generally, my approach will be, yes, dialogue, I will be diplomatic, but nobody should mistake that for weakness. There is a cast-iron commitment to acting with the tools that we have now and then working with all of you on the strengthening of the tools, particularly around the connection with the EU budget over the period ahead. That is the fundamental commitment that I can give to all of the Members of the European Parliament over the period ahead.

There will be tensions, of course. There will be differences of opinion with Member States. We have to make more progress. You know, the architecture is there yet, in parallel, we are seeing a deterioration in too many instances. We have to reverse that trend, because it will otherwise come at an enormous cost to all of us. So I am prepared to do whatever I need to do within the framework of tools available and those that we might yet negotiate to enforce that.

1-0119-0000

Kosma Złotowski (ECR). – Panie Komisarzu! W jaki sposób planuje Pan uwzględnić problemy jednolitego rynku Unii Europejskiej w sprawozdaniu na temat praworządności? Czy obejmuje ono kwestie deregulacji, usuwania barier administracyjnych i cyfryzacji?

Po drugie, rozwój sztucznej inteligencji znacznie przyspieszył. AI może przynieść wiele korzyści wymiarowi sprawiedliwości, ale także generuje zagrożenia. Jak sztuczna inteligencja może wspierać praworządność i sądownictwo? Czy planuje Pan sformułować regulacje prawne w tym zakresie? I czy po przyjęciu aktu w sprawie AI i PLD (dyrektywy w sprawie odpowiedzialności za produkty) widzi Pan potrzebę kontynuowania prac nad dyrektywą w sprawie odpowiedzialności za sztuczną inteligencję?

1-0120-0000

Michael McGrath, Commissioner-designate. – Thank you very much for your question. Well, first of all, in relation to AI, it will play an important role in the digitalisation-of-justice agenda. I do see a lot of opportunity – using AI, for example, in areas like mass claims, to improve the efficiency of the process and the system.

So, in terms of bringing forward that digitalisation-of-justice strategy, AI will be an important part of it, and I look forward to hearing your views on that in relation to that development.

On the Rule of Law Report itself and the single market, you've raised a number of issues that you feel it could consider, including administrative and digital barriers. I think fundamentally what it is seeking to do is to examine whether there is a level playing field across the European Union on rule of law issues for businesses that interact with other Member States. It's a common-sense test in many ways that if a business trades on a cross-border basis, can they have confidence that contracts entered into will be enforced? Can they have confidence that the judiciary, if a matter comes before them, will act independently and not by default in favour of the home Member State party, for example?

So those are the kind of issues that are important. They need to know that there will be recourse, that there are checks and balances, that there are appeals mechanisms, that there's an ombudsman. You need to ensure you have these institutional checks and balances in place that are essential for the smooth operation of a single market on a cross-border basis, and that will be the perspective that I will bring. But, of course, we will develop it for the next Rule of Law Report.

1-0121-0000

Ton Diepeveen (Pfe). – Eerder deze morgen heeft u geantwoord dat de bedreiging van onze democratie niet alleen van buiten de EU komt, maar dat die nu ook van binnenuit wordt bedreigd. In dat kader is mijn vraag aan u: Hoe gaat u om met het cordon sanitaire dat onder anderen ook de Patriotten voor Europa treft en dat tot op dit moment door een meerderheid van het Europees Parlement in stand wordt gehouden? Meer concreet, ziet u het cordon sanitaire ook als een bedreiging van onze democratie van binnenuit, omdat hierdoor miljoenen Europese kiezers aan de kant worden gezet? Dank u wel.

1-0122-0000

Michael McGrath, Commissioner-designate. – It is a matter for the Parliament to decide how it conducts its business, how it makes arrangements for committees, for the allocation of positions and so on. This is a democratic chamber, and I respect the mandate, as I said, of everybody who is elected to this Parliament. But it's not for me to pass comment or judge or interfere with the internal workings of the European Parliament.

My job is to make sure that the Parliament is respected as an equal with the Council, that we ensure that as a Commission we engage fully and meaningfully with you. That is my commitment: to appear before you on a regular basis, in whatever format you deem appropriate, whether it be structured dialogue, whether it be the formation of a contact group.

There are lots of areas where we are going to be working together, and I will work with people from across the political spectrum. But the caveat is, once again, that there will not be any compromise on our democracy, on our values, and on our fundamental rights.

1-0123-0000

Ana Catarina Mendes (S&D). – Senhor Presidente, Senhor McGrath, hoje é um dia importante para a democracia no mundo e o senhor terá a tarefa de continuar a defender a democracia na Europa.

Com a responsabilidade que terá no sentido da aplicação da Carta dos Direitos Fundamentais, queria colocar três questões.

A primeira, que medidas tomar para os Estados-Membros que violam designadamente o artigo 21.º da Carta dos Direitos Fundamentais, não reconhecendo os casamentos e as uniões de pessoas do mesmo sexo nem as certidões de nascimento dos seus filhos?

Em segundo lugar, dará o Senhor McGrath seguimento à pretensão aprovada neste Parlamento Europeu para que se inclua na Carta dos Direitos Fundamentais o direito ao aborto legal e seguro?

E, em terceiro lugar, poderá garantir o Senhor McGrath que nos próximos cinco anos conseguiremos finalmente concluir a adesão da União Europeia à Convenção Europeia dos Direitos do Homem?

1-0124-0000

Michael McGrath, Commissioner-designate. – Thank you very much for your questions. In relation to what we can do as a Commission to enforce the Charter of Fundamental Rights, then of course, we can take infringement proceedings, and we stand ready to take infringement proceedings. The Commission has already done that in a number of different instances in relation to the Charter, and that is an approach that I support. The Charter of Fundamental Rights is EU law. And so it is not discretionary. It is not an optional extra. And I think that is the important point.

In relation to the children of same-sex couples, I know there is a file on parenthood which should not be viewed, in my opinion, as a threat to the rights of Member States to legislate in certain areas. But it does mean that a child should not suffer where families move cross-border. If there is a parent-to-child relationship in one Member State and they move to another Member State, then the same relationship exists. And I think if we all adopt a child-centred approach and think about the interests of the child, then we should be able to make progress on files such as that.

In relation to including the right to an abortion in the Charter of Fundamental Rights, I am aware that this is an issue that Parliament previously took a position on. It's not a political commitment in the guidelines or the mission letter, so I can't make a commitment on behalf of the whole College of Commissioners. But what I can say is, I and the Commission will work constructively with Parliament, should you wish to proceed formally with that measure, though of course recognising it is Treaty change, and again it is on the basis of unanimity.

And yes, I do believe that this will be the mandate where we finally sign up to the ECHR. And I want to work with you to remove any remaining obstacles and make sure that that happens as quickly as possible.

1-0125-0000

Axel Voss (PPE). – So, last question – hopefully not the most weird one for you. It’s about third-party litigation funding.

The Commission’s agenda includes efficiency and fairness of civil liability redress systems. This includes to ensure that litigation systems and consumers can be safeguarded against exploitation by profit-seeking intermediaries. Your predecessor considered to regulate such a third-party litigation funding, which followed a resolution supported by more than 80 % of the European Parliament.

So, how will you ensure that systems of civil redress are appropriately safeguarded, so that public redress systems serve in the interests of the consumers and society, rather than profit-seeking intermediaries?

Will you support a regulation on the third-party litigation funding industry, including the safeguards identified in the Parliament’s resolution?

1-0126-0000

Michael McGrath, Commissioner-designate. – Thank you very much, Mr Voss, for raising this important issue, third-party litigation funding, which, as we know, is the coverage of litigation costs by external financiers in exchange for a certain percentage of the proceeds in case of success.

It’s relatively new, but it is a growing phenomenon worldwide and also here in the European Union. While on the one hand, it does offer the potential to enhance access to justice, which is a good thing where legitimate cases could not otherwise be brought without the funding, but it could also lead to possible risks, such as conflicts of interest. So we need to be clear-eyed about the issue of third-party litigation funding.

The EU already addressed the issue in the consumer collective redress context with the Representative Actions Directive, including mandatory principles to prevent conflicts of interest and undue influence of funders on parties that must be followed by Member States if they follow third-party litigation funding.

Parliament’s resolution on the responsible private funding of litigation – I know it was adopted last year – proposed very detailed horizontal regulation not limited to the consumer area. It indicated a proposal should only be tabled after the expiration of the deadline to transpose the Representative Actions Directive, and also taking account the effects of that Directive.

So, in line with the commitments made by the Commission to the Parliament regarding follow-up, the Commission has launched a mapping study to collect information on the current state of litigation funding in Member States, and I anticipate that this study will be concluded before the end of the year, and I do commit to examining the outcome of that study then to see whether new legislation might be required, and we’ll work to prioritise full and effective implementation of the Representative Actions Directive by Member States, with a clear focus on litigation costs and funding.

So we need to strike an appropriate balance, and I’d like to tease that out in more detail with you and your colleagues as to where that appropriate balance is.

1-0127-0000

Ilhan Kyuchyuk, *Chair of the JURI Committee*. – Mr McGrath, thank you for answering all the questions. And now I give you the floor for the concluding remarks of up to five minutes, please.

1-0128-0000

Michael McGrath, *Commissioner-designate*. – Thank you very much, Chair, and honourable Members of Parliament, I'd like to thank you for your questions today. I've done my best to answer the questions. But more than that, I hope that you get a sense of who I am and my approach, which will be collegiate with all of you. The relationship that I hope we can build will be on the basis of mutual respect. Where we agree, we'll proceed as quickly as possible. Where we don't, we'll have dialogue, we'll try and iron things out, and we'll find a way forward in the interests of the citizens of the European Union.

We've discussed a very wide range of topics here today on the rule of law, protecting democracy, media freedom, protection of consumers, how we protect children online, how we reduce the burden of red tape for businesses in the European Union. And my duty, should I receive your support, will be to work hand in hand with the European Parliament and with all Member States, because I also believe that this is how we advance together in the areas of our common interests across democracy, justice and the rule of law.

And we have discussed in detail today that there will be a lot of work to do to emerge stronger as a Union at the end of this mandate in five years' time. Democracy must work for everyone and not in name only. We have to ensure that our citizens have a sense of belonging to our society, but also to our democracy. And they have to be assured about the values that we have, that they will be respected, that we protect individual rights and that we support them when they need help. We share a responsibility to defend the foundations on which our economies and our societies are built – the rule of law – and there can be no ambiguity in this, as I've said today, on many occasions. And the fight against crime must be made more effective across the prosecution chain, and where we can have greater cooperation between different bodies and between Member States in the fight against crime, then we owe it to our citizens to achieve this.

A stronger Union is also dependent on Europe advancing the prosperity of our citizens, the opportunities we provide for businesses. An important factor in all of this will be how 450 million European consumers are being treated, and that is why digital fairness and enforcement are clear priorities here, and effective civil justice systems can support a thriving investment and business climate, as well as help innovative companies to grow.

As I noted at the very beginning, you represent no fewer than eight parliamentary committees. This reflects the very diverse nature and wide breadth of the portfolio, and if I am confirmed, I look forward to regular attendance at your parliamentary committees relevant to my mandate for structured dialogues and discussion on implementation and enforcement, on new ideas, and on potential new initiatives. My door will always be open to Members. I will work with you in a genuine spirit of collaboration over the next number of years, should you be in a position to support me. Thank you all very much.

1-0129-0000

Javier Zarzalejos (PPE). – Thank you, Mr McGrath, for all your interventions. They have been closely scrutinised.

I also thank my colleagues for their questions and their readiness to keep the session roughly in time.

Let me once again remind that this process is a vital step in setting up the new European Commission, which will shape the EU policies and actions for the next five years.

Okay, I declare this meeting closed.

1-0130-0000

(The hearing closed at 12:29)