

QUESTIONNAIRE TO THE COMMISSIONER-DESIGNATE**Michael MCGRATH****Democracy, Justice and Rule of Law****1. General competence, European commitment and personal independence**

What aspects of your personal qualifications and experience are particularly relevant for becoming Commissioner and promoting the European general interest, particularly in the area you would be responsible for? How will you contribute to implementing the political guidelines of the Commission? How will you implement gender mainstreaming and integrate a gender perspective into all policy areas of your portfolio? How will you implement youth mainstreaming?

What guarantees of independence are you able to give Parliament, and how would you make sure that any past, current or future activities you carry out could not cast doubt on the performance of your duties within the Commission?

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

Can you commit to duly informing Parliament about your actions and those of your departments? In what respect do you consider yourself accountable to Parliament?

What specific commitments are you prepared to make in terms of your engagement with and presence in Parliament, both in committee and in plenary, transparency, cooperation and effective follow-up to Parliament's positions and requests for legislative initiatives? In relation to planned initiatives or ongoing procedures, are you ready to provide Parliament with timely information and documents on an equal footing with the Council?

Questions from the Committee on Internal Market and Consumer Protection

3. What are your envisaged aims and possible actions with regard to Next Consumer Agenda 2025-2030 and the New Action Plan on consumers in the Single Market? Within the framework of the Digital Fairness Act, how do you foresee to tackle harmful techniques and commercial practices related to dark patterns, marketing by social media influencers, the addictive design of digital products, online profiling especially when consumer vulnerabilities are exploited for commercial purposes, and better protect minors? In view of all these upcoming initiatives, how would you ensure consistency and the absence of overlaps with the existing legislation, such as the Digital Services Act, the General Product Safety Regulation, and the Unfair Commercial Practices Directive, and, in general, how do you envisage to modernise and enforce the product safety policies to ensure that the EU countries are a global setting-setter in terms of consumer protection and product safety, as requested in your mission letter? Could you inform us about the upcoming actions to preserve fairness and integrity of our political system and, within this context, confirm your engagement to work with IMCO, notably on the transparency of third country interest representation proposal? How would this proposal interact with the proposed European Democracy Shield?

4. Effective and efficient enforcement of EU consumer protection legislation is of paramount importance for consumer policy and should therefore be a priority for the coming years, as it is also highlighted in your mission letter. How would you ensure that there is proper enforcement of consumer protection legislation at cross-border and national levels and what are the measures that the European Commission is going to adopt to further strengthen the mechanisms of cooperation and the enforcement powers of national authorities, including regarding the role and tasks of the Consumer Protection Cooperation Network? Do you plan to present a revision of the Consumer Protection Cooperation Regulation within the first 100 days of the mandate? How do you plan to report back to the IMCO Committee on the results of these enforcement activities and on the envisaged actions to further enhance them?

5. Looking back at all the achievements and the legislation that was adopted during the previous parliamentary term to empower consumers in the digital and green transitions, it is crucial that the European Commission monitors the implementation of the relevant legislation to ensure a high level of consumer protection and a level playing field for businesses. On top of the Implementation Dialogues and the Annual Progress Report on Enforcement and Implementation, which are mentioned in your mission letter, what are the specific actions that you will take to effectively monitor the application of the current legislation on consumer protection? In this framework, how will you assist businesses, in particular micro-enterprises and SMEs, to comply with their obligations and what steps will you take to better inform consumers about their rights and remedies? How do you intend to keep the IMCO Committee informed about the current and upcoming Commission activities and about the progress in this field?

Questions from the Committee on Legal Affairs

6. Civil justice

Cross-border cooperation between justice systems in civil, family and commercial matters has been developed and strengthened over the last decades.

Nevertheless, EU citizens and businesses still face legal and administrative barriers in exercising their rights owing to the differences between and complexity of the legal systems of the Member States, especially when involved in cross-border civil, family and commercial disputes that can be costly and lengthy. This prevents SMEs and micro-enterprises from expanding their activities and growth and can cause EU citizens distress and legal uncertainty. In addition, failing correct transposition, implementation and enforcement of Union law, our citizens cannot fully benefit from their rights, our companies cannot enjoy a level playing field and, as a result, trust in the European project is undermined.

Moreover, the efficient administration of justice requires serious efforts to have robust budgets to fund its machinery, i.a. in terms of training, staffing, digitalisation. In that respect, an effective cooperation with the Commissioner on budget in order to ensure the necessary financial resources in this, often less prioritised area, is essential.

What specific policies or legal initiatives are being considered by the Commissioner-designate to enhance access to justice (also in the context of recently adopted SLAPPs directive), civil law judicial cooperation, in particular regarding cross-border enforcement of judgments, cross-border implications of collective redress regarding private international law elements, cross-border family law (including recognition of parenthood), harmonization of procedural rules, further digitalisation of the justice systems and judiciary, with particular focus on the increased use of AI and other legal tech solutions, in a manner that is compatible with the general principles of the rule of law, principles of judicial independence and procedural transparency, deregulation, appropriate funding, simplification of procedures, strengthening of the judicial training and enhancing the mutual recognition of judgments?

7. The 28th (Company) Regime

The recently published Draghi Report on "The Future of European Competitiveness" proposes establishing a new EU-wide legal statute for innovative start-ups, the "Innovative European Company" (IEC), which would have a single digital identity valid in the EU. Such companies would benefit from a number of legal arrangements, including harmonized rules on corporate law and insolvency. It would appear that the IEC is reflected in your mission letter by the announcement of the so-called 28th Regime for innovative companies leading to the creation of an additional, optional legal framework that companies across the EU could choose to adopt and that would allow for overcoming the current fragmentation between the 27 domestic systems.

Under this 28th Regime, participating Member States could harmonise key areas such as corporate law, insolvency law, labour law, and taxation, offering companies a consistent legal environment across borders. This regime would operate alongside existing national frameworks, providing an optional, unified set of rules that companies could voluntarily choose if they find it more advantageous.

In order to succeed on the 28th Regime you would have to (i) act to enhance competitiveness and productivity; (ii) make sure that the ultimate legislative act truly contributes to simplification for businesses, is attractive and effectively chosen by companies, brings true added-value to the current legislative framework and ensures correlation with pending proposals such as the December 2022 proposal for a directive to harmonise some of the material insolvency law; (iii) consider whether the December 2022 proposal for a directive to harmonise some aspects of material insolvency law needs to be replaced with a new one also covering IECs; (iv) clarify whether the 28th Regime should concern businesses in general or only innovative businesses; and in addition (v) overcome the concerns of the Member States that led to the failure of similar initiatives in the past. If your appointment as Commissioner were confirmed how would you intend to achieve all that?

8. Digital policies

The 9th legislative term was characterised by the passing of numerous acts in the digital domain: AI Act, DSA, DMA, Data Act, to name but a few. Within its competence over civil, procedural and intellectual property law, the Committee on Legal Affairs contributed important opinions on those files. It was furthermore responsible for the eCodex Regulation (Regulation (EU) 2022/850), for the Package on the digitalisation of Justice (Directive (EU) 2023/2843 and Regulation (EU) 2023/2844) and for the revision of the Product Liability Directive (2022/0302(COD) to adapt it to both the circular and the digital economies. In addition to regular fitness checks of the legal instruments in force, much remains to be done, for instance in relation to digital inheritance, smart contracts and decentralised autonomous organisations (DAOs), the virtual worlds and, especially in the light of the European Parliament resolution of 20 October 2020 with recommendations to the Commission on a civil liability regime for artificial intelligence (2020/2014(INL)), the Commission proposal for an AI Liability Directive.

What are the measures that you intend to launch to implement the aforementioned legislation, to address the remaining regulatory gaps and to ensure digital fairness and that citizens' rights are respected and that businesses and national administrations are not toppled by administrative burdens and red tape?

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

9. Fundamental rights, civil society, and data protection

As the Commissioner responsible for monitoring the application of the Charter of fundamental rights, how will you engage with Member States to ensure the promotion and respect of fundamental rights, including through the implementation of the relevant EU Court of Justice and ECHR case law? Do you envisage further measures to develop the link between potential breaches of the Charter and of the principles of democracy and the EU budget? Will you engage in annual reporting to the European Parliament on the application of the Charter? What actions do you envisage to enhance the protection of civic space, including through the Union values strand of the Citizens, Equality, Rights and Values programme and the new Civil Society Platform envisaged in your mission letter? What are your plans to ensure the efficiency and transparency of EU funding for the civil society? Considering the recent Court of Justice judgement in the EUlex Kosovo case, what is your strategy for completing the EU accession to the European Convention on Human Rights?

How will you ensure that the EU Agency for Fundamental Rights is provided with the resources it needs to carry out all the tasks according to its mandate? Will you commit that FRA is systematically consulted in law-making and impact assessments in areas that address or impact fundamental rights?

Data protection is one of the fundamental rights in the EU legal order and the GDPR is the EU's most powerful tool to safeguard it. Generally, how do you view the enforcement of the GDPR, particularly in cross-border cases? How do you see the relationship between GDPR enforcement and the enforcement of other EU digital laws, such as the Digital Services Act, the Digital Markets Act and the Artificial Intelligence Act? Regarding artificial intelligence, how, in your view, should the relationship between safeguarding fundamental rights and fostering innovation look? Do you find the EU data protection legislation efficiently fulfilling its goal in today's time or do you see a need for reflection on that matter? Given the previous concerns of the Parliament regarding several of the adequacy decisions of the European Commission, and a number of relevant CJEU judgments, what are your plans with respect to the international flows of personal data? How do you plan to address these concerns, taking into account the importance of global data flows for EU companies? How do you see the role of the Commission in promoting international cooperation on the protection of personal data?

10. Rule of Law and media freedom

As Commissioner in charge of rule of law, what is your plan to strengthen the impact of the annual Rule of Law report and how do you plan to address the impact of rule of law on the functioning of the Single Market? How do you respond to the Parliament's call for an enlarged scope of the annual rule of law report to all the values mentioned in Article 2 TEU and for the establishment of an EU mechanism on Democracy, the Rule of Law and Fundamental Rights governed by an interinstitutional agreement? What would be your concrete actions to support the Parliament's call to continue Article 7 TEU hearings in the case of Hungary and are you considering proposing a reform of this procedure? Are you committed to making full use of the enforcement tools, in particular expedited infringement procedures, applications for interim measures before the CJEU and systematic follow-up actions regarding the non-implementation of the CJEU's judgments? How do you plan to strengthen the application of the Rule of Law Conditionality Regulation and the coherence with other relevant legislative acts? What would be your position as regards the fulfilment of rule of law related milestones in the various Member State RRP as a condition for disbursing funding and how will you ensure that the de-freezing of funds is done only when these conditions

are fulfilled? How you would coordinate with the other Commissioners (e.g Budget) with responsibility for the application of these conditions and how do you intend to strengthen the rule of law dimension in the next MFF? What are your plans to strengthen further the protection of independent media, journalists and human rights activists? What measures do you envisage to ensure the implementation of the EMFA, including on the protection of journalistic sources and confidential communication from intrusive surveillance? Will you present a legislative proposal to ensure that the use of intrusive surveillance tools by public and private actors is in conformity with democratic standards, principles of rule of law and the Charter, in line with EP recommendations? Which key proposals will the European Democracy Shield contain, including as regards safeguarding integrity of democratic processes and elections in the EU? Will you consider proposing legislation that expands the scope of SLAPP directive to include all SLAPP cases (including under criminal law)?

11. Criminal justice

What will be your core priorities in the area of criminal justice? How you will ensure the full implementation of the legislative instruments adopted in the previous term, including the e-evidence package, and what will be your role in ensuring consistency of instruments of criminal substantive law? How will you ensure that criminal justice keeps up with the development of digital technologies, including AI, both when it comes to the use of new technologies for a more efficient criminal justice system, but also when there is a need to criminalise very serious breaches (e.g. of data protection rules) that occurred by using technology?

What measures can be taken in order to improve even further the judicial cooperation between Member States, with the support of Eurojust, and to make the criminal justice system more efficient in combatting crime? One of your missions will be to strengthen the European Arrest Warrant; would you do so by proposing a new legislative instrument or rather by focusing on a better application of the current legal framework?

What concrete steps are you planning to take to reinforce the EU anti-corruption approach and strengthen the coordination and synergies between the different EU bodies competent on anti-corruption and the Member States? Will you propose concrete legislation in this area? How do you intend to support EPPO, which is facing a number of practical challenges, notably staffing and budgetary constraints, which threaten its effectiveness? Will you commit to propose a revision of the EPPO Regulation, including the extension of its competences and, if so, to which crimes?

Question from the Committee on Budgets

12. In your mission letter, the President tasks you with building a closer link between the recommendations in the Rule of Law report and financial support under the EU budget. She also calls for the future long-term budget to have strong safeguards on the rule of law.

In this context, as your task will be to ensure that respect of the Rule of Law continues to be a must for EU funds, which concrete measures do you envisage to take to ensure that recommendations of the Rule of Law report with an impact on the EU budget are followed up in a stringent and timely manner and what working arrangements will you put in place to cooperate with the Commissioner for Budget, Anti-Fraud and Administration and will you share with the Parliament the ongoing assessments for enabling conditions for Cohesion policy?

Question from the Committee on Budgetary Control

13. In your mission letter, the President tasks you to develop an EU approach to anti-corruption and to work with the Commissioner for Budget, Anti-Fraud and Public Administration to ensure that EU funding can be dedicated to national measures fighting corruption.

Could you elaborate on how you will cooperate with the Budget Commissioner on the concrete measures you envisage to take and could you also explain why Member States would need more money from the EU to fight corruption? Would it not be preferable to better equip the EPPO and to support Member States in other ways?

How will you incorporate the protection of the Single Market into the Union's Rule of Law framework? Which changes will the Commission implement to expedite infringement procedures against Member States for failing to protect the Single Market?

Question from the Committee on Culture and Education

14. Media freedom and pluralism are a vital part of democracy. However, it is important to recall that, given its legal basis, the European Media Freedom Act (EMFA) aims above all to establish a well-functioning internal market for media services and that it is strongly linked to the Audiovisual Media Services Directive (AVMSD). Furthermore, it addresses the content of media service providers on very large online platforms and includes several provisions linked to the assessment of media market concentrations, the transparent and fair allocation of

economic resources, editorial independence, the independent functioning of public service media and the protection of journalists. Therefore, how will you ensure that the implementation of the European Media Freedom Act stays closely connected with the AVMSD, the Digital Services Act and is tackled from a media policy perspective?

Question from the Committee on Constitutional Affairs

15. How do you envisage your role with regard to the Commission's draft proposal to amend Regulation 1141/2014 on the statute and funding of European political parties and European political foundations, which is currently on the table? How do you defend the Commission's choice for the recast format for the above proposal vis-a-vis Parliament's legislative prerogatives and which specific actions would you take as a matter of priority in order to assist the co-legislators to overcome the current deadlock in the negotiations, especially regarding the involvement of third country member parties? How can we use the recast to enable European Political Parties to facilitate the political integration of political parties from enlargement countries? What safeguards and guidelines do you believe should be in place to ensure the integrity and transparency of the process?

Beyond the involvement of the political parties, how will you strengthen the tools for citizens' participation in EU decision-making?

EU accession to the European Convention on Human Rights (ECHR) is a legal obligation under Article 6(2) of the Treaty of Lisbon, how would you ensure the accession process in the future? Are there any venues considered by the Commission to stimulate the implementation of ECHR judgements by the EU Member States?

Could you outline your vision to avoid frauds and improve funding transparency on interest representatives - especially with regards to foreign interference?

Question from the Committee on Women's Rights and Gender Equality

16. In the new Commission, the equality portfolio was separated from the area of justice, democracy and fundamental rights. However, the relevance of equality to justice remains, especially in terms of legislative proposals made during the last Commission, for example related to violence against women and domestic violence, or victim's rights. How will you prioritize the equality files to ensure cohesion with the new Equality Commissioner, while continuing to monitor the transposition of these files and new developments in their respective policy areas? Do you commit to issuing a proposal to introduce gender-based violence in the list of EU crimes listed in Article 83(1) TFEU?