

## The Juncker Commission: A New Start for EU Justice and Home Affairs Policy?

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The team comprising Jean-Claude Juncker's Commission was revealed on 10 September 2014:<sup>1</sup> does it herald a new start for Justice and Home Affairs (JHA) cooperation in the EU? This essay outlines the main structural and thematic changes introduced by the new Commission, in particular those with direct or indirect relevance to EU JHA or the Area of Freedom, Security and Justice (AFSJ) policies. It also reflects on the new institutional configuration and what it means for the substantive work of the new Commission services and for their intra- and inter-institutional relations. The essay concludes with a set of proposed policy priorities for the new Commission.

### 1. Structural and thematic changes

There are a number of important and somewhat surprising changes in JHA-related portfolios in the new Juncker Commission (See Annex 1 for a detailed overview of relevant missions and portfolios). One of the most far-reaching is the appointment of a First Vice-President (Frans Timmermans) in charge of rule of law and the EU Charter of Fundamental Rights, who will be 'the right hand' of the President.<sup>2</sup>

The First Vice-President will for the first time guide and coordinate all other JHA-related Commissioners, in particular those of the new DG Justice and the DG Home Affairs. He will manage and coordinate the Commission in the Justice and Home Affairs Council. The First Vice-President is expected to "act as a watchdog, upholding the Charter of Fundamental Rights and the Rule of Law in all of the Commission's activities."<sup>3</sup> He will also ensure

<sup>1</sup> ([http://europa.eu/rapid/press-release\\_IP-14-984\\_en.htm](http://europa.eu/rapid/press-release_IP-14-984_en.htm)) and ([http://ec.europa.eu/about/juncker-commission/commissioners-designate/index\\_en.htm](http://ec.europa.eu/about/juncker-commission/commissioners-designate/index_en.htm)).

<sup>2</sup> ([http://europa.eu/rapid/press-release\\_IP-14-984\\_en.htm](http://europa.eu/rapid/press-release_IP-14-984_en.htm)).

<sup>3</sup> ([http://europa.eu/rapid/press-release\\_IP-14-984\\_en.htm](http://europa.eu/rapid/press-release_IP-14-984_en.htm)).

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coordination and relations with the European Parliament, in particular strategic programming. It is also the first time that a Vice-President and Commissioner will be formally dedicated to 'rule of law' matters; an issue that until recently was integral to the national sovereignty of member states.

Three Commissioners will therefore be working directly on JHA-related policies: first, the Commissioner and First Vice-President for Better Regulation, Inter-Institutional Relations, Rule of Law and the EU Charter of Fundamental Rights; second, the Commissioner for Justice, Consumers and Gender Equality (Věra Jourová); and third, the Commissioner for Migration and Home Affairs (Dimitris Avramopoulos).

This is a welcome division of responsibilities that by and large corresponds to the proposal put forward by the CEPS Justice and Home Affairs unit back in 2009, in the context of the EU-funded FP6 project CHALLENGE (*The Changing Landscape of European Liberty and Security*).<sup>4</sup> The Commission appears to have taken up CEPS' recommendation that the fundamental rights and rule of law commissioner have an advisory and decisive role with regard to the other two. One main departure from our proposal, however, is that the new Commissioner for Migration is still responsible for policing and the so-called 'fight against crime and terrorism'.

A Commissioner for Migration and Home Affairs has been now appointed, but this Commissioner has no new competences compared to the previous Commissioner for Home Affairs. There is still a division between 'migration' (DG HOME) and 'free movement of workers' (which is under the portfolio of the Commissioner for Employment, Social Affairs, Skills and Labour Mobility in the new DG Employment, Social Affairs and Inclusion (DG EMPL). Migration nevertheless remains largely under the 'home affairs' portfolio, which often entails a blurring with insecurity-related and crime domains. Yet DG EMPL has been assigned a new role in supporting the work of the Commissioner for Migration to develop a new European policy on legal migration. Another structural change relates to the transfer of 'security research' from DG Enterprise to DG HOME.

DG JUST becomes more 'justice'-oriented than the previous one. Anti-drugs policy, which used to be under DG JUST now moves to the new DG Home Affairs. DG JUST assumes responsibility for consumer affairs from DG SANCO, and corporate governance and social responsibility from DG MARKT. In what concerns the EU data protection reform,<sup>5</sup> the Commissioner for Justice, Consumers and Gender Equality will now be coordinated and steered by Andrus Ansip, Vice-President for the Digital Single Market, with the support of Günther Oettinger, Commissioner for Digital Economy and Society.

Another significant change relates to the formal disappearance of a Commissioner for EU Citizenship. The Commissioner for Justice no longer holds the title that was used in the previous Commission. Issues related to non-discrimination in employment have been removed from DG JUST and placed back under DG Employment, Social Affairs and Inclusion. DG JUST still holds responsibility for the wider non-discrimination portfolio and

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<sup>4</sup>(<http://www.ceps.be/book/challenge-project-final-policy-recommendations-changing-landscape-european-liberty-and-security>). In particular: "CHALLENGE proposed to divide DG JFS into three DGs - a Justice DG dealing with policing and judicial cooperation; a DG responsible for borders, immigration and asylum and a DG responsible for fundamental rights charged with ensuring that the democratic concerns expressed by the European Parliament and other key EU bodies are properly followed up", p 4.

<sup>5</sup> ([http://europa.eu/rapid/press-release\\_IP-12-46\\_en.htm?locale=en](http://europa.eu/rapid/press-release_IP-12-46_en.htm?locale=en)).

the controversial proposal for the Horizontal Anti-Discrimination Directive.<sup>6</sup> Other citizenship-related matters regarding ‘communication to citizens’ have been moved from DG Communication and attributed to the new Commissioner for Education, Culture, Youth and Citizenship.

## 2 Expected implications

The most far-reaching change that is expected to have significant implications for JHA-related portfolios is the nomination of the First Vice-President on Rule of Law and the EU Charter of Fundamental Rights. This could facilitate the strengthening of the protection of rule of law and fundamental rights and bring more transparency and intra-institutional policy supervision to relevant Commission services and DGs.<sup>7</sup> This First Vice-President will also be key whenever proportionality and subsidiarity checks of new legislative proposals from any DG are conducted, in particular those emanating from the new DG JUST and DG HOME. This is a role that the previous DG Justice did not perform to the fullest extent, despite the expectation that it would ‘mainstream’ fundamental rights across all DGs, including the former DG Home Affairs.

The role of Mr. Timmermans as ‘guider’, coordinator and supervisor of both DG JUST and DG HOME could bring closer scrutiny of Commission initiatives and policy programming, in light of the EU Charter. Similar results could be expected with regards to his role as a fundamental rights ‘watchdog’ of all the Commission services. A key challenge will be to ensure the smooth accession of the EU to the European Convention of Human Rights, which he will need to boost with stronger political impetus because it is facing considerable obstacles and delays. The nomination of a First Vice-President on Rule of Law could also be expected to develop a more substantive EU policy in this contested area, by continuing and further implementing the work of the previous Commission in developing an EU rule of law mechanism.<sup>8</sup>

The First Vice-President will also play a central role in the new relationship between the European Commission and the European Parliament, which Juncker has already anticipated will become stronger during the 8<sup>th</sup> legislature, and where the Commissioners are expected to play a more political role in ‘trialogues’ and inter-institutional decision-making and formal and informal processes.<sup>9</sup>

The nomination of a Commissioner responsible for migration is also a new development in the Juncker team. Yet, when looking at the exact mission and actual competences attributed to this Commissioner, they correspond fully with those that were held by the previous DG Home Affairs Commissioner. No more new migration-related tasks have been added. The nationality of this Commissioner is no coincidence, however. It constitutes a clear hint that the Commissioner for Migration will place emphasis on questions related to putting into practice solidarity in migration, asylum and external borders policies. A challenge may be the continuance of the artificial linkage between migration and asylum with other unrelated security policies, including the ‘fight against crime and terrorism’. The First Vice-President

<sup>6</sup> European Commission, Proposal for a Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, COM(2008) 426 final, 2.7.2008.

<sup>7</sup> (<http://www.ceps.be/book/challenge-project-final-policy-recommendations-changing-landscape-european-liberty-and-security>).

<sup>8</sup> ([http://europa.eu/rapid/press-release\\_IP-14-237\\_en.htm](http://europa.eu/rapid/press-release_IP-14-237_en.htm)).

<sup>9</sup> K. Lannoo (2014), (<http://www.ceps.be/book/juncker-raises-high-expectations-ambitious-agenda>).

should ensure that the mixing of migration with home affairs does not lead to a contamination of issues related to labour mobility and asylum with policing and criminality. A positive proposal to move beyond this overly security-focused approach to migration by DG HOME is the role that has been given to the new DG Employment, Social Affairs and Inclusion to support the new Commissioner for Migration in developing a new European policy on legal migration to Europe, in particular in addressing skills shortages and attracting the talent that Europe needs.

In view of the above, can we conclude that a 'new start' may be expected for JHA cooperation with this new European Commission? The new Commission configurations offer interesting potential for policy optimisation. The nomination of the First Vice-President in charge of rule of law and the EU Charter could indeed contribute towards this 'new start', in particular regarding closer intra-institutional monitoring of the impact of new and existing legislative JHA-related initiatives on fundamental rights and issues of proportionality. The above-mentioned nomination of three Commissioners covering JHA domains constitutes a welcome way forward and could also positively facilitate the achievement of that goal. Whether this triangular relationship will work effectively in practice is yet to be put to the test. Stronger EU supervision on rule of law and the EU Charter are expected to meet resistance from member states. These have often alluded to national sovereignty and subsidiarity as a way of evading supranational accountability of their compliance with EU founding principles. Also, mainstreaming fundamental rights across the Commission services may prove to be difficult beyond formalistic allusions and assessments about compliance. 'Guiding' and 'coordinating' DG Justice and DG Home Affairs from a rule of law and fundamental rights angle might meet similar dilemmas. These policies are still too centred on policing, fighting criminality, and national security considerations.

An early test will be re-building trust in privacy and closing the negotiations of the EU data protection reform package. The First Vice-President and the Justice Commissioner should ensure a strong EU data protection legal framework, focusing on clear rules regarding data processing to third countries, better enforcement and accessibility to information and legal remedies by data subjects, and ensuring the data protection of EU citizens in the USA. As stated above, the Commissioner for Justice will be coordinated not by the First Vice-President, but by the Vice-President for Digital Single Market.

Another challenge for the First Vice-President will be upholding the citizenship of the Union and citizenship rights, such as the right of free movement (also envisaged in the EU Charter of Fundamental Rights). It is a worrying political signal that citizenship of the Union has (at least) formally disappeared from the portfolio of the Commissioner for Justice.

The First Vice-President's mission to coordinate relations with the European Parliament, in particular strategic programming, could also be critically important here when overcoming some of these frictions. As we have argued in a previous CEPS publication,<sup>10</sup> relations between the new Commission and the new European Parliament will be critically important in the next phase of the EU's Area of Freedom, Security and Justice and are expected to grow during the 8th legislature. This is particularly so in light of the Lisbon Treaty's liberalisation of the 'ownership' of AFSJ legal and operational planning and decision-making beyond 'intergovernmentalism', and the exclusive ownership of the Justice and Home Affairs Council. It is therefore welcomed that the intention of the new Commission and the nomination of the First Vice-President will adopt a more political role in JHA-related

<sup>10</sup><http://www.ceps.be/book/european-council%E2%80%99s-guidelines-area-freedom-security-and-justice-2020-subverting-%E2%80%98lisbonisation%E2%80%99>.

domains in cooperation with the new EP. This should go hand-in-hand with institutionalised collaboration with non-EU bodies such as the United Nations or the Council of Europe, and bodies like the Venice Commission on the rule of law or the Commissioner for Human Rights. The EU needs to become a promoter of these international standards.

### 3 What JHA priorities for the new Commission?

The new European Commission should pay particular attention to the following **general (horizontal) priorities**:

First, develop its own policy programming on JHA policies for the next five years, which should be driven by faithful and effective implementation of the Lisbon Treaty innovations and safeguarding the EU Charter of Fundamental Rights. This should be done in close cooperation with the European Parliament and its LIBE Committee.

Second, the First Vice-President should ensure stronger fundamental rights and rule of law assessments of member states actions. He should also ensure better internal (inter-service) fundamental rights monitoring/evaluations across all Commission DGs and Services and of existing and future legislative and policy instruments. Particular attention should be paid here to the fundamental rights compliance and monitoring of DG JUST and DG HOME policies, as well as to activities by EU Home Affairs agencies.

Third, the new Commission should also more fully and effectively exercise its powers to launch infringement proceedings against member states that fail to comply with their obligations under primary and/or secondary law.

This should go hand-in-hand with a number of **thematic or sector-specific priorities**:

#### 1. Migration, borders and asylum

The challenges posed by human mobility for the EU are perhaps most visible in the Mediterranean and southern EU member states. Yet all EU member states still face a number of common dilemmas in controlling EU external borders in efficient, proportionate and fundamental- rights-compliant ways. An outstanding issue continues to be the correct, consistent and uniform implementation of the EU border code and access to effective legal remedies by persons crossing EU borders. In the meantime, the Schengen system and the freedom of circulation that it entails is still under strain and challenges to its effectiveness are expected in the future. Among the challenges that the new Commissioner for Migration will need to address during the next five years are initiatives related to:

1. better implementation of the principle of solidarity and a fair sharing of responsibility in relation to questions on immigration, asylum and external borders policies, so that not only those member states with the common EU external border face the challenges of human mobility;
2. building a genuine common labour and regular immigration policy that critically reassesses the attractiveness of the EU as a destination for work, study and tourism. A close partnership between the Commissioner for Migration and that for Employment, Social Affairs, Skills and Labour Mobility will be critical here;
3. ensuring that future policies are based on the best evidence, so that policymaking is not driven by myths or fears but rather by the best knowledge highlighting actual issues and needs. Developing institutionalised ways to involve the social partners, business community and civil society will also be central;

4. ensuring a consistent application and added value of existing EU policies when implemented by member states. Priority should be given to addressing the complexities of the existing multi-level framework of migration statuses and rules, and the competition between national and EU systems on economic immigration. The planned reassessment by the new Commissioner for Migration of the shortcomings of the EU Blue Card is particularly welcome in this respect;
5. adopting an immigration Corpus to codify the currently dispersed EU rules on immigration should also be a priority. The Commission should also develop common EU guidelines for national practitioners to ensure the effective implementation of EU immigration policy and access to Courts. The Commission should also guarantee a more uniform, humanitarian and non-discriminatory application of common visa requirements outlined in the Visa Code by EU member states' consular services abroad. This should go hand-in-hand with a more harmonised and consistent implementation of the Common European Asylum System (CEAS) by all EU member states, and rethink the viability and value added of the Dublin System to find alternative venues for access to international protection;
6. exploring new ways in which the tasks and accountability of EU Home Affairs agencies such as Frontex (EU External Border Agency) and EASO (European Asylum Support Office) could be further ensured and developed, in particular when supporting EU member states holding the common EU external border. The pros and cons of developing a common European border service should be carefully examined.

## 2. Freedom of movement

It is crucial for the next Commission to continue the work of its predecessor in safeguarding free movement as one of the major and most symbolic achievements of European integration. Questions of free movement need to be seen and discussed in the context of two fundamental achievements of European integration: the internal market and citizenship of the Union, and not in the context of EU migration policies. This will require a combined and coordinated effort by the First Vice-President and the Commissioners for Employment, Social Affairs and Social Inclusion, for Justice, for Education, Culture, Youth and Citizenship.

This priority has been already outlined in Juncker's political guidelines for the next Commission, which state that

"Free movement of workers has always been one of the key pillars of the internal market, which I will defend ... I believe that we should see free movement as an economic opportunity, and not as a threat. We should therefore promote labour mobility, especially in fields with persistent vacancies and skills mismatches".<sup>11</sup>

Free movement and other EU citizenship freedoms should remain non-negotiable. Against political and fear-based attacks by certain national governments and ministries of interior, the new Commission needs to equip itself with the best knowledge and focus on addressing the obstacles currently affecting mobility by EU nationals and their families, especially at local/regional levels and the obstacles affecting accessibility to EU freedoms. The following specific priorities should guide the next Commission's action regarding 'challenges to free movement':

1. ensuring that any future EU action on the free movement of persons is informed by the best independent research, evaluations and statistical evidence, and not on anecdotal information and/or political fears;

<sup>11</sup> ([http://ec.europa.eu/about/juncker-commission/docs/pg\\_en.pdf](http://ec.europa.eu/about/juncker-commission/docs/pg_en.pdf)), p. 6.

2. better designing existing EU financial support mechanisms to address questions related to poverty, social exclusion and discrimination. Here, a strategic partnership with social partners, civil society and local and regional authorities should be key;
3. adopting a new EU strategy with concrete measures to improve and foster the intra-EU mobility of European citizens, and address current obstacles for these people to effectively enjoy EU rights at local and regional levels. Attention should be also given to the challenges of Roma discrimination.

### 3. Rule of law, fundamental rights and justice

The Snowden revelations on PRISM and surveillance programmes in the USA and the EU have posed fundamental challenges for the European institutions. The ongoing NSA and UK surveillance programmes have put at stake the freedom in the internet and spread mistrust among European institutions, national governments, private sectors and citizens. PRISM has revealed accountability gaps in the ways in which intelligence communities work in compliance with established rule of law principles and their links to EU agencies. EU responses have so far been weak, alluding to questions of national security and lack of Union competence on intelligence cooperation, with the sole exception of the European Parliament's Inquiry Committee on electronic mass surveillance of EU citizens. In recent landmark rulings the Court of Justice in Luxembourg has examined the role of privacy in the EU legal order in the context of data retention and the right to be forgotten, which have exposed the gaps in the EU's current data protection framework.

A key challenge for the next European Commission will be to ascertain ways to rebuild trust in security cooperation with third countries and amongst its member states, and better ensure democratic rule of law and data protection in the digital age. The role of the First Vice-President as a 'watchdog' should be central here, in particular with regard to the coordination role that has been entrusted to the Vice-President for Digital Single Market and the supporting role of the Commissioner for Digital Economy and Society. In view of this, priority should be given to:

1. increasing the democratic, legal and judicial accountability of EU member states' intelligence communities; developing a common EU code of conduct and setting standards and red lines on legitimate intelligence activities; investing in the capacity of national monitoring/scrutiny bodies;
2. better defining the concept of national security to include EU member states' surveillance actions affecting the internal security of the Union as a whole and the security of citizens and residents;
3. strengthening the current EU data protection legal framework, focusing on clear rules on data processing to third countries, better enforcement and accessibility to information and legal remedies by data subjects; ensuring the data protection of EU citizens in the USA;
4. carrying out a full and independent reassessment of the need and added value of the EU Data Retention Directive;
5. developing a common EU legal framework to protect whistleblowers;
6. improving the democratic, legal and judicial accountability of EU security agencies (Europol, Eurojust, EU Intelligence Analysis Centre (INTCEN), COSI and EU-LISA), and their cooperation with third countries.

Another fundamental challenge of the 7<sup>th</sup> legislature was the emergence of threats to the rule of law by certain EU member states, which showed that the compliance with the Copenhagen criteria after accession cannot be taken for granted. There is no method to monitor and evaluate compliance with democratic rule of law with fundamental rights for

current EU member states. The Roma crises in France in 2010-13, the constitutional controversies in Hungary from the end of 2011 and in Romania in the summer of 2012, or the EU member states PRISM-like surveillance programmes are but a few incidents illustrating systemic rule of law deficits. These deficits undermine mutual confidence among EU member states and between the latter and the European institutions in question, such as judicial cooperation and other policies based on the mutual recognition of decisions. The EU already has a number of scattered legal and policy instruments dealing – directly or indirectly – with rule of law issues at member state level, such as the EU justice scoreboard, the EU anti-corruption report, the annual reports on fundamental rights compliance by EU member states or Article 7 TEU. Nevertheless, they present methodological and effectiveness challenges and limitations that should be addressed and overcome by the new European Commission. A sound and solid democratic rule of law with a fundamental rights framework is, after all, the most important basis for trust-based and legitimate cooperation for both justice and home affairs and economic cooperation in the Union.

The new First Vice-President and DG JUST should therefore aim to:

1. develop a new EU Copenhagen mechanism to address threats to the rule of law in the EU containing a monitoring arm, complementing the preventive and corrective arms of the Article 7 TEU instrument.<sup>12</sup> This should be an essential way forward to ensure mutual trust in areas such as criminal justice cooperation;
2. adopt an inter-institutional agreement and Council Conclusions on European guidelines for improving Article 7 TEU operability and effectiveness and the new Copenhagen mechanism;
3. improve the enforcement arms and independent assessment basis of the EU Justice Scoreboard and Anti-Corruption Reports and their linkages to the European Semester of Economic Governance;
4. ensure more effective democratic scrutiny by the European Parliament and establish institutionalised cooperation and formalised partnerships with non-EU bodies such as the United Nations; the Council of Europe, in particular its Venice Commission on the rule of law and its Commissioner for Human Rights;
5. launch a ‘rule of law, democracy and fundamental rights Copenhagen Policy Cycle’ to better ensure inter-institutional coordination between the currently ongoing reporting processes related to the EU Charter and fundamental rights by European institutions and agencies;
6. expand the European Agency for Fundamental Rights (FRA) competences to cover criminal justice and police fields and recognise its active role in the evaluation of rule of law and fundamental rights in justice and home affairs policies;
7. ensure a swift accession to the European Convention of Human Rights;
8. ensure further efforts on criminal justice cooperation at EU levels by developing a stronger and more methodologically sound evaluation, an improved system of statistical collection and an independent qualitative assessment of member states’ implementation of the European Arrest Warrant; and re-examine EU criminal justice policy in light of the proportionality test, and its financial and fundamental rights implications. The roadmap for the rights of suspects and accused persons in criminal proceedings should be also completed.

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<sup>12</sup> (<http://www.ceps.be/book/rule-law-or-rule-thumb-new-copenhagen-mechanism-eu>).



## Key Background CEPS Publications

- Bigo, D. et al. (2013), "Mass Surveillance of Personal Data by EU Member States and its Compatibility with EU Law", CEPS Paper in Liberty and Security in Europe Series, Centre for European Policy Studies, Brussels.
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- Guild, E. and S. Carrera, "EU Borders and Their Controls: Preventing unwanted movement of people in Europe?", Centre for European Policy Studies, Brussels.

## Annex 1. The New European Commission: Commissioner-designates' missions and portfolios relevant to Justice and Home Affairs (direct extracts from the Commissioner portfolios)<sup>13</sup>

### Frans Timmermans, First Vice-President, Better Regulation, Inter-Institutional Relations, Rule of Law and the Charter of Fundamental Rights

He will be in charge of:

- Steering and coordinating work in their area of responsibility. This will involve bringing together several Commissioners and different parts of the Commission to shape coherent policies and deliver results.
- Assessing how and whether proposed new initiatives fit with the focus of the Political Guidelines. As a general rule, I will not include a new initiative in the Commission Work Programme or place it on the agenda of the College unless this is recommended to me by one of the Vice-Presidents on the basis of sound arguments and a clear narrative that is coherent with the priority projects of the Political Guidelines. Before proposing any new proposal he will be checked in relation to subsidiarity and proportionality test.
- Managing and organising the representation of the Commission in their areas of responsibility in the European Parliament, the Council, national parliaments and other institutional settings as well as at international level.
- Promoting a proactive and coordinated approach to the follow-up, implementation, and communication of our priority policies across the Union and internationally
- Regular monitoring of procedures linked to the preparation of delegated and implementing acts to ensure full political ownership.

### PORTFOLIO

Better Regulation, Inter-Institutional relations, the Rule of Law and the Charter of Fundamental Rights. You will guide the work of the Commissioner for Justice, Consumers and Gender Equality and the Commissioner for Migration and Home Affairs.

Specific areas include:

- ensuring especial partnership with the European Parliament and coordinating inter-institutional programming and better law making
- ensuring that every commission proposal complies with the EU Charter of Fundamental Rights
- concluding process of accession to the ECHR
- Coordinating the Commission's work on rule of law
- Cooperation and Verification Mechanism with Romania and Bulgaria

You will also manage and coordinate the participation of the Commission in the Justice and Home Affairs Council. He will be responsible for relations with the European Economic and Social Committee, Committee of the Regions and the European Ombudsman.

<sup>13</sup> Source: Direct extracts from the portfolios (available at [http://ec.europa.eu/about/juncker-commission/mission/index\\_en.htm](http://ec.europa.eu/about/juncker-commission/mission/index_en.htm)).

## Věra Jourová, Commissioner Justice, Consumers and Gender Equality (DG JUSTICE, DG JUST)

### PORTFOLIO

- Supporting the first Vice-President, in charge of Better Regulation, Inter-institutional Relations, the Rule of Law and the Charter of Fundamental Rights, in concluding the process of accession of the EU to the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, in making sure that all Commission proposals respect the Charter of Fundamental Rights and in consolidating the Commission's role in protecting the Rule of Law. You will also work with the High-Representative for the Union's Foreign Policy and Security/Vice-President to promote our values in our external relations.
- Ensuring that, within the scope of EU competences, discrimination is fought and gender equality promoted, including by exploring how to unblock negotiations on the Commission proposal for the Horizontal Anti-Discrimination Directive.
- Contributing, as part of the project team steered and coordinated by the Vice-President for the Digital Single Market, to the realisation of a connected digital single market by ensuring the swift adoption of the EU data protection reform and by modernising and simplifying consumer rules for online and digital purchases.
- Concluding negotiations on a comprehensive EU-U.S. data protection agreement which provides justiciable rights for all EU citizens, regardless of where they reside, as well as reviewing the Safe Harbour arrangement.
- Reinforcing, as part of the project teams steered and coordinated by the Vice-President for Jobs, Growth, Investment and Competitiveness and the Vice-President for the Euro and Social Dialogue, the contribution of EU justice policies to our jobs and growth agenda, including through an assessment of the performance of judicial systems in the context of the European Semester of economic policy coordination.
- Coordinating all the Commission's work in criminal matters and reinforcing judicial cooperation in this field. Putting an independent European Public Prosecutor's Office in place by 2016 will be a significant step forward to protect the EU budget from fraud.
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### *Responsible for relations with:*

- The EU Agency for Fundamental Rights (FRA)
- The European Institute for Gender Equality (EIGE)
- The European Union Judicial Cooperation Unit (EUROJUST)

### **Relevant changes in comparison to previous DG:**

- Unit MARKET F2 (Corporate Governance, Social Responsibility) moves from DG Internal Market and Services (MARKT) to DG JUST.
- Directorate SANCO B (Consumer Affairs) moves from DG Health and Consumers (SANCO) to DG JUST, except for Unit SANCO B2 (Health Technology and Cosmetics), which moves from DG Health and Consumers (SANCO) to DG Enterprise and Industry (ENTR).
- Unit JUST B3 (Anti-Drugs Policy) moves from DG JUST to DG Home Affairs (HOME).
- Unit JUST D3 (Rights of Persons with Disabilities) and the part of Unit JUST D1 (Equal Treatment Legislation) dealing with the Directive establishing a general Framework for Equal Treatment in Employment and Occupation, move from DG JUST to DG Employment, Social Affairs and Inclusion (EMPL).

## **Dimitris Avramopoulos, Commissioner Migration and Home Affairs (DG for Home Affairs, DG HOME)**

### PORTFOLIO

- Developing a new European policy on regular migration. Such a policy should help Europe address skills shortages and attract the talent that it needs. A first step will be to address the shortcomings of the “Blue Card” Directive: I would ask for a first review to be concluded within six months of the start of the mandate. Further steps will require reflection on the best ways to make the EU an attractive place for migration destination, on the basis of other existing models.
- Boosting the effectiveness of the European border agency FRONTEX by developing a system to pool resources from Member States. We need to be able to put European Border Guard Teams into action quickly, with the participation of all Member States as a rule.
- Working to ensure the full and consistent implementation of the Common European Asylum System. We should look at an extended role for the European Asylum Support Office, with a particular focus on working with and in third countries. We should also develop a strategy for improving our response to emergency situations.
- Working with the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President and the Commissioner for International Cooperation and Development on ways to improve cooperation with third countries on these aspects, including on readmission.
- Focusing on the fight against crime with a clear link to EU policies, such as human trafficking, smuggling and cybercrime and helping to tackle corruption, also by strengthening police cooperation.
- Identifying where the EU can make a real difference in fighting terrorism and countering radicalisation, ensuring the respect of fundamental rights. We should be able to define operational measures which can have a concrete impact on issues such as “foreign fighters”.
- Working closely with the High-Representative of the Union for Foreign Affairs and Security Policy/Vice-President, the Commissioner for International Cooperation and Development and the Commissioner for Trade to strengthen the EU’s strategic partnership with Africa.

### **Responsible for relations with:**

- The agency for the management of large IT systems (EU-LISA)
- The European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX)
- The European Asylum Support Office (EASO)
- The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)
- The European Police Office (EUROPOL)
- The European Police College (CEPOL)

### **Changes for DG HOME:**

- Unit ENTR G4 (Policy and Research in Security) moves from DG Enterprise and Industry (ENTR) to DG HOME.
- Unit JUST B3 (Anti-Drugs Policy) moves from DG Justice (JUST) to DG HOME.

**Marianne Thyssen, Commissioner for Employment, Social Affairs, Skills and Labour Mobility (DG Employment, Social Affairs and Inclusion)**

Under the coordination of the Vice-President for Jobs, Growth, Investment and Competitiveness and the Vice-President for the Euro and Social Dialogue.

PORTFOLIO

- Promoting free movement of workers, working closely with national authorities to ensure that existing rules are well understood and implemented, as well as to fight possible abuses or fraudulent claims. This work will include making sure that the Posting of Workers Directive is strictly implemented and initiating a targeted review of the Directive to prevent risks of social dumping. Part of our efforts should also be spent on strengthening the opportunities and improving the conditions for geographic and professional mobility across Europe, through initiatives such as the European Job Mobility Portal (EURES). This activity will also benefit from the work on the free movement of workers and recognition of qualifications led by the Commissioner for Internal Market, Entrepreneurship and SMEs.
- Mobilising EU instruments (such as policy guidance, social dialogue, financial programmes) to further develop the skills level of the European workforce, by promoting vocational training and lifelong learning. You should, at the same time, support the work of the Commissioner for Migration and Home Affairs in developing a new European policy on legal migration to Europe to address skills shortages and attract the talent that Europe needs.

**Tibor Navracsics, Commissioner Education, Culture, Youth and Citizenship**

PORTFOLIO

Specific area include:

- Strengthening the understanding of the general public of how EU policies are shaped today and helping citizens to learn more about the EU and to engage in EU debates. Particular attention should be paid to reaching out to the beneficiaries of activities organised through the “Europe for Citizens” programme and ERASMUS+, as well as in the context of the traineeship programme organised by the Commission.

**Relevant changes:**

- The part of Unit COMM C2 (Citizens Programme) covering the management of the Europe for Citizens Programme, and the responsibility for the Preparatory Action “New Narrative on Europe” 2015 move from DG Communication (COMM) to DG EAC.
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**Andrus Ansip, Vice-President for the Digital Single Market**

PORTFOLIO

- Steering and coordinating, within the first six months of the mandate, ambitious legislative steps towards a connected Digital Single Market, notably by adding more ambition to the ongoing reform of our telecoms rules, modernising copyright rules in the light of the ongoing digital revolution – taking full account of Europe’s rich cultural diversity – and modernising and simplifying consumer rules for online and

digital purchases. This should be based on a clear assessment of the main obstacles still to be removed and the formulation of a clear long-term strategy for the Digital Single Market. You should also oversee, during the first six months of the mandate, the conclusion of negotiations on the reform of Europe's data protection rules as well as the review of the Safe Harbour arrangement with the U.S.

- Coordinating work on building the framework conditions that will allow all EU citizens to participate in and benefit from the digital economy, with the same freedoms and protections online as they have offline, including by working to fight cybercrime.

### **Günther Oettinger, Commissioner for Digital Economy and Society**

#### PORTFOLIO

- Supporting the Vice-President for the Digital Single Market and the Commissioner for Justice, Consumers and Gender Equality in finalising the negotiations on an ambitious Data Protection Regulation in 2015. On the basis of the outcome of this legislative process, you should prepare a reform of the e-Privacy Directive, liaising closely with the Vice-President for the Digital Single Market, with the support of the Commissioner for Justice, Consumers and Gender Equality.



## ABOUT CEPS

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- Carry out state-of-the-art policy research leading to innovative solutions to the challenges facing Europe today,
- Maintain the highest standards of academic excellence and unqualified independence
- Act as a forum for discussion among all stakeholders in the European policy process, and
- Provide a regular flow of authoritative publications offering policy analysis and recommendations,

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Financial Institutions and Markets  
Energy and Climate Change  
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European Credit Research Institute (ECRI)

### **Research Networks organised by CEPS**

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European Network for Better Regulation (ENBR)  
European Network of Economic Policy  
Research Institutes (ENEPRI)  
European Policy Institutes Network (EPIN)