

ANSWERS TO THE EUROPEAN PARLIAMENT
FURTHER WRITTEN QUESTIONS TO THE COMMISSIONER-
DESIGNATE

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Home Affairs

Written questions proposed by EPP

- 1. On migration – the European Commission will have to step up its work in order to achieve more and better cooperation with third countries. Could you, Commissioner-designate, explain to us how you envisage to improve the cooperation with third countries of origin and transit and which concrete steps you plan to take in order to achieve that? And what role should the AMF fund for 2021 - 2027 play in support of your plans?**

My objective is to achieve a holistic approach on Migration and my mission is very clear. I will work closely with the High Representative/Vice-President, the Vice-President for Protecting our European Way of Life as well as with the other relevant Commissioners to ensure that migration is firmly embedded within the Union's external policy and that we develop stronger cooperation with countries of origin and transit. I intend to work with these countries in a spirit of partnership and through comprehensive dialogues on all aspects of migration to ensure that each partnership is results-oriented and tailored to the needs of the EU, but also to the needs of the third country. At all times, we must promote our values and fully respect fundamental rights. This is the only sustainable way forward.

As part of this partnership, I will also work closely with my colleagues and with Member States to step up efforts to develop a better functioning system of readmission and effective, swift returns that guarantee the human dignity and rights of those to be returned. I am convinced that, in order to be able to offer protection to those in genuine need of international protection, both a humane return policy and efficient cooperation with third countries on readmission are of key importance for a balanced migration policy. I consider it is vital to ensure that the existing readmission agreements and arrangements are used by the Member States in the most efficient way. For these efforts to be successful, I believe we should draw more on leverages from all relevant EU policies, instruments and tools, including visa policy.

I will in particular look into ensuring the swift implementation of the readmission conditionality elements included in the new Visa Code, which will enter into force in February 2020. Under international law a country is responsible for readmitting its own nationals. For some countries, this responsibility is reiterated under wider cooperation arrangements, such as the Cotonou Agreement for African Caribbean and Pacific countries. EU support for assisted voluntary return and reintegration assistance have also proved to be valuable ways of helping people to return home. I will look into ways to further develop the EU support in this respect, working even more closely with our implementing partners

abroad. I will look in particular into ensuring the swift implementation of the readmission conditionality elements included in the new Visa Code, which will enter into force in February 2020. As part of the future New Pact on Migration and Asylum, I will push for a swift adoption of a reformed Return Directive, to ensure that Member States' return procedures are effective and that we have a consistent and humane common approach. In overseeing the effective implementation of the newly reinforced European Border and Coast Guard Agency, I will pay particular attention to the effectiveness of its return support mandate.

Any holistic migration policy must also draw distinctions between those in need of protection and those who arrive in Europe for economic purposes, seeking employment without being eligible for protection. Returns are one important aspect of the debate but we need to see that cooperation with third countries of origin and transit will be of most importance in the near future. We need to move the conversation towards long-term proposals and proper investment and economic cooperation strategies with third countries and help towards ensuring stability in our neighboring regions that will have the effect of significantly reducing arrivals of people who are not eligible for protection to Europe.

But our cooperation with third countries cannot be exclusively focussed on returns and readmission. We have important work ahead to address the root causes of irregular migration and forced displacement and to continue supporting refugees in need around the world. Three EU funds were created, notably for Turkey, Syria and Africa. They have flexibility to tackle new needs. Our external funding programmes are key to tackle global issues like poverty, insecurity, inequality and unemployment. These needs will not go away. A key priority will be to ensure that in the next Multiannual Financial Framework (MFF) we can ensure continuity of EU action.

Furthermore, one of the key concerns remains the instability in Libya. Although the EU has managed – in partnership with the African Union and the UN – to improve protection and assistance to stranded refugees and migrants and at the same time reduce dangerous departures across the sea, we need to do more. The situation in the detention centres is dire and I will not stop calling for the end of arbitrary detention. We have to continue to monitor human rights, provide training, equipment and support to capacity building in Libya. At the same time, I will press to set-up humanitarian corridors and step up the evacuation of persons in need of international protection stranded in Libya to enable their onward resettlement to the EU Member States or other countries.

In line with the priorities of the President-elect and as another concrete element for ensuring good cooperation with partner countries, I will focus on ensuring legal and safe pathways to the European Union. This is also an integral part of the holistic approach to migration and in the EU's genuine interest: skills shortages in certain sectors are a reality with the Gross Domestic Product across EU28 in 2060 projected to be 23% lower without migration than with migration. I will take a fresh look at the Blue Card for the highly skilled migrants and continue to develop the work on all legal migration strands. I will aim to build on the ongoing pilot projects on legal migration, where some Member States, with support from the Commission, are working on 'win-win' projects with our partners. This all needs close cooperation with the countries of origin – involving also the local labour authorities – particularly as regards the identification of the sectors to avoid 'brain drain'. My work will focus on ensuring that Europe remains a competitive player in the world.

In the new MFF period, the Neighbourhood and International Development Cooperation Instrument would be the main funding instrument on the external side. I welcome the proposed earmarking of migration-related activities in third countries. But the Asylum and Migration Fund can also play an important complementary role for specific activities in third countries, and can help us make sure that we do not find ourselves with gaps preventing us from supporting essential work. I see a need to ensure a high level of flexibility in the use made of this future fund, to guarantee the ability to react swiftly to changing needs on the ground as has been borne out of our experience from the last years. This would imply in particular avoiding the use of restrictive criteria that would limit this room for flexibility.

In this respect, as under the current Asylum, Migration and Integration Fund, the EU will need to be in a position to rapidly finance from the future Asylum and Migration Fund, through its implementing partners, relevant measures in third countries. These include measures in the area of fighting against irregular migration, given the common interest in reducing the exploitation of migrants, reintegration measures for migrants that return voluntarily to their home countries to help them set up a new livelihood, registration of refugees in third countries where they are stranded, and pre-departure measures like civic courses before resettlements take place, to mention just a few. All of these activities will remain important in the future.

2. How would you address the threats posed by foreign terrorist fighters and their families returning to Europe? Do you agree that further efforts are necessary to address the needs of victims of terrorism? Are you planning to propose new legislation for victims of terrorists or do you foresee other concrete measures in this regard?

I am very concerned by the threat posed by Foreign Terrorist Fighters returning to Europe, which is very acute. Those who will come back represent a real threat due to their motivation, and the knowledge and expertise they have acquired.

The decision to repatriate European Foreign Terrorist Fighters detained in a third country is a national decision. However, it is our collective duty to ensure that those not detained are detected when they cross our external borders on their way back to Europe. This is only possible if the strong information systems are effectively used at the borders, and if Member States law enforcement authorities upload the information they have into these systems, in particular the Schengen Information System. This is why trust between Member States is a necessary component of the EU response to prosecute and convict Foreign Terrorist Fighters. Europol can play an important role. I will also call on all Member States to implement and apply the recently agreed counter-terrorism Directive, which criminalises terrorist acts throughout the EU.

The issue of the children of Foreign Terrorist Fighters raises specific concerns in terms of legal responsibility, long-term risk and the pressing issue of humanitarian conditions in the camps in Northern Syria. The EU provides substantial humanitarian assistance to refugee camps in Syria, in particular for children. I want to foster the exchange of information to allow proper identification of these children: sharing good practices within the EU as regards disengagement and reintegration is absolutely necessary. In doing so, I will build upon the work of the Radicalisation Awareness Network, funded by the EU. I will make sure that the Commission uses all the tools at its disposal to support Member States in addressing the return of Foreign Terrorist Fighters and their families.

The situation of victims of terrorism is a very important topic on which I personally commit to be very vigilant, in close cooperation with the Commissioner for Justice. There is already a set of EU binding rules providing for basic rights of protection, support, and in certain cases, compensation for victims of crime throughout the Union, but not every victim is the same. This is why the European Parliament and the Commission have worked closely together on rules for specific categories of victims, including victims of terrorism. I will ensure that all Member States effectively and correctly transpose the provisions of the Directive on combatting terrorism that concern victims. I will work closely with the Commissioner for Justice, as the responsible Commissioner, to identify whether there are any gaps in the current legislation and whether we need any additional rules for victims.

I cannot accept that victims of terrorism do not receive the appropriate assistance and support both immediately and for as long as necessary.

I will also be very vigilant to ensure that in the coming months, the EU Centre of Expertise for Victims of Terrorism, launched at the initiative of the European Parliament, is set up and operational. The Centre will provide guidelines and trainings aimed at assisting implementation of the EU rules on victims of terrorism, act as a hub of expertise. I will personally ensure that this laudable initiative is driven forward with the expediency and diligence it requires.

3. An important part of your portfolio is to ensure a greater consistency between the internal and external dimension of security. Online disinformation and interference with electoral processes are a paramount example of such link and where a more coherent and muscled approach is required from the Union. In the next five years, what do you plan to do in this field?

The internal security of the EU cannot be guaranteed without looking beyond EU borders. The internal and external dimensions of security are mutually dependent and interlinked. Terrorism and organised crime are international threats that can only be addressed based on a coherent set of actions combining the internal and the external dimension.

In close coordination with the relevant Commissioners, I intend to engage with the countries in the neighbourhood to negotiate agreements allowing exchange of information between their respective law enforcement authorities and Europol. I fully support the ongoing work with the Western Balkan partners to counter terrorism and firearms trafficking, and I am committed to continue on that path. Combatting human trafficking should be a priority here.

The link between the internal and external dimension of security is very clear when it comes to the online world. The international call for action following the terrorist attack in Christchurch, aimed at preventing the dissemination of terrorist content online, echoes the work done by the Commission within the EU Internet Forum and with its legislative proposal in this area.

Internet platforms are global actors, and given their global reach, they have a special responsibility. This is also the case when it comes to disinformation campaigns, which can be part of hybrid attacks. Cyber threats targeting elections and disinformation campaigns are examples of those most recent forms of threats against which we must be extremely vigilant

and prepared. Ahead of the last European Parliament elections, the current Commission has made significant efforts to bring together electoral authorities, national cyber authorities and law enforcement, to raise awareness and protect the integrity of the elections. Concrete steps have already been taken to address these threats: an Action plan on disinformation, the establishment of a Rapid Alert System as a hub to share information on ongoing disinformation campaigns, dialogue with the platforms to increase transparency materialising in a Code of Practice on disinformation, as well as media literacy and awareness raising efforts.

This is an issue that is indeed of direct significance to security policy. But it also, of course, goes wider than my own portfolio. If confirmed, I will work closely with the Vice-President for Values and Transparency (in relation to disinformation) and the Vice-President for Protecting the European Way of Life (in relation to hybrid threats) and other colleagues to ensure that we have a coordinated and comprehensive policy in this area, that respects fundamental rights, and also involves cooperation with international partners, including NATO.

4. In the past five years, we have revised completely the Union's landscape on information systems: we have addressed loopholes and increased synergies. This term will - surely - focus on implementation. Are you ready to commit on deploying the new and the reformed information systems on time and on budget? Regarding VIS, will you be willing to commit to set a clear deadline to put it operational?

As I mentioned in the hearing, you can count on me for working towards full transposition and implementation of existing security legislation. I will use all means to support Member States in doing so. If necessary, I will have recourse to infringement proceedings to ensure the correct application of Union law in the area of security.

I can assure you that the roll-out of the initiative of 'interoperability' will be one of my top priorities. Between the end of 2021 and the end of 2023, all interoperability components as well as the new or upgraded information systems in the area of home affairs need to go live. This is a very tight schedule and all actors need to work closely together: Member States, the Agency eu-Lisa, as well as the Commission. Delays by any one of the actors risks delaying the project for all. To ensure that implementation, both in terms of timing and of budget, will go according to the schedule, there is a monitoring structure to follow up on the implementation of the interoperability regulations, and regular 'tours de capitales' to Member States, to detect problems and bottlenecks, to draw lessons to identify solutions and support measures. I want to make clear to colleagues in the Member States that this is not just a technical exercise, it is political. I consider the success of the interoperability so crucial that it merits, in my view, to be brought regularly to the attention of the Ministers in the Justice and Home Affairs Council, to underline that everyone has a responsibility to deliver. In view of the crucial role that Parliament played in the swift adoption of the Regulations, I commit to providing you regularly with updates and feedback on the state of implementation and progress. I will personally follow this process very closely.

As regards the Visa Information System, our common goal should be to upgrade the Visa Information System, connecting it with the other border management databases and including long-stay visas and residence permits within its scope. I agree on the need for a clear deadline by when the revised VIS will become operational. I therefore believe that our first priority is

to start trilogue negotiations as soon as possible. If confirmed, I commit to personally engage in these negotiations to ensure a successful conclusion within the coming months. I count on your constructive support and look forward working with you on the dossier. The provisions on implementation will be addressed during the trilogues. The entry into operation of the Visa Information System is dependent on the availability of the European Travel Information Authorisation System and therefore the adoption of the pending proposal on the consequential amendments will be important to ensure timely roll-out.

The establishment or upscaling of large-scale IT system needs to be properly prepared and implemented. We have to get it right, but that means giving this the necessary energy and commitment. There will have to be the adoption of implementing acts, drafting of specifications, procurement and production, before the upgraded system can go into operation. An important part of the work will be done by Member States who have to adapt their national IT systems. The Commission has estimated that all of this will take three years, based on experience with other systems and the overall timetable for the entire IT landscape for border management systems and interoperability. I am confident that we will have a good outcome in the negotiations.

Written questions proposed by S & D

- 1. You state that the respect for fundamental rights and security are consistent and complementary policy objectives; however different pieces of EU legislation in this area have been found to breach fundamental rights and thus to be unlawful in the highest Court of the EU. As it would be your role to ensure that all security measures respect fundamental rights, specifically the protection of privacy and personal data, non-discrimination and the presumption of innocence, as well as the principles of necessity and proportionality, how will you ensure this and how will you guarantee that any new measure introduced by you in the field of internal security and border management will do so and pass the test of the Court?**

As I said in the hearing, fundamental rights must never be an afterthought. This is something which I will pay very close attention to from the very beginning in the design of new initiatives.

I do indeed believe that security and the respect for fundamental rights are consistent and complementary policy objectives. Fundamental rights, such as the right to privacy and data protection, must be respected. At the same time, citizens also expect that security policy delivers. So we need to strike the right balance and combine effectiveness with a permanent vigilance for respecting fundamental rights. We need to craft the right policies and include the right safeguards. I will make sure, working closely with the Commissioner for Justice, that fundamental rights, including the right to protection of personal data, are embedded in the design of any future legislation – and then closely monitor their effective implementation in Member States, using all the powers at my disposal.

Security legislation has to stand the test of judicial challenges to serve its purpose. The example of the Data Retention Directive and the ensuing jurisprudence is a case in point.

I commit to rigorously implement the lessons learnt from these and similar experiences and to ensure that any proposed new legislation in the field of security will have undergone a thorough assessment in line with the better regulation principles, including on fundamental

rights. I will also be particularly attentive towards legal arguments during the drafting process aiming at ensuring compatibility with the Charter of Fundamental Rights. During the negotiations with the European Parliament and Council I will not shy away highlighting the Commission's concerns if a proposal would be amended in a way which raises concerns about the proposal's continued conformity with the Charter of Fundamental Rights.

I believe that the European Parliament, the Council and the Commission each have a role and responsibility to play in this respect.

2. You also advocate new technological tools for the law enforcement. How will you ensure that those tools, such as predictive policing and facial recognition technologies, that pose many ethical questions, also respect the above-mentioned standards, principles and rights? One ongoing debate has been on encryption. As encryption is a vital necessity in today's world, do you agree that allowing law enforcement backdoors to encrypted communications could undermine the trust and security of all online services and communication, both for natural and legal persons? And how would you safeguard encryption in Europe?

I fully recognise that the use of innovative technologies in law enforcement, as well as in other areas, can bring both opportunities and challenges. Society must benefit from technology, not suffer from it. Citizens must be confident that the use of new technologies in the EU takes place within a solid regulatory framework with all necessary safeguards, in full compliance with their fundamental rights. I recognise the many ethical and practical issues these technologies raise and the consequences they may lead to. Therefore, I want to ensure that we have full understanding of how these effects can be minimised and unwanted consequences mitigated. I intend to involve not just the law enforcement community in these deliberations, but also all relevant stakeholders and EU agencies and bodies to ensure that any EU policy in this area is properly thought through.

I do believe that technology can help law enforcement to perform their legitimate missions more effectively. Technology is there to help law enforcement, not to replace the police. Technology is but a tool, in the end all the final decisions need to be taken by a human. However, if algorithms can help analysing lawfully collected data more effectively and swiftly, or indeed, if technology can help use existing data more efficiently and lower the need for new data collection – then I am all in favour of technology.

The use of encryption by criminals poses particular challenges to law enforcement. While I will not be taking any measures that will ban, limit, or weaken encryption, we need to recognise this problem. The introduction of so-called backdoors into systems or devices would indeed weaken cyber security and would be counterproductive. Practical measures to address these challenges have already been launched, such as boosting Europol's decryption capabilities for devices seized in criminal investigations. I want to analyse the impact and efficiency of these measures. I want to entrust EU Agencies, in particular Europol and CEPOL, to analyse and share knowledge of new technical and legal developments in the area of encryption. I also want to promote a dialogue between the law enforcement community, the business community, academia and the judicial authorities to ensure that the challenges posed by encryption are overcome in full compliance with fundamental rights.

Written questions proposed by Greens/ALE

- 1. What new steps will the Commissioner-designate take to monitor and assess the safeguards for fundamental rights in all formal, informal and financial cooperation with third countries? How and when will she inform and involve the European Parliament of these results? Can she assure that the monitoring includes transparent and independent assessments and that these will be conducted and shared with the LIBE committee before the EU enters into such cooperation?**

In line with my Mission Letter, I am committed to develop stronger cooperation with countries of origin and transit, working closely with the High Representative/Vice-President, the Vice-President for Protecting the European Way of Life and other relevant Commissioners, as well as with Member States, to step up efforts on cooperation with third countries.

The Commission is bound to respect the Charter of Fundamental Rights in all its actions. Member States' competent authorities are also bound by EU and international laws. It follows that cooperation with third countries can in no way impact the respect for the principle of non-refoulement, or undermine due process and access to effective legal remedies. One of my objectives is to protect the core values of the European Union. All our cooperation with third countries should strive to improve the protection of fundamental rights, not to cut corners.

I am committed to look in to how to best monitor and assess this compliance, also relying on the work and analysis of the EU Delegations and of the European Migration Liaison Officers, our eyes and ears on the ground. This is critically important if we are to have a real understanding of the impact of our work.

In addition to those instances where the Parliament is formally part of the decision making process in line with the Treaties, I commit to appear personally on a regular basis before the European Parliament and the relevant Committees, to update throughout the process of cooperation with specific third countries, to discuss and hear your views, in line with the Political Guidelines of the President-elect.

- 2. What concrete, immediate measures will the Commissioner-designate take to step up Search and Rescue capacity and efforts by the EU and its Member States in the Mediterranean?**

EU operations in the Mediterranean play a key role in search and rescue in the Mediterranean. As I underlined in my hearing, saving lives should never be seen as a pull factor. These operations have contributed to the significant decline in the loss of lives at sea when compared to the previous four years. Even though Member States have decided to scale down Operation Sophia – to cover training and aerial surveillance – the operations led by the European Border and Coast Guard continue. These have an explicit search and rescue mandate, and work in close collaboration with Member States in the Mediterranean. Our collective ability to protect the EU's external borders and to manage the migratory flows depends, in addition to developing strong national border control policies, on the good functioning of the European Border and Coast Guard, especially the effective cooperation between the Agency and the national authorities. One of my key priorities will therefore be to

ensure the full and accelerated implementation of the reinforced European Border and Coast Guard Agency.

While I understand that the Commission has no competence as such to coordinate Search and Rescue operations or to indicate places for disembarkation, I believe that the experience of the last months, with the particular involvement of a number of Member States, has shown that the Commission can have a major impact. The Commission can support and coordinate actions on the relocation and distribution of people on board following disembarkation, upon the request of Member States. This brings clarity to Member States, but also to the refugees themselves. It is an important example of how the Commission can undertake a very practical role which has a real beneficial impact.

I noted with great interest that four Member States recently agreed on more predictable and efficient temporary arrangements. I know that this will be further discussed at the Justice and Home Affairs Council on 8 October in Luxembourg with the clear objective of broadening the number of participating Member States.

I consider this development a very important step in a highly sensitive and difficult area and I count on the Ministers next Tuesday to grasp this window of opportunity. If confirmed in office, I intend to immediately look closely into the steps taken so far and commit to work towards a new, more sustainable, reliable and permanent approach to search and rescue. As immediate steps, I intend to ensure that the Commission provides both financial and operational support such as ensuring regular exchange of information on the process, acting as a central contact point for EU Agencies and for the Member State of disembarkation. Both the European Asylum Support Office and the European Border and Coast Guard Agency can assist Member States in different ways, including in the registration, screening and ensuring proper conditions. This is again where the EU can offer some very practical help, in the interests of all.

It is equally my firm belief that for a sustainable approach on search and rescue, we need to keep up the pressure and take all necessary steps to break the cruel business model of smugglers. I see it as part and parcel of pursuing fundamental rights to combat this cruelty. I intend to further develop the work under the Action Plan on Smuggling and I will also look at the relevant regulatory framework (such as the Facilitators package), to see if it is still fit for purpose and explore how we could step up our actions – always prioritising the humanitarian imperative of saving lives. In particular, I would like to build on the European Parliament's resolution on the need for guidelines to the Member States on the issue of non-criminalisation of genuine humanitarian assistance provided by NGO vessels to persons at risk at sea. It is my firm belief that genuine humanitarian assistance should never be criminalised. I will therefore work closely with the European Parliament and others to find the most appropriate way forward on this important matter. This is also another reason to step up our cooperation with third countries of origin, transit or indeed destination. Concretely, I see as a priority to strengthen our engagement with the countries bordering Libya to crack down on the smuggling networks which put people on the path of exploitation and suffering. The joint investigation team in Niger has dismantled dozens of networks and arrested hundreds of smugglers and traffickers. We should look to expand this work.

- 3. Are you committing to reform asylum policy following an evidence-based approach by ensuring the publication of implementation reports for all CEAS instruments in conformity with the legal obligations enshrined in those instruments; and by ensuring that any new proposal will be based on an ex ante impact assessments, taking into account that the current CEAS reform proposals were not accompanied by impact assessments?**

I am committed to implement a solid and evidence-based approach to policy-making in the areas covered by my portfolio. Impact assessments and evaluations based on solid and wide consultations, have a central role in informing the scope and content of any new policy initiative. This is also what the President-elect has made clear to all Commissioners-designate in her mission letters and this is how I believe that the Union has to prepare legislation. I am committed to ensuring that the Commission carries out consultations of relevant stakeholders and evaluations of impacts as is practically possible in the circumstances, to openly communicate as early as possible with stakeholders and the general public and to explain the underlying reasons for the initiatives undertaken by the Commission. I will come forward with an evaluation of the evidence at our disposal to ensure that all initiatives will be grounded on an evidence-based policy making approach, in which I firmly believe.

Moreover, as the Guardian of the Treaties, the Commission has the responsibility to monitor the transposition and implementation of EU law. This is indeed what the Commission has been carefully doing with all the different instruments forming the Common European Asylum System. Studies on their transposition and implementation have been carried out, numerous meetings with the Member States have been organised as well as missions on the ground. The results of this monitoring activities, as well as all assessments performed in this area informed the proposals of 2016.

For the New Pact on Asylum and Migration we need to look comprehensively at all the evidence and experience at our disposal. We need to take a fresh look – but we also need the reform to happen.

Written questions proposed by ECR

- 1. Do you confirm your statement that only third country nationals who are eligible for international protection should benefit from the Union's asylum policies? Will you draw a clear distinction between these and the economic migrants who do not fall under the criteria of refugee status?**

I can confirm that I consider that only those in genuine need of international protection should be recognised as beneficiaries under the Union asylum acquis.

The right to asylum is a fundamental right guaranteed by the Charter of Fundamental Rights of the European Union. This right entails that each application for asylum is assessed by the national authorities in an adequate procedure, taking into account the individual circumstances of each case.

If we want to ensure that we will continue to be able to offer protection to those in genuine need of protection, we need to be clear on the distinction with those migrants who – understandably – search for a better life and greater opportunities to care for themselves and their families, but who are not in genuine need of protection, and who cannot rely on the right

to asylum. These migrants need to follow existing and future legal pathways to reach Europe in a safe, legal and dignified way. Those with no right to stay, need to be returned, in line with the applicable procedures and safeguards.

- 2. You stated that in order to break the cruel business model of smugglers and human traffickers, stronger cooperation with third countries of origin would be needed. Would you then consider the possibility of processing asylum applications in third countries in order to definitively break the business model of the smugglers, in line with Council Conclusions of June 2018?**

Working with third countries must be at the core of developing our migration policies; and our policies need to remain based on our humanitarian values. As I have stated in my hearing, we need to replace unsafe and irregular pathways with legal and safe admission to the most vulnerable persons in need of international protection to EU Member States. Our focus on the external side needs therefore to remain based on resettlement. The approach put forward by the European Council in June 2018 did not meet with the necessary support from the Member States. This is an opportunity for me to work on other approaches to bring both the European Parliament and the Member States together.

Written questions proposed by GUE/NGL

- 1. On internal security:**

In your written answers, you say that one of your priorities on law enforcement cooperation will be to ‘ensure the necessary technological innovation to ensure that we are able to deal with new and emerging threats’. What do you mean exactly with technological innovation for law enforcement? Can you give us one specific example, and how you would ensure that such innovation is not detrimental to fundamental rights protection?

What do you think of the use of facial recognition in public areas? The issues has not been regulated at the EU level yet, some countries are developing surveillance systems of entire cities based on this application of AI, while others have banned its use. Do you intend to put forward a EU coordinated approach?

Technological innovation in law enforcement has always been an important part of policing and criminal justice. As much as the development of fingerprint analysis in the 19th century, so has, more recently, DNA analysis been of tremendous help for police, prosecutors and judges. The use of biometric data will help detect multiple identity used by criminals and terrorists. Technology will be needed to help law enforcement authorities to counter the threats of aerial drones that may represent a serious risk to the population in public spaces or facilitate drug trafficking.

The EU should invest in research and innovation, to produce new knowledge and/or verifying that a certain technology has a potential. However, it should do it the European way. I believe that ethics should be an integral part of research, from beginning to end, and that ethical compliance is pivotal to achieve research excellence. I fully recognise that the use of innovative technologies, such as Artificial Intelligence, in law enforcement and other areas, can bring both opportunities and challenges. This is why I consider very important the choice of the President-elect to put forward in the first 100 days legislation for a coordinated

European approach on Artificial Intelligence, including its human and ethical implications, to which I will contribute actively.

More concretely, as regards 'facial recognition', the term is often used in a general way which could include varied cases of the use of technology, such as at border checks or identification of persons on images or video recordings during an investigation. The use of such technology is, in the first place, decided at national level in accordance with EU and national law, including with the applicable data protection framework. Within the limits of its remit, the Commission has a stake in the development and use of facial recognition, both from the research and policy perspectives. In terms of EU law, the key is that the use of facial recognition is clearly defined, its limits are clearly understood, and that we have the right safeguards in place.

The Union needs to be at the forefront of establishing ethical ways of using Artificial Intelligence, also in law enforcement. It is therefore my conviction that it would be a mistake to cut our law enforcement authorities off from technological development. My objective is rather to enable law enforcement to operate in a clear legal framework with all necessary safeguards and guarantees in place.

2. On asylum:

Can you commit to uphold the right to asylum on EU's territory and refuse any proposal that would lead to external asylum processing?

I am fully committed to defend fundamental rights and stand up for the Treaties and the right of asylum. Having the right to apply for asylum in the EU is an indispensable part of our values. I am fully aware of our international obligations and the fundamental rights challenges that any proposal on external asylum processing would give rise to. The guarantee of the fundamental right to asylum as provided for in Article 18 of the Charter of Fundamental Rights of the EU will be the guiding principle in all my work.

In this respect, having the right to apply for asylum in the EU and have the application processed in the EU is an indispensable part of our values. Whether it would be possible to apply for asylum in the territory of third countries or not can in any case not change this fundamental point. Moreover, beyond the humanitarian argument, external processing would present important legal, operational and political challenges. For instance, if Member States were to receive and process asylum applications in third countries, they would have to be obliged to respect the same level of protection standards, such as the right of effective remedy and adequate reception conditions in the same way as within the EU territory. For all these reasons, I would not support any initiatives that would lead to external processing of asylum claims.

Instead, I would like to reiterate that I am convinced that we need to open more legal and safe pathways to offer people asylum in the EU. This should include the expansion of policies such as resettlement which have been already part of the discussions around the intensive work being done on the asylum files of European Parliament rapporteurs.

I will therefore push for the swift adoption of a new Resettlement Framework, as part of the future Pact on Migration and Asylum. In the meantime, until the adoption of a new Resettlement Framework, I will immediately put forward a recommendation to ensure not only continuity but also a stepping up of our current resettlement efforts in close cooperation

with UNHCR as we cannot afford any gap in the Union's efforts before the new framework becomes applicable.

