

Von der Leyen’s tasks for the new EU Commission – Part 5

“Values and rights in Europe”

	
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On 16 July 2019, Ursula von der Leyen was elected as the new President of the future EU Commission by the European Parliament. On 10 September 2019, she submitted the candidates who are to make up her Commission in the forthcoming 2019-2024 legislative period and who will be confirmed by the European Parliament at the end of November.

This cepAdhoc assesses the main tasks which von der Leyen will be entrusting to her proposed Vice-President Věra Jourová and the Commissioner assigned to her, Didier Reynards, in the areas of rule of law, fundamental rights, consumer protection and European Parliament elections.

Values and rights in Europe

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Frans Timmermans (Netherlands), Margrethe Vestager (Denmark) and Valdis Dombrovskis (Latvia) will be given a prominent role in the new Commission. They are all Executive Vice-Presidents and will take on a dual function: Firstly, they are each responsible for a core topic and will coordinate the work of the Commissioners that are responsible for that area. Secondly, they are also responsible as specialist Commissioners for their own policy area and will be supported in this regard by the relevant Directorates General of the Commission.

In addition to the three Executive Vice-Presidents, five additional members of the Commission will become Vice-Presidents. Three of these – Věra Jourová (Czechia), Margaritis Schinas (Greece) and Josep Borrell (Spain) – will also lead individual groups of Commissioners.





The EU Commission still has to be confirmed by the European Parliament. Firstly, it has held hearings of the nominated candidates. Parliament will then vote on the candidates at the end of November. On 1 December, the approved Commission will take up its official duties.



This cepAdhoc assesses the core tasks which von der Leyen will be entrusting to her future Vice-President Věra Jourová¹ and the Commissioner assigned to her, Didier Reynards, in the areas of rule of law, fundamental rights, consumer protection and European Parliament elections.

Tasks assigned by the Commission President

Rule of law, fundamental rights, consumer protection and European Parliament elections	
Jourová	<p>Broker discussions between the European Parliament and the Council to improve the lead candidate system.</p> <p> cepAssessment: The lead candidate system is controversial: The European Parliament supports it, but it is rejected by many Heads of State and Government in the European Council. As both organs are involved in the election of the EU Commission President, there is always a threat of the process being blocked. The European political groups come under political pressure to justify themselves if they initially nominate lead candidates but then elect an EU Commission President who was not a lead candidate (see also cepAdhoc). For the lead candidate system to have any future at all, it must be made clear that only a lead candidate can be elected, although it need not necessarily be the lead candidate from the strongest political group. In any case, the dispute between the two institutions should be settled before the next elections in order to avoid damage to the democratic decision-making process.</p>

¹ Věra Jourová is also responsible for “strengthening democracy and transparency” by inter alia coordinating a European Democracy Action Plan, supporting media pluralism, “improving the European Citizens' Initiative” and negotiating for a common Transparency Register for the Parliament, Council and Commission.

<p>Jourová</p>	<p>Represent the Commission in the Conference on the Future of Europe regarding the issue of transnational electoral lists for election to the European Parliament.</p>
	<p> cepAssessment: The creation of transnational electoral lists is controversial. Their introduction, at least for some of the available seats, may – in contrast to the existing system in which the European Parliament (EP) consists of representatives elected in each Member State – help to Europeanise the EP election which is currently highly focussed on national issues. The precise arrangement of the requirements for these electoral lists will be decisive though. In this regard, it must be borne in mind that – without a treaty amendment – it is not possible to elect more than 751 members to the EP.</p>
	<p>Ensure the EU’s accession to the European Convention on Human Rights.</p>
<p> cepAssessment: The EU’s accession to the European Convention on Human Rights (ECHR) is already envisaged in the Treaties (Art. 6 (2) TEU). Accession negotiations with the Council of Europe should be resumed soon and the new draft of the accession treaty re-submitted to the CJEU for review (Art. 218 (11) TFEU) after the latter declared the previous draft to be in breach of EU law.</p>	
<p>Reynders Jourová</p>	<p>Lead the work on a “comprehensive European Rule of Law Mechanism”.</p>
	<p> cepAssessment: The rule of law is one of the fundamental values of the EU (Art. 2 TEU) and forms the basis of every democratic system. Upholding the rule of law is crucial for the functioning of the EU, both at the level of the Member States and at the level of the EU itself. The formal procedures in the event of a breach of the rule of law (Art. 7 TEU) require a 4/5 majority in the Council (Art. 7 (1) TEU) or unanimity in the European Council (Art. 7 (2) TEU). By contrast, a standard annual assessment of the rule of law in all Member States, as a preventative measure without formal hurdles, may contribute to upholding the rule of law.</p>
	<p>Strengthen consumer protection, notably for cross-border and online transactions. Find new ways of empowering consumers to make informed choices.</p>
<p> cepAssessment Efforts to strengthen both the legal position of consumers and the liability principle are basically to be welcomed and improving the transparency of online marketplaces facilitates informed choices when purchasing goods. The legislation on representative actions to safeguard the collective interests of consumers (“New Deal 1”; see cepPolicyBrief) and on the enforcement of EU consumer law (“New Deal 2”; see cepPolicyBrief) which were proposed in the last legislative period but have not yet been enacted, basically constitute an adequate balancing of interests. They should therefore be enacted swiftly.</p>	

Reynders Jourová	<p>Ensure the full implementation and enforcement of the General Data Protection Regulation (GDPR) and promote the European approach as a global model.</p> <p> cepAssessment: The highly complex provisions of the GDPR have led to significant legal uncertainty. Their enforcement therefore requires the clarification of unanswered questions and the removal of existing and apparent inconsistencies, as a matter of urgency. At the same time, the provisions of the GDPR must be implemented as pragmatic and unbureaucratic as possible. In addition, it is important to ensure that the Regulation is interpreted, applied and enforced uniformly EU-wide. Only when these problems have been remedied will it be possible to campaign for EU data protection law on a global level.</p>
Reynders ² Jourová	<p>Contribute to the legislation on a coordinated approach on the human and ethical implications of artificial intelligence (AI), ensuring the protection of fundamental rights.</p> <p> cepAssessment: The continuation of the European AI strategy is essential for creating uniform EU-wide rules on AI. In addition, it will coordinate the strategies of the Member States (see cepPolicyBrief). Building on the canon of EU fundamental rights and -values, it is essential to challenge the use of AI, also from an ethical perspective, and to take account of the implications of AI for human beings. A common EU approach to issues involving the ethical legitimacy of AI – which has already been expressed in the publication of “Ethical Guidelines for AI” – will help to avoid fragmentation of ethical requirements for AI along national lines and may strengthen confidence in, and thus acceptance of, AI (see cepPolicyBrief).</p>

² Responsible for developing a “coordinated European approach” to artificial intelligence will be the as yet unnamed Commissioner for Internal Market and Margrethe Vestager, Executive Vice-President for Digitalisation (see [cepAdhoc “A Europe fit for the digital age”](#)).