

TUESDAY, 13 NOVEMBER 2012
BRUSSELS

COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

HEARING OF TONIO BORG
COMMISSIONER-DESIGNATE FOR
HEALTH AND CONSUMER POLICY

2-002

IN THE CHAIR: MATTHIAS GROOTE
Chair of the Committee on the Environment, Public
Health and Food Safety

(The hearing opened at 15.00)

2-003

Chair. – You are all most welcome, and I want to welcome in particular the Health Commissioner-designate, Dr Tonio Borg.

I will start by briefly outlining the procedure to put you all in the picture about today's hearing. We have three hours at our disposal. Dr Borg will have the floor first to make a 10-minute introductory statement. We will then have 155 minutes for questions, and that time will be divided according to a specific pattern. Members of the Committee on the Environment, Public Health and Food Safety (ENVI Committee) will put 10 long and 16 short questions; there will be seven long and three short questions from the Committee on the Internal Market and Consumer Protection (IMCO Committee), which is participating in the hearing; and the Internal Market Committee Chair, Malcolm Harbour – to whom I also extend a warm welcome – will make a three-minute statement. The third committee involved is the Committee on Agriculture and Rural Development (AGRI Committee), which will have time for five short questions, i.e. 15 minutes in total.

With the long questions there will be some to-and-fro: one minute for the initial question, two minutes for the candidate to answer, a further 45 seconds if the questioner wants to go into something in more detail, and a minute for the answer on that.

Three minutes will be allocated for the short questions: 50 seconds for the question itself and then two minutes for the answer.

On this International Day of Courtesy, it is my task and that of Malcolm Harbour to see that the proceedings are conducted courteously and in an orderly manner. We thus intend to ensure that the procedure is fair and that we have a fair hearing.

For us, as members of the ENVI Committee, and indeed for everyone, the change of Commissioner has come suddenly. I would like to underscore the point that we need to separate the fact of that change from today's hearing, and to remind you that we have an opportunity

today for critical questioning and, I trust, for a question-and-answer session that will be both courteous and informative.

So let us make a start. Allow me to invite the candidate, the Foreign Minister of Malta, Dr Tonio Borg, to speak first, for 10 minutes, and make his introductory statement. I would remind you all once again that it is, as I said, the International Day of Courtesy, so please show some courtesy: I would ask you to take your seats and then to settle down and give order for Dr Borg so that he can get things under way with his introductory statement.

2-004

Tonio Borg, Commissioner-designate. – Mr Chair, thank you for your courteous remarks as well. Honourable Members, it is indeed a great honour to be here today in this building, in this institution, to exchange views with Members of this House as Commissioner-designate to be responsible, if appointed, for Health and Consumer Policy.

This portfolio represents what I call 'Europe on the ground'. I would also call it 'the people's portfolio' since it covers practical day-to-day issues affecting patients and consumers. I have been a parliamentarian for the past 20 years and a member of the Executive in Malta for the past 14, covering several portfolios, including European Affairs. If appointed, I shall do my very best to use this experience to the maximum benefit of European citizens.

I pledge to make my relationship with you one of full cooperation – not only because of Parliament's decisive role in legislation, but because I believe that this is the right thing to do. I would endeavour to keep this channel open without hindrance and to be honest and frank with you; not promising you the unattainable, but pledging to work to achieve as much as possible on that which can be delivered. I shall be independent and objective, but above all European. I have dedicated most of my political life, which spans the last 30 years, to the accession of Malta to the European Union. Why? Because I believe and I uphold European values.

I am honoured to have received the support of the only two political parties represented in the Maltese Parliament which, may I say, in the Maltese tradition is something of a feat in itself.

My endeavour for the current mandate would be to deliver for patients and consumers by what I would call the '3 Cs': ensuring continuity, rebuilding confidence and giving my full commitment to completion of the tasks at hand.

I fully abide by the commitments taken by the current Commission since the start of its mandate. Key initiatives on alternative and online dispute resolution, cross-border health threats, clinical trials and medical devices are already in the codecision process and we must bring their adoption safely through to fruition.

The underlying ambition must be that of winning public confidence – whether it is how consumer policy can contribute to building confidence in the internal market, or building confidence in the scientific basis of our policy making.

What does all of this mean for the different policy areas? In the area of health, my number one priority would be to rapidly present an ambitious proposal on tobacco products. Smoking is the biggest cause of premature deaths. 95% of all smokers start smoking before they reach the age of 25, and 70% even before the age of 18 years. I smoked my first cigarette at the age of 16.

I will deliver an ambitious proposal to revise the Tobacco Products Directive, a proposal that will provide for a functioning internal market with a high level of health protection, a proposal that will meet the aspirations of European citizens. We have the tools. I hope I can count on you to help me finish the job.

My second priority would be to improve the situation of patients in the EU by helping Member States in their efforts to adapt to the challenges of rising chronic diseases and ageing in a context of severe fiscal constraints. The Charter of Fundamental Rights guarantees everybody the right of access to healthcare.

I would support Member States in improving the efficiency of their healthcare, exploiting all existing instruments. I fully respect the primary national competence of Member States. I am convinced, however, that we have much to gain from learning and working together, and pooling resources. Health is an investment, not only a cost. But I believe that it is a value in itself and not merely something supplementary or complementary to other considerations.

Allow me now to continue briefly in my mother tongue, the only Semitic language which is an official language of the European Union.

2-005

Turning to consumer policy, I want to reassure you that I would keep up the tradition of being a 'Consumer champion'.

My guiding principle would be to ensure that we consolidate, strengthen and implement the framework in place so that consumer rights can become a reality

across the Single Market and consumer interests are reflected in all policies of the European Union. The Single Market must be there to deliver benefits for consumers. Building consumer confidence in the internal market is key to putting the European Union back on track towards recovery.

The basic concern for consumers is safety. By early next year I would submit, together with Vice-President Tajani, a package on product safety and market surveillance. This will help simplify existing rules and improve market surveillance and enforcement. The package will be the expression of the simple fact that safety does not have to come at the cost of competitiveness. Safety, on the contrary, is an investment in competitiveness as the EU retains its mark as a global leader in safety of products and services.

Another key legislative initiative that I, if confirmed, will present at the beginning of next year together with Commissioner Barnier, is an initiative on bank accounts aimed at ensuring that consumers obtain information in a transparent way and can effectively switch their accounts.

2-006

In the area of food the EU has achieved a lot. We can be proud to have one of the highest levels of food safety in the world, based on very high standards of science; science will be my guide when taking difficult decisions.

A key focus must be to correctly apply and enforce existing rules. Yet there is always room for improvement. I shall be eager to present a package of proposals on plant health, animal health, seeds, and food and feed expenditure for the period 2014-2020 and controls very early next year. This would simplify the rules and facilitate their effective application and enforcement. We have to fill the gap on cloning. My ambition would be to present a legal proposal, together with one on novel food, next year.

Finally, let me turn to animal welfare. Animal welfare is an important European value which I fully endorse; indeed the Treaties themselves refer to animals as 'sentient beings'. My focus would be to significantly improve the situation of animals by better application and stricter enforcement of existing laws. Determined action against Member States does bear fruit, as we saw in the case of laying hens. I would vigorously pursue this approach as regards the forthcoming deadline for banning sow stalls. If I am appointed, I shall make better use of existing Commission powers to ensure the implementation and enforcement of existing rules on animal transport, and beyond that as well.

In conclusion, in times of economic crisis there is a tendency to reduce expenditure across the board. For me, the important factor is to ensure that when budgets are cut, they are cut in an intelligent manner, conscious of the need to protect the weak and the vulnerable in society.

Europe should never lose its social compass. Health and consumer policies are areas where action at EU level has clear and tangible benefits for consumers and patients. If I earn your trust, I can promise you I will serve with maximum energy and to the very best of my abilities and will seek to work closely with this House towards realising the potential of these policies for a better Europe.

2-007

Peter Liese (PPE). – Thank you for your introduction, Commissioner-designate. I have a somewhat more detailed question about the Tobacco Products Directive. The proposal has been postponed several times within the Commission, and there is a view in some quarters that – contrary to what you said in your statement – the Tobacco Products Directive could be dead. I believe, however, that most people would like to see you bring forward the proposal swiftly.

My question is therefore: do you have a timetable? Can you be more specific about that? Are there certain substantive points that exercise you? Will you invest your full energy in ensuring that there is no further delay in the procedure?

2-008

Tonio Borg, Commissioner-designate. – I believe that the Tobacco Directive is not dead; indeed, it is alive and kicking. In my political career I very rarely promise things which I cannot deliver, because I know that promises, once made, always come back like a boomerang. But I can promise this: if I am confirmed as Commissioner, my first action will be to send the Tobacco Directive to inter-service consultation and also to get the proposal adopted in January. I am not inventing these dates: I checked the facts and the timetables, and I must say that in this respect I was encouraged and endorsed by President Barroso himself. So what I am telling you is something which can be delivered. It is important that if this happens – and I am sure that it will happen – you assist me in bringing this directive to fruition during the current mandate of this Parliament.

Of course, the directive is still covered by the confidentiality process, because it has not yet been adopted by the College. But I can give you my views, in a general way, of what it should contain. First of all, I believe that tobacco products should look like tobacco products and they should taste like tobacco products. This directive is based on Article 114 of the Treaty, which guarantees a high level of human health protection in the internal market. We should also protect young people. All the statistics show that a high percentage of those who smoke for the first time do so at a very young age. There are also certain trends: women are smoking more than men, for instance. Therefore, we need to tackle this problem not only by making tobacco products look like tobacco products, but also by protecting the young through a publicity campaign. And then there are other things which I believe should be included like, for instance, not differentiating between

one tobacco product and another, because they are all harmful. Sorry for taking such a long time.

2-009

Linda McAvan (S&D). – Commissioner-designate, you have spoken a lot about defending European values, and in particular the Charter of Fundamental Rights. I want you to tell me how one can square this with many of the reports we have been receiving about your political activities in Malta.

Firstly, in relation to women's rights and abortion, it is reported that not only did you seek to tighten up the law in Malta by outlawing abortion in the Constitution, but also sought to restrict the free movement of pregnant women in case they might go abroad to seek abortion.

Secondly, on the issue of non-discrimination against people on the basis of their sexual orientation, we have received reports that you were party to attempts to not fully implement EU law on free movement, and that in a major debate on equal rights in the rental market in Malta you spoke about protecting only those who deserved protection. Can you explain those remarks, and state how they fit with someone wanting to be the Commissioner for public health in the European Union?

2-010

Tonio Borg, Commissioner-designate. – A very tall order. On the question of abortion, this is something which the Treaty is very clear about, namely that it is completely in the hands of Member States whether or not it is to be allowed. So, as European Commissioner, I will abide by the Treaties. I will also abide by the Charter of Fundamental Rights and by the subsidiarity principle, which does not allow the Commission to interfere in any way with these rights.

But I would like to clarify something, because I happen to have here a newspaper report. Fourteen years ago I was asked a very clear question, on a specific case, whether one should allow a pregnant Maltese lady, who wanted to go to Britain to have an abortion where it was perfectly legal, to do so. This was the *Times of Malta*, in 1998, which asked me the question: 'Do you agree that she is doing something legally wrong in leaving Malta for this purpose?' I replied, and I quote: 'While I have publicly declared myself against abortion, I consider that legally this woman has done nothing wrong, because she is going to a country where it is perfectly legal to perform an abortion'. Criminal law in Malta applies only to Malta itself.

Indeed, I was criticised for having said that. There was a statement which said: 'Reacting to Dr Tonio Borg's comments in the *Times* yesterday, Mr so-and-so said he found it rather strange to hear Dr Borg – a member of a Christian democratic political party – state that this woman had done nothing wrong legally'. So I would like to clarify that matter.

On sexual orientation, this year I helped to draft a law which will, for the first time, regulate relationships outside marriage, including same-sex marriages. I also

voted in favour this year of increasing punishments for crimes committed against victims who are targeted because of their sexual orientation. I will abide by the Charter, Article 21 of which prohibits discrimination on grounds of sexual orientation. This is also reflected in the law of Malta today, thanks in part to my vote in parliament.

2-011

Linda McAvan (S&D). – How will these views impact on decisions in the College, for example on stem cell research or support for programmes on family planning and women's reproductive and sexual health rights in developing countries?

2-012

Tonio Borg, Commissioner-designate. – I shall abide by all the programmes decided by the Commission, and I shall explain why: because those programmes have already been decided; because there is the principle of collegiality; and because different countries have different laws, and they should be adopted according to the legal position in the different countries. This is something protected under the Treaty.

I therefore have no problem at all, in spite of my personal beliefs, with programmes being adopted according to the laws of the Member States – indeed not only the Member States of the European Union but also countries outside the European Union. Otherwise, the principle of subsidiarity would be infringed, because the principle of subsidiarity does not only mean that each country, whether it allows abortion or not, should be allowed to do whatever it wants, but that no one should interfere with choices which have already been made. I shall not interfere with those choices, irrespective of my personal beliefs because, if approved, I will be a European Commissioner. I will not be the Maltese Commissioner – I will be the European Commissioner nominated by Malta.

(Applause)

2-013

Chris Davies (ALDE). – Commissioner-designate, I do not doubt your ability, but I do question your views. Malta may be a socially conservative country, but even by its standards your views seem to be on the extreme side. You are on record as making distasteful, some would say homophobic, remarks against same-sex couples; you oppose Malta's divorce law and tried to weaken it and I personally do not agree with your views on abortion and sperm/egg donation.

Now, you are entitled to your own views, of course, but this hearing is the nearest we have in the European Union to a by-election campaign and, inevitably, the views of candidates, individual candidates, come under particular scrutiny. So why should I vote for you? Why should I not reject you and invite the Maltese Prime Minister to submit the name of a candidate whose views more closely reflect those of myself?

2-014

Tonio Borg, Commissioner-designate. – The choice is of course yours. I am here to try and see how I can clarify the things which I have said. I have never been against relationships outside marriage being regulated. I myself co-sponsored, and helped in the drafting, and voted in favour in Cabinet, and voted in favour of the party structures, to have these extramarital relationships – heterosexual or same-sex – regulated, which means that this will give rise to legal rights and obligations. This is much better than what certain EU Member States have today.

We know that certain Member States do not regulate these relationships at all. When this bill, which is already on the parliamentary agenda, is approved, it will mean that it will give rise to legal rights and obligations and a partnership can be registered in the public registry and a partnership certificate can be issued to same-sex couples or heterosexual couples. This is a big step forward in my view. It will also mean in the law of leases, a tenant would include, as part of his family, also partners.

I did not pass any disparaging remarks on same-sex couples or relationships. What I said in the debate – three years ago – was that it would be unfair in the law of leases in Malta to include a reform to cover relationships outside traditional marriage without having a general framework law. To do that retroactively would have been extremely unjust on the landlord. That is what I criticised: an amendment which was not approved by government, not by me only, but by government. But in the new law this will be settled in the law of leases for new lease contracts. I do not want to go into details on this question because it might sound a bit pedantic.

But that is the only remark I made. I never made any disparaging remarks, including one which has been circulated, that 'we shall have to put up with gays'; I never said that. One can check with the official transcript as to what criticisms I made. I think that when I voted in favour of increasing crimes against people for their sexual orientation I never imagined that I would be standing before you today, so I did it because I believed in it.

2-015

Chris Davies (ALDE). – Thank you, Commissioner-designate, for your response, but there will clearly be conflicting reports of what remarks you have made. There is always the opportunity for me to fall back on what I may call the Irish referendum answer, which is: 'If you don't know, vote no', and to reject you and seek an alternative. Again, when it comes to the issue of your portfolio, can we be sure that your social views will not be carried forward into the interpretation of European legislation in a discriminatory fashion?

2-016

Tonio Borg, Commissioner-designate. – Mr Davies, I shall chart my course by the Charter of Fundamental Rights. This is the Charter of Fundamental Rights which, I must add, I also endorsed in cabinet in Malta. I

remember we had a big discussion, as in other countries, as to whether this Charter should be ratified by Malta as well and I was in favour of endorsing it, not only because of my human rights record.

I piloted legislation to abolish the death penalty in Malta completely; I piloted legislation to remove discrimination against children born out of wedlock; I was involved in landmark judgments in cases in Malta on human rights covering a period of 20 years; I still lecture at the University of Malta on human rights. So this is 'up my street', as we say, this is something which I cherish.

It is extremely clear in Article 21 of the Charter that any discrimination, not only on grounds of sex but also of sexual orientation, is prohibited. I will abide by this. This will chart my way forward – the Charter of Fundamental Rights of the European Union.

2-017

Satu Hassi (Verts/ALE). – I would like to continue with the topics addressed by Linda McAvan and Chris Davies. Commissioner-designate, it is reported that, during the time you have been Maltese Foreign Minister, Malta has been the EU Member State which has blocked strong EU support for important UN initiatives concerning women's rights, like the Cairo Platform.

I would like to know if you would support, in EU development cooperation, the importance of sexual and reproductive rights and healthcare programmes in respect of women's rights and development as a whole. I would like to hear your views on these issues, when it comes, for example, to fighting the HIV/AIDS epidemic and ensuring the health of European citizens as a whole.

2-018

Tonio Borg, Commissioner-designate. – I have been Foreign Minister for four years, but I have never been involved in matters relating to development, so this is something which one would have to ask the Minister concerned, as development comes under a different portfolio.

I have already answered that I will abide by decisions which have been taken, according to the principle of subsidiarity as well. As regards HIV and other diseases, thank God these are no longer the death sentence today that they used to be. We should be proud of the achievements which have been made in the fight against HIV. In this matter we should concentrate on prevention, on diagnoses and also on cures, and in particular on removing the stigma against those persons who are suffering from what we might call a tragedy of modern times.

I will therefore, if chosen, be attending the Conference soon to be held by UNAIDS on AIDS and human rights, because this is also a human rights issue. I can assure you, Ms Hassi, that I will be a European Commissioner in this regard as well.

2-019

Satu Hassi (Verts/ALE). – I would like to clarify this a bit further.

Do you agree with me and the Parliament majority that respecting the rights of homosexuals and also education, especially for teenagers, on sexual and reproductive matters, are important issues in combating HIV/Aids and also in protecting the health of people as a whole?

2-020

Tonio Borg, Commissioner-designate. – Ms Hassi, I believe that there are still pockets of discrimination in all Member States, which are in conflict with Article 21. We should identify them and remove them. One of them, I believe, is pretty obvious – it was raised by some Members when I had discussions with them it – namely asking people whether they are gay or straight before they give blood. I think that the proper question should be: do you have a risky sexual behaviour, whether you are straight or gay? Because I could be married and still have risky social and sexual behaviour. This is only one relatively minor example – though for the persons who are involved in this question, it could be really important – of discrimination which is present in a number of Member States right now.

2-021

Marina Yannakoudakis (ECR). – My group sees this hearing strictly as an opportunity to evaluate you on your knowledge of the portfolio. But before I begin, I would like to remind you that national health policies and health service provisions are areas which are exclusively Member State competences.

Now to look at the Clinical Trials Directive, which is one of the most criticised pieces of legislation ever to emerge from the EU machinery. Despite its laudable objectives, the number of clinical trials in the EU has dropped by 25% since 2004, the time taken to launch new trials has increased by 90%, and the burden of red tape has grown.

How do you see the proposed new regulatory framework, taking into account the concerns that this raises, and how do you see it boosting areas that top scientists are working on?

2-022

Tonio Borg, Commissioner-designate. – The Clinical Trials Directive, which is currently being discussed, was proposed for the very purpose which you have just mentioned. That is to say that there has been a decline in the number of clinical trials conducted. The Commission therefore had to intervene with this directive – not to make it less safe, but on the contrary to cut red tape and have as many clinical trials as possible within the safety parameter. After all, the safety parameter is important, but so too is the informed consent of the person undergoing the trial.

May I add that, if you look at the statistics, most of the companies or institutions which request clinical trials do not necessarily belong to the pharmaceutical industry, but are ordinary academic institutions. We need to cut

red tape to make these clinical trials more common – to increase the number while also respecting ethical principles.

I mention ethical principles because there has been some criticism to the effect that, now, there is no mandatory ethical testing required by the directive. This was the result, I am told, of a decision to respect the principle of subsidiarity, as today in the Member States there are enough organised, national ethics committees capable of doing a good job themselves. Thus it was in deference to this principle of subsidiarity that the question of ethics and ethics committees was not given a mandatory mark in the directive itself.

2-023

Marina Yannakoudakis (ECR). – Commissioner-designate, the proposal requires that each Member State must set up national indemnification mechanisms to help non-commercial sponsors comply with the insurance compliance requirements for the clinical trials.

How do you see this working? Who is going to end up funding it or bearing the cost? Because we do not want to see Member States having to pay for this. What is your vision of it?

2-024

Tonio Borg, Commissioner-designate. – The entire purpose is to cut red tape, not to increase it, so the intention of the Commission is to make it easier for the institutions mentioned to adopt these clinical trials themselves, and the inclusion of national identification bodies is part of the directive as well, in order to help in this process.

So I do not envisage any particular difficulties. Of course, one has to discuss this further on in the process, when it reaches the legislative stage, which it is now doing. I am sure that the controversies and difficulties which exist today will be ironed out. I, as Commissioner, will help, as an honest broker, to iron out any differences which might exist over the passing of this legislation.

It is something which we should approve during the current mandate. It was proposed in July 2012, and work on it is still on-going. So I would describe this as work in progress, and hope that we can achieve a position and an agreement during the current mandate.

2-025

Chair. – For the benefit of those who are asking the next questions – I do not know whether you were here earlier – I would remind you that the procedure is as follows: a question is put and then you have an opportunity as questioner to refer back to something if the question is not answered in full. It is not in order, however, to put a new question. I would ask you to respect that, please, as we proceed.

2-026

Kartika Tamara Liotard (GUE/NGL). – If you become Commissioner for Health, you will have a very important role to play in health and healthcare in

Europe. It will not, of course, have escaped your notice that considerable inequalities still exist in health and healthcare between men and women, between heterosexuals and gays, and between indigenous residents and immigrants. You will be expected to seek actively to eliminate this inequality; that means that you must also act to promote the health rights of women. We have just been talking about this, but scientific studies show that, where abortion is not regulated, there is a significantly greater health risk for women. You say that you would act as a European Commissioner – and I believe you – but you should also defend the highest level of health protection in the EU. Will you then, for example in your own Member State, defend the point of view that women must not be exposed to certain health risks, and what do you think about the compatibility of this with your role as Commissioner and your credibility?

2-027

Tonio Borg, Commissioner-designate. – I believe that we should have a cohesion policy, in the same way as there is a cohesion policy for economic matters. We really need to think about a cohesion policy for health inequalities. If you look at the statistics, it is evident that there are inequalities on very important health matters – and this is just within the European Union – with regard to infant mortality, maternal mortality and healthy life expectancy. My country happens to be the first in the European Union as regards healthy life expectancy and other areas. However, if you look at the map of inequalities, while I would not say that it is ‘shameful’, it certainly gives rise to concerns. And as usual when there are inequalities, it is the vulnerable people, particularly at both ends of life – children and the aged – who usually suffer the most.

As regards the second part of your question, I refer to what I have previously said: this is a matter for the Member States to decide. The Commission is not allowed to interfere in these decisions. Even if one wanted to interfere, one cannot interfere in these decisions, and we have to abide by the Treaties. I am bound by Article 168 of the Treaty, which makes it extremely clear that the delivery of health services is in the hands of the Member States. This is a double-edged sword of course, but I have to abide by it and I will abide by it as a European Commissioner. In those countries where practices are legal, of course let us continue with the programmes which we have. Where they are not allowed, let us leave the right to Member States to decide, in line with the Treaties.

2-028

Kartika Tamara Liotard (GUE/NGL). – I should really like to hear, then, whether you will also actively promote this sort of thing in your Member State, and I should really like to know whether, for example, you will promote the use of condoms in order to prevent STDs, AIDS and unwanted abortions?

(Reactions from the floor)

2-029

Chair. – She is entitled to ask an additional question. That is what she has just done, and I would like to hear the answer. I would ask everyone to observe our own rules here, please, and also to keep within the time limit. Otherwise, our colleagues who are scheduled to speak in the final round of questions will not have the chance to do so.

2-030

Tonio Borg, Commissioner-designate. – As today is the International Day of Courtesy, I will courteously reply that I do not know of a case ever in Malta where contraception was not allowed.

(Applause)

I do not know of a case, so please visit Malta to see for yourselves that we do not have a campaign against contraception.

I remember in my student days there was a state in the United States – Connecticut – which prohibited contraception, but Malta never did and never will. This is the pure, free choice of any individual. It would go against not only fundamental human rights, the Fundamental Charter, but even the Constitution of Malta itself, so that is why it is important that certain misconceptions are dismantled.

Malta is part of the European Union; of course it has its own traditions, and I am not here in a patriotic streak to defend my country, but when certain red lines are passed I think I have to react. On other issues – relating to abortion and other matters – as you know, the Commission has always replied in the same way. That is to say, that these are matters to be exclusively decided by the Member States. When answering questions from those who want to liberalise this practice and from those who want to restrict this practice, it has been the standard answer and that will be my standard answer as well.

2-031

Giancarlo Scottà (EFD). – The anonymity industry lobby has managed to convince the Commission, on the grounds that this will save around 360 000 euros in administrative and financial costs across the EU – as calculated by the high level group – to bring forward a proposal abolishing the voluntary labelling of beef meat, which was introduced in 2000 in response to the BSE emergency and has come to be used to provide precise, certified information to consumers.

We devote the utmost attention to protecting the agricultural environment and animal welfare, but also wish to safeguard livestock farms, food safety and consumer health. We have heard complaints from EU livestock breeders, who do not want voluntary labelling to be abolished because this would open the door to labelling that provides information which is not certified, imaginary and difficult for the public authorities to verify, especially when the meat comes from outside the EU, thus having a serious impact in

terms of unfair competition and raising question marks as to quality.

What stance would you adopt in the College of Commissioners on this matter: would you support farmers and consumers or be in favour of abolishing voluntary labelling?

2-032

Tonio Borg, Commissioner-designate. – On the question of voluntary labelling, I am informed that its abolition does not mean that one cannot label even voluntarily, but that the label must not be deceitful.

I think this is something which is extremely important because, after all, this information which we are distributing, which we are labelling, only makes sense if it is not deceitful and if the labelling is not used for a purpose other than that which is intended. So I can assure the questioner that in spite of this removal of the rule which he mentioned, labelling will remain voluntary. It can be done, provided it abides by the rules which already exist not to deceive the consumer.

After all, when we speak about the internal market, whether of foodstuffs or of everything connected with products, we must always bear in mind that an internal market of 500 million consumers creates a heavier burden on us to protect consumers because there are no trade barriers in between. It is like Schengen. Once you enter, then you are free to roam within the area itself.

And we must always remember that the internal market was created for the consumer, and not the consumer for the internal market.

2-033

Chair. – That brings us to the end of the first round of questions. We come now to the second round with nine short questions from the Environment Committee, which means there will be 50 seconds for each question to be put and then up to two minutes for the answer. I would urge you once again to keep within the time limit because other colleagues also have questions to put later. So please observe the procedure.

2-034

Françoise Grossetête (PPE). – I can be very brief. We have now been thoroughly informed about your additional activities, but I have not heard – and I really want a very clear statement on this – what Mr Borg intends to do about the adoption by the Member States of the Anti-Discrimination Directive. Not the implementation of Article 21 but the Commission proposal for a directive which the Council is not prepared to agree to.

2-035

Tonio Borg, Commissioner-designate. – Yes, this is my aim. If you were to ask me, Ms Grossetête, I would have preferred more money in the till for this health programme. I think we have about EUR 64 million for 500 million consumers, that is something like EUR 2 per head, not much investment per head, I would say. I would prefer more. But we are living in the times we are

living in today and we have to draft our proposals and make our programmes and push our initiatives in the light of the programme and the financing of the programme which we have today.

I know that the trialogue process is ongoing in this respect. I will stay very close to Parliament's wishes in this matter, not only because it is convenient to do so but because I believe it is also right to do so, because you reflect what people feel. You are the democratic arm of the European Union itself. I am a parliamentarian, because I happen to belong to a system where to be a minister you have to be a parliamentarian as well; but you have all been elected by the peoples of your countries and you know what the top priorities are as regards health programmes.

I would like to discuss perhaps even further what I have in mind as regards the health programmes and the direction we should go in – the sustainability of health systems, the differences and inequalities in the health systems themselves, but also the fight against chronic diseases. The fight against chronic diseases should involve dealing with the risk factors which affect a number of diseases themselves, such as nutrition, alcohol, and consumption of tobacco, but also the promotion of physical activity, which would fight not just one disease, but a number of diseases. But I know that if I am approved I will certainly have a lot of time to discuss this with you, and also with others, in forging the way ahead. I will go with you on this one as well, Ms Grossetête.

2-036

Edite Estrela (S&D). – As far as women's rights and abortion are concerned, your personal beliefs, Mr Borg, are well known. In this hearing you are sheltering behind the subsidiarity principle so as to avoid spelling out your answers to the more awkward questions. Mr Borg, what guarantees of impartiality and independence could you offer, not just as Health Commissioner, but as a member of the Commission, when there were decisions to be taken relating to women's sexual and reproductive rights, 'women' meaning not only European women, but also those in developing countries? That is what we want to know, and we are looking for a very clear and explicit answer.

2-037

Tonio Borg, Commissioner-designate. – It is true that I am lawyer, but I am not seeking refuge in this. The Treaties are there to be applied. Whether we like them or not is another matter. We have to apply the Treaties. The Treaties are clear on the issues mentioned. I have replied in a very frank way. I have not come here to abandon my personal views – that would be hypocritical and you would see through me immediately if I were to do that.

(Applause)

What I certainly promise is to abide by my oath of office, if I am approved. The oath of office is very clear. As a European Commissioner you are bound by the rules of collegiality – thank God, otherwise we would have 27

different Commissions and not one Commission! To abide by the rule of subsidiarity is not to protect those who have not followed the practices of the majority of Member States. It is not about that. It is the other way round. The Commission cannot interfere in programmes relating to the legal situation in countries where there are, as in the majority of Member States, certain practices. I will not interfere in these because I do not want to, I do not have the right to do so, I would be in breach of the Treaties if I were to do so and I would have no remit to do so. That is not seeking refuge, it is just quoting what exists in the Treaties themselves.

I will pledge to be a European Commissioner. In my political life, which spans over 30 years, I always fought for Malta to accede to the European Union. Why? To get funds from the Structural Funds or from the Cohesion Fund? Perhaps, but the primary purpose was that of anchoring Malta within the European Union because of the values of the European Union. When a country is on the periphery, it has even more interest in anchoring itself to the centre. By the centre, I mean in the political sense: the upholding of European values which we cherish because they are part of us as well. Joining the European Union meant anchoring Malta, once and forever, to European values.

(Applause)

2-038

Chair. – I would like to repeat what was said to the guests seated in the last couple of rows. You are not in a football stadium or at a pop concert, but are attending a hearing. It is for MEPs – and not guests – to applaud or express their disapproval. Please exercise some self-control so that we can conduct the hearing in a dignified and courteous manner.

2-039

Alojz Peterle (PPE). – Mr candidate, I would like to ask a question concerning your area of responsibility.

We know that the dynamics of cancer are stronger than our responses to it. I am interested in where you see the opportunities for making the fight against cancer more dynamic at European level, and what you intend to do to make prevention more effective.

In general, I am pleased with the ambitions you have set out and with the fact that, as far as food safety is concerned, you give priority to the principle of safety ahead of the principle of competition.

2-040

Tonio Borg, Commissioner-designate. – Is there any family in the European Union which is not affected by someone who suffers from cancer? I do not think so. We all have some member of the family – I have as well – who has suffered from this disease. Of course, the primary thrust should not be to deal with this disease once we detect it – though of course that is important as well – but to try and prevent it.

We know that there are a huge number of cancers which can be prevented. If we look at the budgets of our national health systems, we realise that 3% of all the public expenditure goes on prevention and 97% goes on cure. It will not be easy to change that, but we have to improve those figures.

In the specific disease which you mentioned, the most important programme in which I feel SANCO online services can help, apart from education campaigns, is in the encouragement of screening. If I may cite something from what I know best in my country, breast cancer screening can save the lives of many, provided it is done in an organised way. We can help Member States in that respect.

Also, the general things which I mentioned before: fighting chronic diseases, diabetes, cancer, cardiovascular diseases – cancer and cardiovascular diseases are the two main causes of death in the European Union – by fighting their causes, such as poor nutrition, alcohol, tobacco and also encouraging physical activity. There are certain targets; they are not easy to reach, but there are targets which could be set in order to decrease the incidence of cancer itself.

2-041

Gilles Pargneaux (S&D). – You have indicated several times your wish to be a Commissioner who speaks his mind honestly, frankly and openly. I would therefore like to raise a matter with you which, in my view, requires a greater degree of transparency than that shown by your predecessor, that is to say public safety in Europe, which is, I believe, being jeopardised by conflicts of interest.

The question arises from the publication by the European Court of Auditors of a report on the management of conflict of interest situations in four EU agencies, two of which will be your responsibility as EU Commissioner. The report indicates that none of the agencies concerned has succeeded in managing conflict of interest situations in an appropriate manner. How do you intend to set about achieving an in-depth reform of the agencies in the light of the conclusions and recommendations of the Court of Auditors, specifically relating to reassessment of the risks relating to bisphenol A and the safety of aspartame, this being of particular relevance to the concerns raised by our colleague, Alojz Peterle regarding cancer?

2-042

Tonio Borg, Commissioner-designate. – Thank you for this question, as I believe it is a top priority. A top priority because, under health, we have two very important independent agencies: EFSA in Parma and EMA in London.

I am fully aware of the Court of Auditors report on a number of independent agencies. The report finds flaws in all of them. Perhaps it is a consolation prize for SANCO that EMA and EFSA were amongst those who had the least number of flaws, but that is no consolation. I shall abide by the recommendations of that report, particularly because EFSA and EMA must not only be

independent, but be perceived to be independent as well. As you know, in politics perception is sometimes as important as reality itself.

At the same time, let us uphold these institutions. Let us not denigrate them, because it is not in our interest to do so. I said to someone recently, the moment EFSA becomes popular, I will really become worried, because it is either criticised for being too harsh – as in the health claims – or for being too lenient, and as usual the truth is somewhere in between.

So yes, I shall implement measures to guarantee that there is no conflict of interest, particularly as regards employment and post-employment practices. But I also believe that we should take up with other Commissioners (this is not only my responsibility) the matter of creating common rules on conflicts of interests for all agencies and not just for one.

Of course, each one would have its own peculiarities, but we need some common rules. However, this does not depend on me alone. This is just a personal opinion which I am sharing with you.

2-043

Sophie Auconie (PPE). – I have two questions. In this commission I am responsible for food-related issues in particular. As rapporteur on the labelling of beef and beef products, I should like to know where you stand on the question of animal cloning for the purposes of food production. In your introductory remarks, you announced your intention of presenting a proposal next year. Could you give some indications as to your views on these developments, which are being followed very closely by Parliament?

My second question relates to sport, a new area of competence given to the EU under the Lisbon Treaty. It is essential for us to approach this field of activity in the context of public health. What steps do you intend to take in this direction?

2-044

Tonio Borg, Commissioner-designate. – On the cloning of animals, I have already said that we will push forward a proposal so that by June 2013 we shall, hopefully, adopt in the Commission a directive on cloning and on novel food. We all know the history of what happened last time, so let us learn from these experiences; I will not call them mistakes, but experiences. Today, there is nothing in European law to prevent animal cloning for food. I do not think that is right; I think that animal cloning for food should be prohibited in the European Union.

But right now we do not have a law. Why do we not have a law? We should ask ourselves this question. We know what happened at the latest attempt; we need to move on now with a new attempt so that animal cloning will be finally prohibited. The problem will not be in this area – certainly not in Parliament, I think, and not in the Council either, I believe. It will cover other areas such as

the labelling of food from cloned animals and up to which generation that should be continued.

Of course, I would need to consult with the other Commissioners as well, because this also affects other areas and there would have to be an impact assessment there as well. However, my intention is to push forward this directive for adoption in June 2013. On novel food, I do not think there should be any problem at all.

On athletic sports, I have already mentioned the importance of physical activity for the prevention of disease itself so, to the extent that we can, my services will help in the promotion of sports – amongst the young first of all, but judging from my personal experience, it is never too late either. The human body can adapt to sporting activity, so I would also suggest this measure to anyone in the room.

2-045

Glenis Willmott (S&D). – You mentioned health claims and there are many issues around the legislation. The Commission has still not proposed any maximum limits for nutrient profiles, despite having an agreement between the Council and the Parliament in 2006. If health claims can be used on products that have huge amounts of fat, salt and sugar in them, then quite frankly they are of very little use.

There is also an issue of health claims being used on follow-on formula, despite being banned on infant formula. This is clearly being used by the industry as a way to circumvent the strict rules protecting parents from the misleading marketing of formula milk. I would like to hear whether you will be bringing forward proposals on nutrient profiles, speeding up the assessment of claims on botanicals and extending the ban on health claims to follow-on formula milk.

2-046

Tonio Borg, Commissioner-designate. – As I mentioned before, this is an area where the EFSA has been criticised a lot. Why? Because, when health claims on food were examined in the first wave, a number of health claims were found to be wanting, that is to say they were not a health claim at all. Incidentally, when we mention health claims we should always remember that we are not prohibiting or banning any food products, we are just preventing deceitful claims regarding health; sometimes the EFSA is criticised for what it has done as if it is banning food products. It is not banning food products, it is just saying that this particular health claim, that it improves digestion, or it helps you to slim, is just not true and therefore the consumer should not be deceived.

Certainly as regards the nutrient profiles, I will follow what is laid down in the law. The nutrient profiles legislation was proposed by the Commission, approved by the Council and approved by Parliament. Of course now we have to implement it, but it is not as if we are creating new law. It is the implementation of something which empowers us to implement itself. Certainly we have to take care of traditional foods in the process, to

protect them, but we have to move forward on this file of nutrient profiles. The reason is that one can still make a false health claim by saying that this particular food product helps in one health aspect – but it increases the danger in others. It could have less salt but it could have more sugar, so you are in one way deceiving yourself through the nutrient profile itself.

2-047

Chair. – As we are talking about the EFSA, may we take this opportunity to congratulate this Agency – which is very important for our Committee – on its 10th anniversary that has been celebrated over the last couple of days.

2-048

Elena Oana Antonescu (PPE). – Mr Borg, thank you for this exchange of views. As a result of these unprecedented financial austerity measures, people increasingly at risk of poverty are, because of inadequate health insurance cover, likely to have to meet the full cost of their medical care and treatment. Throughout the European Union, the public regards unequal access to health services as a real problem, something which, as you pointed out, is also affecting the treatment of chronic illnesses.

Concerning unequal treatment regarding health care, I was pleased to note your previous observation regarding the need to introduce cohesion policy in the health sector similar to that existing with regard to the economy. In this connection, I should like to ask you whether measures to remedy inequalities in the health sector and promote equal access to health care is one of your priorities and whether you could give us examples of specific measures to achieve this.

2-049

Tonio Borg, Commissioner-designate. – Yes, it will be one of my priorities because the European Union is associated with different ideas: freedom, justice, unity in diversity.

But it should also be associated with solidarity; and solidarity not just by writing it in a textbook or a declaration – that is very easy to do – but by applying it in several areas. And there is also solidarity in the health field. This is a perfect example of where we should address our efforts as well.

As regards concrete action, I have one which is very clear in my mind: supporting the co-financing rates for those countries, those Member States, which have less than 90 % of GNI, strengthening it, enforcing it and discriminating in their favour.

Discrimination is not always prohibited. Sometimes there is positive discrimination as well. This applies not only to female and male gender quotas, but it applies also to health. Those who need further assistance should be helped and that discrimination is not discrimination at all, because the moment it is positive, it is not even discrimination. It is solidarity. It metamorphoses from discrimination into solidarity.

So that is one of the programmes which I would follow on co-financing. Perhaps not everyone is in agreement with me on this issue, but I know that those who really need assistance as regards health and joint health products would be in favour. Also, it should always be remembered that the poor are entitled to health, not poor health. 'Poor' – of course this is something relative. Not necessarily poor in economic means; poverty is related also to vulnerability and vulnerability is relative. It can depend on age, it can depend on other things as well.

2-050

Horst Schnellhardt (PPE). – In the 2007–2013 health strategy the relationship between human health and the health of farm animals is summarised under the 'one health' concept. That is the right way to put it. Proposals for legislation were announced on the basis of this health strategy, for example the review of animal health law, rules on official controls and veterinary medicinal products and medicated feed procedures.

These have not yet been submitted. The animal health strategy expires in 2013. Are there perhaps any obstacles to recognising the need for this issue to now be given active attention? Why the delays? Why would the Commission want to present these highly relevant proposals requiring wide consultation in the one package?

2-051

Tonio Borg, Commissioner-designate. – Yes, the intention of this package is to have a Commission proposal in the first quarter of 2013. It will be an important package: it will consolidate what is already there, and it will develop on the basis of what we already have.

Just speaking off-the-cuff, there are certain issues which are of concern to everyone, particularly resistance to antibiotics in the area of animal health – an issue which also affects human health. This is an area in which we really have to see to what extent we are properly enforcing the current legislation. Giving antibiotics to humans or to animals when it is not necessary increases resistance to antibiotics, which is not only a threat to our own health. There are deaths which are occurring already because of resistance to antibiotics.

All antibiotics have a natural life-span. By overusing antibiotics, even in animals, we are reducing this life span to the extent that we are also affecting the pharmaceutical industry, since the industry invests in a particular antibiotic for the purpose of making financial gain over a period of time. That period is now being reduced to such an extent that it is ruining the financial prospects of an industry which plays a crucial role in the creation of new antibiotics to combat new strains.

Certainly this package is on the cards; it is in the pipeline. We are giving it due attention, and I hope also that it will strengthen our enforcement powers in this respect – not only on the particular issue of antibiotics which I have just mentioned, but in other areas relating

to plant health, animal health and also seeds. Let us not forget that if we ignore seeds and do not control them properly, they have the potential to do harm through contamination.

I promise that we should have a good package by the first quarter of next year.

2-052

Chair. – The next speaker is Mr Griffin. He is not here? In that case we have reached the end of the second round, and we come now to questions from the Committee on the Internal Market.

2-053

IN THE CHAIR: MALCOLM HARBOUR **Chair of the Committee on the Internal Market and Consumer Protection**

2-054

Malcolm Harbour (ECR), Chair of the Committee on the Environment, Public Health and Food Safety. – Thank you very much, Matthias. I want to thank the Committee on the Environment, Public Health and Food Safety very much on behalf of the members of my committee for giving us this opportunity to probe the Commissioner-designate on the crucial issues relating to consumer policy and programmes for which he is responsible.

I just remind my colleagues – seven of my colleagues will have long questions – that it is a one-minute question, a two-minute answer, a 45-second supplementary, which must be linked to the subject of the question, and then a final reply. I think it is useful just to recap that. Then we have three short questions. I know that our colleagues for the Environment Committee will be very sharp on the time, by the way. Even though we are slightly distant, I will keep a close eye on the time.

I was very pleased to hear the Commissioner-designate, Mr Borg, say in his opening speech that he would be 'a champion of consumer interests', and that he wanted to see consumer interests represented in all single market policies of the European Union. Those are the questions on which I know that the members of my committee will be focusing very sharply indeed in order to probe the Commissioner-designate on those. I am going to open first of all with Mr Andreas Schwab.

2-055

Andreas Schwab (PPE). – That is exactly what I wanted to ask. In your introduction, Mr Commissioner-designate, you said: 'Consumer rights should become a reality.' I am delighted to hear that but I think at least two basic questions can be asked regarding this statement and putting it into practice.

The first is how do we manage to have acts already adopted actually enforced in the Member States, especially when these are Directives? How do we ultimately manage to apply them in the same way for all consumers?

Secondly, a study published recently has shown that many consumers find it more and more difficult to understand all the information they get, including information required by law. How do you think we can help make sure that consumers really are properly informed?

2-056

Tonio Borg, Commissioner-designate. – There are several tools at our disposal. Whether we are using them properly or effectively or efficiently is something completely different. If we were to be lax on enforcement it would be unfair on the consumer, but also unfair on those who abide by the rules. If there is no difference between abiding by the rules and disobeying the rules, then everyone would disobey the rules themselves.

These are rules which have been made by the European Union through its codecision procedure. That is already a very laborious process. I learnt this before, but now I am experiencing it directly. It would be even worse if, once we have a law which applies to the entire internal market, there were then huge differences in its application.

I intend to attend the summit for Ministers regarding the consumer, at which the subject will be enforcement. Of course, it is impossible to enforce all laws at the same time without exception, but we have to strengthen our affairs, and there are tools in this respect as well. For instance, we already have the consumer protection centres, where we actually coordinate the affairs of the different consumer societies, but there are also tools as regards granting redress.

In my legal experience – I worked as a lawyer for 15 years in the law courts, in the actual arena of law, not giving advice or staying in an office but actually attending litigation – telling the consumer that he or she can go to court is OK on paper, but it is very difficult; it is costly. There is also a stigma for some people in entering a court building. So we need to devise new methods – and I know that there is legislation in the pipeline – where a consumer can challenge something through a less costly alternative method of resolution and have swifter redress, because enforcement also means redress. If you were to ask me what my consumer agenda is, I would say safety, information, education and enforcement, but also redress. Here I think that the European Parliament, on the initiative of the Commission, is doing a fine job in extending things into online trading. My experience is that this is increasing, particularly in several areas like travel or purchasing a book or purchasing a holiday package. If we do not move with the times we will be doing a disservice to the consumer.

2-057

Andreas Schwab (PPE). – Following on directly from what the Commissioner-designate has just said, this specifically means that in a number of cross-border cases we do of course also have an increasing need to standardise the legal status of consumer rights; otherwise

consumer protection will vary considerably across different borders.

What do you intend to do to encourage Member States to take further steps in this area?

2-058

Tonio Borg, Commissioner-designate. – There are further tools: I forgot to mention in my first intervention the scoreboard, for instance. The consumer scoreboard is important because sometimes it is criticised that it costs too much money, but the scoreboard is an effective method not only of gauging your own performance, but to let others gauge your performance as well. Shall I call it name and shame, or name and praise? Because why should we look at it only from the negative point of view?

When my country sometimes features number one, I am proud to say so. When it is at the end of the list, of course you are embarrassed. So this is a form of sanction which is not a legal, but – shall I call it? – a political sanction, which is as important as the legal one. So yes, there are ways and means of increasing the enforcement. We have to do this: we have to see the signs of the times. If we do not move along with the signs of what is happening on online commerce, we will fall back, and this is dangerous in a free internal market of 500 million consumers because, the moment there is a product which is unsafe, it has the ability to roam about amongst 500 million consumers.

2-059

Evelyne Gebhardt (S&D). – Mr Commissioner-designate, you very cleverly succeeded in not actually answering the first round of questions dealing with the concepts of respect for fundamental rights and subsidiarity. For that reason, I should now like to put two very specific questions to you, which can be answered with a simple yes or no.

First question: Commissioner Reding is currently preparing a legislative proposal on quotas for women on boards of directors and supervisory boards. Will you support Ms Reding in the College, yes or no?

Second question: the European Parliament took a decision by a large, qualified majority calling on the Commission to submit a legislative proposal on access to a basic account for every individual in the European Union. This is what was promised to us, but the Commission's programme contains no such proposal. Should you become Commissioner, will you support Commissioner Barnier in his efforts to draw up this legislative proposal, yes or no?

2-060

Chair. – I am sure you would like to answer. Let me emphasise that this is not the responsibility of this committee but I am sure we would still be interested to hear your answers so I will allow it.

2-061

Tonio Borg, Commissioner-designate. – Mr Harbour, I do not want to sound clever, but the answer is 'yes' and

'yes'. This is the answer which I give you. Of course I will not stop there. I would like to expand on why I am saying 'yes' and 'yes'.

On quotas, it is partly covered by the Charter, because the Charter prohibits discrimination based on sex and gender, but it allows an exception for positive discrimination for the under-represented sex. So, in certain situations it could perhaps be male as well, but usually it is the female sex. So, no, I have no difficulties with the quota issue. Of course one has to see the elements of the proposal itself, because a lot of people have some reservations about elective posts. But on regulatory bodies, I say, why not? Because, when everything fails, one has to refer to and rely on the quotas themselves.

On bank accounts, I thought I had already mentioned this in my introduction. It is a promise. The proposal will be launched – of course I have to discuss it with Commissioner Barnier – and this is something which can be a feather in everyone's cap. I believe this is something which will make a lot of difference for consumers. It is not just something vague or ephemeral; it is something which will influence the lives of the ordinary man and woman in the street, because it will guarantee more transparency, better ability to switch accounts and transparency as regards fees. I am informed by the services that this initiative is targeted for adoption in February 2013.

2-062

Evelyne Gebhardt (S&D). – I have a follow-up question on the second point. The point at issue here is not transparency or the scope for transferring accounts. What we need to do is ensure that every individual has access to a basic account. In your answers and in your introductory statement, you made only vague references to initiatives. I want to see a legal right introduced – and that was the question I put.

2-063

Tonio Borg, Commissioner-designate. – I fully agree. The three points are, in actual fact, accessibility to an account – because an account has become almost as important as an identity card – transparency as regards fees, and also the question of the switching of accounts. But yes, the title of the directive would probably be access to bank accounts, transforming this into a right in itself.

2-064

Toine Manders (ALDE). – Mr Borg, we are debating consumer protection. You are also a consumer, and so I feel you also need to be protected. There have already been allegations made about you. Mr Dalli had to resign because of unproven allegations – unproven so far at any rate. Do you think it would be a good idea for people who are appointed to an important post in the European Union to be screened in advance by OLAF? That is my first question.

I then have a question about your portfolio. Mr Dalli was – as I hope you are – a great advocate of providing

young consumers in Europe with information as part of preventive healthcare so that they can make the correct food choices and choose safe products in full knowledge of the facts. I hope you will support this.

I have one more question: how will you make it possible for patients and consumers to have easier access to innovative medicines?

2-065

Chair. – None of those are the responsibility of our committee, but I will be slightly indulgent to Mr Manders. On the first question, I do not think the issue about OLAF is really relevant to this hearing, but I will leave it to Mr Borg to decide how much of that he wishes to answer.

2-066

Tonio Borg, Commissioner-designate. – It is not a question of being clever but of being prudent, and I have to be prudent in this matter. I have worked with Mr Dalli, in Cabinet and outside Cabinet. I hope that he is allowed space to defend his position, but that is all I can say. I am here because there has been a resignation and there has to be a substitution. My government proposed me as a substitute to Mr Dalli and I will ensure certain continuity but I will come out with my new ideas as well.

OLAF can defend itself. I do not need to say anything about that. On courses for food, provided these are voluntary – if we start imposing courses for better food we will end up with mandatory courses on getting married and courses telling us to do this or that – it is important to educate people, not by not telling them that they cannot eat this or that, but by informing them on the ingredients in what they are consuming and the effects of those ingredients.

On new medicines, of course we must always be open to innovation, and to alternative medicines as well. There are some people who prefer not to take drugs but to adopt other procedures. Provided that those alternatives are safe, we should not interfere in the citizen's and consumer's right to choose the medicine he or she believes – because there is also a psychological element – can be palliative, alleviate suffering or cure him or her. I know there is a directive on this issue of alternative medicines, and we are also studying and refining a report on the question of the availability of medicines themselves – be these new, old or traditional medicines or alternative medicines.

So on this issue let us allow the consumer the freedom to choose, provided we can ensure the safety of the medicine itself. That is the most important thing, as well as to have a very good independent agency in the form of the EMA, which also has to be reformed as much as possible to guarantee not only its independence but also the perception of its independence. But, as usual, 'the buck stops here', and so the authorisation will always be that of the Commissioner.

2-067

Emilie Turunen (Verts/ALE). – With regard to consumer legislation in the EU you mentioned a number of issues we are pleased you have mentioned, such as product safety and the right to a bank account. However, these are all existing plans, so my question is: What new measures will you present to European consumers?

I also need to ask – and I very much regret this, Chair – about something which in my view is quite crucial for anyone who wants to become a Commissioner, regardless of their portfolio, since the Commission is a collegiate body which takes common decisions in all areas. As you will be representing 500 million citizens, I must ask about your attitude to Article 21. You have referred to it yourself, but I must ask this question in the light of the quotations we have heard, for example about your attitude to equality for homosexuals and your attitude to women's reproductive health and rights. In my view these are very critical quotations, and I simply must ask you: Will you actively support the Anti-Discrimination Directive?

2-068

Tonio Borg, Commissioner-designate. – Yes, and not because there is an internal market, but because it is the right thing to do.

Article 21 is in our Charter. It is also reflected today in Maltese legislation. Article 21 has been copied now – lock, stock and barrel – into our legislation through an amendment to the law on equality for men and women that we have in Malta, which I supported as well.

So if I supported this in my own country, why should I not support it across the entire European Union? You have my guarantee in that respect. I have already mentioned concrete examples of how this can already be done, because – even though we have Article 21 of the Charter – no person here in this room can safely say that everything is done in line with Article 21 of the Charter in his own country.

So each Commissioner should see to it that Article 21 is not limited to health or to freedom but to all policies of the European Union.

I beg to differ slightly as regards the idea of having no new initiatives on consumers. We have the ADR, which is in the process of dialogue; we have the ODR in the process of dialogue. We also have the consumer programme, which may not be an initiative but which nonetheless also contains actions.

We have, coming up, the directive on access to banking accounts. We shall also have, hopefully by January, a proposal on product safety in collaboration with other Commissioners – I believe with Commissioner Tajani – so there are initiatives.

I prefer to focus on a few initiatives which could succeed, rather than running after a large number of initiatives and not concluding any of them. I believe in focus. If I am appointed by you, if I am approved by

you, I will have a limited period of time left in this mandate. Of course I will be a full Commissioner like all the others, but there is only one year and ten months left, and I like to plan according to the time available. This does not mean that no Commissioner thinks of the next Commission, because you can always lay the foundation stones for future initiatives as well. However, I would like to focus on certain initiatives, and I promise you that those on which I focus will be delivered.

2-069

Emilie Turunen (Verts/ALE). – A follow-up: there has been a long discussion on collective redress here in this House, your precise point...

2-070

Chair. – Ms Turunen, follow up your first question, please. Do not introduce a fresh question.

2-071

Emilie Turunen (Verts/ALE). – Yes, but it is linked, because it is an ongoing issue in the consumer field. I ask which new initiatives you would present. Could collective redress be a new one?

Secondly, I have to return to Article 21, because that would also mean an active backing of an LGBT framework that could come forward via Mrs Reding. Would you support that?

Also, would you actively support development work that includes sexual and reproductive rights, and funding for that? That will also be your decision as Commissioner.

2-072

Tonio Borg, Commissioner-designate. – That is a tall order, but I will try to reply. Yes, if there is an initiative by Mrs Reding, who is responsible for rights, there is no reason why I should not support such programmes if they are in line with Article 21 of the Charter and with the Charter as a whole.

On the development programme, which falls under the remit of the Commissioner for Development, I believe I have already answered the question. I will not attempt to do remove anything from the programme, provided that the programme is consonant with the laws of the Member States.

On collective redress, I would have preferred it if you had asked me for my personal opinion. My personal opinion is very clear. I am in favour of collective redress and I voted in the Maltese Parliament – last summer, I believe – for the introduction for the first time in Malta of collective redress legislation. I have examined the statistics. I believe there are 18 out of the 27 Member States who have already adopted collective redress. Of course, you will appreciate that any directive in this regard needs cooperation with other Commissioners so it would be too ambitious, audacious and presumptuous of me to say that we will follow any particular line. But action has to be taken, and I agree with you that the time has come to take some kind of step in this regard.

2-073

Adam Bielan (ECR). – Mr Commissioner-designate, our committee has long been working to put EU consumers in a stronger position, so as to ensure that they are able make an informed choice when purchasing goods and services and are properly protected when making that choice. I know that you have a good deal of experience in working together with the Maltese Parliament, and thus hope that you will also establish good cooperation with the European Parliament and that this House will be able to count on your support within the Commission.

In this connection, I should like to ask how you intend to ensure that consumer policy and the interests of EU consumers are a central concern in all EU policy-making. As an advocate for consumers – a role you acknowledged in your introductory remarks –, how will you make sure that the Commission takes proper account of their interests in the legislative proposals it submits in other areas, given that this is one of the priorities of the consumer strategy?

2-074

Tonio Borg, Commissioner-designate. – I shall be guided by Article 38 of the Charter, which provides that ‘Union policies shall ensure a high level of consumer protection’.

So it is not a question of departmentalising or pigeon-holing consumer protection for the Consumer Protection Commissioner alone, as each and every DG working in the policies areas of the European Union has to ensure, and I quote again, ‘a high level of consumer protection’.

The worst thing which could happen would be to say that consumer protection is Mrs Reding’s responsibility or, if you approve me, Mr Borg’s responsibility, and that the other Commissioners will ignore consumer protection.

This is a mandate from the Charter, under which we have to apply consumer protection across the board. The consumer agenda is based on the four principles which I mentioned: safety, education and information, but also enforcement and redress.

I look forward to this redress. I do not want to labour the point too much, but the key to everything – while I have mentioned the four principles – lies in redress itself. This is because it is useless to have a right and then not to have quick redress to enforce it.

So my two priorities will be redress, but also to see to it that consumer protection is a matter for everyone in the Commission and in its DGs, and that it is completely pervasive.

2-075

Adam Bielan (ECR). – Thank you for your answer. I should like to ask one more question, on the subject of consumer information and education. In your view, do the existing mechanisms for improving consumer awareness and knowledge and the activities of bodies

such as consumer advice centres and the European Consumer Centres Network go far enough? In your view, can the interaction between them be seen as satisfactory? If not, what approach should we adopt, and what would you do as Commissioner to improve the structures currently in place?

2-076

Tonio Borg, Commissioner-designate. – Yes, there is still much to do. If there were not much to do, we would all be redundant as Commissioners, but I believe we have certain tools which we have to make more perfect and sharpen a bit. I mentioned already the consumer protection centres, which form the network of national bodies for consumer protection. This needs to be strengthened, particularly in an internal market of 500 million.

I already mentioned the scoreboard, and may I mention the studies, because sometimes there is a certain allergy towards studies: they cost too much, they do not produce enough. But I will just give you one example of a study on consumer behaviour which led to a directive regarding deception in online commerce. Thanks to this study on consumer behaviour, a directive was issued regarding these tick-boxes on online commerce sites where you buy a product through the Internet, which is becoming ever more common, and where without realising you have already ticked – without ticking it – something referring to your own rights, which you are either renouncing or curtailing. Of course you should tick the box, the box should not tick itself. This was the result of a study which our services did in the field of consumer protection and which gave real results, so I will continue using these tools in this respect.

2-077

Cornelis de Jong (GUE/NGL). – Mr Borg, unfortunately same-sex couples still suffer from discrimination, including as consumers – for example, in obtaining a reduction when they want to sleep in one room in a hotel and are told to book two rooms. To this end the Commission has proposed the Anti-Discrimination Directive, but as Ms Turunen has said, the negotiations are having a very bumpy ride. Can you promise us that, as Commissioner responsible for consumer affairs for everyone, you will make a special effort to get this directive adopted, and will go around the Member States lobbying for the adoption of this directive? That is my first question.

My second question is this: as your predecessor was aware, integrity is very important. Can you give me an idea of the additional positions which you currently hold, which you would give up so as to avoid a conflict of interests, and how do you define ‘conflict of interests’ as Commissioner for consumer affairs?

2-078

Tonio Borg, Commissioner-designate. – The only posts I have at the present time are that of a parliamentarian in Malta, that of a Minister, and I am also an honorary member of some band clubs in Malta. I hope that the

tunes of the band clubs will not disrupt the functions of my office.

I am not a director of any commercial company at the present time. I used to be, but I am no longer a director of a company. I have no business interests of any sort. As soon as I became a minister in 1998, I completely abandoned my legal office. So I have no links to my legal office. I do not receive any payment from my legal office. I just abandoned my clients to their fate for a very simple reason: I was Minister of Justice. You can imagine the conflict of interest which would arise if I held even the slightest link to my legal office and someone were acquitted or found guilty.

I have already replied to the question of what we should do with Article 21. Do we just frame it in our offices or in our homes? No, we should implement it. We can implement it through particular measures. I have already mentioned one – which jars a bit in my view – regarding blood donation, but there are others as well. In Malta, as regards health, with the new law which I co-edited with the Minister of Justice, it will be possible in any hospital to regard a partner – heterosexual or same-sex – as next of kin for the purposes of giving permission for an operation to take place or for a surgical procedure to be performed. So, wherever there are these pockets of discrimination – provided that they are pigeonholed in Article 21 of the Charter – I will support those changes which are necessary.

2-079

Chair. – I have just been passed, on behalf of the Chair of the whole hearing, a letter from Klaus-Heiner Lehne to confirm that the Committee on Legal Affairs has scrutinised Mr Borg's declaration of interests. They say that, apart from an obvious typographical error about certain financial bonds, the committee had no further comment. So that scrutiny has been carried out.

Mr Borg, we could not quite understand which clubs you were a member of. It was not very distinct. Was it pet clubs or boat clubs? We were not quite sure.

2-080

Tonio Borg, Commissioner-designate. – Band clubs; we love music, and each village has its own band club. Of course, I am an honorary member of the band clubs which, just by pure chance, happen to be in my constituency.

2-081

Chair. – Well, we will not ask which instrument you play.

2-082

Cornelis de Jong (GUE/NGL). – I can be very brief. We have now been thoroughly informed about your additional activities, but I have not heard – and I really want a very clear statement on this – what Mr Borg intends to do about the adoption by the Member States of the Anti-Discrimination Directive. Not the implementation of Article 21 but the Commission proposal for a directive which the Council is not prepared to agree to.

2-083

Chair. – That again is not technically part of our remit but I will be happy to allow you to answer it, if you wish to do so.

2-084

Tonio Borg, Commissioner-designate. – Mr Chairman, I have come across discrimination in several forms throughout my political and legal career. There is no reason why I should not do so today as well.

I have already mentioned certain initiatives which I undertook when I was a lawyer and when I was a minister, when I fought against discrimination by removing it from the statute book. I removed it by piloting legislation to that end because I believe in the dignity of the human being, which means that there can be no unjustified discrimination.

Of course some discrimination is acceptable. If I am granted a parking space in front of Parliament, that is not a discrimination because it has a reason behind it. But when there is unjustified discrimination in any field on the various grounds which exist in the Charter, as well as in the European Convention on Human Rights, I shall fight that discrimination. I think I am very clear on this point, because I believe in the dignity of the human being.

2-085

Mario Borghezio (EFD). – Commissioner-designate, please accept my congratulations. I am among those who admire your island, which I see as an island of freedom – in many ways – which is proud of its own identity.

My first question is this: in a recent judgment, the Court of Justice found that Member States cannot stop the marketing and use of community products that do not bear the CE mark. Do you not feel this to be restrictive from a consumer protection standpoint, since it is in the very best interests of consumers to know where products have come from?

As regards 'made in' labelling, would you agree with your future colleague, the Trade Commissioner, when he said that he wants to shelve the 'made in' dossier? Do you not feel that 'made in' labelling is necessary in order to provide information to consumers, including on geographical and geo economic origin? In my country, pharmaceutical products, and even children's toys that in some cases are hazardous for children's health, originating from countries – we all know which these are – such as China, are continually being impounded.

Lastly, we need transparency in on line trade and on line gambling.

2-086

Tonio Borg, Commissioner-designate. – Mr Borghezio, I agree with you that we must do more to guarantee that products imported from countries outside the European Union are safe.

Unfortunately, we do not have the same verification system that we have for food products entering the EU

market. This is despite the fact that dangers exist, because when a product that is not an agricultural or food product is imported into the EU market, where there are 500 million consumers, it can potentially be hazardous for all those 500 million people.

So, although I cannot enter into details – I do not know them – on the question of the CE mark, I will do all I can to ensure that safety is a priority for myself and for the rest of the Commission, and perhaps also move further ahead. But what about the safety of services provided in the European Union? Why is it that we are always talking about products and not services? I am thinking, for example, of fire safety, and of people being able to stay at hotels in the European Union whose fire safety is guaranteed. Just think how many deaths could be prevented by taking steps in that direction. I would therefore devote much time to the drafting of a green paper in this area.

My idea would be – and it is mine alone; I do not want to commit my colleagues in the College – to move forward with a proposal which goes beyond what you have suggested, which is to say a proposal that includes services in the safety net. That will enable us to have the safer internal market that you desire.

2-087

Mario Borghesio (EFD). – Very briefly, on the issue of on line trade and on line gambling, the Committee on Organised Crime, Corruption and Money Laundering was recently informed by experts of the very worrying and extremely dangerous involvement of criminal and mafia type organisations in this sector. Do you not feel that greater emphasis should be placed on safeguarding not only the general public against criminal activities, but also, more specifically, consumers who literally place themselves in the grip of such organisations? Let us think about betting and about products – about what type of products might emerge from companies run by these ‘gentlemen of honour’.

2-088

Tonio Borg, Commissioner-designate. – I certainly agree with you, not least because, while on line trade is an asset, and a good and fair thing, it is also a double edged sword. It can be very worthwhile, but it can also encourage organisations with bad intentions to use the internal market, just as they can use the Schengen system, in order to violate consumer rights. We must be very alert to this. I know that there is a directive in this respect, but I am not sure that it is being correctly implemented. This will be one of my priorities during my two years in office, if you see fit to approve my nomination.

2-089

Franz Obermayr (NI). – In August I put a question to the Commission on plain packaging, suggesting that cigarette packets and cigarettes themselves should be devoid of all brand logos. Your predecessor, Mr Borg, answered stating that the Commission intended to submit a proposal by the end of 2012, in other words soon.

My question is this: do you already have any information about the status of that working paper? It is important, because thousands of jobs in the packaging and paper industry are at stake. Secondly, do you think this uniform packaging will increase the risk of cigarette smuggling and product piracy? Thirdly, what view do you take of this attack on trademark rights, as enshrined in Article 17 of our Charter of Fundamental Rights. And finally, do you have any comment to make on the lack of evidence that plain packaging is effective in reducing tobacco consumption?

2-090

Tonio Borg, Commissioner-designate. – The difficulty in answering this question is that the directive is still under the rule of confidentiality, so I can just give my purely personal opinion; I am not committing the Commission in any way. I have seen this plain packaging, and if you ask me, it could be effective as well. Whether we have reached the stage of obliging an inclusion in the Tobacco Directive of this plain packaging I do not know. There has to be, however, something on packaging which is effective. I have said already that tobacco products should look like tobacco products, not like something else, and should taste like tobacco products too. So I think the direction in which I would go is pretty clear, without leaking any provisions of the directive, although there is nothing like a secret in the European Union and already some details have leaked out on the directive itself, on which I will not comment.

The only country which has already introduced plain packaging is Australia, I believe. I have seen some packets which make it more unattractive to purchase tobacco products. There was a challenge in the Australian Supreme Court and on 15 August of this year that challenge was rejected. Of course now Australia is being challenged in the WTO, so there are all these complications. What I would favour is to leave Member States free individually if they want to introduce plain packaging but not, perhaps, at this stage to impose it from the centre, but this is purely my personal view. It could well happen that when the Tobacco Directive is launched – well, a bill in Parliament starts in one direction and it could become stronger, or weaker as well. I will be against weakening the current Tobacco Directive which is in the pipeline.

2-091

Simon Busuttil (PPE). – Dr Borg, I claim to know you personally, not only because I come from the same political party as you, but also because I live just three streets away from you and, yes, there is a band club between us. I have to tell you that I have always admired you for your integrity, but also because in our country you are a symbol of human rights and democracy, which are core common European values that everyone in this room cherishes. I want to thank you for that because, without people like you, our country, my country, would not be embracing these European values.

My question is this. How will you, as a Commissioner, protect consumers from misleading practices? I have in mind, for instance, aggressive practices of misleading business directories that entrap consumers into buying something that they never wanted to buy. What concrete measures are you envisaging to protect consumers from misleading practices?

2-092

Tonio Borg, Commissioner-designate. – Yes, Mr Busuttil, thank you for your kind remarks, but I would also like to add that what you have mentioned in particular is something which I used to encounter in my legal practice – that is years ago, of course, between 1980 and 1995 – when someone used to come to my office with a bill in his hand for something which he had had no intention of ordering; it used to be encyclopaedias at that time, but it was not online then. With online ordering today it has become even more dangerous.

I rarely, for instance, purchase a book without going online; I go to bookshops as well, but usually I purchase a book online. More and more people are booking their holidays online, as well. So if we do not tackle these misleading adverts, whether it is directories, whether it is even pharmaceuticals – because some pharmaceuticals are sold online – if we are not actually going out to see what is happening in the Member States, we will lag behind in enforcement and we will not be true to our commitments to the consumers.

I have already mentioned the tools – redress, ODR, ADR, scoreboards and the consumer protection centres. But we also have to study the reports which are coming in on what is happening in online commerce, and what is happening is not always pleasant, so we have to be extremely vigilant in this regard. I promise you and Parliament to be vigilant in this respect and, just as we remove the deceitful claims and adverts in the health claims, we should do the same in online commerce, and are very careful about this method for the reasons that I mentioned before.

2-093

Louis Grech (S&D). – Not all sessions of Parliament will be this difficult, Dr Borg. My question is: how successful do you think you will be in carrying out the holistic plan on consumer affairs when we know from experience that the fact that this portfolio is shared among various Commissioners has always made this process difficult. An example is that mentioned by the colleague who spoke earlier regarding the mechanism of collective remedies, that were in fact excluded from the recently presented legislative packet on consumer protection regarding financial products. So what measures will you take to ensure that European citizens, especially vulnerable ones, enjoy the necessary remedies regarding that financial packet?

And finally, on a number of occasions today, you mentioned your commitment to the Charter of Fundamental Rights. Do we understand you rightly: will your commitment be unreserved?

2-094

Tonio Borg, Commissioner-designate. – I know how committed you are to consumer affairs, as I know that you are this Parliament's rapporteur on ADR, which, if adopted, will make a real difference in the European Union.

As regards collective remedies, I have already stated that I am in favour, personally in favour. I know that the majority of Member States are in favour, but I have to work with other Commissioners. You made critical reference to the fact that the portfolio is split, but I cannot comment on that as, if I am approved, I will be part of the Commission, and will therefore defend decisions even if they were taken earlier in the Commission. But I will answer the same way as my predecessor did, I think, when he was asked a similar question about this split, namely that I take the view that responsibilities are split such that Ms Reding takes care of consumer rights as such, whereas our role is more concerned with coordination and cooperation between the Member States, which is a very important part of consumer affairs regarding the consumer affairs agenda itself.

You ask me whether I will be committed unreservedly to the Charter of Human Rights. The Charter of Human Rights provides for no exceptions, being rather drafted in the American style, whereby you enunciate principles and then leave exceptions, if any, to be established by the Court, and not Commissioners. I therefore have neither mental reservations regarding the Charter of Human Rights nor effective reservations, and I am pleased to see that the Charter itself, at least, does not impose many reserves or exceptions. It is true that each right is bounded by obligations: were we to speak of rights exclusively without obligations, those rights themselves would come to nothing. But no, I have no reservations and I make this statement with the greatest tranquillity and honesty, because my whole life has been bound up with the struggle for human rights. I have made mistakes in my life too: it's only those who never do anything who never make mistakes, but then their whole life is a mistake. However, as regards human rights and the Charter, these are documents with which I feel close affinity.

2-095

Chair. – I would like to thank very much all my Members for keeping to time and for the very sharp questions. I now hand the gavel back to Matthias Groote.

2-096

IN THE CHAIR: MATTHIAS GROOTE

Chair of the Committee on the Environment, Public Health and Food Safety

2-097

Chair. – We now come to the fourth round of questions, by our colleagues from the Agriculture Committee. This will involve five short questions, i.e. questions lasting 50 seconds, with two minutes for Mr Borg's answers.

2-098

Albert Deß (PPE). – Dr Borg, I have one simple question. On 18 October 2010 the European Parliament took a decision calling for agricultural imports into the EU to be authorised only if the products in question are manufactured in accordance with European consumer protection, animal welfare and environmental protection standards and European minimum social standards. What action will you take to ensure that this decision, adopted with 535 votes in favour, is implemented?

2-099

Tonio Borg, Commissioner-designate. – There is the law to apply and the law is very clear in this regard: that it would be unfair to close our eyes to imports which do not satisfy certain food safety standards and then impose them on our own farmers.

This is I know a controversy which is ongoing, which is sensitive. I understand why it is sensitive: because the single market, this free market of 500 million consumers, should not discriminate now against EU farmers themselves.

But unlike the safety of products which are not agricultural, on agricultural products we have the means to enforce these standards. We have the FVO, the Food and Veterinary Office, in Grange in Ireland, which has a group of inspectors which do inspections not only within the European Union but outside the European Union itself. So they visit Argentina, Brazil and other countries, trying as much as possible to see to it that what enters this market of 500 million consumers is in accordance with the same standards as those we require of our own farmers.

Can we increase this enforcement? We can. We have this package also on plant health, animal health, seeds and official controls, which should enable us in this respect, and also the trade agreements which Europe signs with other countries.

I know that Russia has acceded to the WTO. I know that there are some controversies regarding what is imported and what is not allowed for us to export for technical reasons. We should never use these rules for protectionist purposes, but at the same time we should insist on other countries abiding by the obligations which they have assumed on entering the WTO, and I can assure you that I will insist on the assumption of those obligations.

2-100

Luis Manuel Capoulas Santos (S&D). – Just over a decade ago, as you know, Commissioner, the EU had to deal with a very serious public health problem, namely mad cow disease. A lot of money was spent on eradicating the disease, and meat and bone meal had to be banned, given that this was what caused the problem when we took it into our heads to turn ruminants into carnivores. Later, meat and bone meal was again authorised for use as feed for non-ruminant animals, and that – obviously – caused no problems at all. However, because the risk of cross-contamination still exists

within farms, the inspection system has to be very effective and thorough, and consumers must be kept regularly informed in order to dispel all doubts. I should therefore like to know, Commissioner, how you intend to proceed on this point once you have taken up your duties.

2-101

Tonio Borg, Commissioner-designate. – I know something about this problem because I know the difficulties which were faced when there was the BSE outbreak, which created huge economic difficulties in those countries which were hit by the disease. I also know that certain harsh or, rather, important measures were introduced to prevent the element of proteins in feed which is given to animals which do not eat meat but are ruminants.

I appreciate that there are those who are saying: ‘Why do we not remove this ban – at least for those animals which can eat meat – so that we can introduce the protein element in their feed?’ But I also understand the difficulty of enforcing such a repeal of the ban and mixing protein feed for animals which do not eat meat (ruminants).

There I will abide by the highest safety standards, because the incidence of BSE has decreased over the years rather significantly, thanks to the measures which we adopted. To reopen this question – or to be more lenient with regard to this ban – could give rise to a future outbreak, which no one needs for a number of reasons. We also have to be extremely conscious of safety with regard to our own food. It is my opinion that, on these matters, we should proceed with the utmost caution.

2-102

George Lyon (ALDE). – Dr Borg, animal welfare is a very important topic within your portfolio, and especially the welfare of animals during transport. Your predecessor stated in the structured dialogue in May that he did not support the idea of a general ban on transporting animals for slaughter for longer than eight hours. Can you confirm whether you hold the same view?

2-103

Tonio Borg, Commissioner-designate. – First of all, Mr Chair, I must admit that I admire your efforts in this respect, whether you agree with them or not, because sometimes animal welfare is considered to be something subsidiary, something which is not important, something which is actually obstructing progress in several fields as well, particularly in times of economic crisis. In times of economic crisis the arguments are more: let us be pragmatic, let us be utilitarian.

I will be very honest with you, I will not promise something which I cannot deliver, but I can promise two things. First of all, the current animal transport regulations are not being enforced. Proof of this is the fact that I have never heard – perhaps you have heard, but I did not hear – of any infringement proceedings

against anyone, against any Member State, regarding animal transport according to the current regulations, let alone future ones. There are, I think, more modern ways of doing things better.

Why, for instance, should animal transport vehicles not have navigation systems – today everyone has a navigation system – to check whether the current rules of animal welfare as regards transport for slaughter are being abided by or not?

The second thing – because I think I should say that there is a proposal for a general framework animal welfare law to be launched next year, we are already working on it – is whether we should reopen in our animal welfare law this question of whether the current rules are enough, or whether they are enforceable. But perhaps I could continue with the supplementary question if it is on these same lines.

2-104

Martin Häusling (Verts/ALE). – Mr Borg, you have called for Europe to become the world champion in the area of consumer protection. Can I assume, therefore, that you will also advocate the retention of the zero-tolerance rule for imports of non-authorised GMOs into Europe?

Second question: there has been justified criticism of the EFSA – excessive influence exerted by lobby groups, non-transparent procedures and, above all, problems in connection with the risk assessment of GMOs. Will you advocate a reform of the EFSA and a revision of its risk assessment procedures for GMOs? And until such time as that reform is implemented and authorisation procedures have been reorganised at European level – the key word here being renationalisation of authorisation procedures – will you advocate a moratorium on the cultivation of GMOs?

2-105

Tonio Borg, Commissioner-designate. – On the unauthorised GMO level which we have today, we have to be very careful. It has already been applied to food and the issue of whether it should be applied to feed and to other things is very questionable.

Do I have to rely on EFSA or not? Well first of all, EFSA exists for a purpose: to provide real, solid, independent scientific advice. It is always right to see that the perception of this independence is something real and I will work hard on that. But I will not abdicate my responsibilities, because it is not EFSA which authorises, but the Commissioner himself. So the buck, as we say in English, stops here.

I shall not use EFSA for any purpose other than that of seeking solid scientific evidence, but then it is up to me to decide on whether there should be an authorisation – general or conditional. By conditional, I mean either conditions in the authorisation itself, or in its application. So my answer to your question is no, I shall not be a slave to EFSA, but neither should I ignore what EFSA says.

On GMO, I know the sensitivities of this file. I know the controversies which have occurred. I know how convenient it is for the Council to leave this matter in the hands of the Commission and not push forward any proposal, not even that of applying subsidiarity in cultivation proposals themselves. That is to say that a country will be free to allow cultivation or not in its country on matters other than health and environment, because health and environment remain in the hands of the Commission itself.

2-106

James Nicholson (ECR). – Commissioner-designate, rather in a similar vein, I would like to ask you this question. We in Europe do need and require to import a substantial amount and tonnage of grain and soya for our compound feed each year, mainly from the United States and South America. Where do you stand on GM imports to the EU and the need for more efficient licensing within the European Union in order to tackle the high cost of food facing the industry at this moment in time?

2-107

Tonio Borg, Commissioner-designate. – I know the sensitivities on this issue, and I also know all about labelling regarding GMO content above a certain amount, I think it is 0.9%, and that one has to adopt certain scientific criteria.

As regards cultivation itself, I know that there is a Séralini report which I have to consider and which is currently awaiting final assessment by EFSA. But with regard to imports, I will abide by the rules as they are today, unless EFSA indicates otherwise, in which case I will have to authorise and decide myself.

I know that there are hectares – millions of hectares – outside the European Union where GMO products are cultivated. However, I also know that there is resistance in this Parliament on this very sensitive issue, and it would therefore be irresponsible for me not to take all views into account, particularly those coming from this Parliament.

I will not rush where angels fear to tread in this matter. I will abide by what is called the precautionary principle, which I will apply in a reasonable way: in matters where there is no clear scientific evidence, one acts by keeping one step behind rather than one step ahead.

2-108

Chair. – That concludes the fourth round, consisting of questions from our colleagues in the Agriculture Committee. We now come to the final round, involving questions from nine colleagues. We will first have three long questions, i.e. with five minutes for each question and the possibility of putting a follow-up question. Then we will have six short questions.

2-109

Marina Yannakoudakis (ECR). – We have talked about the EU budget, and I am pleased you are not against sensible cuts. This is something my constituents demand. We have also talked about EU agencies, and I

am pleased with your stance on conflicts of interests. I hope your band club work will not interfere with your work as Commissioner if confirmed.

But what concrete plans do you have to combat the conflict of interests, revolving doors, poor management and questionable auditing at EU agencies? In the interests of value for money, will you propose sensible cuts to their budgets?

2-110

Chair. – Mrs Yannakoudakis, it is good that you are again asking a second question, but perhaps we should return to the subject in hand. I do not know if the Commissioner-designate will care to answer, as the question was not relevant to the central theme. I leave it to you, Mr Borg, to decide what to do in this case.

2-111

Tonio Borg, Commissioner-designate. – First of all, I will say one thing: I am a member of a band club, but I am not a bandsman myself. I do not actually play music, I just support them. I do not think that would come into conflict with my health and consumer affairs portfolio. If there is even a remote chance of it doing so, I am sure that they would understand if I resigned from being an honorary member. This does not mean that I would not attend the band club on particular occasions.

On sensible cuts, the problem is: what is sensible? And in which areas should expenditure be reduced? When it comes to health, if you make cuts in an arbitrary manner, it is the usual people who suffer: those who are vulnerable, either due to age or circumstances.

But there are ways of reducing expenditure without necessarily reducing health standards and healthcare, by using modern technological methods. Today we have e-health scoreboards and e-health networks, whereby the elderly can be monitored from their own home. There are new initiatives and innovations which can be utilised. For instance, I am informed that a huge number of patented medicines will become generic medicines in a few years' time, which means that expenditure on medicines will be reduced.

On conflicts of interest, I have already said that the recommendations of the Court of Auditors as regards the two agencies which come under my portfolio – they are not part of SANCO, as such, because they are independent – will be implemented, but I will also consult the other Commissioners to see whether we can have common rules for all the independent agencies within the European Union.

2-112

Chair. – Perhaps we could lower the noise level a little, as it is very difficult for the person sitting here – who has to reply to questions for three hours – and for those who want to listen. If you do need to have conversations – during this round – please do so in the corridor but not here in the room.

2-113

Carl Schlyter (Verts/ALE). – You have already answered questions on issues including tobacco, GMOs and animals. You have not given an answer on what legislative proposals you will use to implement the alcohol strategy. However, in my view the main problem with your candidacy for Commissioner is your values.

If we are honest, all your sister parties in Malta are against abortion. You say in your defence that this is an exclusive national competence. In spite of that, as Foreign Minister you are responsible for Malta insisting on unanimity in the EU so as to remove demands relating to sexual and reproductive health from Beijing15+, the UN Foundation Fund for AIDS, Tuberculosis and Malaria, and the UN Ministerial Declaration on the implementation of public health goals.

How can we be sure that you do not intend to use your power as a Commission to achieve the same objectives, namely to alter the EU's whole policy in this area?

2-114

Tonio Borg, Commissioner-designate – I was not involved in Malta on anything connected with HIV, as far as I know. There the commitment is clear: we have the programmes, which would include the fight against HIV/Aids on the lines I mentioned, that is to say diagnosis, prevention and cure and the removal of the stigma for HIV patients. This is a tragedy: we should not play with people's lives. So my opinion here is extremely clear.

As regards alcohol, I know this is something which exists in the same way that cigarettes exist. I mentioned already that this is something which has to be implemented in our fight against diseases because, rather than fighting a disease in particular, we should fight the risk factors themselves. I mentioned alcohol in particular, which does not mean that we prohibit alcohol or ban alcohol, but we must explain to those who consume alcohol the dangers and what happens when they consume alcohol, although we do not, of course, know exactly what happens within the system when alcohol is consumed in excessive amounts.

2-115

Carl Schlyter (Verts/ALE). – Commissioner-designate, I think you were not clear on my question on the fact that you have used your power as Foreign Minister in Malta to change the whole of the EU position on sexual and reproductive health on at least three occasions in the United Nations.

How can you convince me that you are not going to use your powers as EU Commissioner to do that to EU policy, on that basis?

2-116

Tonio Borg, Commissioner-designate. – I have never addressed the United Nations on this issue. I have addressed it on several issues regarding the Middle East and the Mediterranean and the importance of having a Mediterranean policy but I, as Foreign Minister, have

never addressed health issues at all. They did not come under my immediate remit. I attended the General Assembly the last time I was at the United Nations, but I did not mention this subject at all. I was representing the Prime Minister, as Deputy Prime Minister, and I talked mostly about political issues, because that is my strength.

Now, of course, with all these dossiers regarding health and consumers which are so different from foreign affairs, I am getting used to these dossiers. I would like to apologise if I have not understood each and every tiny detail of these dossiers. I had only three weeks to prepare for this hearing, but please inform me if I said something for which I was not responsible or regarding the subject, because I do not recollect it.

2-117

Corinne Lepage (ALDE). – I should like to return to the question of GMOs, the expert report and the EFSA and ask you a number of very straightforward questions. Firstly, Parliament adopted on first reading a text amending the GMO directive and is now awaiting the Council position. Are you in favour of us commencing the second reading of a text approved by the Council? Secondly, you indicated that you attached great importance to the independence of the EFSA, which is very gratifying. Will you take specific measures to ensure that this body is not only endowed with the external trappings of independence but is also truly independent? In addition, do you intend to review the assessment procedures, in particular with regard to GMOs, as requested by a number of European countries? Are you willing to review the relevant guidelines?

2-118

Tonio Borg, Commissioner-designate. – Yes, it is important that the perception is real but that the reality is real as well. I mean, when I mentioned perception, I was not saying that we should have a good perception and in reality there will be no independence at all. On the contrary, the two should be linked together. So if I was understood in that way, I would like to clarify this question. I shall not be a slave of the EFSA, Ms Lepage. I mean, I am very clear on this, which does not mean that I will not give due consideration whenever the EFSA gives clear advice and solid scientific evidence on this question.

On GMOs, I will not rush where angels fear to tread. Which does not mean that I will not take decisions on this matter; because there are implications in not taking a decision, there are legal implications as well. As you know, in the European Court of Justice there is this possibility of proceedings being brought forward for failure to act. But let me give you an example: there is the Séralini report on cultivation, which has been criticised not only by the EFSA, but also by national agencies as well, as to its method of conducting research. If I do not have a final assessment of that Séralini report, it is important to have that final assessment report from the EFSA before moving to any further action on this file. So we are in the situation –

you know what the situation is – that the Council is leaving it up to the Commission to take decisions. After all, the authorisation is issued by the Commissioner himself and not by the EFSA. We have to be very careful with regard to taking the right decisions, because if we take the wrong decisions they will have a lot of harmful effects either way. But at a certain moment in time a decision has to be taken.

2-119

Corinne Lepage (ALDE). – Do you intend to call for long-term toxicity studies to establish the effects of GMOs on public health or will you be satisfied with short-term studies covering a period of 90 days? This is extremely important.

2-120

Tonio Borg, Commissioner-designate. – As you know, Ms Lepage, when the Commission tried to impose a mandatory 90 days on the companies who apply, there was no agreement on this issue either. So, if the 90 days were increased, you can imagine the difficulties which would arise. But I will abide by scientific evidence on this point and also by the precautionary principle in a reasonable way, namely that, in matters of doubt, one has to refer back.

Whether this means changing the methods of EFSA to ask it to detach itself from the 90-day rule for testing in order to have a longer period, is something which scientific evidence has to support. But I am sure that an independent EFSA would change its methods if it felt that this was the right thing to do. I do not think that this should be imposed by the Commission itself.

2-121

Jolanta Emilia Hibner (PPE). – Thank you for your answers. I have just a short question: we already have an influenza vaccination period, and the annual vaccination programme is set to continue in the coming years. What role do you see yourself playing in stabilising the situation on the vaccinations market so as to ensure that positive recommendations are issued only in respect of firms whose vaccines have been properly tested and are safe? And one more quick question: do you think that there is likely to be a repeat of the recent panic about vaccines, and if there were, how would you react?

2-122

Tonio Borg, Commissioner-designate. – We cannot live without vaccinations. Of course we have to analyse all reports, all scientific evidence, to ensure that vaccinations are safe. And sometimes we also have to fight against any prejudices there may be against vaccinations, because vaccinations save lives as well.

What I was particularly perturbed about, when there were health threats in the past as regards outbreaks of diseases, was that we as the European Union did not react in a wholesome way. Each one of us thought that we could fight it alone, until we realised that we could not. In accordance with the subsidiarity principle too, when matters cannot be decided by the States themselves, I believe that the Commission and the Centre should intervene to protect the health of

500 million consumers, that is 500 million people. Therefore, even on the specific subject of vaccination which you mentioned, one should address it in the Health Threats Directive which is being discussed in Parliament already. We will, I hope, continue with this discussion later on if I am confirmed.

Can we find a legal basis to have common procurement for vaccines so that there will not be a repeat of last time, when some Member States had huge quantities of vaccines, more than they required, and others did not? And of course to prevent speculation, which arises each time there is an outbreak of disease and prices shoot up. Some Member States – I remember the experience of my country in this regard – were literally fleeced in the prices which they had to pay for vaccines. This could be prevented through this joint procurement, which would also be an example of solidarity on vaccines between the Member States.

2-123

Elisabetta Gardini (PPE). – It has already been pointed out that the counterfeiting of products is seriously prejudicial to our manufacturers, especially in times of crisis. However, I feel that our prime concern when talking about counterfeit food products or medical devices is that of safety.

By way of example, despite our rules and regulations, 24 million kilos of counterfeit food products worth a total of EUR 840 million were impounded in my country, Italy, last year. I would like to know what you plan to do to rectify this situation, which is so prejudicial to health and safety in the EU and to its economy.

2-124

Tonio Borg, Commissioner-designate. – I am aware of this problem. Such problems also beget unfair competition, because people who abide by the law are discriminated against to the benefit of people who do not.

I am also aware of the problems stemming from the fact that we have very stringent rules on inspections outside countries for agricultural products, whereas this is not an option for the non agricultural products we import. I cannot say I am satisfied with the way the rules are being implemented, but I am impressed at the fact that several million counterfeit – and sometimes hazardous – products have been impounded by our agencies. We must work more closely with them, because counterfeit products are causing major economic damage in some countries.

There is even greater danger when those products are medical devices, because at that point this becomes a human health issue. In the case of some medical devices there is a high risk, and we need a swifter and more flexible control system than we have at the moment. There have been dreadful cases of children being injured by imported non agricultural products, and we also know that certain medical devices have led to the deaths of hundreds of women in the EU.

2-125

Åsa Westlund (S&D). – You have answered very cleverly, Mr Borg. You refer to current legislation and to the fact that the issue of abortion is one for every Member State to decide, and you say that you will comply with what the Commission has already decided. But I am sorry, with that attitude we could just as well appoint a puppet as Commissioner. Being a Commissioner means taking responsibility for the future, for forthcoming legislation, and that is what we are interested in.

You have repeatedly said that the issue of abortion is a question for the Member States. In my view it is a question for each individual woman. As you know, throughout the world nearly 70 000 women a year die owing to the absence of safe and legal abortions. And I am sure that this is also a problem within the EU. So how will you, as Commissioner for health, work to ensure that the state of women's reproductive health in Europe becomes better than it is at present? We do not want the status quo; we want to improve the situation.

2-126

Tonio Borg, Commissioner-designate. – It is not a question of being intelligent, smart or clever. It is a question of abiding by the Treaties and it is very clear that on these issues, whether to allow or not allow certain practices, this is in the hands of the Member States. I did not make these Treaties. These Treaties have been sanctioned by all Member States because, as you know, we are not a federation.

We are a sui generis kind of organisation of sovereign states which have pooled their sovereignty. In certain respects there is exclusive competence of the Commission. In other areas there is shared competence and in some areas, as in the delivery of health services, whatever I think and whatever you think and whatever we all think, it is a question where my services, if I am confirmed as Commissioner, do not involve themselves. They cannot be involved in the delivery of the services themselves or in which kind of health services and whether it is for the purpose of a cross-border healthcare directive which we have to implement. This is a decision of the Member States.

And I am not saying it today because I prepared my dossier. It is a question that has been put repeatedly to different Commissioners. I have looked up all the parliamentary questions which most MEPs have asked on these sensitive issues. The answer has always been the same, irrespective of whether one has one view or the other: that these are matters which have to be decided by the Member State.

Each one of us has his own personal views. God forbid that we should all be regimented into thinking in one way. God forbid. But I will abide by the Treaties. I will not interfere with programmes which already exist because it would be illegal for me to do so, and also I have no intention of doing so.

2-127

Karl-Heinz Florenz (PPE). – Dr Borg, as we approach the finish, let me congratulate you on your presentation.

I have one question (or rather, two small ones): we have in environment policy the principle of producer responsibility. Could you imagine a situation whereby the healthcare and treatment costs resulting from tobacco consumption were passed on in future to tobacco products?

My second question, which I cannot refrain from asking, is this: I enjoyed a successful working relationship with your predecessor. How can you ensure that he will have proper access to documents in order to defend himself?

2-128

Tonio Borg, Commissioner-designate. – The second question, Mr Florenz, is very difficult for me to answer because I abide by the laws of this Institution and will accede to any request which is made according to the laws of this Institution. You understand that it is very embarrassing for me to say anything. It is not prudent for me to say anything on this case.

I already stated at the beginning that there has been a resignation; the resignation means there has to be a substitution and the two issues, as the Presidency has said, should be kept completely distinct from one another. They do not influence each other.

I can assure you, Mr Florenz, that my door will be open not only to you but to all MEPs on matters of relevance to my portfolio. This is not – I repeat – because it is politically convenient for me to do so, but because it is the right thing to do. I have been a parliamentarian for twenty years, I am used to scrutiny by parliament, but I am used also to collaborating with parliament because I am a parliamentarian myself. We have the British system, whereby in order to be a minister, one also has to be a parliamentarian. Now some people criticise that system; I like it because it means that you always have to be on your toes and test what you are proposing in parliament with your constituents.

Regarding the Tobacco Directive, you understand that this is something that everybody is expecting, partly as a matter of credibility; because there are some who think that what has happened will delay the launch of the directive, and we have to beware of proving them right. As to what will be contained in the Tobacco Directive, that is for the co-decision makers – Parliament and the Commission – to decide. I will certainly not weaken the directive that is currently in the pipeline.

2-129

Dagmar Roth-Behrendt (S&D). – Commissioner-designate, a question in two parts on animal welfare. First, do you agree with me that existing legislation like the cosmetics legislation has to be implemented and enforced as it stands without any changes and that the last bit of it will apply and be implemented next year in March?

For the second part, coming back to animal transport, we had assurances from two of your predecessors that there would be a revision of the animal transport time and that we would get a legislative proposal going beyond what you said about enforcement. Could you again try to commit yourself so that we will get a piece of legislation on the transport of animals?

2-130

Tonio Borg, Commissioner-designate. – On the first issue of animal welfare and cosmetic legislation, I have already said that it is such a laborious process for legislation to pass through this procedure. There is a reason for this, because this is a law which will not only apply in Germany or in Malta, it will be a law for an entire continent, so it makes sense that there is a long, laborious process.

Then when a law is passed, sometimes also with a transitional period, we try to invent something to avoid its implementation. I think this is not fair. There is a Latin maxim, *facta lex, inventa fraus*. The moment a law is passed, we try to find something to derogate from it.

I do not think it would be right to do so with this dossier. I believe that the ban should enter into force as Parliament and the Council have already decided. We should monitor the effects of that ban because we all do things here on an impact assessment basis, even after they are implemented. I would add another reason: if we do not do so, the industry will never try and find alternative means of testing rather than animal testing for cosmetics. In the English language there is a dictum which says, 'necessity is the mother of invention'. When you are forced to look for alternative things, you will find them. It could take some time but you will find them. So yes the ban has to enter into force in March 2013.

On animal transport, I am used to promises coming back like boomerangs and I do not want you or anyone else to throw this boomerang at me to elicit a promise, but I will certainly see what we can do with other Commissioners, apart from enforcement, and assess the impact of improving the current rules – not committing myself to the eight-hour transport rule, but to improving that rule. That I can promise.

2-131

Richard Seeber (PPE). – Dr Borg, as the final speaker, let me say that your performance here has been most impressive. I think you have not only worked intelligently but you have also shown that you will act in accordance with the European Charter of Fundamental Rights. And I think this is the most important thing for us here in Parliament.

Your political career also encompassed the role of environment minister. I would be interested in knowing what your approach in the College of Commissioners will be when environmental matters are being discussed. This is, after all, the Committee on the Environment and Health. Will you give your support to these matters?

My second question is this: what will the nature of your specific relationship with Parliament and the Committee on the Environment be? Will you first consult us before making a submission? How often will you visit us and how intensive do you intend contact with us to be? I think it is vital for us to know that you are taking Parliament seriously and are listening to us. We know that we have no right of initiative in the interinstitutional framework. Will you listen to us, and what will your approach to Parliament be?

2-132

Tonio Borg, Commissioner-designate. – Of course no person in their right senses sitting in my place today, or on any other day, would say that he would not come to consult. But I have to be honest with you. I will use my time, as much as possible, to maintain this link with the only real democratic institution inside the European Union, which is directly elected by the people and has increased powers in the co-decision procedure after the Lisbon Treaty.

But I would like to persuade each one of you – those who agree with me and those who do not agree with me, those who would be in favour of my approval and those who would feel hesitant about it – that I feel comfortable in Parliament because I am a parliamentarian myself. That makes a difference.

I am not saying that technocrat ministers or Commissioners who have never contested election and who have never gone to knock on the doors of constituents, as I have, are not capable of understanding people's needs. It would be like saying that a gynaecologist does not know about the birth of children because he never gave birth to a child. But the fact that I sit in Parliament, that I am accountable to Parliament and that I am scrutinised by Parliament gives you a slight advantage. You have to use it. If you do not use it, if you ignore it or let it die, of course it does not make any difference. But, if you really feel that you are a parliamentarian elected by the people for a purpose – as I do – then it makes a difference in one's relations with Parliament.

I always tell my collaborators back in Malta not to complain when they receive parliamentary questions because usually you receive parliamentary questions on points in which your department is weak, and we can deal with that weakness. So I hope that these words will be turned into action, but you will have to decide afterwards, if you approve me, whether I have fulfilled this promise or not.

(Applause)

2-133

Chair. – We have reached the end of the question round. You now have the floor for five minutes (or less, if you so wish) for a closing statement, after which Mr Harbour will speak and then I will finish.

2-134

Tonio Borg, Commissioner-designate. – Mr Chair, thank you for the indulgence on this international day of courtesy. I think it was a proper dialogue. It is not a question of being smart or clever; it is just a question of being myself.

I must say that – and please believe me when I say it – what you see is what you get. There is no hidden agenda, there is no hidden anything. I have tried to answer your questions as comprehensively as possible. Please forgive me for my mistakes, since perhaps I could not answer all of your questions. There is, after all, a certain limit to what one can do in three weeks. But the enthusiasm behind your questions helps me to understand that this is really a people's portfolio. This is not discussing general things as we usually do in Foreign Affairs; this is actually the real thing. Parliamentarians all over the world, if they fulfil their duties as they should, always have a direct hotline to their constituents.

Someone told me in the rounds I was doing that, when we present a proposal, it has already been sifted, even within Parliament, to assess the impact on industry. We are not people with power without responsibility. I agree fully with this comment which was made to me, and each time that we meet – if I am confirmed, and if I have the pleasure of serving you as well – I will always remember this remark. When Parliament decides something, it has behind it also the democratic cachet of millions of citizens, and it also takes into consideration other matters which are not traditionally linked to Parliament.

My ambition, if I am approved – I repeat – is first to submit an ambitious tobacco proposal in January; second – a promise which I shall keep – to respect the March 2013 deadline on animal testing for cosmetics; third, to present a proposal on cloning by mid-2013 which fully addresses the animal welfare issues; and fourth – and this will be the most difficult part – to invest even more in better enforcement.

I hope that I have succeeded in demonstrating that, since my early political career in Malta – I joined the National Party at the age of 17 – I have been an ardent defender and promoter of the European idea, both in easy times and in difficult times, and that I fully abide by the key European values, including those of non-discrimination. I would be ready for, and indeed count on, very close cooperation with Parliament. Thank you very much. Thank you for your courtesy, and I hope that we will have the opportunity to work together in the near future.

(Applause)

2-135

Malcolm Harbour (ECR), Chair of the Committee on the Internal Market and Consumer Protection. – First of all I just want to thank the Committee on the Environment, Public Health and Food Safety once again and you, Mr Groote, as Chair, for allowing members of my committee to play a very focused role in this hearing. I think that was important as we take our responsibilities for consumers very seriously.

I would just reflect on what Dr Borg said right at the beginning where he talked about the portfolio being 'Europe on the ground' and really meaning something to citizens. I think we have covered a huge amount of ground between us this afternoon. You have given us a lot to reflect on at our meetings, Dr Borg, but what I would say is that you have made a lot of important commitments to us this afternoon and we will certainly, if you are approved, be recording those. You said you wanted an honest and frank relationship with Parliament, but it will be based around a lot of those commitments, if that is what Parliament decides.

I think, Mr Groote, that it is has been the mark of a very successful and well organised hearing that we have managed to explore a lot of issues related not just to the portfolio of the Internal Market Committee and the other committees, but also a number of other issues as well in a relatively short time. So thank you for that.

Just on an administrative announcement, can I invite all the coordinators from the Internal Market Committee to meet upstairs in Room 6Q2 at 18.15, when we will consider our analysis of the hearing, which I will then be able to deliver to the Environment Committee Coordinators at their meeting at 19.00. Thank you once again. I think it has been a really important afternoon's work that we have done together.

2-136

Chair. – In conclusion, I should like to say that today has been a good day, that you have given a good performance here today, Dr Borg.

Given the short period of time you had to prepare – less than three weeks – I believe you have answered all the questions. You have showed that you have mastered your brief, but also that you are a person to be reckoned with. What we have managed to do today, I believe, is to separate the issue of your suitability from the case of John Dalli, with whom we in the European Parliament had a good working relationship, who is always welcome here and who enjoyed a good reputation here. Today, however, it has been emphasised once again that he should be granted fair access to documents concerning the case, that this chapter should finally be closed, but in a fair manner.

Today you have dealt with four aspects of your work. For us it is very important that the tobacco directive should come into force. You have made other pledges, and – although I am in no way anticipating the assessment – you will be judged on the way that you honour those pledges. You will be the Commissioner for 500 million EU citizens. The most important thing that these people have is their health. For that reason, this is a very sensitive area. You will have a huge amount of responsibility, and I should like to express my heartfelt gratitude at the fact that we have conducted a fair hearing today, at the fact that politeness prevailed, on the day of politeness. Mr Pargneaux made this very point this morning.

In conclusion, I should like to thank the 15 Parliament departments, which, despite the time constraints, worked together to arrange this hearing in a manner which reflects its importance. I should like to inform the coordinators from the Committee on the Environment that we will meet in this room, 2Q2, at 19.00 to draw up the assessment. Take this opportunity to relax, and I wish everyone whose work is now complete a pleasant evening.

(Applause)

(The hearing closed at 18.10)