

**ANSWERS TO THE EUROPEAN PARLIAMENT  
QUESTIONNAIRE TO THE COMMISSIONER-DESIGNATE**

**Cecilia MALMSTRÖM**

**Trade**

**1. General competence, European commitment and personal independence**

**What aspects of your personal qualifications and experience are particularly relevant for becoming Commissioner and promoting the European general interest, particularly in the area you would be responsible for? What motivates you? How will you contribute to putting forward the strategic agenda of the Commission?**

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

I have devoted the past 25 years of my life working on European affairs. Before serving as European Commissioner for Home Affairs, I spent seven years as a Member of the European Parliament and three and a half years as Minister for European Affairs of Sweden.

To a large extent, my motivation in all of my work stems from experiences in my youth. I grew up in France and had the possibility as a child to make friends from all corners of Europe. I realised early on that many of my friends at school had a past different from my own, with their grandfathers and other family members buried beneath one of those white crosses in the graveyards I visited with my parents in Normandy or Alsace. I think those years raised my awareness to the fact that not all of European modern history was as peaceful as that of Sweden. I also spent some time in Barcelona and Catalonia in the late 1980's, which made me realise the horrors of the Franco regime and the importance of the integration of Spain into the European Community. All of this has contributed to my strong commitment to European integration.

I started my professional life as an academic doing research in the field of European politics and teaching the same subject on the European Studies Programme at the University of Göteborg. I wrote my Ph.D. thesis in political science on European politics. I was also one of the public figures campaigning for a yes in the Swedish referendum on EU membership in 1994.

As a Member of the European Parliament from 1999 to 2006, I focused on foreign affairs, human rights, EU enlargement and constitutional issues. I also served for two years in the IMCO committee. As Minister for European Affairs of Sweden, I was primarily charged with the preparation and coordination of the Swedish EU Presidency of 2009, but other horizontal issues also formed part of my portfolio. I made it a priority to engage in a dialogue with citizens, civil society and local councillors, aiming to stimulate debate on European issues.

As Commissioner for Home Affairs, my past five years have been dedicated to keeping Europe open and secure. This has included, among other things, putting in place a Common European Asylum System based on solidarity and respect for fundamental rights. In the field of security, I have intensified our fight against organised crime such as trafficking in human beings, cybercrime, fight against corruption and trying to bring Europe closer together in our work to prevent terrorism.

I am of the firm belief that only a strong Europe can respond to the expectations of citizens in tackling common challenges and in building a strong common future. If I am confirmed, it will be a privilege to deliver results in

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the field of Trade, in cooperation with my Commission colleagues, the European Parliament, the European External Action Service (EEAS) and Member States.

Serving as European Commissioner, and as a government Minister and Member of the European Parliament before then, my financial and organisational arrangements have been thoroughly scrutinised. I am well aware of the demands put on a Commissioner and have completed the Declaration of Interests. I am also aware, in total agreement, and determined to comply fully with the obligations on ethical standards, independence and integrity foreseen by the Treaty. I will do all I can to avoid any position or situation which could put my integrity and independence as a Commissioner into question. I will fully respect the obligations included in the Code of Conduct for Commissioners during my mandate.

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

**How would you assess your role as a Member of the College of Commissioners? In what respect would you consider yourself responsible and accountable to the Parliament for your actions and for those of your departments?**

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

If confirmed my role as Commissioner in charge of Trade will be to take the full responsibility for my activities, proposals and initiatives, without prejudice to the principle of collegiality. While concentrating on my own portfolio, I also see a need to follow closely the work of the rest of the College.

I welcome the ambition of President-elect Jean-Claude Juncker in tearing down barriers between different policy areas of the Commission. In my role as Commissioner for Home Affairs, I have undertaken projects to strengthen cooperation between different Commission services. Initiatives such as the Internal Security Strategy and the EU Cyber Security Strategy, have brought together several DGs of the Commission and the EEAS. I look forward to pursuing this approach further in my new role, in close cooperation with High Representative/Vice-President Mogherini (HR/VP) and Vice-President-designate Katainen. Trade is a portfolio where we must cooperate between policy areas to achieve the best results.

I am committed, pending confirmation, to regular, fruitful and constructive cooperation with the Committee on International Trade (INTA) specifically, but also with the European Parliament in general. I am well aware that this requires my presence both in committee and in plenary. Having served almost five years as Commissioner and seven years as an MEP, I have a broad network and good knowledge about the work of the European Parliament. I believe that I also have a deeply rooted understanding of its specific needs. As a Commissioner and a leader, I will seek to ensure transparent cooperation between my cabinet and the Directorate-General, as well as with other colleagues and their respective DGs and staff.

The need for democratic scrutiny of trade policy is strong. The European Parliament and the Council must be ensured access to all relevant information, while ensuring that the Commission, the Parliament and Member States can play their respective roles in this field. The Framework Agreement provides a good basis for transparency and information between the Commission and the Parliament. I am willing to discuss with INTA how we can further improve transparency and access, see also my answer to question number 3.

In a broader sense, this year's European elections again demonstrated the urgent need to involve citizens and civil-society in European policy-making. Transparency is a key aspect of gaining trust and legitimacy. As Commissioner for migration and security issues, regular and far-reaching contacts with civil society have been an indispensable component in my work. As an MEP and as a Minister, I engaged in a dialogue with the public, in particular with students, non-governmental organisations and representatives from trade unions as well as business. This is a manner of working which I intend to continue pursuing, especially seeing how trade is an area where the Commission must ensure that the concerns of interest groups from both social partners and civil society are being addressed.

This is of course particularly the case of the ongoing negotiations with the United States. As the President-elect Juncker has committed himself to in his Political Guidelines – and I quote –, "the Commission will negotiate a reasonable and balanced trade agreement with the United States of America, in a spirit of mutual and reciprocal

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benefits and transparency." He stressed that "Europe's safety, health, social and data protection standards or our cultural diversity [will not be sacrificed] on the altar of free trade". And he made clear that he will "not accept that the jurisdiction of courts in the EU Member States is limited by special regimes for investor disputes. The rule of law and the principle of equality before the law must also be applied in this context." I fully support this approach of the President-elect and will work in this sense in the negotiations, which are ongoing and where this issue is on the table. It will have to be addressed.

While on the Foreign Affairs Committee of the European Parliament, I was one of the key figures behind regulation 1049/2001 on Public Access to Documents. In my role as Commissioner, I have undertaken to make large parts of my correspondence public on the Commission website. In his mission letter President-elect Juncker wrote "I expect all of us to make public, on our respective webpages, all the contacts and meetings we hold with professional organisations and self-employed individuals on any matter relating to EU policy making and implementation." This is something I intend to continue doing in my new role. Transparency, administrative reform and good governance are all values and issues I have been defending all my political life and I am convinced that transparency leads to higher efficiency and increased accountability.

Concerning the follow-up to European Parliament's positions and requests, I will apply the provisions of the Framework Agreement and, in my areas of responsibility, make sure that the Commission responds to parliamentary resolutions or requests made on the basis of Article 225 TFEU, within 3 months after their adoption. In this context, I support and fully endorse the commitment made by President-elect Juncker that the future Commission will be particularly attentive to legislative initiative reports.

By pushing a debate on issues that concern citizens, by showing what decision-makers do in Brussels and by demonstrating how issues on the EU agenda directly benefit citizens, we can move Europe further into the domestic debate in Member States. This is especially important in the area of trade, an area in which concerns, often based on misunderstanding of policy objectives, have been raised and need to be addressed.

Such an approach is, in my opinion, the only way to increase the legitimacy of the Union. If confirmed as a commissioner I will work to further improve the "user-friendliness" of EU proposals and decisions. I will also continue to pursue a dialogue with the general public and civil society across Europe.

#### Questions from the Committee on International Trade

### 3. Inter-institutional aspects including access to negotiation documents

#### a) Access to information

How does the Commissioner-designate formally commit himself/herself to keeping the Committee on International Trade of the European Parliament (INTA) fully informed at all times, and especially upon request by INTA, on the general aspects of EU trade policy such as the state of play of each trade and investment negotiation to which the EU is party including WTO activities, WTO ministerial Conferences and anti-dumping and anti-subsidy cases?

Does the Commissioner-designate formally commit himself/herself to allowing access to all limited and restricted negotiation documents that the Council receives to all Members of the INTA Committee particularly in the light of the Court of Justice's ruling of 3 July 2014 (Case C-350/12)?

In all my political life – as a MEP, minister and commissioner, I have always been a strong believer in the importance of transparency. I also firmly believe in the need for democratic scrutiny of trade policy. This applies to all aspects of the EU's trade policy, including our ambitious multilateral and bilateral negotiating agenda. I believe that the practices established by my predecessor, as well as by DG Trade, have helped to keep the Parliament informed of the state of play of trade policy. They have allowed both the Commission and the Parliament to play their respective roles in the area of trade and led to better policy outcomes.

If I am confirmed I will continue, and build on, those practices, where necessary over the coming years.

I intend to keep you informed by participating actively and regularly in your work, be it in your work within the International Trade Committee or in the Plenary. I am ready to come to INTA on a regular basis to update you on developments in trade policy. The same applies to my senior officials who will continue to appear regularly,

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and whenever necessary, in INTA or in informal settings, such as informal technical meetings, dedicated briefings or in Monitoring Groups.

With regard to INTA's Monitoring Groups, I believe that the practice established for the TTIP negotiations, to brief the TTIP Monitoring Group before and after each negotiating round could be extended to a wider set of trade negotiations.

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With regard to WTO Ministerial Conferences, I am in favour of continuing the successful practice of including where possible Members of Parliament in the EU Delegation to Ministerial meetings of the World Trade Organisation.

With regard to sharing written information with the Parliament, the Commission will continue to share all relevant trade policy documents, including those related to negotiations that are shared with the Council's Trade Policy Committee. However, the precise modalities for ensuring the confidentiality of such information, where it is sensitive and/or classified, will need to be worked out. Provided that we can share such restricted information in an appropriate manner and that this is backed up by appropriate steps in the event of unwarranted disclosure of the documents themselves or their content, I would like to ensure that all INTA members can consult such documents. The precise modalities will have to be further discussed, also taking into account the Framework Agreement on relations between the European Parliament and the Commission.

In the area of Trade Defence, where the Commission has a specific executive role, I am ready to keep the Parliament fully informed on developments in this policy domain. Nevertheless, sharing information on details of specific investigations must take account of our different roles and the fact that strict rules exist at an international and EU level regarding the conduct of Trade Defence Instruments (TDI) investigations and the application of TDI measures, especially as regards the confidentiality of information and the protection of the rights of the parties involved.

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#### b) Provisional application

**Does the Commissioner-designate formally commit himself/herself to not requesting provisional application of trade agreements including trade chapters of association agreements before the European Parliament gives its consent on those agreements?**

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During the last five years a practice has developed not to provisionally apply politically important trade agreements before the European Parliament has had the opportunity to give its consent. This was the case for the Free Trade Agreement with Korea, the multiparty trade agreement with Colombia and Peru and EU-Central America Association Agreement.

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Even if the power to decide on provisional application lies with the Council rather than with the Commission, I agree that this practice should continue. I am ready, when proposing decisions to sign politically important trade agreements which fall under my responsibility, to ask Council to delay provisional application until the European Parliament has given its consent. However, we need certain flexibility in applying such a practice as there will always be occasions where the urgency of a particular file, or its technical character, mean that it is unwarranted to delay its application pending the EP's consent. This was the case for the provisional application of the Association Agreements with Georgia and Moldova, on the one hand, and of very technical measures such as the adaptation of our international agreements as a result of Croatia's accession to the EU.

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In any event, in such cases I undertake to inform the Chair of the INTA Committee and to seek his views on such course of action.

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#### c) Provisional draft mandate

**How does the Commissioner-designate intend to fully involve the European Parliament in the preparatory work preceding the adoption of the provisional draft mandate for trade and investment negotiations with third countries?**

In the Framework Agreement between the European Commission and the European Parliament, the Commission has committed itself to keep the Parliament immediately and fully informed at all stages of the negotiation and conclusion of international agreements, including of the Commission's intention to start negotiations, and

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including the definition of negotiating directives. I am ready to renew that commitment and will ensure that you are informed in good time whenever the Commission is envisaging new negotiations.

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In any event, given the intensive exchanges that I expect to have with you, you are unlikely to be caught by surprise as you will be informed from the very early stages of the preparatory process leading to new negotiations, such as scoping exercises and impact assessments. The documents relating to such processes will be shared with both the Parliament and the Council in the usual way. This should allow the Parliament to give its views in a timely manner ahead of the start of negotiations so that both the Commission and Council can give such views due consideration.

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Of course, the Commission will also continue to share with the Parliament any recommendation it will submit to Council to authorise it to open negotiations, as well as the draft negotiating directives attached to it. This will allow the INTA Committee the opportunity to comment, either in writing, or through an in camera session with the Commission. I will also urge the Council to share with the Parliament any negotiating directives it adopts at the same time as authorising the opening of trade and/or investment negotiations.

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#### 4. Policy coherence

**From your perspective and given your responsibilities what do you intend to do to ensure coherence of trade policy with other external policies including the aspects of conditionality and enforcement? In this context what is your proposed strategy to revive multilateralism in international trade?**

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In the Mission Letter that he sent to me, President-elect Juncker insists on the Commission working together as a team, cooperating across portfolios to produce integrated policies that lead to clear results. This has to be read in conjunction with the Treaties, which require the Union's external action to be guided by the principles that inspired its own creation.

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I am well aware and personally share the values and principles set out in the Treaties.

Some of them speak directly to the form and content of our trade policy, such as, for instance: "promote an international system based on stronger multilateral cooperation"; "encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade". But also the other objectives and principles remain very relevant: European values, democracy and human rights, peace and stability, environmental protection, assistance of disaster-stricken populations should all be reflected in our trade policy. In my current work as Commissioner for Home Affairs, I have also seen that trade is an important tool when it comes to improving living conditions and prevent irregular migration due to poverty.

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Our existing policies and agreements already reflect these linkages and conditionalities.

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Under the EU scheme for a Generalised System of Preference (GSP), for example, preferences can be withdrawn in cases of serious and systematic violations of core human rights and labour rights. Under the GSP+ scheme, additional preferences are available as a positive incentive for countries that take commitments and implement certain core international conventions on human and labour rights, environmental protection and good governance.

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In our bilateral agreements, we now always include a particular attention to sustainable development, both in the negotiating phase, by having a Sustainability Impact Assessment, and in the actual content, with strong chapters on trade and sustainable development where we ensure that our partners take binding and enforceable commitments on their respect of environmental protection and labour standards. I intend to continue this practice, to monitor carefully the implementation of these chapters by our trading partners, and to discuss these issues in my regular meetings with the European Parliament.

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The current Commission clearly demonstrated that it can adopt a well-coordinated response furthering these core objectives of the Union's external action in the field of trade policy, as shown for example by the coordinated approach towards the South Mediterranean Countries, the Global Sustainability Compact for Bangladesh, or the Commission proposal for a Regulation on Conflict Minerals.

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In line with President-elect Juncker's guiding principles, I intend to work closely with HR/VP Mogherini and other colleagues in the College to maximise the positive contribution of our trade policy in support of our overall priorities and avoid any potential conflicts.

The multilateral dimension remains the bedrock of our trade, economic and political relations. I intend to make it one of my priorities, as set out in the next answer.

### 5. Priorities and legislative initiatives

**What are the main priorities and concrete policy steps – including legislative initiatives - the Commissioner-designate will undertake in order to ensure that trade delivers growth and jobs in accordance with EU 2020 agenda, and how does Commissioner-designate intend to involve European Parliament at an early stage in the process of elaborating these priorities and policy steps?**

Bearing in mind the need for policy coherence and our capacity to deliver integrated policies across the board, in the present difficult economic context the priority of our trade policy will be to fully exploit the potential of external sources of growth for our jobs and growth agenda, in order to deliver sustainable jobs and growth for European citizens, SMEs and businesses. But I will also ensure that this does not go at the expense of our trade policy contributing to development world-wide and in particular for the Least Developed Countries (LDC).

One priority will be the relaunch and strengthening of the multilateral dimension – because the EU has a fundamental commitment to multilateral cooperation, and because of the benefits it brings to the developing world. After signs of hope in Bali we are again confronted with a difficult situation, as certain WTO Members are coming back on their Bali commitments. If confirmed I will keep working constructively for a multilateral trade deal that successfully concludes the Doha Development Agenda (DDA) and allows us to work together on new issues and challenges. At the same time, we should not read the difficulties of the DDA as a sign that the entire WTO system is broken. The work of regular committees, Trade Policy Review and dispute settlement remain an important part of international economic governance, and go much further in their effectiveness than any other multilateral institution. Of course the EU's constructive approach alone will not be enough to ensure a strong and well-functioning multilateral system – other countries would have to play their part as well.

Another priority will obviously be taking to conclusion our ongoing negotiations. The negotiations with the U.S. and Japan in particular, because of the volume of trade already existing, have the potential to unlock significant growth for the EU economy. In this and other agreements I will ensure that Europe's high level of protection for safety, health, social and data protection, and our commitment to cultural diversity are sustained.

The U.S. and Japan agreements, while important, are not the whole story. One key challenge that we have to face is how to anchor our economic relations with large emerging economies. It is clear that these countries' economic growth could translate into European growth via trade policy. The question is, one by one, how to structure our relations through a combination of bilateral, plurilateral and multilateral relations.

I don't see our work on bilateral and plurilateral agreements as opposed to the multilateral system, but rather as intermediary steps that can help us go back to Geneva incrementally. Especially in the area of new rules developed in these agreements in areas that are not currently covered by the WTO, it is clear to me that they could become our contributions to a global discussion on future multilateral economic governance.

Negotiating an agreement is one thing. But we must also ensure that they deliver – i.e. that our businesses can fully benefit from the opportunities they create. We now have a number of Free Trade Agreements (FTA) in force, or provisionally applied or about to become applicable. Therefore, I intend to focus intensively on the implementation of our trade agreements. The Market Access Strategy already lays down the basis for good cooperation between economic operators, the Commission, EU Delegations, Member States and their Embassies in joining forces together to open markets and ensuring a level playing field. I will give to this work the political attention that its economic importance requires.

I also intend to work with Vice President-designate Katainen to use trade policy as part of a strong foreign direct investment policy. Europe is already the first source and recipient of foreign direct investment in the world, and we should continue to be a prime destination for investment thanks to our open, well regulated and innovative economy.

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I will also work closely with HR/VP Mogherini, Commissioner-designate Mimica and Commissioner-designate Avramopoulos to strengthen our strategic partnership with Africa.

In terms of legislative initiative, we have seen a busy agenda in the last few years, as we had to adapt our trade policy tools to the new realities of the Lisbon Treaty. My priority will be to support the finalisation of still pending legislative measures. As regards new initiatives, the Commission intends to propose, in the second half of 2015, proposals to revise the Regulation on export controls on dual use goods. Further initiatives may also be considered in the coming months, in light of the Commission's overall priorities.

At all steps of the development and implementation of trade policy I intent to keep the EP fully informed and to have a regular and open dialogue with you in this Committee.

I will take stock of our overall policy priorities in light of previous policy communications and will listen to you in formulating new directions.

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