HOUSE OF LORDS

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Inquiry on

ENHANCED SCRUTINY: SAFE HARBOUR

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Witness: Paul Nemitz

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Members present

Lord Hannay of Chiswick (Chairman)
Baroness Benjamin
Lord Blencathra
Lord Faulkner of Worcester
Lord Judd
Lord Morris of Handsworth
Baroness Prashar
Lord Sharkey
Earl of Stair
Lord Tomlinson

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Examination of Witness

Paul Nemitz, Director, Fundamental Rights and Citizenship, DG Justice

Q12 Good morning, Mr Nemitz. Are you receiving the video all right?

Paul Nemitz: Yes, I am receiving you. Are you receiving me?

The Chairman: Yes, indeed. Thank you very much for coming along this morning to help us. I will begin by explaining, as I did to your Director-General when I met her a couple of weeks ago in Athens, that we are not producing a full report on Safe Harbour but are conducting a process here in our national scrutiny that we call enhanced scrutiny—that is to say, we deal in greater depth with the issue concerned, but not to the extent of producing a full report in the form with which I am sure you are familiar. At the end of the process, which will be at the end of April, we will then address a letter to our Government, which of course will be made available to the Commission, too, about how we think they should approach the communication which the Commission made on Safe Harbour some months ago. So it is very useful for us to have your testimony on this issue.

It is, as you know, on the record. It will be recorded and published. You will be asked to comment on it, and if you have any amendments, please let us have them. Other than that, we welcome any written communications from the Commission. Of course, we already have

a great deal of material from the Commission that is very valuable. The Committee has also become aware of and has seen the outcome of the EU-US summit last week, which had a number of paragraphs that dealt with this issue. So you can assume that we are reasonably familiar with that, although it may be that your answers to questions will help us understand where things are in that process. That is all I want to say by way of introduction. If you wanted to make an opening statement, that would be fine, but if you are prepared to go straight into questions, that would be equally satisfactory. Perhaps you could very briefly introduce yourself and say whether you want to make an opening statement or whether we should proceed to questions.

Paul Nemitz: Thank you, Chairman, for this opportunity to talk about Safe Harbour and EU data protection generally. Let me just say by way of introduction that the age of big data needs big trust. We are doing our part in Europe, with your help, to reform data protection. We are working on a regulation. As you know, the European Parliament has already adopted the text; now it is up to member states and the Council to agree it. We believe that they should be able to agree it because the European Parliament agreed by a very large majority on a good text. Safe Harbour is part of this work towards more trust. Our part is the regulation. Safe Harbour is really now in the United States' ballpark. The Commission put its requirements on the table in the communication of 27 November of last year and we are, indeed, now working with the US to come to a good, upgraded Safe Harbour that brings back the trust we need for big data in the digital economy.

I am Paul Nemitz, Director for Fundamental Rights and Citizenship in the European Commission. In that function, I also talk to the United States Department of Commerce and colleagues at the Office of the Director of National Intelligence on the future of Safe Harbour.

Q13 The Chairman: Thank you very much. I think you have begun to answer the first question, but perhaps I could ask you to go slightly further. The question is on how the negotiations with the US are progressing. In what sort of timescale do you envisage them being brought to a conclusion, and to what extent is that process—the points that Vice-President Reding put on behalf of the EU to the United States last November and its response to them—part of the whole legislative process of the European Union as it processes the Commission's proposals on data protection?

Paul Nemitz: First, on your question of how the talks with the US are going, we are, of course, talking about 13 concrete requests that the European Commission has put on the table in the name of the European Union. They concern transparency, the possibility of effective redress for EU citizens when data are transmitted for processing in the United States, effective enforcement of Safe Harbour principles and—this is probably the elephant in the room—limitation of access to the data transmitted. They also concern the way of transmission—I am talking about transatlantic cables—and the limitations on access by public authorities. The exemption for national security cannot be a routine rule for access. These are the subjects we are talking about. We are talking about them in a regular rhythm and we have made good progress on a number of points relating to Safe Harbour principles in requests 1 to 11. We have also had our first exchange—I would say it was a good exchange—on the need to limit access by the NSA.

It is clear to us—one can see this from the speech of President Obama on 17 January and the new policy instructions to the intelligence community in the United States—that the message that trust must be brought back and that there should not be routine byte access and byte surveillance on the internet has been understood. We hope very much that the principle of necessity and proportionality of access by national security services to the data of individuals can be concretised in Safe Harbour or alongside it in a way that satisfies

citizens in Europe and Members of Parliament such as you—and the Members of the European Parliament.

I recall that your honourable colleague Claude Moraes, who is a Member of the European Parliament from the Labour Party, presented a report that contains key demands from the European Parliament on the European Commission, on member states and on the United States in relation to Safe Harbour. I am referring to the text adopted in the European Parliament on 12 March 2014. It is entitled, *US NSA Surveillance Programme, Surveillance Bodies in Various Member States and Their Impact on Citizens' Fundamental Rights*. In this report, in finding 36 onwards, one sees the demands of the European Parliament, to which we as the European Commission also try to respond. As you will know, the European Parliament in this resolution asked us to suspend Safe Harbour because it came to the conclusion that at present the rights of European citizens were not sufficiently protected. The European Commission, in its communication of 27 November last year, which was based on our EU-US working group on data protection, which I co-chaired, has not gone in this direction. We have said that we should be given the chance to upgrade the protections of Safe Harbour. There is a deadline, which is accepted by the United States, of summer 2014. We are awaiting new commitments from the United States, and then, on the basis of the new commitments, we will see whether they are sufficient to comply with our law and, on the broader issue, to bring back the big trust that we need for big data in the digital economy.

The Chairman: Thank you. Yes, indeed, I am well aware of Claude Moraes's report. It was discussed at the meeting in Brussels about 10 days ago between the LIBE Committee and the home affairs committees of national parliaments. On that occasion, I pointed out to Claude Moraes that the European Parliament's position suffered from a defect, which is that the European Parliament has no powers in the field of national security and was therefore not well placed to balance, as crucially as one has to in this area, the requirements of national

security, the requirements of the 28 member states and the requirements of data protection, and that therefore I was not totally convinced by his report. But we can leave that to one side. You have half-answered the next question, but I will ask Baroness Prashar to ask it so that we get a very clear picture of your attitude on suspension of the present agreement.

Q14 Baroness Prashar: Thank you, Lord Chairman. Mr Nemitz, as the Chairman indicated, the question is: do you think that the agreement should be suspended, as has been recommended by the LIBE Committee?

Paul Nemitz: The European Commission has said that suspension is an option in the future, but that at this stage we want to work with the United States to upgrade the arrangement to a standard that complies with our law. We are bound by law to ensure that the protections under this agreement comply with Directive 95/46/EC and, independent of what the Commission is doing on this, national data protection authorities have the right and are obliged to enforce data-protection rules in the European Union also as regards transfers to third countries. So we are running the risk that the independent data protection authorities in Europe will start suspending transfers to the United States if they come to the conclusion that the arrangement does not work properly and that the deficiencies are not being addressed sufficiently by the United States. So what we are doing here is working also to ensure legal certainty, which is part of the trust that we have to bring back in the digital economy.

The Chairman: Have there been any signs that any of the national data protection agencies are likely to act independently?

Paul Nemitz: We have had a number of complaints in Europe to data protection authorities. As far as I know, two data protection authorities have rejected complaints relating to transfers to the United States. The complaint to the data protection authority in

Ireland related to transfers by Facebook and was brought by Max Schrems from Vienna. The same Max Schrems also brought a complaint to the Luxembourg authority relating to Microsoft and Skype transfers. This authority has also rejected this complaint. Both these rejections are now subject to judicial review.

As far as I know, in Germany we have a number of complaints pending, and the German data protection authorities have issued a statement saying that for the time being no new approvals for transfers will be granted. As far as I know, there are some investigations going on in Germany into these complaints, but as these authorities are independent, they are not obliged to tell us about their investigation activities, so our information is patchy. Also as far as I know, there are two further investigations going on in Europe. Under EU law, these suspensions are possible. Eventually if the judicial review moves on, this issue may come before the European Court of Justice by way of a preliminary question from a national judge on how to interpret Directive 95/46/EC and the Commission's decision on Safe Harbour, which is directly applicable EU law.

Baroness Prashar: But do you think there is a need for temporary safeguards in the interim?

Paul Nemitz: I think we have to move fast to implement upgrades in protection, because the right to data protection is a matter of the highest law in the European Union. It is a right that is protected under the fundamental rights charter and the European Convention on Human Rights. As one can see from the public debates in the UK and other member states and in the report from the European Parliament, it is a right in which very many citizens take very great interest. I think there is agreement between my partners in the United States and me when we talk that this matter has to be addressed speedily.

Q15 Lord Faulkner of Worcester: Good morning Mr Nemitz. It has been put to us by a panel of privacy experts that the redress rights of EU citizens need to be strengthened

considerably and go much further than the Commission communications propose. One of the ways in which this might be done is by facilitating a class action. Do you agree with that?

Paul Nemitz: Whether we can introduce class actions by way of Safe Harbour in the United States, I do not know. This would be a matter of US law. It is true that in the United States many issues that are addressed in Europe by public enforcement are addressed in the United States by the instrument of class actions due to the absence of public enforcement. I do not even know whether this is necessary or whether class actions are already possible in the United States, but if the United States came to the European Union and said, "In the context of Safe Harbour we commit to class actions being made possible", I think we would see that as a positive, but at this time there is no such demand in the catalogue of demands for 13 improvements in Safe Harbour which the Commission put on the table on 27 November. Nor is it included in Claude Moraes's report from the European Parliament, as far as I can see.

The process of improvement is open to ideas. We have encouraged our American partners to think creatively and see what they can offer to recreate trust. It is true that very few people have sought redress so far under the existing Safe Harbour agreement, and I think it would be a mistake to interpret this as a sign that everything is fine. It is more likely that it is very hard for Europeans to seek redress before US dispute settlement bodies. Beyond that, there is EU law. National data protection is a complex matter and people often do not know what is happening to their data.

In short, we are working on improving and facilitating the redress mechanisms. The US is ready to move on this issue. I have had positive signals, and I can only repeat that if the US offers to introduce elements of class action, we would certainly not see that as a negative.

Lord Faulkner of Worcester: That is not very realistic, is it? American corporations seem to spend a huge amount of time and money resisting exactly that sort of initiative, so is it not overoptimistic to imagine that that might happen?

Paul Nemitz: As I said, we do not have an offer yet, and we are not asking for this yet. Your assessment may be right, but at this stage I really do not want to limit the work and the thinking on the other side of the Atlantic. What is necessary here is that we in Europe and the United States work together to recreate trust in what happens to individuals' data when they use the internet and software and participate in our digital world.

By the way, any contribution outside Safe Harbour, such as an autonomous change of law in the United States relating to what the NSA does or does not do, is helpful, because in the end when it comes to the overall assessment under EU law that we have to carry out, we will look at the commitments which the United States has given us in the context of Safe Harbour in the overall context of US law. So my message is also that if the United States autonomously moves on in reforming NSA activity and introducing proportionality and necessity limitations on byte collection from EU citizens, this will also facilitate a positive assessment of Safe Harbour in the future. It does not need to be written into Safe Harbour documents.

Lord Faulkner of Worcester: Can I ask you, as the second half of the same question, whether you think that the EU Safe Harbour panel, the European data protection authority and the national data protection authorities, such as the Information Commissioner's office in the United Kingdom, should have a bigger role to play in this?

Paul Nemitz: There is certainly scope for action by the national data protection authorities. Every national data protection authority, including the Information Commissioner in the United Kingdom, is free to undertake own-initiative inspections of whether transfers to the United States comply with EU law and Safe Harbour and to decide whether they are

necessary and appropriate. I believe that this is valid EU law, which has to be properly enforced, so the answer to your question is yes, there is scope for activity, not only in terms of agreeing on resolutions, press statements and speeches but, if one wants to take this seriously, in terms of reinforcement work.

The Chairman: Presumably, if I can go back to your answer to Lord Faulkner's first question, if the United States' autonomous process of regulating the National Security Agency were to distinguish or discriminate between the protection it offered US citizens and the protection it offered EU citizens, the Commission would not think that that was very desirable.

Paul Nemitz: The reality of US law right now is that there is huge discrimination between the limitations on the NSA in relation to activities domestically and US citizens outside the United States on the one hand and EU citizens on the other. One finds this different treatment by national security services of their own citizens and other citizens in many legal orders. The question is the degree to which that is happening. What we cannot accept in Europe as the normality is byte collection and mass surveillance without any specific suspicion about European citizens' data.

We have to introduce elements of proportionality and necessity into the national security clause. This is the biggest issue. We have to get away from the blanket mass surveillance of everything that goes through the transatlantic cable and limit national security interventions to what can be justified under EU law. Let me say that very clearly. That is why I respectfully disagree with what you said about what the European Parliament can or cannot do. Under the jurisprudence of the European Court of Justice, the national security clause under the treaty, if a member state invokes it, obliges the member state to justify and to demonstrate that the purpose for which national security is invoked is followed by measures that are necessary and proportionate for this purpose. It is not enough just to say, "I consider this to

be national security. You stay out". No, the matter needs to be justified before a judge. In this debate about what is necessary and proportionate under EU law, everybody can participate, including the European Parliament. I believe that one of the great debates before us is how far European fundamental rights—the European Charter of Fundamental Rights, the European Convention on Human Rights and EU law—at this stage of integration between member states, put a limit on the unlimited blanket surveillance of citizens, including citizens of other member states.

The Chairman: I do not want to pursue further the discussion that I had with Claude Moraes, except to say that the point I was making was that the report that he wrote on the European Parliament's debate on it was based on a consideration that did not have the capacity to include the responsibility for national security, which rests with the 28 member states, and that that was perhaps not a fully adequate basis on which to carry this forward. But we can leave that point.

Q16 Baroness Benjamin: Trust was something that we all took for granted, but it has, as we know, been hugely abused and, as you have said repeatedly, it needs to be rebuilt. The communications said, "As a matter of urgency, the Commission will engage with the US authorities to discuss the shortcomings identified. Remedies should be identified by summer 2014 and implemented as soon as possible". Also, "the Commission will undertake a complete stock taking of the functioning of the Safe Harbour". However, the EU data protection supervisor has questioned the logic of agreeing remedies prior to a complete stocktake, so what form do you think the broader stocktake referred to in the "rebuilding trust" communications take to satisfy everyone?

Paul Nemitz: Thank you very much for this question. This is indeed an issue that the College of Commissioners and the Commission will still have to look into because, under this communication, there are indeed two ways forward. One option would be to take the

commitments that the United States will present in the summer and make a first assessment by the Commission. Then the Commission could implement the commitments in a new Safe Harbour decision and thereafter undertake a broader assessment with public consultation, and consultation with national Parliaments, the Council, the European Parliament and so on. Since this is not a bilateral agreement under international law but a unilateral decision of the European Union on whether to accept the commitments, if such a review came to the conclusion that what the United States has put on the table is still not enough, nothing would hinder us at a later stage from coming back and resuming the talks with the United States and yet again having a decision that would implement a higher standard.

The other way forward is to look at the commitments that the United States puts on the table in the summer. We very much hope, of course, that we can say in an initial review that these commitments look good to us. Then we can have a public consultation, and consultation with the data protection authorities, the Article 29 group, the European Parliament and of course member states, because they are part of the decision-making process in what is called the Article 31 committee.

The Commission's decision must be validated by a majority of member states. After this review process, we would implement the new Safe Harbour. Both options are before us, and I very hope that we will make a good choice when summer arrives. I hope that through this choice we will be able to agree with our American partners.

Baroness Benjamin: Do you think this will happen by the summer 2014?

Paul Nemitz: My impression right now is that the US Government are willing to work hard on this and come to substantial commitments. So for the time being, we have a joint timetable that leads us to the US presenting its commitments in July. The big elephant in the room, as we have discussed, is the national security clause. This will require substantial work and a real political willingness to recreate trust and will give a bit of a special deal to

Europeans, because, after all, what we are doing with Safe Harbour is also giving a special deal to the United States.

Q17 Earl of Stair: The European Data Protection Supervisor has called for greater clarity in the principles of Safe Harbour, better communication of them to citizens and industry and more inspections by the Federal Trade Commission. The principles were never designed for large-scale access to data by the United States intelligence authorities. What is the Commission's assessment of these recommendations?

Paul Nemitz: We largely welcome these recommendations, because they validate the recommendations of the European Commission—the 13 points put on the table on 27 November. Let me just go through these points, starting with the last, which is that Safe Harbour was not designed to allow large-scale byte surveillance of EU citizens. This is, indeed, what we have just discussed, and we fully agree. That is why the Commission is asking to limit the national security exemptions to what is really necessary and proportionate—and it is not necessary and proportionate to go through all the data that are transmitted by Europeans through the transatlantic cable.

On the question of better enforcement and inspections in the United States, we agree that we would not limit the request to the Federal Trade Commission. There is a division of labour of active enforcement and control between the Department of Commerce and the FTC and right now we are having constructive talks on how to intensify in particular the ex officio validation of compliance in the United States. I am quite confident on this point that we will make good progress.

I also note in passing that the fines held out by the Federal Trade Commission for non-compliance with privacy rules, including Safe Harbour, are far beyond what any European data protection authority so far has ever adjudicated. You will know that the settlements of the Federal Trade Commission with companies such as Google and Facebook, which

concerned non-compliance with the Safe Harbour, goes into double-digit million figures. So we can learn from the enforcement rigour of the United States Federal Trade Commission, which is in the fortunate position of being able to transfer the enforcement culture of competition law, for which it is also responsible, to the enforcement culture of privacy enforcement—and surely Europe can learn from this transfer of knowledge, as we have seen in a recent paper from Mr Hustinx. So yes, we have to have more ex officio activity in the United States and to come to the information point; and yes, citizens and companies must be better informed—on this, the Department of Commerce has some good ideas and is willing to help us—and the data protection authorities in Europe should better inform citizens in each member state via their own website on Safe Harbour and the related redress possibilities.

Q18 Lord Morris of Handsworth: Good morning, Mr Nemitz. In your view, does the recent announcement by the US President, requiring Congress to legislate before any measures can take effect, go far enough to ensure that requests for data provided under the scheme of national security reasons meet the test of necessity, and how will the Commission ensure that future application of the national security exemption will be proportionate?

Paul Nemitz: We must ensure together that the US reforms on surveillance effectively and meaningfully also benefit Europe and Europeans. To re-establish the big trust that we need for big data, it is not enough that the United States reforms domestic surveillance activities. This is plain to everybody who knows how much money American companies make on the EU market in relation to digital activities.

The trust must also come back to Europe, and it is the United States that has this possibility in hand. President Obama's announcements give us some hope. We hope that it has been understood that reforms must also benefit Europeans. The President has recognised that the current data collection programmes of the NSA go too far. He also clearly said that certain

protections that are currently available only to Americans should be extended to non-Americans. This is a step in the right direction, in particular as regards the specific attention given to the protection of the privacy of Europeans.

These words now need to be translated into concrete limitations and restrictions on the massive collection of the data of Europeans by the NSA. Safe Harbour offers an opportunity to concretise the President's announcements. After all, Safe Harbour is a special deal, ensuring that data flows between certified companies in the EU and US are treated in the same way as flows between EU member states and EU companies.

This special deal, we believe, also deserves a special effort on the part of the United States to work with us on circumscribing and limiting further, and on making clear what the necessity and proportionality of national security activity means in this context. It is clear that massive collection of data by intelligence services on anybody, without suspicion, goes beyond what is proportionate and necessary.

There must be a meaningful limitation on byte collection, covering not only the use of data by the US security agencies but collection and initial acquisition, on the basis of a limited catalogue of purposes. Effective minimisation and targeting procedures should be in place, as they are already in place for Americans. National security requests must be made only through Safe Harbour companies, and with their knowledge. These requests must be case-specific and strictly tailored to precise national security purposes.

We also need to come to some credible joint oversight and review mechanism of Safe Harbour, including the use of the national security clause. In other words, the US must provide Europe with convincing assurances that government access under these exemptions will remain an exception, and that exceptions will not swallow the rule. This is what we believe is necessary to bring back the trust that we all need for the digital economy to thrive, and which we all need to stay leaders worldwide in the protection of fundamental human

rights. These are values that we share with the United States. Therefore, we also have to treat each other with full respect.

Q19 Lord Sharkey: Mr Nemitz, each previous review of Safe Harbour recommended better assurance of compliance by companies that are self-certified. What new mechanisms might deliver better legal certainty on this kind of compliance? I note in passing your remarks about double-digit million settlements, to which you referred a moment ago. It is not clear that they would mean very much to companies with net revenues as large as Facebook's, for example.

Paul Nemitz: Thank you very much. First, on the fines and settlements, I think you are right: future fines for breaches of data protection have to be in line with the commercial value of the data and the turnover of the company concerned. This is a good and tested principle in EU competition law, as you know, for cartels and for illegal corporations and agreements between companies.

Under EU law, fines of up to 10% of the world turnover of a company can be imposed, and that is what we are doing. The European Commission, in the reform of data protection in Europe, has proposed that the maximum fine for non-compliance with data-protection rules should be 2% of world turnover. Of course, the fine always has to be proportionate: this is just the maximum limit. The European Parliament has now said 5%. I just want to say that the present practice of the FTC in terms of amounts already goes in a much better direction than the present practice in Europe—but it is right that we are catching up, and we will get better once the data protection reform in Europe is adopted.

On your question about Safe Harbour, the United States has, together with us, reviewed Safe Harbour twice: in 2002 and in 2004. We have seen, for example, increased activity by the FTC, which we welcome. We have also seen a stronger stance from the Department of Commerce in verifying certain elements of compliance with Safe Harbour. Our present

conception is that there will not be a change of system away from self-certification. However, this type of stepping up of ex officio checks and controls on companies to supply good papers, and not only to the Department of Commerce, about their self-certification—in the same way in which the tax authorities from time to time go on location and check that the papers comply with reality—will, we believe, provide higher certainty that the Safe Harbour principles will be complied with in future.

In the same direction, we have also asked for dispute settlement mechanisms to be free of charge. We believe that this is important because, as I said at the outset, with regard to the individual knowing what is happening to the data, it is a big issue for them to see only the problem. To then go to a dispute settlement in the United States also costs money. These are huge problems that have to be overcome. That is why it is important that the dispute settlement becomes free of charge. We believe that that is perfectly proportionate because, after all, the companies that use the data have the potential to make a lot of money with these data.

In parallel with this, a higher level of involvement from national data protection authorities and the joint panel on Safe Harbour will also be welcome. All in all, we believe that if our 13 demands are complied with, we will have higher legal certainty and a higher level of protection for our citizens in Europe.

Lord Sharkey: Just for the sake of clarity, can I confirm that that means that you envisage the level of FTC activity vis-à-vis compliance will remain at its absolute discretion?

Paul Nemitz: We are now talking about exactly that: we want to see, with the United States, how we can get certain commitments about ex officio activities. How to circumscribe this in the wording of the Safe Harbour is exactly the subject of discussion just now. However, I understand your point and have the same concern. We started out by asking for

a certain percentage of, for example, ex officio investigations. This seems to be a difficulty for the United States, but we will have to see; I think that this is being reflected upon.

I agree with you that there cannot be total discretion on whether or not to implement and control Safe Harbour compliance. The commitments to create the trust that we all want to create—and which the US Government wants to create for US companies that use Safe Harbour for transfers from Europe to the United States—are not without obligation.

Q20 The Chairman: Can I just finish this very useful evidence session by asking an additional question that puzzles me all the time. What is the relationship of the negotiations, the discussions, that you are conducting within the context of the safe harbour agreement to the negotiations that are going on between your colleagues on the transatlantic trade and investment issue, which are of course of huge interest to all our members states and parliaments, including the European Parliament? How do the two fit together, or are they completely separate?

Paul Nemitz: Chairman, thank you very much for this question. Of course, the European Union, as I am sure the British Government, Parliament and House of Lords do, looks at the relationships with the United States and other countries in an overall context. To answer your question very precisely, legally there is no relationship between these two; nor is there one in the mandates for the respective ongoing talks. However, politically, for example, the European Parliament and others make a connection, which is that if certain issues, particularly relating to the activity of the NSA, are not cleared up, we hear that ratification of TTIP will be difficult.

My view is therefore that I can help my colleagues from the Directorate-General for Trade who are negotiating TTIP. If we are successful in bringing forward Safe Harbour and the commitments are good, this will remove a liability from the TTIP negotiations. It is important that this is understood on the other side of the Atlantic. If you want TTIP, let us therefore

all work together to make Safe Harbour a success story, to really bring back the citizens' trust in the digital economy.

The Chairman: Thank you very much indeed. This has been a very useful session. We have covered a lot of ground. You have been very generous with your time. Thank you for that. We will of course send you the transcript. If you would like to comment on that, that is entirely up to you. Meanwhile, the enhanced scrutiny that we are conducting on this has been advanced very usefully by our session this morning. Thank you very much.

Paul Nemitz: Thank you very much, Chairman.