



EUROPEAN COMMISSION

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Dear President,

The European Commission would like to thank you for transmitting the Opinion of the Czech Chamber of Deputies on the EU Citizenship Report 2010 "Dismantling obstacles to EU citizens' rights" {COM(2010) 603}, whilst apologising for the extremely long delay in our response.

The European Commission welcomes the positive assessment and the constructive comments expressed in this Resolution regarding the EU Citizenship Report 2010 "Dismantling obstacles to EU citizens' rights". The report gives concrete expression to the Commission's commitment to removing the obstacles that prevent European Union citizens from fully enjoying the rights conferred to them by EU law. At the same time, this report is intended to open a debate on how to fully use the potential of EU citizenship with a view to delivering concrete benefits to Europeans' daily lives. The active contribution of national Parliaments in this debate is crucial.

As to the comments in this Opinion regarding the need to respect the subsidiarity principle, in particular in the case of envisaged legislative acts in the area of criminal proceedings, I would like to underline that the legislative proposals submitted by the European Commission respect the provisions of the Treaty on the Functioning of the European Union (hereafter "TFEU"). The European Council of 10-11 December 2010, by adopting the Stockholm Programme, has called on the Commission to submit several legislative proposals to implement the Roadmap for strengthening procedural rights of suspects and accused persons in criminal proceedings.

In conformity with Article 82(1) TFEU, the EU is establishing its own, unique system of judicial cooperation based on the principle of mutual recognition throughout the EU. Such a novel system calls for a guarantee of uniform standards of fundamental procedural rights protection in the EU.

*Mr Miroslava NĚMCOVÁ
President of the Chamber of Deputies
of the Czech Republic
Sněmovní 4
CZ – 118 26 PRAGUE 1*

Pursuant to Article 82(2)(b) TFEU, minimum rules concerning the rights of individuals in criminal proceedings may be adopted by means of directives, to the extent necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension. The necessity for legislative action at EU level is demonstrated by the problems currently encountered in Member States' courts in judicial cooperation litigation.

The problem has a cross-border dimension because, if certain Member States do not respect the rights, this creates problems for other Member States. For example, if a judicial authority is requested to execute a court ruling from another Member State where standards are not adequate, it may either refuse to do so, or may request additional information which would result in delayed execution and consequently delayed justice.

Art 82(2)(b) TFEU provides the legal basis for legislation applicable not only to cross-border criminal proceedings (i.e. proceedings with a link to another Member State or a third country) but also to domestic cases, as a precise, ex ante categorisation of criminal proceedings as cross-border or domestic is impossible in relation to a significant number of cases: for instance, a purely domestic procedure may take on a cross-border dimension at a later stage, when the suspect flees to another country or when the need arises to gather relevant evidence in another Member State.

*With regard to the comments in your Opinion concerning potential amendments of EU consumer legislation, I would like to inform you that the European Parliament and the Council of the European Union have meanwhile adopted the Directive on Consumer Rights. It will reduce the current fragmentation of national consumer laws, improve consumer protection and adapt the legislation to technological developments. The Commission's proposal for this Directive was preceded not only by a public consultation (Green Paper) but also by a comprehensive evaluation of the national laws transposing the existing Directives on consumer rights. This Compendium study can be accessed on the following webpage:
http://ec.europa.eu/consumers/rights/docs/consumer_law_compendium_comparative_analysis_en_final.pdf*

I hope that these clarifications address the main issues raised in your Opinion.

Yours faithfully,

*Maroš Šefčovič
Vice-President*