



Brussels, 8 VII 2014
C(2014) 5845 final

Dear President,

The Commission would like to thank the Folketing for its Opinion concerning the Commission's Communication to the European Parliament and the Council concerning a new EU Framework to Strengthen the Rule of Law {COM(2014) 158 final}.

The Commission welcomes the support of the Folketing for the Framework as presented in the Communication. The Framework – which is linked to the powers conferred on the Commission by Article 7 of the Treaty on European Union – aims at preventing an escalation of systemic threats to the rule of law in a Member State through a political dialogue between the Commission and the Member State concerned.

In its Opinion the Folketing notes that the Framework is a step in the right direction. However, the Folketing would have liked to see an even stronger mechanism which would allow for more pressure to be put on a Member State if threats to the rule of law emerge. In this respect, the Commission notes that the Framework is based on competences conferred on the Commission by the existing Treaties. A stronger mechanism with the possibility to impose sanctions as suggested by the Folketing would be likely to require a change of the Treaties.

Concerning the request of the Folketing to specify in which cases the Framework may be applied, the Commission underlines that the Framework is meant to address systemic threats to the rule of law in a Member State; it is not designed to address individual breaches of human rights or miscarriages of justice. There is a systemic threat to the rule of law when national mechanisms and safeguards to protect the rule of law no longer function, or come under threat. These national "rule of law safeguards" refer to the judicial and constitutional mechanisms and safeguards which aim to ensure the protection of democracy and fundamental rights in a Member State. The Commission will make use of the Framework in such cases if the systemic threat cannot be effectively addressed by existing instruments at national level.

The Commission hopes that these clarifications address the issues raised in the Opinion and looks forward to continuing the political dialogue with the Folketing in the future.

Yours faithfully,

*Martine Reicherts
Member of the Commission*

*Mr Mogens LYKKETOFT
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