



EUROPEAN COMMISSION

*Brussels, 06.01.2022  
C(2022) 93 final*

*Dear President,*

*The Commission would like to thank the Bundesrat for its Opinion on the Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions '2021 Rule of Law Report - The rule of law situation in the European Union' {COM(2021) 700 final}.*

*The Commission fully agrees with the Bundesrat on the importance of direct dialogue with Member States and their competent authorities under the rule of law mechanism, and their close involvement in the preparation of the rule of law report. The mechanism is a tool aimed at preventing challenges from emerging or deepening. The Commission confirms that as part of the dialogue established for the rule of law report, the country visits with the national authorities, including with the representatives of the Länder on issues within their competence, will continue. Member States will be given adequate time to provide their written input for the 2022 edition of the rule of law report.*

*The Commission, as the Guardian of the Treaties, will continue to make use of all instruments at its disposal to uphold and strengthen the rule of law. The Commission will carry out a qualitative assessment of developments in relation to the rule of law in the Member States, based on a synthesis of significant developments, introduced by a description of the legal and institutional framework relevant for each pillar, and present both challenges and positive aspects, including good practices; it will continue to qualitatively assess all Member States, whilst remaining proportionate to the situation and developments in full respect of the principle of equality of Member States. In addition, the 2022 Rule of Law Report will come with specific recommendations to Member States, intended to assist and support Member States in their efforts to take forward on-going or planned reforms, and to help identify where improvements or follow-up to recent changes or reforms may be needed. The work underpinning these recommendations will continue to be based on continuous dialogue with the Member States.*

*Mr Bodo RAMELOW  
President of the Bundesrat  
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*The Commission shares the Bundesrat's views on the fundamental importance of the freedom of the media and media coverage in the EU. Media plurality and freedom will continue to be an integral pillar of the rule of law report, providing for a useful assessment for EU-wide debate on the state of media freedom in Europe.*

*The Commission also agrees with the Bundesrat on the importance of discussing the report, including its country chapters, in the Council. Following the discussions organised by the German Council Presidency as part of the first Council Annual Rule of Law Dialogue, such discussions have been organised by the Portuguese and Slovenian Council Presidencies and the French Presidency plans on organising similar discussions. Furthermore, the Commission agrees on the importance to discuss the role of the rule of law as part of the Conference on the Future of Europe. The Commission also welcomes the debates on its rule of law report within the Bundesrat, recognising the essential role of national Parliaments for upholding of the rule of law at national level. The Commission would welcome the opportunity to pursue the debate on the 2022 Rule of Law Report with members of the Bundesrat.*

*The Commission looks forward to continuing the political dialogue with the Bundesrat in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

*Didier Reynders  
Member of the Commission*