



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Bundesrat for its opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: 2022 Rule of Law Report - The rule of law situation in the European Union {COM (2022) 500 final}.

The Commission appreciates the importance the Bundesrat attaches to rule of law matters and confirms that it is the shared responsibility of Member States and EU institutions to protect the rule of law and safeguard democratic institutions from being undermined by internal and external actors. This is also the context of the Defence of Democracy Package announced by President von der Leyen in her 2022 State of the Union address. The package will deepen the actions under the European Democracy Action Plan to promote free and fair elections, to step up the fight against disinformation and to support media freedom and pluralism, including by supporting civic space and developing citizen participation to bolster democratic resilience from within. In particular, it will include proposals to protect our democracies and strengthen trust by defending our democratic system from outside interests. The Commission shares the concern expressed by the Bundesrat on the safety of journalists and recalls several EU initiatives aiming at protecting the safety of journalists, media freedom, independence and pluralism, including through the Media Freedom Act adopted on 16 September. The 2022 Rule of Law Report also includes several recommendations to Member States on this topic.

The Commission welcomes the support from the Bundesrat for the country-specific recommendations in the Rule of Law Report and fully agrees with the Bundesrat on the importance of their implementation. The Commission has already started the process for engaging in a dialogue with Member States to follow-up on the recommendations and will report on the implementation of the recommendations in the next Rule of Law Report.

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The annual Rule of Law Report has successfully achieved the key objectives of raising awareness and promoting an open discussion among EU Member States on rule of law issues, both at national and European level. Learning from each other's experiences better equips Member States to find the best way forward and to prevent that challenges to the rule of law emerge or deepen. At the same time, the Commission would like to reaffirm that, in line with its role as a guardian of the Treaties, it is using all the tools at its disposal to protect the Rule of Law and EU law in general, including through instruments to protect the EU budget. On 18 September 2022, under the Conditionality Regulation, the Commission adopted for instance a proposal for a Council Implementing Decision against breaches of the principles of the rule of law in Hungary with a view to protecting the EU budget.

The Commission welcomes the debates on the Commission's Rule of Law Report within the Bundesrat, recognising the essential role of parliaments in the upholding of the rule of law at national, and European level. It will be delighted to further pursue the debate on the 2022 Rule of Law Report with the members of the Bundesrat.

The Commission hopes that these comments address the issues raised by the Bundesrat and looks forward to continuing our political dialogue.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Didier Reynders
Member of the Commission*