



EUROPEAN COMMISSION

*Brussels, 13.3.2015
C(2015) 1629 final*

Dear President,

The Commission would like to thank the Camera dei Deputati for its Opinion concerning the Commission's Communication of 11 March 2014 to the European Parliament and the Council concerning a new EU Framework to Strengthen the Rule of Law {COM(2014) 158 final}.

In his Political Guidelines of 15 July 2014, President Juncker identified an area of justice and fundamental rights based on mutual trust as one of the key policy areas of the new Commission. He emphasised that the Union is more than a big common market. It is also a Union of shared values where citizens expect their governments to provide justice, protection and fairness with full respect for fundamental rights and the rule of law.

The Commission welcomes the support of the Camera dei Deputati for the EU Framework to Strengthen the Rule of Law as presented in the Communication. In its Opinion, the Camera dei Deputati underlines that the Framework enables the Commission to intervene by means of an early warning system against a Member State in which there is a systemic threat to the rule of law, to engage in a dialogue with the Member State concerned for the purpose of seeking a solution, and to suggest rapid and concrete action that the Member State might take to address the threat.

The Camera dei Deputati notes in its Opinion that it should be made clear that the Framework is to be understood as stemming from powers that are already vested in the Commission by primary legislation.

The Commission confirms in this respect that the Framework is linked to the powers conferred on the Commission by Article 7 of the Treaty on European Union (TEU).

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According to this provision, the Commission may present a "proposal" to trigger the preventive or sanctioning mechanisms provided in Article 7 TEU in case of a "clear risk of a serious breach" or of "a serious and persistent breach" by a Member State of the values referred to in Article 2 TEU, including the rule of law. The Commission's Communication has neither the object nor the effect of further developing or amending the procedure of Article 7 TEU. The Framework merely describes the process that the Commission intends to follow to establish whether it should make use of its power of initiative under Article 7 TEU and issue a reasoned proposal in accordance with this Treaty provision. The purpose of the Framework therefore is to enable the Commission to deal with circumstances that could develop into a situation falling under Article 7 TEU and that would justify issuing such proposal. In this process the Commission will be acting within the scope of the Treaty and will not make use of powers which go beyond the ones already provided for in Article 7 TEU.

The Camera dei Deputati notes in its Opinion that use should be made of the data and intelligence that can be acquired through appropriately selected channels, beginning with the competent European bodies operating in this area. The Commission recalls in this respect that it will collect and examine relevant information from available sources and recognised institutions, including notably the European Union Agency for Fundamental Rights and the bodies of the Council of Europe.

The Commission hopes that these clarifications address the issues raised by the Camera dei Deputati and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*