



EUROPEAN COMMISSION

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Dear Chair,

The Commission would like to thank the Camera dei Deputati for its Opinion on the 2016 Report on the Application of the EU Charter of Fundamental Rights {COM(2017) 239 final}.

The Commission appreciates the Camera dei Deputati's comments to the report and particularly welcomes its support for continuing the publication of such an annual report as a means to monitor the developments of fundamental rights within the Union.

In reply to the Camera dei Deputati's comments on how to address the fundamental rights challenges in the future, the Commission would like to give the following clarifications:

The Camera dei Deputati points to the need of a uniform procedure that would enable all institutions to jointly tackle systematic threats to fundamental rights in Member States. The Commission fully shares the overall objective of this remark, which is to ensure that the European Union's common values are fully respected and enforced. As pointed out in the annual report, the Commission considers that the best possible use should be made of existing instruments, while avoiding duplication. A range of existing tools and actors already provide a set of complementary and effective means to promote and uphold common values. These tools should be used to the full.

For instance, the Camera dei Deputati suggests using existing infringement procedures where Member States are responsible for serious and systematic violations of the rule of law and fundamental rights.

In this context, President Juncker has confirmed the Commission's determination to defend the rule of law in all Member States as a fundamental principle on which our European Union is built. In his State of the Union address of 13 September 2017, President Juncker underlined that "the rule of law is not optional in the European Union. It is a must". On 26 July 2017, the Commission substantiated its grave concerns on the planned reform of the judiciary in Poland in a Rule of Law Recommendation addressed to the Polish authorities. In the Commission's assessment, this reform amplified the systemic threat to the rule of law in

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Poland already identified in the rule of law procedure started by the Commission in January 2016¹. On 28 July 2017, the Commission launched an infringement procedure against Poland by sending a letter of formal notice, following the publication in the Polish Official Journal of the Law on the Ordinary Courts Organisation on Friday 28 July.² On 12 September 2017, the Commission took the second step in this infringement procedure by sending a Reasoned Opinion to the Polish authorities.

As regards the Camera dei Deputati's reference to Member States that do not comply with their obligations under the 2015 Council Decisions on relocation, the Commission on 14 June 2017 launched infringement procedures against the Czech Republic, Hungary and Poland.³

The Commission hopes that these clarifications address the issues raised by the Camera dei Deputati and confirm the Commission's determination to uphold the rule of law, respect and enforce fundamental rights and democracy within the European Union, in line with the possibilities offered by the Treaties.

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

Yours faithfully,

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First Vice-President*

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Member of the Commission*

¹ See Press release of 26 July 2017 at: http://europa.eu/rapid/press-release_IP-17-2161_en.htm.

² See Press release of 29 July 2017 at: http://europa.eu/rapid/press-release_IP-17-2205_en.htm.

³ See Press release of 14 June 2017 at: http://europa.eu/rapid/press-release_IP-17-1607_en.htm.