



Brussels, 13.3.2015  
C(2015) 1643 final

*Dear President,*

*The new Commission, which entered office on 1 November 2014, is fully committed to strengthening its partnership with national Parliaments. An active and constructive political dialogue on the Commission's proposals is a crucial part of this relationship, complementing the essential direct contacts between our institutions. The Commission looks forward to working with the Sejm over the coming years.*

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*The Commission would like to thank the Sejm 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}. 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.*

*In its Opinion the Sejm considers that there is no Treaty base empowering the Commission to set up a new mechanism for supervising compliance with the principles of the rule of law.*

*In response to the Opinion, the Commission would like to clarify that the EU Framework to strengthen the Rule of Law is linked to the powers conferred on the Commission by Article 7 of the Treaty on European Union (TEU). 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.*

*Mr Radosław SIKORSKI  
Marshal of the Sejm  
Ul. Wiejska 4/6  
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*The Framework foresees a dialogue with the Member State concerned. This is a political, albeit formalised, not a legal process. The objective is to find a solution with the Member State concerned where possible, in order to avoid recourse to a proposal to trigger Article 7 TEU altogether. 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 Communication explains how the Commission will contribute to upholding the rule of law within the EU. In the Communication the Commission committed to keep the European Parliament and the Council of the Union fully informed on any step that the Commission might find necessary in this context.*

*The Framework does not prevent initiatives from other EU institutions, and does not affect the role which the other institutions of the Union and the Member States can play, in accordance with Article 7 TEU, to protect the Union's values. Reference is made, for example, to the recent Conclusions establishing an annual dialogue among all Member States within the Council to promote and safeguard the rule of law in the framework of the Treaties, as agreed on 16 December 2014. The Commission notes that the roles of the institutions must be complementary and mutually reinforcing, whilst avoiding duplication, and welcomes the fact that the Conclusions underline this aspect.*

*The Commission hopes that these clarifications address the issue raised by the Sejm and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Věra Jourová  
Member of the Commission*