



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion on the Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence {COM(2016) 109 final} and the Proposal for a Council Decision on the signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence {COM(2016) 111 final}.

The Commission welcomes the support expressed by the Camera Deputaților for the accession of the EU to the Convention. It shares the analysis of the importance and appropriateness of this comprehensive instrument for combating the phenomenon of gender-based violence against women and girls and agrees on the importance of the EU's accession for a credible EU commitment to take action within the EU and beyond its borders.

The Commission takes the view that the Convention covers indeed both Member States and EU competences and that EU ratification and implementation alongside Member States and in close cooperation with them will enhance the impact of this Convention. The Commission strongly commends Romania on its recent ratification and the efforts and synergies mobilised in its implementation.

As to the points to which particular attention of the Commission is drawn, the Commission would like to express the following views:

The Commission takes the view that the EU's accession should reflect the holistic approach of the Convention – coherent with the already existing approach of combined policy and legal action – and therefore accede to the full extent of its competences.

The Code of Conduct referred to in Articles 3 and 4 of the proposed Decision on the conclusion of the Convention will be developed against the background of the ongoing discussion of the competence matters by the Council, and the cooperation mechanisms will reflect the nature of competences for the different areas covered by the Convention, taking

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account of the existence of considerable acquis in many areas covered by the Convention, notably on criminal procedural and asylum and migration matters.

The Commission takes note of the wish that explicit reference be made to EU competence.

The Commission confirms its view that Member States remain competent for the definition of criminal offences and related sanctions under Chapter V of the Convention.

The Commission envisages that conclusion will take place once the implementation modalities are agreed, to ensure that transparency with regard to the respective roles in the implementation and the monitoring process is achieved, also for the non-EU member states of the Council of Europe, as expressed by the Camera Deputaților.

The Commission takes note of the reservations made by Romania upon its ratification.

The Commission also takes note of the suggestion to take inspiration from Protocol No 8 to the Treaties regarding a future accession of the EU to the European Convention of Human Rights, while underlining the need to consider the specific context and nature of each international instrument and related differences such as the establishment of jurisdictional mechanisms by an instrument.

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

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*