

EN

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Answer given by Mr Reynders
on behalf of the European Commission
(21.10.2024)

Safeguarding democratic values is a key priority for the Commission. In this regard, the Commission has taken many measures to promote free and fair elections, including putting forward a Recommendation on inclusive and resilient elections¹. The Recommendation recognises that the use of surveillance can under certain conditions be a matter of national security and states that national security should be interpreted in compliance with the case law of the Court of Justice of the European Union to preserve the effective application of the EU law.

The Charter of Fundamental Rights of the European Union applies to Member States only when they are implementing EU law, in line with its Article 51(1). Based on the information available, the situation described by the Honourable Member does not appear to fall within the scope of application of EU law. In such cases, it is for Member States, including their judicial authorities, to ensure that fundamental rights are effectively respected and protected, in accordance with their national legislation and international human rights obligations.

The European Commission promotes and protects the rule of law and carefully monitors the situation in all Member States, including Germany. This is reflected in the recently adopted 2024 Rule of Law Report, including the country chapter on Germany².

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023H2829>

² https://commission.europa.eu/publications/2024-rule-law-report-communication-and-country-chapters_en.