



**Answers to the questions which could not be asked, due to lack of time,  
to Mr Didier REYNDERS, European Commissioner for Justice,  
on Tuesday 26 January 2021, during the first part of the 2021 Ordinary Session  
of the Parliamentary Assembly**

**Question from Ms María Valentina Martínez Ferro (Spain, EPP/CD)**

You have made reference to your concerns regarding the interference of the executive in the activities of the judiciary in several member States. What does the Commission think about the decision of the Socialist and Podemos parliamentary groups in the Spanish Parliament, in coalition in the government, to modify the law which regulates the attributions of the General Council of the Judiciary in Spain, refusing to consult any organ, the Venice Commission, the opposition or the very General Council, who is the governing body of the judges to whom this measure affects directly, and who have expressly required to be heard just like the Venice Commission?

**Reply:**

The Commission is aware of the adoption of the law on the *ad-interim* powers of the General Council of the Judiciary.

In this respect, the Commission has already expressed the opinion that, when member States reform their judicial system, it is important to carry out the necessary consultation with all relevant stakeholders. The Commission recommends to consult, where relevant, the Council of Europe, and notably, the Venice Commission. European standards should be taken into account to ensure that judicial independence is not compromised.

The Commission will continue to follow the situation closely, including in the context of the 2021 Rule of Law Report, which is currently under preparation.

**Question from Mr Arkadiusz Mularczyk (Poland, EC/DA)**

In the member States of the Council of Europe and the European Union, there should be no room for xenophobia, nationalisms and double standards against peoples and countries in other parts of Europe. Our countries can develop, if human rights – but also the freedom of enterprise and the movement of capital – are on an equal footing and will be respected.

More and more Polish companies and employees are aware of the discriminatory practices and legal solutions of the French State services.

What do you intend to do so that companies from Central and Eastern Europe are not discriminated against in France and other markets of Western Europe?

**Reply:**

The free movement of goods, the free movement of persons, freedom of establishment and the free movement of capital are the cornerstones of the single market, enshrined in the EU Treaties. Member States are only allowed to impose obstacles – including any form of direct or indirect discrimination – to the exercise of these freedoms, if they can be justified in line with the respective Treaty articles and the jurisprudence of the European Court of Justice. Any natural or legal person affected by public measures, if they consider that these measures prevent the full exercise of the rights granted by the EU Treaties, may either contest these measures in front of the national courts or submit a complaint to the European Commission which is responsible to ensure that member States do not act in breach of EU law.