

**Question for written answer E-000419/2016
to the Commission**

Rule 130

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Subject: Compatibility of the state of emergency and other exceptional arrangements with the primary and secondary law of the European Union

The French law of 20 November 2015 broadened the scope and extended for three months the state of emergency decreed on 14 November 2015 in the Council of Ministers. Civil society, the Council of Europe's Commissioner for Human Rights and the United Nations have expressed their concern about possible abuses encouraged by the state of emergency, in particular the lack of judicial supervision of police and law enforcement operations by a judge.

In view of the above, will the Commission say:

1. Has it been notified by France of this law which broadens the scope of and prolongs the state of emergency and has it, for its part, submitted any recommendations to the French authorities, particularly with regard to respect for the rights enshrined in the EU Charter of Fundamental Rights?
2. Does it take the view that the massive and prolonged use of administrative searches, the seizure and wholesale copying of personal data outside any procedural framework, recourse to house arrest and bans on meetings without a prior judicial decision are compatible with primary and secondary EU law and the principle of proportionality?
3. More generally, does it deem that the declaration by a Member State of a state of emergency or equivalent arrangements suspending the Constitution is compatible with the principles of the rule of law, in particular the prohibition of arbitrary action by the executive power and effective judicial controls?