

Communication of the Commission to the European Parliament and the Council – A new EU Framework to strengthen the Rule of Law (COM(2014) 158 final)

FINAL DOCUMENT

Final Document of the Constitutional Affairs and Justice Committees considering in joint session the Communication "A new EU framework to strengthen the Rule of Law COM(2014)158 final.

Meeting in joint sessions, the Constitutional Affairs and Justice Committees,

having examined, pursuant to Rule of Procedure 127, the Communication of the Commission to the European Parliament and the Council – A new EU Framework to strengthen the Rule of Law (COM(2014) 158 final);

Whereas:

the protection of the rule of law is one of the founding values of the European Union and is enshrined in article 2 of the Treaty on European Union, along with the preservation of human dignity, freedom, democracy, equality, and respect for human rights, including the rights of persons belonging to minorities;

respect for the rule of law is an indispensable precondition for the effective upholding of fundamental rights;

Considering that:

the European Commission's initiative follows a broad and far-ranging debate among experts in the field, as well as policy-makers;

the European Parliament and the Council of the European Union have highlighted the shortcomings of the current system of safeguards, and have consequently called for the submission of a proposal to strengthen the rule of law;

the existing instruments provided for by primary legislation (the Treaties and, in particular, article 7 of the Treaty on European Union and the Charter of Fundamental Rights) have proved ineffective at safeguarding the rule of law, so that significant violations of fundamental rights have not been met with an appropriate response from European institutions;

the situation is liable to give rise to a paradoxical situation whereby, on the one hand, the EU is systematically promoting fundamental rights in third countries either in connection with determining whether they qualify for membership, or in connection with the enforcement of clauses of conditionality included in international agreements, while, on the other, the EU ends up tolerating behaviour by its own Member States that is patently in breach of fundamental rights;

the new legal framework outlined in the Communication enables the Commission to intervene by means of an early warning system against a Member State in which the threat to the rule of law is systemic, to engage in dialogue with the State in question for the purpose of seeking a remedy, and to suggest rapid and concrete action that the State might take to address the threat;

does hereby express its favourable view of the Communication,

*with the following observations:*

*a)* to ensure that the new legal framework rests on the solid foundations of the Treaties, it should be made clear that the framework is to be understood as stemming from powers that are already vested in the European Commission by primary legislation. More specifically, the framework should not be presented as an alternative to the mechanism envisaged in article 7 of the Treaty on European Union, but rather as inherent in it, since its purpose is to set out the procedural steps by which the Commission may effectively discharge the functions assigned to it by the Treaty;

*b)* with the aim of monitoring the effective observance of fundamental rights, use should be made of the data and intelligence that can be acquired through appropriately selected channels, beginning with the competent European bodies operating in this area (first and foremost, the European Agency for Fundamental Rights – FRA).