



**Parlamentul României  
Senat**

Bucharest, November 27, 2019

Courtesy translation

**OPINION  
of the SENATE OF ROMANIA**

**regarding the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT,  
THE EUROPEAN COUNCIL AND THE COUNCIL - Further strengthening the Rule of Law within  
the Union State of play and possible next steps  
COM (2019) 163 final**

**The Romanian Senate examined the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL – Further strengthening the Rule of Law within the Union State of play and possible next steps - COM (2019) 163 final – according to the provisions of the Treaty of Lisbon (Protocol no. 1).**

Taking into account the report of October 10, 2019 of the permanent Committee for European Affairs, **the Plenum of the Senate**, during its session of October 14, 2019, decided as follows:

The Commission intends to establish a new Union budget protection mechanism when widespread deficiencies in the rule of law in the Member States affect or risk affecting that budget. There is a legitimate interest for the EU and the Member States in strengthening and respecting the democratic mechanisms of the proper functioning of the rule of law in each state. From the experience of applying the aforementioned instruments, the need for a better promotion of the standards regarding the observance and strengthening of the rule of law has arisen, since these standards are insufficiently known at national level.

**(1) The following are welcomed:**

- a) the opinion of the Commission that the main responsibility for ensuring the rule of law lies with each Member State, and the first appeal should always be the national mechanisms;
- b) the Commission's view that the EU's role in this area should be objective and treat all Member States equally and should be based on the contribution of all its institutions, in line with their institutional role;
- c) the Commission's view that the aim should not be to impose a sanction, but to find a solution that protects the rule of law, through mutual cooperation and support.

**(2) The following are supported:**

- a) largely the initiatives of the Commission in the field of the rule of law;

- b) the continuation of the dialogue and cooperation with the Commission and the Member States to promote European values and to strengthen the rule of law in all Member States;
- c) initiatives to evaluate the rule of law based on objective mechanisms and criteria applicable to all Member States.

**(3) The following are recommended:**

- a) to avoid duplication with instruments other than those currently existing is essential for an objective assessment of the rule of law;
- b) the mechanisms and criteria for assessing the rule of law applicable to all Member States to not be susceptible to politically motivated interpretations and actions at EU level;
- c) that in the evaluation process of a Member State the particularities of the respective state shall be taken into account, in compliance with the law;
- d) that the assessment of the rule of law of a Member State should take into account the total veracity of the data and information whose source can only be institutional;
- e) that is necessary to intensify the dialogue and exchanges of good practices between the Commission and the Member States on issues related to the rule of law;
- f) to apply an interinstitutional approach on the issues related to the rule of law correlated with the increase of preventive measures, which would lead to an objective assessment of the respect of the rule of law in each Member State;
- g) that the exchange of good practices, at expert level, is necessary for:
  - i. enhancing the development of a more in-depth and comparative knowledge base regarding the situation of the rule of law in the Member States,
  - ii. continually creating the premises for dialogue and recognizing potential problems at an early stage;
- h) that is very important to promote discussions on the rule of law at national level through debates organized in national parliaments, professional forums and through awareness raising activities for the general public;
- i) to establish a mechanism to protect the budget of the Union when the general deficiencies regarding the rule of law in the Member States affect or risk affecting the related budget;
- j) the use of Article 7 TFEU as an *in-extremis* solution after all the other early warning and prevention of skids instruments of the rule of law are exhausted.

**President of the Senate**



**Teodor-Viorel MELEȘCANU**