The EU has a number of tools at its disposal to ensure the respect of the rule of law in all Member States. Many Member States have high rule of law standards but there are also important challenges that vary from one Member State to another. Since the challenges to the rule of law vary, so do our tools. Each one is tailored to the specific situation at hand, and aim at promoting, preventing or responding to rule of law issues.

**WHY IS THE RULE OF LAW IMPORTANT?**

The rule of law is one of the fundamental values upon which the European Union is built. It is not an abstract term. The rule of law has a direct impact on the life of every citizen. It means that all members of a society – governments and members of parliaments included – are equally subject to the law, under the control of independent and impartial courts.

**WHAT IS THE COMMISSION’S ROLE?**

The European Commission, as recognised by the Court of Justice of the European Union, is responsible for guaranteeing the respect of the rule of law as a fundamental value enshrined in the EU’s Treaties, and for making sure that EU law, values and principles are respected.

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### PREVENTION & PROMOTION

#### EUROPEAN RULE OF LAW MECHANISM

A yearly cycle with an annual rule of law report at its centre, promoting the rule of law in all Member States and preventing challenges from emerging or deepening.

#### EUROPEAN SEMESTER

A yearly process resulting in country-specific recommendations on macroeconomic and structural issues, including on justice systems and anti-corruption, aiming to boost economic growth.

#### SUPPORT FOR CIVIL SOCIETY, NETWORKS AND PROJECTS

EU funding instruments, communication campaigns and promotion activities, including support for judicial networks media pluralism and freedom.

#### EU JUSTICE SCOREBOARD

An annual report, providing comparable data on the independence, quality and efficiency of national justice systems.

#### COOPERATION AND VERIFICATION MECHANISM

Regular monitoring and reports on progress made in Romania and Bulgaria to address shortcomings related to judicial reform, corruption and for Bulgaria, the fight against organised crime.

#### STRUCTURAL REFORMS

Technical and financial support for Member States to carry out structural reforms.
**RESPONSE**

**INFRINGEMENTS**
Ensure that EU law is correctly applied and respected at national level.

**RULE OF LAW FRAMEWORK**
An early-warning tool adopted by the Commission in March 2014 allowing it to enter into dialogue with a Member State to address systemic threats to the rule of law to prevent escalation.

**ARTICLE 7 TEU**
Treaty instrument to address serious breaches to the rule of law, with possible sanctions.

**A PROPOSED REGIME OF CONDITIONALITY TO PROTECT THE EU BUDGET**
Proposal that links the rule of law with the use of EU funds, allowing the EU to suspend, reduce or restrict access to EU funding in case of breaches.

**HOW THE EUROPEAN RULE OF LAW MECHANISM WORKS:**

- MEMBER STATES
- NON-GOVERNMENTAL ORGANISATIONS, PROFESSIONAL ASSOCIATIONS, OTHER STAKEHOLDERS
- NETWORK OF CONTACT POINTS ON THE RULE OF LAW
- Written Input
- Commission Country Visits
- Annual Rule of Law Report
- Inter-institutional Cooperation between EU Institutions: Council, European Parliament, ...
- Dialogue in Member States: National Parliaments, Authorities, Civil Society
HOW THE RULE OF LAW FRAMEWORK WORKS:

A RULE OF LAW FRAMEWORK FOR THE EUROPEAN UNION

SYSTEMIC THREAT TO THE RULE OF LAW ALERT

Commission | Member States | European Parliament | Stakeholder & National Court Networks

COMMISSION ASSESSMENT

Venice Commission

COMMISSION RULE OF LAW OPINION

Fundamental Rights Agency

Judicial Networks

COMMISSION RULE OF LAW RECOMMENDATION

SUCCESSFUL RESOLUTION

LAUNCH OF ARTICLE 7 TEU

PREVENTIVE MECHANISM

SANCTIONING MECHANISM

Dialogue with the Member State concerned
HOW ARTICLE 7 OF THE EU TREATY WORKS:

Article 7(1): PREVENTIVE MEASURES
Determining a clear RISK of a serious breach of the values in Article 2 TEU

- **Decision by the Council**
  - to determine clear risk of a serious breach of the values referred in Article 2 TEU
    - by a majority of 4/5 of Members States excluding EU country concerned
  - Council can issue recommendations
    - by a majority of 4/5 of Members States excluding EU country concerned

Article 7 (2-3) SANCTIONS MECHANISM
Determination of the EXISTENCE of a serious and persistent breach of values in Article 2 TEU

- **Proposal by:**
  - Article 7(2)
    - 1/3 of Member States
    - European Commission

- **Observations** submitted by the EU country concerned

- **Consent by the European Parliament**
  - (2/3 majority of the votes cast, representing the majority of its component members)

- **The European Council**
  - determines the existence of a serious and persistent breach
    - (decision BY UNANIMITY excluding EU country concerned)

Article 7 (3) TEU: Suspension of certain rights

- **The Council can suspend membership rights, including voting rights**
- **The vote requires a qualified majority,** which is defined as:
  - 72% of Member States, excluding the Member State concerned;
  - And comprising 65% of the EU’s population of the Member States participating in the vote.
- **EU country concerned does not participate in the vote.**