



European
Commission

RULE of LAW REPORT 2021

Toolbox



20 July 2021

THE EU RULE OF LAW TOOLBOX

The EU has a number of tools at its disposal to ensure the respect of the rule of law in all Member States. Member States generally 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 tool is tailored to the specific situation at hand, and aims 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. The rule of law means that everyone, including members of parliament and of the executive, 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.

PROMOTION OF THE RULE OF LAW & PREVENTION OF PROBLEMS

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 through dialogue and exchange of information and preventing challenges from emerging or deepening.

EU JUSTICE SCOREBOARD

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

EUROPEAN SEMESTER

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

COOPERATION AND VERIFICATION MECHANISM

Regular monitoring and reports on progress made in Romania and Bulgaria to address benchmarks set at the time of accession related to judicial reform and corruption and for Bulgaria, the fight against organised crime.

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 SUPPORT FOR STRUCTURAL REFORMS

Technical and financial support for Member States to carry out structural reforms. Reforms linked to the effectiveness of justice systems are also financed via NextGenerationEU and the Recovery and Resilience Facility.



RESPONSE

INFRINGEMENTS

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

ARTICLE 7 TEU

Treaty instrument to address serious breaches to the rule of law, with dialogue and possible sanctions.

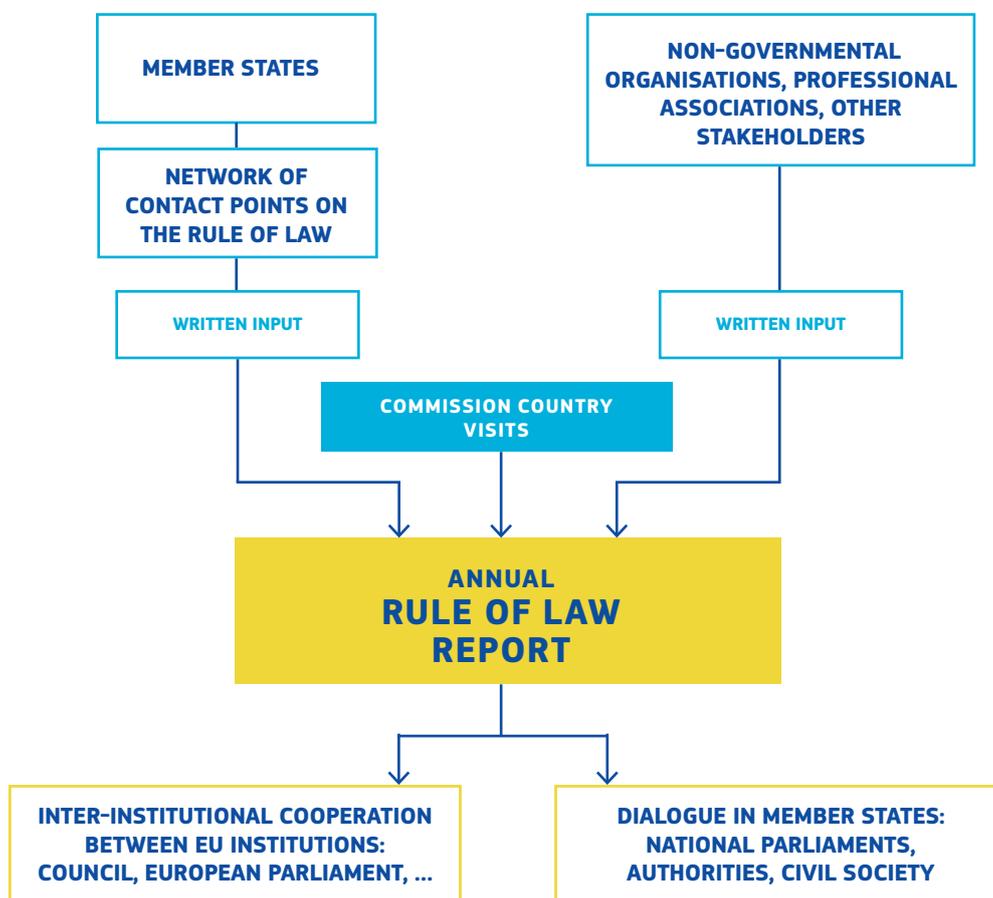
RULE OF LAW FRAMEWORK

An early-warning tool adopted by the Commission in March 2014, enabling a structured dialogue with a Member State to address systemic threats to the rule of law to prevent escalation.

RULE OF LAW CONDITIONALITY MECHANISM

The conditionality mechanism to apply in case of breaches of the principles of the rule of law, which affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way.

HOW THE EUROPEAN RULE OF LAW MECHANISM WORKS:



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

Reasoned proposal by:

1/3 of **Member States**

or

European Commission

or

European Parliament

(2/3 majority of the votes cast, representing the majority of its component members)

Hearing of the EU country concerned in the Council

Consent by the European Parliament

(2/3 majority of the votes cast, representing the majority of its component members)

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

or

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 MEPs)

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.