The rule of law is one of the common values upon which the European Union is founded and part of the common constitutional traditions of all Member States. It is enshrined in Article 2 of the Treaty on European Union. The European Commission, together with all other EU institutions, is responsible under the Treaties for guaranteeing the respect of the rule of law as a fundamental value of our Union and making sure that EU law, values and principles are respected.

The rule of law means that all members of a society – governments and parliaments included - are equally subject to the law, under the control of independent courts irrespective of political majorities.

These are the core tools the European Union has to help ensure the rule of law is respected:

**RULE OF LAW FRAMEWORK**

**GOAL:** to address systemic threats to the rule of law

**HOW:** multi-stage dialogue between the Commission and the EU Member State concerned
- Commission assessment
- Commission opinion and recommendation
- monitoring of the follow-up to the Commission’s recommendation

**ARTICLE 7 OF THE TREATY OF THE EU**

**GOAL:** exceptional and last resort measure to prevent or resolve a serious breach of the rule of law in an EU Member State

**HOW:** mechanism activated by Parliament, Commission or 1/3 of Member States, determination by the European Council of a breach of article 2 values, decisions by the Council with a possibility of far-reaching sanctions, including the suspension of voting rights in the Council

**INFRINGEMENTS**

**GOAL:** to ensure EU law is correctly implemented and respected at national level

**HOW:** 3-staged process between the Commission and EU Member State, at the end of which the Commission can refer the matter to the European Court of Justice
Other Mechanisms

THE EUROPEAN SEMESTER
**GOAL:** to encourage economic growth, boost investment and create more jobs

**HOW:** a detailed analysis of each country’s plans for budget, macroeconomic and structural reforms, including anti-corruption, the justice system and public administration, resulting in country-specific recommendations

EU JUSTICE SCOREBOARD
**GOAL:** to contribute to improving national justice systems, which is crucial for an investment-friendly and citizen-friendly environment

**HOW:** provide comparable data on the independence, quality, and efficiency of national justice systems

THE COOPERATION AND VERIFICATION MECHANISM
**GOAL:** to assist Romania and Bulgaria in addressing shortcomings in the areas of judicial reform, the fight against corruption and, for Bulgaria, organised crime

**HOW:** regular monitoring and progress assessment, giving recommendations on the basis of benchmarks

STRUCTURAL REFORM SUPPORT SERVICE
**GOAL:** to help Member States to design and carry out structural reforms, to support job creation and sustainable growth

**HOW:** technical support requested by Member States and provided for by the Commission, national experts, international organisations, public bodies and/or experts from the private sector

EU FUNDING
**GOAL:** to support Justice and Security policies and help Member States to strengthen public administration and the judiciary

**HOW:** funding for Member States with ex-ante conditionality, mainly through the European Structural and Investment Funds
A PROPOSED NEW MECHANISM TO PROTECT THE EU BUDGET

**GOAL:** to protect the Union budget in the case of generalised deficiencies as regards the rule of law

**HOW:** allow the EU to suspend, reduce or restrict access to EU funding where necessary to protect the EU budget

How the Rule of Law framework works:

A rule of law framework for the European Union

**COMMISSION INFRINGEMENT PROCEEDINGS**

**SYSTEMIC THREAT TO THE RULE OF LAW ALERT**

**COMMISSION ASSESSMENT**

**COMMISSION RULE OF LAW OPINION**

**COMMISSION RULE OF LAW RECOMMENDATION**

**LAUNCH OF ARTICLE 7 TEU**

**SUCCESSFUL RESOLUTION**

**PREVENTIVE MECHANISM**

**SANCTIONING MECHANISM**
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

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

- Article 7(2)
  - 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)
- Observations submitted by the EU country concerned
- Consent by the European Parliament
  (2/3 majority of the votes cast, representing the majority of the European Parliament)
- The European Council determines the existence of a serious and persistent breach (decision by UNANIMITY excluding the 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.