



European
Commission

The EU's Rule of Law toolbox



Factsheet | April 2019

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

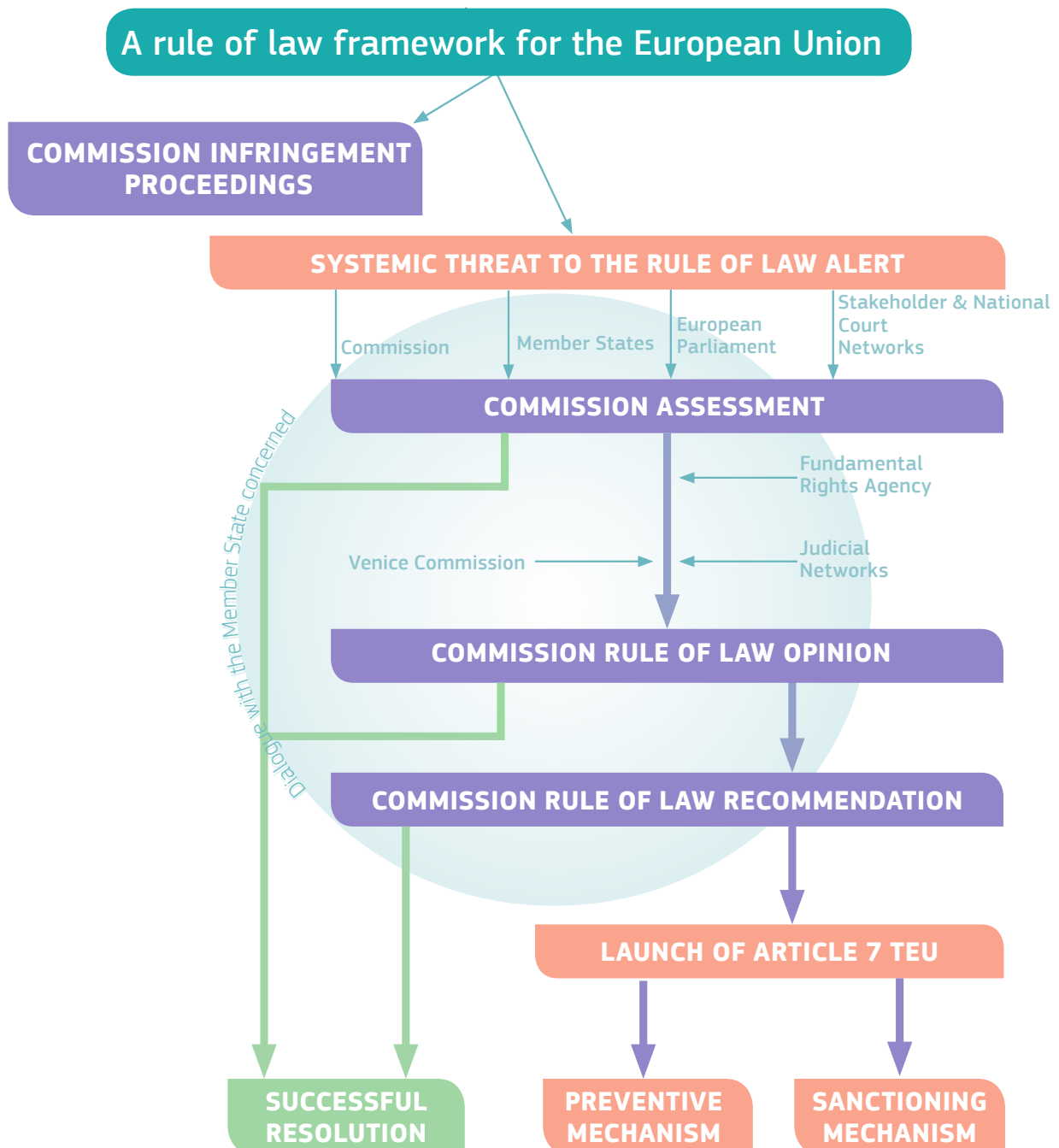
HOW: funding for Member States with ex-ante conditionality, mainly through the European Structural and Investment Funds

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:



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

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

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.