



European Commission



RULE of LAW REPORT 2020

September 2020

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. 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.



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.

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 anti-corruption, aiming to boost economic growth.

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.

SUPPORT FOR CIVIL SOCIETY, NETWORKS AND PROJECTS

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

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.

ARTICLE 7 TEU

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

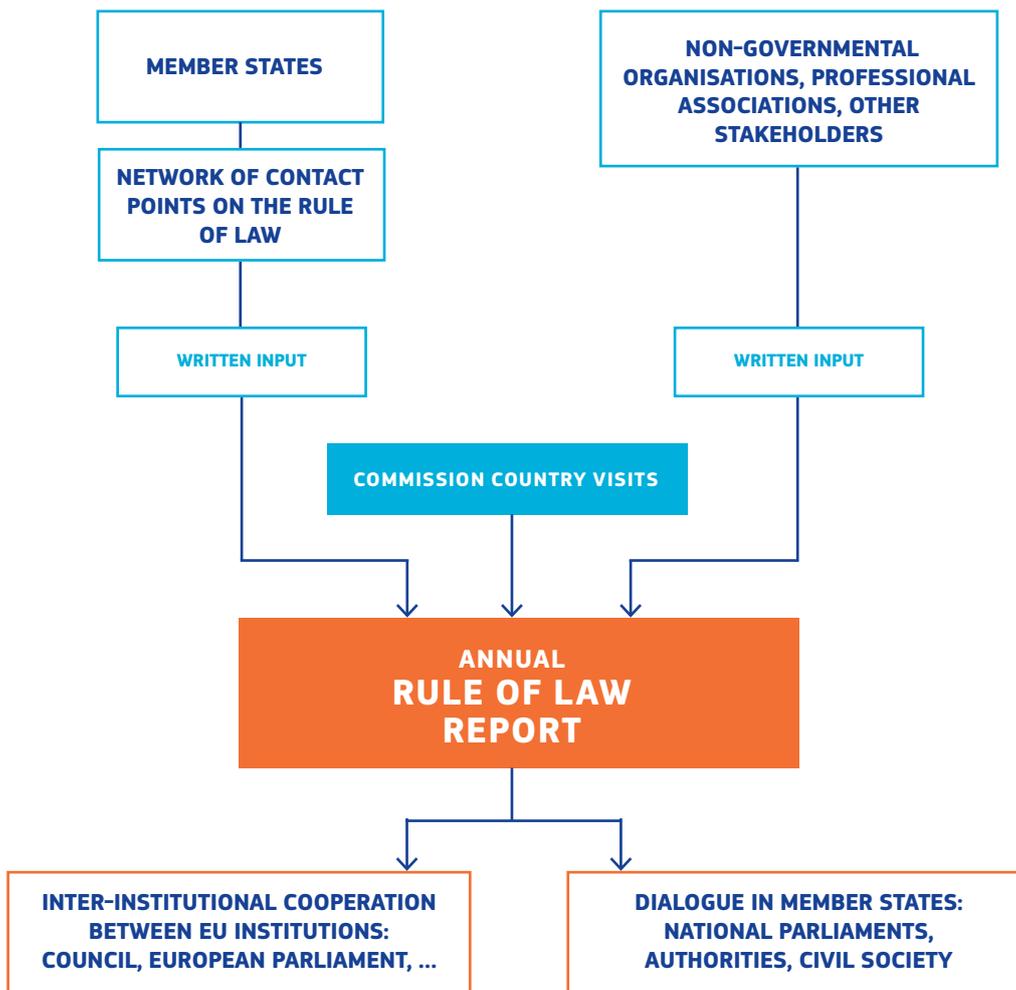
RULE OF LAW FRAMEWORK

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.

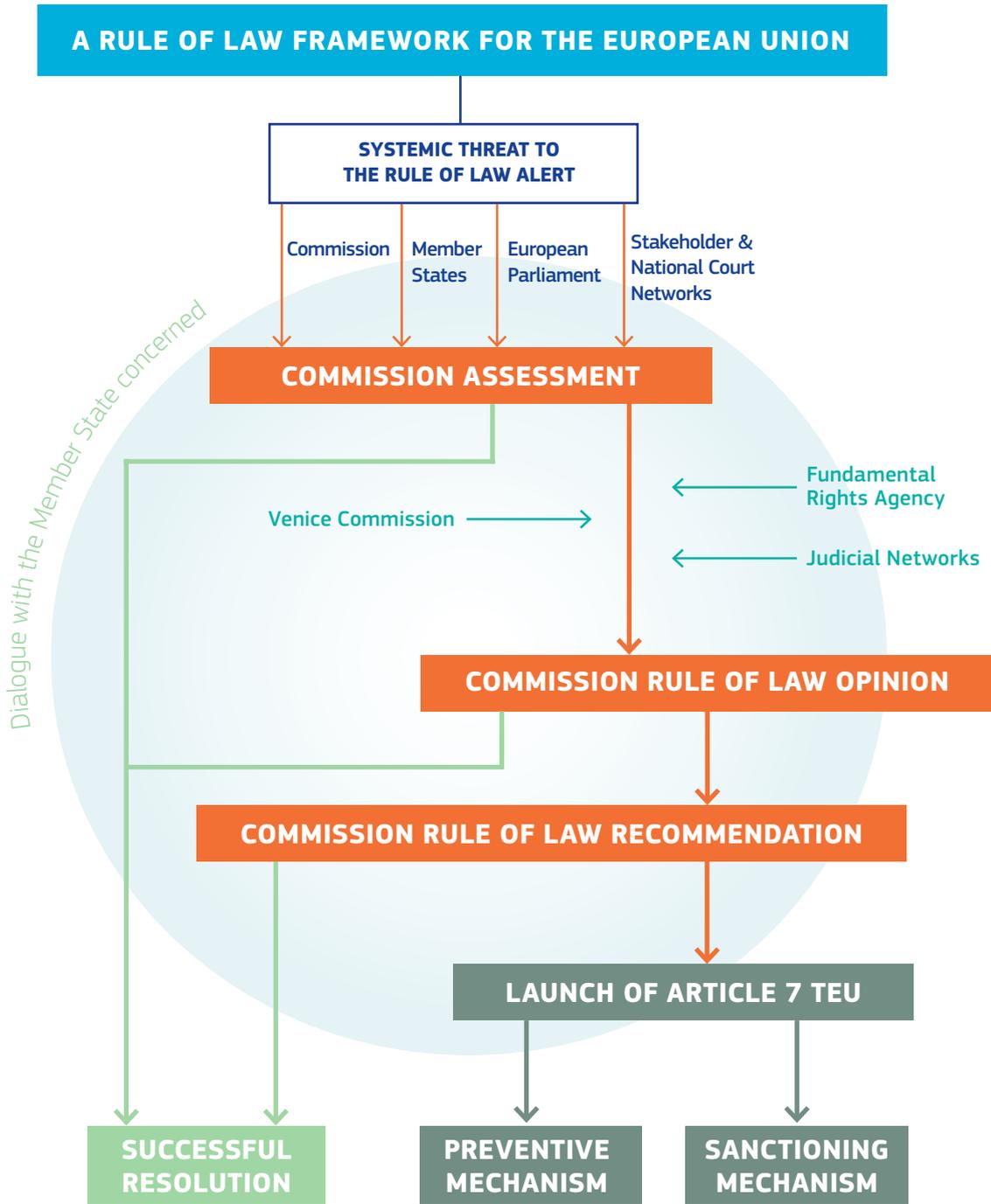
A PROPOSED REGIME OF CONDITIONALITY TO PROTECT THE EU BUDGET

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:



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

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.