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Oliver Röpke
President of the EESC



President Oliver Röpke Speech at Annual Conference on Fundamental rights and the Rule of Law

[check against delivery]

Dear Commissioner,

Dear Members,

Dear Participants,

- It is my great honour to welcome you to our **fourth annual conference** on fundamental rights and the rule of law.
- The relationship between European integration, the defence of EU founding values, and the role played by civil society is inseparable.
- For this reason, I have decided to place **the defence of freedom, democracy, human rights and the rule of law** at the heart of my mandate.
- I am therefore particularly glad to be present today, in such good company, to **discuss with you the main trends in Europe** in these areas, based on **the annual rule of law report of the European Commission**, and **the report that our Fundamental Rights and Rule of Law Group publishes today concerning its 2022 country visits**.

- **Dear Commissioner Reynders,**
- **As the mandate of this Commission is coming to an end, I think that it is worth underlying the major and unprecedented impetus** that it has given towards a stronger EU response in the area of fundamental rights and the rule of law.
- Our Committee has always been a staunch supporter of a proactive EU in the matter, and I believe that what the European Commission has proposed **is a right combination of prevention, promotion, and protection.**
- Of course, we all know that instruments such as the **Article 7 procedure** would need to be reformed to be more effective. But other instruments led by the Commission, like the **rule of law budget conditionality, infringement proceedings, and the rule of law review mechanism** are proving their efficiency.
- Despite initial hesitations and resistance on the side of some Member States, it now appears obvious that **a European monitoring of the rule of law in all EU Member States is both legitimate and relevant.**
- It is both legitimate and relevant because – and here let me quote the recent reflection of the "Group of Twelve":
- ***"The rule of law is not just one of the values on which the EU was founded. It is a non-negotiable constitutional principle for the EU's functioning".***
- **Such European monitoring is therefore in the *interest* of everyone:**
 - for the **EU as a whole**
 - for the **population, civil society, and economic actors** of EU countries, which are the first beneficiaries of freedoms of rights;
 - but, *also*, for the **Member States** themselves.
- Common monitoring should be taken as **an incentive for every national authority to aim for the highest standard.**



- The **visits done by our Fundamental Rights and Rule of Law Group** in all EU Member States indeed show that ***no Member State is deprived of challenges***.
- Of course, the picture is varied, and **not all situations could be considered equal**, as they can range from relatively generic types of challenges to situations of near rule of law crisis in some countries. In any case, **all situations call for action**.
- And it is of the **Member States that are the prime responsible for reforms** that must be carried out.

Dear Commissioner,

Dear Members,

Dear Participants,

- **In that general European picture, our role as the EESC is to relay the voice of civil society** from national to European level, and to facilitate understanding and dialogue amongst all key stakeholders.
- **Our FRRL Group has already engaged with more than 600 civil society representatives in EU Member States** on trends concerning fundamental rights and the rule of law. The FRRL group has not only engaged with specialised CSOs - it has also heard employers, trade unionists, media and legal professionals, with a particular "socio-economic approach" to fundamental rights and the rule of law, which makes its added-value.
- All this is **good**, but it is **not enough**.
- **It is true that we, as EU, are better equipped than a few years ago, in both policies and tools, to face the challenges of our times. But we must also be realistic: challenges also keep on growing.**
- The accumulation of crises, the new geopolitical context, and the possibly challenging European elections, all **call for a further increase of our efforts, *inside* the EU, but also *in its neighbourhood*.**



- The **vision that dominated in the 1990s and the 2000s, that democracy and human rights would naturally spread** on the globe, was certainly too optimistic.
- But **we cannot conceive the EU as an island isolated from the rest of the world**. Every newspaper headline shows that this idea is impossible.
- Therefore, we should **be much more concrete in better preparing both the deepening and the enlargement of the EU**.
- I am deeply convinced that **fundamental rights and the rule of law are a central component to both logics**.
- It might well be that, **to be able to function in an EU of 30+ members, we might have to rely much more on the logic of differentiation**: we might not all take part in the same policies and cooperation projects.
- **But there is a red line in differentiation**. Because of the **central importance of the rule of law** – as both an EU value and a core constitutional principle – it *cannot* be put into question. **There cannot be any "rule of law frontier"**, within the EU or between the EU and the countries that aspire to join it.
- This is why at the EESC we work a lot on the topic of enlargement:
- By appointing "**Enlargement Candidate Members**" we want to extend our support and invite civil society representatives from EU candidate countries to participate in the daily advisory work of our Committee and to effectively work on the elaboration of the EESC's opinions on EU legislation or those bringing new ideas at the table of the EU co-legislators.
- It is my strong belief that as a result of participation in the everyday work of our Committee, **civil society organisations in the candidate countries** will gain a better **understanding of the principles of EU fundamental rights and the working methods of the European social and civil dialogue**.
- In this context, I also made my intention clear to **reinforce the mandate of the FRRL Group and to extend its scope to candidate countries**. The European Commission is



working in the same direction, with the extension of the remit of the Rule of Law Report to these countries and more generally by focusing in the next months on pre-enlargement reforms and policy reviews.

- In all logic, **this trend should further reinforce the importance of the European Commission Rule of Law Reports.**
- This also means that **the preparation and follow-up to these reports should be even more inclusive and participatory**, in order to reinforce the double logic of monitoring from above (by the EU) and from below (by national civil societies).
- For what concerns today's discussion, we are of course very much impressed by the figure provided by the European Commission that **nearly two third of the recommendations of the past reports have been implemented.**
- But **implementation should mean *real* change, not only in laws, but also in practice**, that should be visible on the ground, by civil society and the population.
- This is why we have convened civil society representatives to get their views on the question. The persons we have been invited to speak today are particularly relevant because they represent **organisations that we met in our FRRL Group country visits, and that also contributed to the European Commission report.**
- On the medium term, we believe that the reinforcement of the EU Rule of Law Review Mechanism should be accompanied by **a stronger civil society component.**
- As EESC, we have been calling for several years for the **creation of a Civil Society Forum on Fundamental Rights and the Rule of Law.** And the idea is not only to have a moment for discussion, like we do today.
- Beyond the "*moment*" of a forum, we need to create "*momentum*", on the long term, in the form of **a permanent structured dialogue** with CSOs, social partners, citizens, and all other actors of civil society.
- I connect this idea to the much-needed follow-up to the **Conference on the Future of Europe.** It is not the intention of the EESC to let its conclusions being shelved. We must



ensure that the Conference represent the start of a process that would lead to both a **more transparent and participatory EU**, and a **reinforced Union more able to safeguard fundamental rights and the rule of law** on the continent. Both ideas are of course linked and they represent one of the key objectives of this Committee.

- Let's put this in practice, starting with today's discussion.
- **Dear Mr Commissioner**, we are eager to hear from you, in particular concerning the legacy of this Commission, but also on how you believe that the impetus could be prolonged in the next mandate.
- Thank you.

