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**Update Report on the
EU’s Actions to Strengthen the Rule of Law within the Union**

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**Introduction**

In the recent mandate of the European Commission, **the concern for the state of the rule of law within the Union has come to the very top of the political agenda** stemming from and triggering a multitude of dynamic and heated political and policy debates at the level of the EU, civil society and the public. A series of **negative developments in different Member States** have moved the EU closer to long-awaited self-examination of the internal state of the rule of law. They have included systemic as well as incidental attempts to undermine the independence of constitutional courts, the judiciary and independent institutions, abuses of executive power and high-level corruption, shrinking civic space marked by political, administrative and media attacks on watchdog civil society organizations and independent journalists. These trends directly undermine the EU’s political cohesion, common legal standards, Single Market and EU’s credibility as global promoter of the rule of law, democracy, good governance and human rights. The Union has finally recognized that it needs to sharpen its own safeguarding capabilities, of utmost importance for its overall functioning and policy coherence, especially regarding its credibility as a global promoter of peace, security, democracy and human rights.

The detected problems have motivated the EU institutions to **undertake a broad and through process of deliberative policy development, aimed at enabling more effective enforcement and enhancement of the EU’s toolbox to strengthen the rule of law within the Union**, resulting in a set of policy plans and proposals awaiting political action in the new mandate of the European Parliament and the Commission upon the May 2019 elections. This report presents a short overview of the key policy proposals and innovations in strengthening the rule of law in the EU, providing the context for monitoring EU’s efforts to act as a credible and capable promoter of the rule of law in its external action and enlargement policy, including Serbia’s accession negotiations, firmly grounded in Serbia’s capacity to meet the Copenhagen criteria and benchmarks set for the Chapter 23 – Rule of Law and Fundamental Rights.

**EU’s Renewed Commitment to the Rule of Law**

Looking more closely at the Member States’ internal affairs has proved to be a politically risky if not explosive task for the Union’s unity, if not handled with utmost care and precise instruments. The **Commission’s activation of the previously unseemly “nuclear option” (Article 7 of TEU)** against systemic **breaches of the rule of law in respect to judicial independence in Poland on December 20, 2017** served as a landmark move and was followed by **the Parliament’s initiation of the same procedure against Hungary on September 12, 2018**. The political turmoil disclosed increasingly tense and conflicting positions of the Member States as well as the need for much more effective mechanisms of early warning and preventive action. This has been of special importance for the work of the Commission, which has been challenge of the perception of its disproportionate interference with the Member’ States constitutional systems and sovereign powers, espoused by political leaders of countries under scrutiny primarily targeting the Commission’s Vice President Timmermans for his actions in respect to the rule of law[[1]](#footnote-1).

Another landmark move has been **historic ruling of the Court of Justice of the European Union (CJEU) on June 24 that that Poland’s national Law on Supreme Court (lowering the retirement age of judges) was contrary to the EU law** and breached the principle that the judges cannot be removed and thus the principle of judicial independence[[2]](#footnote-2). This decision is of utmost importance since it represents the very first over-ruling of national legislation, invoking the key principle of the rule of law, hence “, putting in place a de facto new mechanism to tackle rule of law violations with the Commission and the CJEU the key players”[[3]](#footnote-3). Hence, the EU has proved to have power over member states’ illiberal defections from its core value and functioning principle.

The EU’s renewed commitment to strengthening the rule of law across all of its policy areas and across all Member States is visible in a series of political and expert debates at the level of all EU institutions, such as the **Annual Colloquium on Fundamental Rights** organized by the Commission since 2015[[4]](#footnote-4), resulting in a number of new policy proposals, most of which require further action on part of the Council as well as the new Commission and Parliament. **Expected policy continuity has been initially enabled by the Declaration of the EU leaders’ Sibiu Summit in May 2019** and subsequent **adoption of the New Strategic Agenda of the European Council** which sets the political priorities of the Union in the upcoming period 2019-2024. The Declaration of Sibiu Summit states: “We will continue to protect our way of life, democracy and the rule of law. The unalienable rights and the fundamental freedoms of all Europeans were hard fought and will never be taken for granted. We will uphold our shared values and principles enshrined in the Treaties”[[5]](#footnote-5). The Strategic Agenda makes explicit connection between European citizen’s well-being and full respect for the rule of law: “Europe must be a place where people feel free and safe. The EU shall defend the fundamental rights and freedoms of its citizens, as recognised in the Treaties, and protect them against existing and emerging threats. The common values underpinning our democratic and societal models are the foundation of European freedom, security and prosperity. The rule of law, with its crucial role in all our democracies, is a key guarantor that these values are well protected; it must be fully respected by all Member States and the EU”[[6]](#footnote-6).

**A New Strategic Agenda 2019-24**[[7]](#footnote-7) directs the future work of the EU institutions towards: (1) protecting citizens and freedoms; (2) developing a strong and vibrant economic base and (4) building a climate-neutral, green, fair and social Europe and (4) promoting European interests and values on the global stage. **The Strategic Agenda highlights full respect of the rule of law as key tool for the protection of the European values:** “Europe must be a place where people feel free and safe. The EU shall defend the fundamental rights and freedoms of its citizens, as recognised in the Treaties, and protect them against existing and emerging threats. The common values underpinning our democratic and societal models are the foundation of European freedom, security and prosperity. The rule of law, with its crucial role in all our democracies, is a key guarantor that these values are well protected; it must be fully respected by all Member States and the EU.”

To deliver on its priorities, **the EU must address its internal and external challenges in an integrated manner and strengthen its unity and effectiveness**. EU institutions are mandated to revisit their “ working methods and reflect on the best way to fulfil its role under the Treaties” and “work in accordance with the spirit and the letter of the Treaties”, respecting the principles of democracy, rule of law, transparency and equality between citizens and between Member States. Good governance also depends on the rigorous implementation and enforcement of agreed policies and rules, which must be closely monitored.”

It should also be noted that in May 2018, in the scope of the preparation of the new Multiyear Annual Framework i.e. new EU Budget 2021-27, the **Commission has proposed a new Regulation on the protection of the Union’s budget in case of generalized deficiencies as regards the rule of law in the Member States**[[8]](#footnote-8). Its intention is to „protect the financial interest of the Union “by ensuring that the beneficiary countries respect “a sound financial management and the Rule of Law”. If a member state breaches these principles, it will be deprived of access to EU funding as to assure “financial interests of the Union are protected.” The provision, if enacted, would enable the Commission to assess whether solid systems of checks and balances in place in a certain member state that can guarantee public accountability and scrutiny of EU funds. The decision - as to whether a generalized deficiency in the rule of law risks affecting the financial interests of the EU - would be proposed by the Commission and adopted by the Council through [reversed qualified majority voting](https://eur-lex.europa.eu/resource.html?uri=cellar:c2bc7dbd-4fc3-11e8-be1d-01aa75ed71a1.0023.01/DOC_1&format=DOC). This means that the Commission’s proposal is deemed to be adopted by the Council unless it decides by qualified majority to reject the Commission's proposal. The new Commission´s proposal is very similar to the existing system of the MFF 2014-2020´s ex-ante conditionality, yet with a stronger legal standing. It is not as ambitious as desired by human rights proponents, since it cannot „punish“ a country that diverges in its policies on migration or minorities, but it does provide a safeguarding mechanism in respect to the very fundamental issues such as independence of the judiciary and audit institutions. The adoption of this Regulation is on the agenda of the Council and the new Parliament.

At present, **the current Finnish Presidency is taking initiative to ensure swift follow-up on existing policy initiatives to strengthen the rule of law**. On September 16, 2019, General Affairs Council held Council held a **policy debate on enhancing respect for the rule of law in the EU[[9]](#footnote-9)**. On the basis of a presidency discussion paper[[10]](#footnote-10), ministers discussed how the Council could contribute to the overall aim of strengthening the rule of law in the EU, and what specific measures could be used. The debate took place against the backdrop of a**forthcoming review of the Council's annual rule of law dialogue**, which is scheduled to take place at the General Affairs Council meeting on November 19, 2019. It built upon discussions on a peer review mechanism, as well as the Commission communication of 17 July in which the Commission proposed, among other things, to set up a Rule of Law Review Cycle covering all the EU member states. During the debate, a number of ministers expressed their support for developing **a preventive mechanism for monitoring the rule of law situation in all the EU member states**. Several participants stressed that any such mechanism would need to be inclusive and objective, ensuring that all member states are treated in an equal manner. In addition, it was important to respect the division of competences under the treaties and to avoid duplication for any mechanisms chosen. The presidency will now send a questionnaire to all member states whose results will feed into the evaluation of the Council's rule of law dialogue at the General Affairs Council meeting in November. An indicator of **potential emerging consensus at the Council level about the need to strengthen the EU’s rule of law prevention capabilities** is the public statement of the Finnish premier Antti Rianne from September 29, 2019[[11]](#footnote-11) that no European Union member, including Hungary and Poland, appear directly opposed to linking the EU's future budget to performance on the rule of law.

In the scope of current process of the formation of the new Commission[[12]](#footnote-12), **the issue of the rule of law in general and anticorruption have emerged as a top concern**, resulting in the rejection of two candidates from Romania and Hungary due to conflict of interest (the latter, former Hungarian minister of justice, was proposed to lead EU’s enlargement portfolio) and much greater focus on these issues in the parliamentary hearings[[13]](#footnote-13).

**The Commission’s new Blueprint for Action**

The **key legacy of the European Commission**, under the political leadership of Vice-president Timmermans is the **new policy document “Strengthening the Rule of Law within the Union: A Blueprint for Action**”[[14]](#footnote-14), published in July 17, 2019 which lays out an inventory of proposed actions to better enforce and enhance the EU’s toolbox to promote and protect the rule of law. The document is the result of a rich policy debate[[15]](#footnote-15) initiated in **April 2019 Communication** and pursued by a public consultation process and a series of policy debates including the Annual Fundamental Rights Colloquium and regular dialogue with **the EESC’s Permanent Group on the Rule of Law and Fundamental Rights**. The new policy proposals are organized into three pillars (1) promotion; (2) prevention” and (3) protection, which include proposals for new legislation and budgetary allocations, effective enforcement of the existent disciplinary measures and further development of the European’s Court’s case law, new annual reporting mechanism at the level of Member States, stronger support to civil society and academia fostering the culture of the rule of law, promotion of the rule of law in EU’s external actions and enlargement process and reinforced cooperation with international organizations, primarily the Council of Europe.

**The respect for the rule of law is clearly viewed as a key tool for making the Union work and the basis for safety, prosperity and enjoyment of freedoms and human rights of European citizens.** Hence, threats to the rule of law there challenge the legal, political and economic basis of how the EU works. The Commission **puts emphasis on the shared responsibility of the EU institutions and Member States in upholding the rule of law** and makes a **strong reference to the Treaty of the EU’s principle of sincere cooperation (TEU 4(3)[[16]](#footnote-16)** The article includes a mutual legal obligation for the EU and the Member States "to assist each other in carrying out the tasks which flow from the Treaties" and has previously been mostly related to the EU’s external action, while now it is referred to the Member States’ responsibilities to uphold the EU’s core principle.

The first step in this direction is **strengthened inter-institutional cooperation among the Parliament, Council and the Commission, as well between the EU’s institutions and Member State**s, grounded in clear and common understanding of competences and responsibilities of each actor. The Blueprint recalls the three core principles guiding the EU action on the rule of law, summarized an interpreted as follows: (1) both the EU and Member states have legitimate, hence common, interest in the functioning of the rule of law at the national level; (2) the primary responsibility for the respect for the rule of law lies with each member State hence the first redress mechanism should also be at that level and (3) the EU’s role must be objective and demonstrating equal treatment of all Member States, engaging all EU institutions, in their respective roles, hence also the European Parliament, the Council and the European Economic and Social Committee.

**European Economic and Social Committee has also stepped up its efforts to contribute to the development of stronger rule of law mechanisms** and has since 2016 issued several relevant opinions[[17]](#footnote-17) calling for **reinforced action by the Union with regard to the rule of law and fundamental rights in the Member States, with special emphasis on supporting efforts by civil society and protecting European civic space**[[18]](#footnote-18). In 2018 EESC set up its own thematic working group and in June 2019 it issued its opinion on the Communication’s Communication on the rule of law from April 2019.[[19]](#footnote-19) **The Group on Fundamental Rights and the Rule of Law (FRRL)**[[20]](#footnote-20) is a horizontal body within the EESC tasked to provide a forum for European civil society organizations to meet and share their assessment on the state of fundamental rights, democracy and rule of law in the Member States. The Group is **conducting country visits, so far to Romania, Poland, Hungary, France and Austria**, developing **collaboration with other EU institutions** (LIBE Committee, DG JUST, Fundamental Rights Agency) and is **exploring new avenues for open cross-sectoral and cross- country dialogue**, nested in peer reviews, on the state of the rule of law within the Union. In its work, the FRRL group focuses on topics and not individual countries and aim to promote the respect for the European values listed in Article 2 TEU, the Charter of Fundamental Rights, as well as the check list on the rule of law by the Venice Commission of the Council of Europe. Its objective is to address both collective and individual rights, and, given the mandate of the EESC, also pay attention to the economic and social rights, which are indivisible from civil and political rights and require special strategic attention.

*Promotion of the Rule of Law: Vital Role of Civil Society*

The Commission’s Blueprint asserts that **the best guarantee for the respect of our common values is the existence of a robust political and legal culture** supporting the rule of law in every Member State. Yet it is not the case and recent negative developments have disclosed significant gaps which need to be filled by proactive actions to promote the rule of law within the EU, both at professional level and in the general public at large, where civil society, media and academia play central role. Such actions would **seek to embed the rule of law in national and European political discourse,** both through disseminating knowledge about, EU law requirements and standards and the importance of the rule of law for citizens and business, and by empowering stakeholders with an interest in promoting rule of law themes.

Towards this Goal, **the Commission proposes the following priority actions directly relevant for civil society**: (1) make full use of funding possibilities for civil society and academia, in particular and (2) continue and enhance civil society dialogue and follow up on the idea of an annual rule of law event open to national stakeholders and civil society organisations; (3) develop a dedicated public communication strategy on the rule of law, including by upgrading the dedicated rule of law website to become a reference point for all relevant information and (4) support civil society organisations and social partners to continue their monitoring and their contribution to the discussion on the impact and concrete consequences of rule of law deficiencies in their respective area of responsibility; (5) Member States to strengthen promotion of the rule of law at national, regional and local level, including through education and civil society.

**For civil society actors across the EU, the issue of funding the work on promotion and community-based protection of the rule of law is paramount.** The Commission’s proposal of the nee EU budget 2021-27 includes, **a new Justice, Rights and Values Fund[[21]](#footnote-21)**, simplifying and building on the existing programmes in this field. The fund comprises the Rights and Values, and Justice programmes. The Fund has a **proposed budget allocation of 947 million EUR over the seven years**, 642 million EUR for the Rights and Values programme and 305 million EUR for the Justice programme. The overall allocation is roughly equivalent to the previous period budget allocation. The Fund will support the activities of a number of actors in the field of rights and values such as NGOs, equality bodies, public administrations, judicial networks or universities. As stated by the Commission, protecting European values is more important than ever today when European societies face extremism, radicalism and division, hence „creating opportunities for engagement and democratic participation in political and civil society are essential tasks for the future EU budget“[[22]](#footnote-22). EESC has welcomed the new fund and has **called for s for the use of innovative funding tools to allow civil society participation and capacity to be reinforced at local, national and transnational level**, with **specific earmarking of at least 50% of funding for civil society organisations** of the different strands. It has also supported the development of an EU fund offering financial support for litigation cases relating to violations of democracy, the rule of law and fundamental rights targeted at civil society organisations[[23]](#footnote-23).

*Rule of Law in EU’s External Action*

### **It is the EESC’s position that the EU must strongly uphold its commitment to political conditionality in the neighbourhood policy and in the EU accession process.** To remain credible, it must apply the same criteria internally. For any country desiring to join the European Union, firm commitment to "European Values" is essential. Accession candidates must fulfil the Copenhagen criteria. It is important that the EU enforces these demands very strictly. Strengthening the rule of law is not only an institutional issue, it requires societal transformation.

### **The New Strategic Agenda** adopted by the European Council in June 2019 **provides the political ground for continuity of the EU’s “fundamentals first” approach to enlargement policy**[[24]](#footnote-24), as it clearly states that the Union will uphold the European perspective for the countries willing to join, pursue an ambitious neighbourhood policy and engage in global partnerships grounded in common values that work towards global peace and security and promote democracy and human rights. In addition, the increasingly central position of the rule of law in accession process is highlighted in the Commission’s April 2019 Communication on strengthening the rule of law[[25]](#footnote-25), noting that the EU is actively promoting the rule of law and supporting rule of law reforms in third countries. **The rule of law is also firmly anchored in the accession negotiations, where the overall speed of the negotiations depends on progress in this area.** The key point is reiterated in the July 2019 Blueprint for Action. Only through its consistent internal actions which address challenges within the EU and its member states, the EU can act as a credible and staunch promoter of the rule of law in Serbia’s EU accession negotiations. At the same time, the EU’s expertise in overseeing rule of law reforms in the enlargement process is highly valuable for the current political debate on the rule of law monitoring mechanisms within the Union. It is expected that the Commission will continue to apply and improve its methodologies for in-depth and timely monitoring of the reforms of the judiciary as well as for more effective support to civil society organizations and their citizens’ outreach and assistance, and engagement of civil society in policy dialogue.

The key findings and recommendations of a **recent thematic external evaluation of the EU’s promotion of the rule of law in third countries**[[26]](#footnote-26), including a case study on Serbia, indicate that the **EU has firmly placed the rule of law at the very centre of its enlargement and neighborhood policies and operational programs, yet with mixed results**. It is evident that **wherever the political will is not secured**, EU’s investments, however large and dedicated fail to yield results. That is the case with institutional capacity building and support for transparent and open policy-making involving civil society. At the same time, **EU’s integrated approach to the rule of law which includes investments into civil society’s capacities has proved worthwhile**, with the note that in many contexts, the impact of civil society has been limited due to political marginalization, which is again a matter of political will. **The EU is advised to develop its own capacities to assess political risks and act more strategically.** According to the evaluation recommendations, the EU should (1) continue to prioritise rule of law in its co-operation policies and strategies; (2) develop clearer responses and associated criteria to address situations where serious rule of law and related concerns arise, persist or worsen; (3) strengthen its capacities to address rule of law issues; (4) strengthen its assessment of the rule of law context at the country level, in particular the political commitment to rule of law; (5) encourage long-term actions featuring extended engagement; (6) more actively and systematically promote learning. Civil society is recognized as vital actor ensuring independent monitoring of the Government’s commitments made to the EU and for bringing citizens on board of rule of law reforms. The EU should continue to enhance the involvement of civil society in monitoring processes, which in turn would contribute to institutional learning. It should also deepen policy dialogue that engages civil society actors at higher levels of programming EU’s interventions and policy-making.

*Preventing Setbacks by Enhanced Monitoring and Cooperation*

European Economic Social Committee, reflecting the position of European civil society, social partners and progressive think thanks[[27]](#footnote-27), has **strongly advocated for the establishment of a new annual reporting mechanism on the rule of law and fundamental rights that would bind all EU Member States**, and that the protection of the rule of law and fundamental rights should be adequately financed in the new EU budget[[28]](#footnote-28). Such proposal has been made by the LIBE Committee and adopted by the European Parliament in 2016 in the form of an inter-institutional **EU Pact for Democracy, Rule of Law and Fundamental Rights (DRF)**[[29]](#footnote-29) that includes a scoreboard, an annual inter-parliamentary debate, and arrangements for resolving possible risks and breaches and for the activation of the preventative or corrective arms of Article 7. That mechanism should, among other things, examine aspects such as legality, the hierarchy of norms, legal certainty, equality, non-discrimination, free access to justice and due process, prevention of abuse of law and arbitrariness on the part of public authorities, separation of powers, respect and protection for political pluralism, minorities and social and sexual diversity, respect for freedom of expression and of the press, with a view to identifying current shortcomings and calling for them to be remedied. The Parliament has proposed launching an inter-institutional democracy, rule of law and fundamental rights semester, to include the Commission framework, the Council's annual dialogue and the inter-parliamentary debate.

**The current proposal made by the Commission in the new Blueprint for Action clearly reflects the strong need for deepened and dedicated monitoring of the state of the rule of law, involving all EU institutions and other stakeholders.** The Commission therefore intends to introduce **the Rule of Law Review Cycle** **which will also result in an annual report on the rule of law**.The review cycle would cover all the different components of the rule of law, including for example systemic problems with the process for enacting laws, lack of effective judicial protection by independent and impartial courts, or non-respect for the separation of powers.[[30]](#footnote-30) The review would also examine the capacity of Member States to fight corruption and, where there is a connection with the application of EU law and issues in relation to media pluralism and elections. There is also a link to monitoring of the effective enforcement of EU law, notably the capacity of all actors playing a role in the enforcement of EU law to perform their duties: courts, prosecution services, law enforcement authorities, independent authorities, public administrations with a supervisory role, ombudsmen and human rights institutions and defenders[[31]](#footnote-31).

To strengthen horizontal exchange of information and policy dialogue on the rule of law**, the Commission proposes that a network of national contact points in Member States** for bilateral dialogue with each Member State and preparation and collection of relevant information for the Rule of Law Report. This process of dialogue is particularly relevant for detecting potential rule of law issues early, as an established and regular setting helps to improve understanding and minimise the risk of confrontation. The dialogue can also provide an opportunity for Member States to discuss rule of law-sensitive reforms in the preparation phase, including in light of the case law of the European Court of Justice.

In order to ensure the necessary transparency and awareness, and to keep the rule of law on the political agenda of the EU, **the Commission intends to publish an annual Rule of Law Report summarising the situation in the Member States**. Based on the variety of the sources described above, it would provide a synthesis of significant developments in the Member States and at EU level, including the case law of the European Court of Justice, and other relevant information and monitoring instruments, primarily the EU **Justice Scoreboard** and the **European Semester country reporting**, which will also be further developed. The Annual Rule of Law Report could also form the basis of debates in the European Parliament and in Council. As pointed out in the Blueprint, the work of the institutions will be most effective if it is a joined-up process, which could also be followed up with different work by the different institutions. Other EU institutions, such as the Economic and Social Committee and the Committee of the Regions, could also contribute.

Finally, the **Commission’s Blueprint envisions a stronger emphasis of the role of the European political parties in upholding the rule of law in the EU**, which includes their responsibility to ensure compliance on part of their national chapters and members. The Blueprint refers to the Regulation No 1141/2014 on the statute and funding of European political parties and European political foundations[[32]](#footnote-32) which requires that they observe, in particular in their programme and in their activities, the values on which the Union is founded, as expressed in Article 2 TEU. In cases where the Commission has reasons to believe that respect for these values might be in doubt, it could ask the Authority for European political parties and European political foundations to verify compliance with the conditions set out in the Regulation[[33]](#footnote-33). A decision to de-register a political party or foundation could be taken, if the Authority determines that there has been a manifest and serious breach of those conditions.

**Conclusion**

The current political and institutional dynamics **provides reason for optimism that in the new mandate of the Commission and the Parliament, the rule of law will manage to uphold if not even strengthen its position as a top political issue**, understand as a common value beyond ideological divisions, critical for the success and longevity of the European project and, more practically, for daily safety, freedom and prosperity of the EU’s citizens and our global community. **This is exactly what European citizens predominantly expect from their politicians both nationally** and at the RU level, as evidenced by the In April 2019 Eurobarometer survey[[34]](#footnote-34) in all Member States, which was published together with the Communication on 17 July 2019. The results show overwhelming support for the rule of law, with limited differences between Member States. **The importance of the key principles of the rule of law was recognized by over 80% of citizens in all Member States**. The Eurobarometer also underlined that Europeans consider it important that the rule of law applies throughout the EU, with **89% supporting the need for the rule of law to be respected in all other EU Member States**. It has further revealed that over half of **Europeans do not feel sufficiently informed about the EU’s fundamental values**, which is yet another impetus for the EU leaders to invest adequate time, money and attentiveness to citizens’ outreach and engagement in the European affairs.

## It is finally clear that **no institution can do this job alone, nor is the rule of law only an institutional matter**. **Inter-institutional cooperation and a dynamic, ongoing and wide public debate are vital** for the ambitious leap forward in ensuring that the Union’s core principle is truly accepted and respected at all levels of governance in all spheres of life and across all policy areas. Hence, in its most recent opinion on the rule of law from June 2019 **the EESC has proposed further reinforcement to existing civil society platforms and the establishment of an EU-level annual Forum on Fundamental Rights and the Rule of Law** with the involvement of the EESC, firstly to allow EU decision-makers to receive early warning about emerging challenges to Article 2 TEU values directly from stakeholders, including grassroots organisations and, secondly, to facilitate mutual learning and national and transnational collaboration between all relevant stakeholders (businesses, trade unions, civil society organisations, national human rights institutions, and public authorities)[[35]](#footnote-35). **European civil society looks forward to the upcoming political and legislative actions on part of EU institutions** **in the new mandate** which seem to have finally reached the point of common concern for the rule of law as a stronghold of European peace, security, democracy and prosperity.

1. <https://www.euronews.com/2018/07/28/hungary-s-pm-viktor-orban-attacks-the-eu>,

<https://foreignpolicy.com/2019/07/02/europe-must-not-allow-enemies-of-democracy-to-choose-the-next-eu-commissioner-frans-timmermans-epp-sd-eu-commission-orban/> [↑](#footnote-ref-1)
2. <https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-06/cp190081en.pdf> [↑](#footnote-ref-2)
3. <https://www.ecfr.eu/article/commentary_the_eu_must_defend_its_rule_of_law_revolution> [↑](#footnote-ref-3)
4. <https://ec.europa.eu/info/events/annual-colloquium-fundamental-rights_en> [↑](#footnote-ref-4)
5. <https://www.consilium.europa.eu/en/meetings/european-council/2019/05/09/> [↑](#footnote-ref-5)
6. <https://www.consilium.europa.eu/en/press/press-releases/2019/06/20/a-new-strategic-agenda-2019-2024/> [↑](#footnote-ref-6)
7. <https://www.consilium.europa.eu/media/39914/a-new-strategic-agenda-2019-2024-en.pdf> [↑](#footnote-ref-7)
8. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018PC0324&from=EN> [↑](#footnote-ref-8)
9. <https://www.consilium.europa.eu/en/meetings/gac/2019/09/16/> [↑](#footnote-ref-9)
10. <https://data.consilium.europa.eu/doc/document/ST-12044-2019-INIT/en/pdf> [↑](#footnote-ref-10)
11. <https://euobserver.com/tickers/146115> [↑](#footnote-ref-11)
12. The Commissioners’ appointment rests upon the parliamentary assessment and hearings of candidates for the Commissioners proposed by its President already elected by the EP, based on Member States’ nominations. <https://www.europarl.europa.eu/news/en/hearings2019/20190620STO54901/the-new-parliament-and-the-new-commission> [↑](#footnote-ref-12)
13. <https://www.theguardian.com/world/2019/sep/26/meps-reject-two-eu-commissioner-candidates> [↑](#footnote-ref-13)
14. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM%3A2019%3A343%3AFIN> [↑](#footnote-ref-14)
15. <https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/initiative-strengthen-rule-law-eu_en> [↑](#footnote-ref-15)
16. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M004> [↑](#footnote-ref-16)
17. <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/unions-budget-and-rule-law/opinions> [↑](#footnote-ref-17)
18. <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/resilient-democracy-through-strong-and-diverse-civil-society-own-initiative-opinion> [↑](#footnote-ref-18)
19. <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/further-strengthening-rule-law-within-union-state-play-and-possible-next-steps-communication> [↑](#footnote-ref-19)
20. <https://www.eesc.europa.eu/en/sections-other-bodies/other/group-fundamental-rights-and-rule-law/news> [↑](#footnote-ref-20)
21. <http://europa.eu/rapid/press-release_MEMO-18-3975_en.htm> [↑](#footnote-ref-21)
22. <https://eur-lex.europa.eu/resource.html?uri=cellar:c2bc7dbd-4fc3-11e8-be1d-01aa75ed71a1.0023.01/DOC_1&format=DOC> [↑](#footnote-ref-22)
23. <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/new-justice-rights-and-values-fund> [↑](#footnote-ref-23)
24. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-communication-on-eu-enlargement-policy.pdf> [↑](#footnote-ref-24)
25. <https://ec.europa.eu/info/sites/info/files/rule_of_law_communication_en.pdf> [↑](#footnote-ref-25)
26. Thematic Evaluation of EU Support for Rule of Law in Neighbourhood Countries and Candidates and Potential Candidates of Enlargement (2010-2017), Ref. Ares(2019)3031037 - 07/05/2019, commissioned by the European Commission, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/rol_final_evaluation_report.zip>. Executive summary available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/executive_summary.pdf> [↑](#footnote-ref-26)
27. <https://humanistfederation.eu/ehf-joins-ngo-statement-on-civil-societys-role-for-human-rights/> <https://www.etuc.org/en/document/european-social-partners-statement-rule-law>

 <https://www.opensocietyfoundations.org/publications/how-monitor-rule-law-democracy-and-fundamental-rights-eu> [↑](#footnote-ref-27)
28. <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/european-control-mechanism-rule-law-and-fundamental-rights> [↑](#footnote-ref-28)
29. <http://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-eu-mechanism-on-democracy-the-rule-of-law-and-fundamental-rights> [↑](#footnote-ref-29)
30. For example, actions and public statements attacking individual judges or the judiciary as a whole would fall under this category. [↑](#footnote-ref-30)
31. The effective enforcement capacity of Member States administrations and authorities depends on key components, in particular: (i) enforcement and remedies powers, (ii) capacity/resource requirements, (iii) independence requirements, where necessary, (iv) enforcement procedures and (v) cooperation amongst authorities of different Member States. [↑](#footnote-ref-31)
32. Regulation No 2019/493 of the European Parliament and of the Council of 25 March 2019 amending Regulation No 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament. [↑](#footnote-ref-32)
33. See Article 10(3) establishing the mechanism for verification of compliance with registration conditions and requirements. [↑](#footnote-ref-33)
34. <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyk/2235> [↑](#footnote-ref-34)
35. <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/further-strengthening-rule-law-within-union-state-play-and-possible-next-steps-communication> [↑](#footnote-ref-35)