

FINNISH CONTRIBUTION ON COMMUNICATION OF THE EUROPEAN COMMISSION; “FURTHER STRENGTHENING THE RULE OF LAW WITHIN THE UNION – STATE OF PLAY AND POSSIBLE STEPS”

Finland welcomes the Communication and supports efforts of the Commission to strengthen the rule of law. The Communication is a valuable contribution to the topical discussion concerning the need to strengthen and uphold the rule of law in the union.

The recent years have shown that rule of law can never be taken for granted. The Union needs to focus on enhancing the respect for this principle through a comprehensive approach and by concrete measures. We must strengthen and develop our rule of law tools and find synergies between the respective efforts of different actors. Different rule of law tools **should be viewed as a whole and they should complement each other.** The relevant instruments should be applied simultaneously when this is deemed necessary and appropriate. Early detection and prevention of problems should be prioritized.

Finland makes the following observations as regards the Communication:

I and II pillars (promotion and prevention)

- We support the plans of the Commission to further measures aimed at **preventing possible rule of law threats**, inter alia by creating a general framework for regular cooperation and dialogue with Member States by information-gathering.
- The **role of the civil society** in creating and strengthening the rule of law culture in Member States is crucial and should be supported both nationally and through EU funding.
- As regards promotion and prevention, Finland draws attention to the current efforts in and in the margins of the Council to **develop the rule of law dialogue** of the Council and to create a peer review mechanism. The Finnish presidency is planning, in the context of the evaluation of the Council’s rule of law dialogue, to propose **developing the dialogue into a more structured and result-oriented direction.** Our aim is to turn the focus of the dialogue from thematic discussions into a yearly, general stocktaking on where we stand with the rule of law. The basis of the dialogue should be formed by different already existing reports, such as the European Semester reports and the Justice Scoreboard.
- Both the dialogue and the peer review mechanism are aimed at **enhancing mutual understanding, knowledge and unity as regards the rule of law.** Hence, these mechanisms can help to prevent problems and to receive information on worrying trends sufficiently early. This would contribute to the aim of the Commission to further exploit the potential of these documents and enhance inter-institutional cooperation. Both the dialogue and the peer review mechanism could also make use of material produced by reliable outside actors such as the Council of Europe, which would enhance cooperation with these organisations.

- Finland underlines the important role of the **accession process** in our efforts to promote the rule of law comprehensively. Extensive and coherent reforms of the justice systems are at the core of the accession policy. Countries in the accession process should be required to achieve genuine and sustainable results more promptly as regards the rule of law. This is the only way to ascertain that countries joining the EU can live up to the common standards in this regard.

III pillar (response)

- Finland agrees that enforcement at union level when **national mechanisms falter** needs to be enhanced. It is crucial that the action of the EU in these situations is efficient and coherent, and that all Member States are treated in an impartial and uniform manner.
- In these situations, the **Commission plays a central role**. According to Article 17 TEU the Commission is responsible for ensuring and overseeing the application union law. In cases where the rule of law deficiency constitutes a breach of Union law, the use of the infringement procedure (TFEU 258 Article) should be prioritized. The framework of the Commission is also an important tool that should be supported and developed, including cooperation with the Council.

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Finally, in order to protect the Union budget and to convince our citizens that EU funding is used in an effective manner, there needs to be **conditionality between such funding and the respect for the rule of law**. In this respect, the proposal of the Commission for a regulation on the protection of the Union's budget in case of generalized deficiencies as regards the rule of law in the Member States is of great importance. The adoption of this regulation would contribute to the aim of preventing problems and alongside protecting the budget, make an important addition in the rule of law tool box.