The EU has a number of tools at its disposal to ensure the respect of the rule of law in all Member States. Member States generally 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 tool is tailored to the specific situation at hand, and aims 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. The rule of law means that everyone, including members of parliament and of the executive, 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.

**PROMOTION OF THE RULE OF LAW & PREVENTION OF PROBLEMS**

**ANNUAL RULE OF LAW CYCLE**

A yearly cycle with an annual rule of law report at its centre, promoting the rule of law in all Member States through dialogue and exchange of information 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 fight against corruption, aiming to boost economic growth.
**RULE OF LAW FRAMEWORK**

An early-warning tool adopted by the Commission in March 2014, enabling a structured dialogue with a Member State to address systemic threats to the rule of law to prevent escalation.

**HORIZONTAL ENABLING CONDITION ON THE CHARTER OF FUNDAMENTAL RIGHTS**

This is another tool to protect EU funds in the context of cohesion policy. The horizontal enabling condition on the Charter of Fundamental Rights requires all Member States to put in place effective mechanisms to ensure that the programmes supported by the Common Provisions Regulation and their implementation complies with the Charter. This is a precondition for related expenditure to be reimbursed.

**GENERAL CONDITIONALITY MECHANISM**

The conditionality mechanism to apply in case of breaches of the principles of the rule of law, which affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way.

**EU SUPPORT FOR STRUCTURAL REFORMS**

Technical and financial support for Member States to carry out structural reforms. Reforms linked to the effectiveness of justice systems are also financed via NextGenerationEU and the Recovery and Resilience Facility. Many Member States have included in their Recovery and Resilience Plans reforms and investments to strengthen judicial independence, to reduce the length of proceedings and to improve the quality of the justice system.

**SUPPORT FOR CIVIL SOCIETY, NETWORKS AND PROJECTS**

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

**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 dialogue and possible sanctions.

**EUROPEAN UNION FUNDING INSTRUMENTS FOR STRUCTURAL REFORMS**

Technical and financial support for Member States to carry out structural reforms. Reforms linked to the effectiveness of justice systems are also financed via NextGenerationEU and the Recovery and Resilience Facility. Many Member States have included in their Recovery and Resilience Plans reforms and investments to strengthen judicial independence, to reduce the length of proceedings and to improve the quality of the justice system.
HOW THE ANNUAL RULE OF LAW CYCLE WORKS:

- **Member States**
  - Network of Contact Points on the Rule of Law
  - Written Input
- **Non-Governmental Organisations, Professional Associations, Other Stakeholders**
  - Written Input
- Commission Country Visits
- **Annual Rule of Law Report**
- Commission Assessment
- Recommendations to Member States
- Inter-Institutional Dialogue between EU Institutions: Council, European Parliament, ...
- Dialogue in Member States: National Parliaments, Authorities, Civil Society
HOW THE RULE OF LAW CONDITIONALITY MECHANISM WORKS:

ONGOING SCREENING

Commission screens sources to identify breaches of the principles of the rule of law (e.g. Rule of Law Report, Council of Europe bodies’ opinions, complaints, etc.)

Possibility to contact Member States

CONDITIONS TO INITIATE A PROCEDURE

- Situations that are indicative of breaches of the principles of the rule of law
- Breaches affect or seriously risk affecting the Union budget in a sufficiently direct way
- Other procedures would not allow the Commission to protect the Union budget more effectively

PROCEDURE

Commission formally notifies Member State of findings and informs Council and European Parliament

Member State submits observations/remedial measures within specified timing

COMMISSION ASSESSMENT

If findings are not addressed, Commission informs the Member State of measures to be proposed to the Council

The Member State replies

COMMISSION SECOND ASSESSMENT

Commission considers information received, observations by Member State and proposed remedial measures

If findings remain unaddressed or proposed remedial measures are not adequate, Commission submits a proposal to the Council for an implementing decision on the appropriate measures

COUNCIL ADOPTION OR AMENDMENT OF PROPOSAL

By qualified majority

Measures may be amended

COMMISSION RE-ASSESSMENT AFTER ADOPTION

The Commission reassesses the situation at the latest one year after adoption of measures.

If the Commission finds that the initial situation had not been remedied, it adopts a reasoned decision and informs the Member State and the Council.

The Commission proposes decision to adapt or lift the measures to Council.

The Council adopts or amends proposal by qualified majority.
HOW THE RULE OF LAW FRAMEWORK WORKS:

A RULE OF LAW FRAMEWORK FOR THE EUROPEAN UNION

SYSTEMIC THREAT TO THE RULE OF LAW ALERT

Commission → Member States → European Parliament → Stakeholder & National Court Networks

COMMISSION ASSESSMENT

Venice Commission

COMMISSION RULE OF LAW OPINION

COMMISSION RULE OF LAW RECOMMENDATION

LAUNCH OF ARTICLE 7 TEU

SUCCESSFUL RESOLUTION

PREVENTIVE MECHANISM

SANCTIONING MECHANISM

Dialogue with the Member State concerned

Fundamental Rights Agency

Judicial Networks
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 Member States excluding EU country concerned)
  **Council can issue recommendations**
  (by a majority of 4/5 of Member 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.