

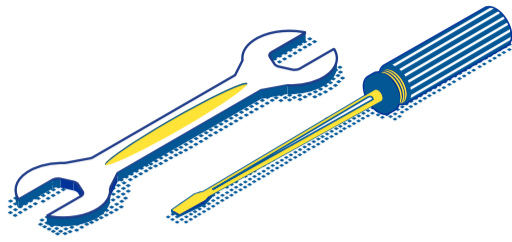
# Strengthening the rule of law in the EU

#EBDGrafik



European Movement Germany

## The European institutions' tool box



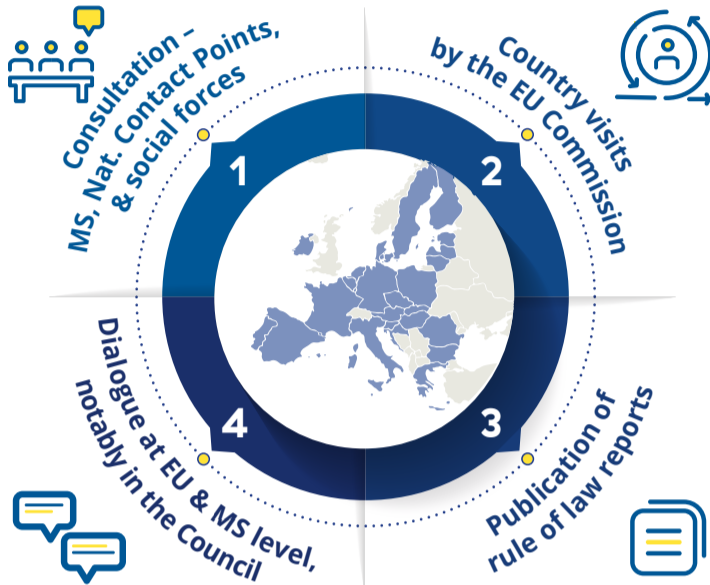
### Preventive instrument\*

**NEW**

#### European Rule of Law Mechanism

Annual cycle of dialogue with general report and 27 country chapters

How: rule of law assessment on the basis of the following criteria:



Judicial independence



Effective anti-corruption framework



Media pluralism & media freedom



Checks & balances

\*Other preventive monitoring instruments: EU Justice Scoreboard, European Semester, Cooperation and Verification Mechanism for Bulgaria and Romania.

#### ✓ Important to EM Germany

- Institutionalise an open and constructive rule of law dialogue in the Council
- Involve social forces as well as parliaments in the preparation and evaluation of the report

### Sanctions instruments

#### Article 7 TEU Mechanism



**How:** unanimous decision by the European Council (without MS concerned), after consent by the EP on the existence of a breach.\*\*

Then decision on sanction by QM voting in the Council of Ministers



**Sanction:** suspension of certain rights of the Member State, including voting rights

#### Rule of Law Framework



**How:** formulating recommendations in a three-stage dialogue between the Commission and the MS concerned.



**Sanction:** if MS does not adhere to the recommendations, the Commission launches the Art 7 TEU procedure

#### ✓ Important to EM Germany

- Adopt as soon as possible a rule of law conditionality to the EU budget that addresses general rule of law deficiencies and limits Council competences to a QM veto
- Strengthen the mandate of the European Fundamental Rights Agency (FRA)
- Apply the Art. 7 TEU procedure consistently and launch a reform of this mechanism in the medium term

\*\* The Council decides in advance by a 4/5 majority (excluding the MS concerned) and after consent by the EP on the risk of a breach



#### Infringement proceedings under Article 258 TFEU



**How:** hearing by the EU Commission, then initiation of proceedings before the European Court of Justice



**Sanction:** payment of fines

#### PROPOSAL 2018

#### Linking the EU budget to rule of law principles



**How:** currently disputed

- **Commission & EP proposal:** decided by the Commission, but Council can veto with qualified majority
- **Council proposal:** decided by the Council on a proposal from the Commission



**Sanction:** suspension or restriction of access to European funds for a Member State