

Evaluation of justice in relation to criminal justice and the rule of law

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The European Parliament adopted by 472 votes to 163, with 47 abstentions, a resolution on the evaluation of justice in relation to criminal justice and the rule of law.

Parliament stressed that in the area of criminal justice evaluation enhances mutual trust. Mutual trust is key to the efficient implementation of mutual recognition tools. Under the Stockholm programme evaluation is listed as one of the main tools for integration in the area of freedom, security and justice.

The annual report of the European Union Agency for Fundamental Rights for 2012 expressed concerns over the situation regarding the rule of law, and in particular judicial independence, in certain Member States and, in this connection, over the fundamental right of access to justice, which has been seriously affected by the financial crisis.

Parliament has repeatedly called for a strengthening of existing mechanisms to ensure that the values of the Union set out in Article 2 TEU are respected, protected and promoted, and for crisis situations in the Union and the Member States to be addressed in a rapid and efficient way. A debate is under way within Parliament, the Council and the Commission on the **creation of a 'new mechanism'**.

Development of the Justice Scoreboard in criminal law matters: whilst welcoming the EU Justice Scoreboard drawn up by the Commission, Parliament regretted that it only focused on civil, commercial and administrative justice. It emphasised that the establishment of a **Justice Scoreboard in criminal matters** would make a fundamental contribution to creating a common understanding of EU legislation in the field of criminal law among judges and prosecutors, thus strengthening **mutual trust**.

In this regard, the Commission is called upon to gradually **expand the scoreboard's scope** so that it becomes a separate and encompassing justice scoreboard which assesses, through the use of objective indicators, all areas of justice, including criminal justice and all justice-related horizontal issues, such as the independence, efficiency and integrity of the judiciary, the career of judges and the respect of procedural rights.

Parliament called on the Commission to involve all relevant actors and draw on their experience and lessons learnt, as well as the work already carried out by the bodies of the Council of Europe regarding the assessment of the rule of law and justice systems, and by the European Union Agency for Fundamental Rights.

Role of the national Parliaments and the European Parliament: Parliament called on the Commission and Council to ensure that the European Parliament and the national Parliaments are involved in the process as provided for by the Treaties and that they are regularly presented with the results of evaluations.

Member States' participation: regretting the lack of available data on national justice systems, Member States are called upon to cooperate fully with the EU and Council of Europe institutions and to collect and provide, on a regular basis, impartial, reliable, objective, and comparable data on their justice systems.

Rule of law and fundamental rights: the resolution called on the Commission to address Parliament's repeated request and propose:

- an **effective mechanism for a regular assessment** of Member States' compliance with the fundamental values of the EU, as set out in Article 2 TEU, providing a basis for an early warning tool; and
- a **mechanism for crisis situations** with appropriate forms of intervention, more effective infringement proceedings and the possibility of sanctions should systematic breaches of the principles of democracy and the rule of law occur and should the appropriate checks and balances fail to function in a Member State.

Parliament and the Council of Europe are invited to develop an appropriate mechanism for submitting requests for opinion on subjects of particular concern to the Venice Commission and to ensure Parliament's participation as an observer in the work of the Venice Commission. Parliament also deemed it necessary to further strengthen cooperation between the competent committees of Parliament and the Parliamentary Assembly of the Council of Europe. In this regard, it extended a standing invitation to Council of Europe representatives (relevant PACE Committees, Venice Commission, CEPEJ, Commissioner for Human Rights) to attend the relevant meetings of EP committees.

Parliament also called on the Council and the Member States to fully assume their responsibilities in relation to fundamental rights, as enshrined in the Charter and the relevant articles of the Treaties, in particular Articles 2, 6 and 7 TEU. It believed that this is a precondition if the EU is to **deal effectively with situations where the principles of democracy, the rule of law and fundamental rights are curbed by Member States.**

Lastly, Parliament stressed that the Commission is empowered to bring a Member State failing to fulfil an obligation under the Treaties before the Court of Justice of the European Union.