Resolution on the need for a comprehensive EU mechanism for the protection of democracy, the rule of law and fundamental rights

2018/2886(RSP) - 14/11/2018 - Text adopted by Parliament, single reading

The European Parliament adopted by a resolution on the need for a comprehensive EU mechanism for the protection of democracy, the rule of law and fundamental rights

The resolution was tabled by the EPP, S&D, ALDE, Greens/EFA, S&D, ALDE, Greens/EFA, GUE/NGL and EFDD groups.

Noting that the European Union Agency for Fundamental Rights (FRA) has highlighted challenges to democracy, the rule of law and fundamental rights in various Member States, Parliament pointed out that the European Union does not have an objective and permanent mechanism in place to monitor democracy, fundamental rights and the rule of law in all Member States. EU responses are primarily reactive rather than preventive, and are hampered by the **uneven and politicised attention** paid to challenges to democracy, the rule of law and fundamental rights in different Member States. Parliament also pointed to **rising concerns regarding democracy and rule of law** in Malta, Slovakia and Romania and to the high number of infringement procedures against several Member States in the field of justice, fundamental rights and citizenship. It stated that the challenges to the rule of law and democracy in Member States put the **legitimacy of the Union's external action at risk**, particularly in relation to its accession and neighbourhood policies. The EU framework to strengthen the rule of law, established by the Commission in 2014 has only been used once, and whereas this instrument has proven insufficient to prevent or remedy threats to the rule of law.

Parliament regretted the fact that the Commission **has not yet presented a proposal** for a comprehensive EU mechanism on democracy, the rule of law and fundamental rights (DRF), in spite of Parliament's resolution on this issue in 2016, and called on the Commission to do so, by proposing the adoption of the **interinstitutional agreement on the EU Pact for DRF** in its forthcoming non-legislative initiative to strengthen the enforcement of the rule of law in the European Union.

Such an interinstitutional Pact should consist of: (i) an annual evidence-based and non-discriminatory review assessing, on an equal footing, all EU Member States' compliance with the values stipulated in Article 2 TEU, (ii) country-specific recommendations (the European DRF Report) to be followed by an interparliamentary debate, and a permanent DRF Policy Cycle within the EU institutions. Parliament called on the Council to agree to commit itself to the interinstitutional agreement on the Pact for DRF, and to support further proposals from the Commission to strengthen democracy, the rule of law and fundamental rights. Members considered that, if the Commission and Council continue to reject the establishment of a Pact for DRF, Parliament could take the initiative to **launch a pilot DRF report and an interparliamentary debate.**

The Commission was asked to consider linking its proposed regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States with a comprehensive, permanent and objective EU mechanism for the protection of democracy, the rule of law and fundamental rights.

Members noted that the **Article 7(1) TEU procedure**, which establishes the existence of a clear risk of a serious breach of the values on which the Union is founded, has been initiated by the Commission in light

of the situation in Poland, and that the same procedure has been initiated by the European Parliament in light of the situation in Hungary. They called on the Council to **properly assume its institutional role** in the ongoing procedures in the framework of Article 7(1) TEU, to inform Parliament immediately and fully at all stages of the procedure and to invite Parliament to present its reasoned proposal to the Council.