The Commission’s 2020 Rule of law report - COM(2020)0580

2021/2025(INI) - 24/06/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 509 votes to 152, with 28 abstentions, a resolution on the Commission's 2020 Rule of Law Report.

Stressing the importance of establishing a European architecture for monitoring and enforcing the rule of law in the EU, Parliament welcomed the Commission's first annual rule of law report as a new tool for identifying risks in advance and of preventing violations of fundamental rights and the rule of law, instead of reacting ex post when such violations are repeated.

Rule of Law Report 2020: lessons for 2021

Members welcomed the fact that the functioning of the justice systems, the anti-corruption framework, media pluralism and some institutional issues related to checks and balances, including civic space to a certain extent, are all included in the Commission's annual review of the rule of law situation in Member States.

However, the Commission should devote greater efforts to deepening the country analyses with a view to **better assessing the severity of rule of law challenges** and to nuance its findings by differentiating between systemic rule of law violations and individual and isolated breaches. These assessments are necessary to formulate conclusions and determine follow-up actions and corrective measures and instruments that need to be put in place.

Members considered it necessary for future reports to be more analytical and to contain **country-specific recommendations** on how to address the problems identified or remedy violations, including deadlines for implementation, where appropriate, and benchmarks to be followed up on.

The Commission is invited to highlight positive trends in Member States which could serve as relevant examples for others to follow and to identify cases where certain measures which undermine the rule of law may have a negative impact on the Union as a whole.

Justice systems

Stressing that efficient and independent justice systems are essential for the preservation of the rule of law, Parliament expressed its concern about the stark deterioration of the independence of some Member States’ justice systems and by the increasing and blatant lack of compliance with EU law, including EU Court of Justice judgments. It deplored the political pressure in Hungary and Poland to prevent national courts from initiating preliminary ruling proceedings before the Court of Justice in order to prevent national judges from asking the Court of Justice questions in relation to EU requirements for judicial independence.

The Commission should ensure the application of the Treaties and secondary legislation, including in cases where risks of serious breaches of the values laid down in Article 2 TEU, as identified in the country chapters, have effectively materialised following the publication of the 2020 report.

Anti-corruption framework

Parliament called on the Member States and the EU institutions to devise effective tools to prevent, detect risk, stop and sanction cases of corruption and fraud, as well as mechanisms to recover the profits from those cases, in particular by regularly monitoring the use of both EU and national public funds. It expressed its concern about the **potentially increasing risk of the Union's budget being misused** as a means to weaken the rule of law in some Member States.

The Commission is invited to update and strengthen the Union's anti-corruption legislation and to adopt a set of appropriate policies to combat judicial corruption in the Member States.

Freedom of expression: media freedom and pluralism, artistic and academic freedom

Parliament expressed concern about the increasing deterioration of media freedom and pluralism in some Member States since the publication of the 2020 report. It called on the Commission to assess the effectiveness of national frameworks for the protection of media freedom and pluralism and to include in the country chapters of future reports an overview of attacks on journalists across the EU. It called for this pillar of the annual report to be extended to all aspects of freedom of expression, including the fight against hate speech.

Other institutional issues linked to checks and balance

Parliament was alarmed by the use of COVID-19 emergency measures as a pretext to fast-track discriminatory legislation. It encouraged the Commission to ensure that the rights of EU citizens are respected, protected and upheld by the Member States during the COVID-19 pandemic and beyond.

Stressing the importance of a healthy civic space for the promotion and monitoring EU values, the resolution invited the Commission to deepen its assessment of the civic space in the 2021 report.

Institutional aspects

Members called on the Commission and the Council to respond to Parliament's request in its resolution of 7 October 2020 for a **joint EU mechanism for democracy, the rule of law and fundamental rights** covering all the values enshrined in Article 2 TFEU.

It urged the Council and the Commission to enter into negotiations with Parliament without delay with a view to reaching an **institutional agreement** for the establishment of an objective and evidence-based monitoring mechanism, enshrined in a legal act, in which the three institutions would take part in a transparent and regular process aimed at protecting and promoting all the Union's values.