

Resolution on the 2022 Rule of Law Report – the rule of law situation in the European Union

2022/2898(RSP) - 30/03/2023 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on the 2022 Rule of Law Report - the rule of law situation in the European Union.

The resolution stressed that it is necessary to strengthen and streamline existing mechanisms and to develop a **single comprehensive EU mechanism to protect democracy, the rule of law and fundamental rights** effectively and to ensure that Article 2 TEU values are upheld throughout the Union. Parliament has been addressing issues in Hungary, Malta, Poland, Bulgaria, Greece, Slovakia, Slovenia and Spain. However, the Commission and the Council have continued to dismiss the need for an interinstitutional agreement on an EU mechanism on democracy, the rule of law and fundamental rights.

Overall assessment of the report

Parliament welcomed the Commission's third annual rule of law report as part of the Commission's rule of law toolbox. It noted improvements compared to previous annual reports, such as the addition of country-specific recommendations. The Commission is encouraged to deepen its participation in public debates at local, regional and national levels and to invest more in awareness-raising about the Union values and applicable tools, including the annual report, particularly in the countries where serious concerns exist. Members expressed support for the Commission's efforts to **upgrade the reporting methodology** and considered that the **expansion of scope** of the report should go hand in hand with an **increase in resources**.

On the other hand, Parliament regretted the worrying trends with respect to freedom of the press, media pluralism and the safety of journalists in several Member States and called on the Commission to closely monitor the situation of the media in future editions of the report, including media ownership and the funding of public service media, as well as to provide recommendations and follow-up through adequate policy and legal measures.

It condemns disruptive political interference in editorial decisions, abusive lawsuits (SLAPPs) and the illegal surveillance of journalists, especially through the use of spyware.

Furthermore, the resolution acknowledged the important role of the European Public Prosecutor's Office (EPPO) in safeguarding the rule of law and in combating corruption in the Union, and encouraged the Commission to closely monitor Member States' level of cooperation with the EPPO in subsequent reports. Parliament called on the Member States which have not yet done so to join the EPPO.

Country-specific recommendations

Parliament welcomed the addition of country-specific recommendations as they help to target specific issues with a view to achieving real improvements in Member States. It deplored, however, the fact that the recommendations are **not binding**. The Commission is called on to develop the annual rule of law cycle further by assessing the implementation of the country-specific recommendations in the next annual report, with specific **benchmarks and a clear timeline** for implementation, clearly indicating progress and regression.

More specifically, Members regretted the fact that many of the recommendations are **too vague and lack the specificity** required to ensure effective implementation.

Parliament also called on the Commission to:

- pursue the consistent and meaningful involvement of civil society in both the preparation of and the follow-up to the report at national level;
- further invest, through dedicated funding, in building capacity for civil society organisations to monitor and report on the rule of law situation in the Member States, and to ensure adequate protection to civil society engaging in this process;
- consider direct management of EU funds to ensure that end beneficiaries receive the EU funding intended for them.

Parliament also regretted the lack of cooperation by some Member States' authorities with Parliament's Committee of Inquiry to investigate the use of Pegasus and equivalent **surveillance spyware**.

Outstanding calls from Parliament on the annual rule of law report

The resolution set out the outstanding calls from Parliament such as, *inter alia*:

- the inclusion in the annual report of important elements such as the prevention of the abuse of powers, equality before the law and non-discrimination;
- including a new separate chapter on the Union's institutions, which would assess the situation in relation to the separation of powers, the anti-corruption framework, accountability and checks and balances;
- the creation of an independent panel of experts to advise the three institutions, in close cooperation with the Fundamental Rights Agency;
- the creation of a direct link between the annual rule of law reports, among other sources, and the Rule of Law Conditionality Mechanism.