Report on the Commission’s 2023 Rule of Law report

2023/2113(INI) - 28/02/2024 - Text adopted by Parliament, single reading

The European Parliament adopted by 374 votes to 113, 45 abstentions, a resolution on the Commission’s 2023 Rule of Law report.

The Rule of Law report as a tool

Members welcomed the rule of law report as a crucial cornerstone of the EU rule of law toolbox. They are concerned that the Commission, in its effort to be factual and even-handed, sometimes ends up being **too diplomatic and imprecise** when identifying rule of law problems in Member States. They called on the Commission to make it clear that when the values enshrined in Article 2 of the EU Treaty are systematically, deliberately and seriously flouted over a period of time, Member States may no longer fulfil all the criteria that define a democracy.

Justice and prosecutorial systems

The resolution stated that an independent judiciary is the backbone of the rule of law. Members expressed the importance of **mutual trust**, while also underlining that the Commission cannot ignore the shortcomings of national judicial authorities in some Member States. While some judicial systems may look robust and satisfactory on paper, in some cases they are not immune to state capture, political interference or nepotism.

The resolution noted that the Commission finds **wide disparities between EU Member States** in terms of judicial independence and safeguards. According to the Commission, concerns on the Councils for the Judiciary still have to be addressed in Poland, Slovakia, Bulgaria, Spain and Cyprus. Disciplinary proceedings may be used as a means of curtailing judicial independence, as is the case in Bulgaria. Challenges persist in appointing high-level judges in Malta, Greece, Lithuania, Latvia and Ireland.

Members underlined that the judiciary should be allocated sufficient means to be truly accessible and able to provide an **effective remedy to citizens**. Member States should do more to provide free of charge or affordable legal aid, in particular for those unable to afford such aid themselves, and should further facilitate access to a lawyer. The importance of guaranteeing the autonomy and accountability of the **prosecution service** was highlighted.

Corruption

Parliament called on the Member States and the Commission to increase their efforts to eradicate corruption. Members regret that, despite all Member States having anti-corruption strategies in place, perceptions of corruption vary greatly across the EU, with Denmark, Finland, Sweden and the Netherlands ranking among the least corrupt, while the perceived levels of corruption in Bulgaria, Malta, Hungary, Greece and Slovenia are worrying. Parliament condemned the fact that Malta continues to operate its citizenship by investment (CBI) scheme, which brings a major risk of corruption and other crimes.

Members 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 called on the Member States that have not yet done so to join the EPPO.

Stressing that corruption and money laundering are intrinsically linked, Members considered that it is necessary to **strengthen the EU's anti-fraud architecture** with a view to protecting of the EU's financial interests.

Media pluralism and media freedom

The resolution highlighted that without media pluralism and media freedom, democratic life and the rule of law cannot survive. The European institutions are encouraged to finally adopt and implement a **robust and ambitious** Media Freedom Act to ensure the harmonisation of transparency of media ownership legislation at EU level. Members stressed the importance of the editorial independence of public service media as well as the need to establish safeguards against internal and external interferences.

Protection of journalists

Parliament recalled that **independent journalism** is a vital element of the democratic rule of law. It expressed concerns at the deliberate attempts of several governments and economic powers to silence journalists who are exposing wrongdoing. It called on Member States to adopt domestic anti-SLAPP measures to protect journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings.

Transparency and access to information

The EU institutions are called on to show exemplary behaviour when it comes to access to information and documents. Member States are encouraged to **regulate lobbying**, such as by introducing national mandatory transparency registers for all politicians, members and officials of governments, authorities and agencies.

The legitimate use of force by police

Parliament is deeply concerned about the fact that many instances of disproportionate use of force against demonstrators continue to be reported across the EU. It stressed that the French police are more heavily armed than most other police forces elsewhere in the EU and is concerned about the fact that law enforcement authorities in France also carry out arbitrary detentions of demonstrators, which constitutes a violation of the right to liberty, as most detainees are released within a few hours without any charges.

Equality, non-discrimination and pluralism

Members stressed the necessity to fight against all types of discrimination, hate speech and crimes specifically targeting minority groups and members of national, ethnic, linguistic and religious minorities. They called on the Commission to include a specific new pillar on this in the next report, mapping all forms of xenophobia, racism, antisemitism, islamophobia, anti-gypsyism, LGBTIQ-phobia, hate speech and discrimination across all Member States.

Parliament also acknowledged the crucial role **civil society** and a healthy civic space play in upholding and protecting the rule of law, and reiterated its call for a separate chapter to be dedicated to the condition of civil society in Member States.

Enforcement of EU law

Members strongly regret the fact that the Commission is not taking stronger action to enforce EU law. Therefore, they called on the Commission to step up the number of new infringement procedures and to push forward existing infringement procedures with more audacity and urgency.