Basic information

2023/2113(INI) INI - Own-initiative procedure	Procedure completed
Report on the Commission's 2023 Rule of Law report **Subject** 8.30.10 Principles common to the Member States, EU values	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	IN 'T VELD Sophia (Renew)	29/08/2023
	Shadow rapporteur MANDL Lukas (EPP) ENGERER Cyrus (S&D) RIBA I GINER Diana (Greens/EFA) TERHEŞ Cristian (ECR) PELLETIER Anne-Sophie (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs (Associated committee)	VÁZQUEZ LÁZARA Adrián (Renew)	18/09/2023

European Commission

Commission DG	Commissioner
Justice and Consumers	REYNDERS Didier

Key events

Date	Event	Reference	Summary
12/07/2023	Committee referral announced in Parliament		
12/07/2023	Referral to associated committees announced in Parliament		
23/01/2024	Vote in committee		
01/02/2024	Committee report tabled for plenary	A9-0025/2024	Summary

28/02/2024	Decision by Parliament	T9-0108/2024	Summary
28/02/2024	Results of vote in Parliament		
28/02/2024	Debate in Parliament		

Technical information	
Procedure reference	2023/2113(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 57_o Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/12585

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE754.695	26/10/2023	
Amendments tabled in committee		PE756.303	23/11/2023	
Committee opinion	JURI	PE754.755	29/11/2023	
Committee report tabled for plenary, single reading		A9-0025/2024	01/02/2024	Summary
Text adopted by Parliament, single reading		T9-0108/2024	28/02/2024	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2024)386	08/08/2024	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
MANDL Lukas	Shadow rapporteur	LIBE	17/11/2023	Wirtschaftskammer Österreich

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.

Report on the Commission’s 2023 Rule of Law report

2023/2113(INI) - 01/02/2024 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Sophia IN 'T VELD (Renew, NL) on the Commission’s 2023 Rule of Law report.

The 2023 Rule of Law Report examines developments across all Member States, both positive and negative, in four key areas for the rule of law: the justice system, the anti-corruption framework, media pluralism and freedom, and other institutional issues related to checks and balances.

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 and commended the Commission for delivering a diligently researched and well-written report. They recognised that the rule of law report has become a benchmark for the EU institutions’ work on rule of law issues in the EU and in specific Member States. On the other hand, the committee is 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.

The report regretted that the Commission and the Council have so far rejected Parliament’s offer to enter into an interinstitutional agreement on democracy, the rule of law and fundamental rights. It reaffirms its willingness to resume talks on this agreement.

Justice and prosecutorial systems

The report stated that an independent judiciary is the backbone of the rule of law, as it is a precondition for an effective remedy when laws, rights, freedoms and democratic principles are withheld or violated. It underlined that an independent and effective judiciary is not only vital in maintaining the rule of law and democracy in the Member States and the Union, but it is also key in implementing EU law, given that the Commission relies on the national judicial authorities to enforce EU 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 or assume that they are all able to provide effective judicial remedies. 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 report noted that the Commission finds wide **disparities** between EU Member States in terms of judicial independence and safeguards. The report stated that for citizens to have effective access to justice, the 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.

Moreover, Members highlighted the importance of guaranteeing the **autonomy and accountability of the prosecution service**. They stressed the need for safeguards to be put in place to help preserve the autonomy and accountability of the prosecution service, including ensuring that it is free from undue political pressure, especially from the government.

Corruption

The report reiterated that corruption is a serious threat to the rule of law and severely undermines trust in democracy and equality before the law. It 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.

The committee acknowledges the important role of the European Public Prosecutor’s Office (EPPO) in safeguarding the rule of law and in combating corruption in the Union. In this regard, it encouraged the Commission to closely monitor Member States’ level of cooperation with the EPPO in subsequent reports. Member States that have not yet done so are urged to join the EPPO.

Members considered that by strengthening the EU’s anti-fraud architecture and increasing transparency in the European institutions can the protection of the EU’s financial interests be effectively and efficiently pursued and strengthened.

Media pluralism and media freedom

The report 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.

The Council and the Commission are called on to provide adequate funding for independent and European-wide quality journalism at national, regional and local levels.

Protection of journalists

Members recalled that independent journalism is a vital element of the democratic rule of law as part of the essential checks and balances and an element of public scrutiny. They expressed concerns at the deliberate attempts of several governments and economic powers to silence journalists who are exposing wrongdoing. They also stressed that unwarranted interference and pressure, fear and self-censorship have a chilling effect on the exercise of journalistic freedom of expression.

Transparency and access to information

The report regretted the continuous difficulties that many citizens, journalists and parliamentarians in many Member States face in obtaining information and access to documents. It underlines that, too often, public authorities deliberately frustrate access to information and documents, such as by disproportionately delaying decisions or giving only artificial access by making information only partially available.

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.

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.