

# Commission Presents New Concept to Strengthen Rule of Law



Thomas Wahl

News

On 17 July 2019, the European Commission adopted a set of actions to further strengthen the rule of law in Europe. Key aspects are increased awareness, an annual monitoring cycle, and more effective enforcement. Concrete initiatives are included in the Communication to the European Parliament, the European Council, the Council, the European Social and Economic Committee, and the Committee of the Regions “Strengthening the rule of law within the Union. A blueprint for action” (COM(2019) 343 final). The Communication is linked to a Communication of April 2019 (COM(2019) 163 final, see euCRIM 1/2019, p. 3), which set out the existing toolbox to encourage and enforce the rule of law in the EU, inviting all stakeholders to reflect on the next steps. The July Communication takes up the input given during this public consultation. Future avenues will rest on the following three pillars:

- Promotion: Building knowledge and a common rule of law culture;
- Prevention: Cooperation and support to strengthen the rule of law at national level;
- Response: Enforcement at EU level when national mechanisms falter.

When promoting a *rule of law culture*, the Commission will intensify its dialogue with civil society, e.g., by means of an annual event dedicated to rule-of-law principles and by making full use of funding possibilities for civil society and academia in support of their promotion efforts. The Commission is also committed to strengthening cooperation with the Council of Europe (including the Venice Commission and GRECO).

As regards *prevention*, the Commission decided to set up a Rule of Law Review Cycle, including an annual Rule of Law Report summarising the situation in all EU Member States. This will be accompanied by a mutual exchange of information and by dialogue, also through a network of national contact persons. The European Parliament and the Council are invited to a dedicated follow-up to the annual Rule of Law Report. The Commission also proposed further developing the EU Justice Scoreboard (see euCRIM 1/2019, p. 7), including improved coverage of relevant rule-of-law related areas, such as criminal and administrative justice. In addition, the Commission envisages strengthened dialogue with other EU institutions, Member States, and stakeholders and cooperation with European political parties to ensure that their national members effectively respect the rule of law.

Regarding an effective, common *response* to rule-of-law breaches, the Commission announced that it will continue to make full use of its powers as guardian of the Treaties – it can ensure respect for EU law requirements relating to the rule of law by way of infringement proceedings and the Art. 7 TEU procedure. The Commission will develop and pursue a better strategic approach to infringement proceedings, however, which includes requests for expedited proceedings and interim measures whenever necessary. On Art.7 TEU, the institutions are invited to work together to intensify the collective nature of decision-making among

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them. The Commission supports the idea of reforming the procedures of the Art. 7 hearing. Building on the Commission Anti-Fraud Strategy (see eucrim 1/2019, p. 15), it will also explore the possibility of a data analysis function to help identify problems when managing risks related to the protection of EU's financial interests.

The Commission established a [website](#) which contains all information on the initiative to strengthen the rule of law in the EU. Besides the Communications of April and July 2019, it also includes stakeholder contributions and a summary thereof. According to a recently published [Eurobarometer survey](#) on the rule of law, the vast majority of respondents (over 85% in each case) thinks that each of the 17 main principles of the rule of law (e.g., acting on corruption, the independence of judges, the proper investigation of crimes) are essential or important. Over 80% of respondents believes that the situation in their country needs at least some improvement with regard to the respect of these principles.

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