

Commission Triggers Debate on Future EU Rule-of-Law Toolbox



Thomas Wahl

News

On 3 April 2019, the Commission published a [Communication](#) entitled “Further strengthening the Rule of Law within the Union.” The Communication aims at triggering a reflection process on how the EU toolbox for defending and maintaining the fundamental value of the rule of law in the EU Member States can continue to be developed in the future. The Communication first recaps the core tools that the EU presently has at its disposal to ensure that the rule of law is upheld, e.g., the Rule of Law Framework (introduced in 2014), the Article 7 TEU procedure, infringement proceedings, the European Semester monitoring, and the EU Justice Scoreboard.

After assessing the experience made so far, the Communication lists three EU pillars to better enforce the rule of law in the Union:

- **Promotion:** This pillar involves building up knowledge and a “common rule of law culture;” it includes increased awareness raising in the general public and deepened cooperation with the Council of Europe.
- **Prevention:** The resilience of key systems and institutions must be built up by the EU, so that it is prepared when political stress arises. An in-depth understanding of the developments in the Member States is necessary for this purpose; areas of relevance include national checks and balances, judicial independence, the quality of public administration, anti-corruption policies, etc. In addition, extensive cooperation and dialogue can help resolve issues early on and foster reform processes.
- **Response:** If national rule-of-law safeguards are incapable of solving threats to the rule of law, it is the common responsibility of the EU institutions and Member States to take steps to remedy the situation. The Communication suggests a tailored approach. Actions may vary, depending on circumstances. One proposal is to cut EU money when rule-of-law deficiencies occur (see [eucrim 1/2018](#), pp. 12-13). In addition, the 2014 Rule of Law Framework could be refined to include clear timelines for the length of dialogue.

The European Parliament, the Council, and other stakeholders have been asked to reflect on several questions with regard to each of the three pillars. The Commission will publish more conclusions and proposals at the end of June 2019. Additional background information on the rule-of-law process can be found on a [special Commission website](#).

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