

EP Reviews Rule of Law Report 2021



euclid

European Law Forum: Prevention • Investigation • Prosecution

Anna Pinggen

News

On 19 May 2022, the European Parliament (EP) adopted a [resolution](#) on the Commission's 2021 annual Rule of Law Report (→ [euclid 3/2021, 134–135](#)). Overall, the EP welcomed the Commission's second annual Rule of Law Report but also pointed out that the Commission still did not fully address the EP's recommendations in its resolution of 24 June 2021 on the first Rule of Law Report (→ [euclid 2/2021, 70](#)). In particular, this critique concerns the expansion of the scope of the Commission's reporting in order to cover all values enshrined in Art. 2 TEU, the differentiation between systemic and individual rule-of-law breaches, and a more in-depth, transparent assessment, including taking actions in response to breaches.

Looking at the methodology, the EP noted that not all rule-of-law issues were covered in sufficient detail or breadth in the 2021 report. Therefore the Commission is recommended to analyse rule-of-law issues in each pillar through the prism of all the values enshrined in Art. 2 TEU and fundamental rights as described in the Charter. Furthermore, MEPs urged the Commission to differentiate between systemic and deliberate breaches of the rule of law and isolated breaches in a clearer and more comprehensible way. They regret that the report failed to clearly recognise the deliberate process of the rule-of-law backsliding in Poland and Hungary.

Regarding the justice system, MEPs called on the Commission to include concrete recommendations in its 2022 report in order to ensure the independence of the judiciary in all Member States. According to the EP, the 2021 report does not reflect the increasingly hostile environment that is created through more state control, strategic lawsuits and smear campaigns, in which journalists and media actors are operating inside many Member States.

MEPs proposed setting up a "rule of law index", based on a quantitative assessment of each country's performance by independent experts in order to signal the level of respect for the rule of law in the Member States.

AUTHOR

Anna Pinggen 

Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

ISSN: 1862-6947

<https://euclid.eu>



About euclid

euclid is the leading journal which regularly informs about current developments in European criminal and "criminative" law.

All news items are freely accessible at: <https://euclid.eu/news/>

Stay informed by emailing to euclid-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFB\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



Co-funded by
the European Union