

MEPs Discuss Proposal for Better EU Rule-of-Law Supervision



Thomas Wahl

News

On 1 July 2020, rapporteur MEP *Michael Šimečka* (Renew, SK) published a [draft report](#) on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights (DRF). The DRF, which strives for a stronger EU enforcement of breaches of the EU's fundamental values, is a long-standing request by the EP that dates back to 2016 (see [eucrim 4/2016](#), p. 154). However, the Commission and the Council have been reluctant so far to take up the idea (see also [eucrim 3/2018](#), p. 144 and [eucrim 1/2019](#), p. 3).

The *Šimečka* report reiterates the urgent need for the Union to develop a robust and positive agenda to protect and reinforce democracy, the rule of law, and fundamental rights for all its citizens. It also issues a warning that the Union is facing an unprecedented and escalating crisis affecting its founding values, which is threatening its long-term survival as a democratic peace project. The report voices grave concern over the rise and entrenchment of autocratic and illiberal tendencies (further compounded by the COVID-19 pandemic and economic recession).

Against this background, the report pushes the other institutions by making a concrete legislative proposal for an interinstitutional agreement between the Parliament, the Council, and the Commission, consisting of an Annual Monitoring Cycle on Union values. The Annual Monitoring Cycle is to prevent violations of and non-compliance with Union values, while providing a shared basis for other actions by the three institutions. The main features of the Cycle will:

- Cover all aspects of Article 2 TEU;
- Apply equally, objectively, and fairly to all Member States;
- Consist of a preparatory stage, the publication of an annual monitoring report on Union values including country-specific recommendations, and a follow-up stage;
- Consolidate and supersede existing instruments, in particular the Annual Rule of Law Report, the Commission's Rule of Law Framework, the Council's Rule of Law Dialogue, and the Cooperation and Verification Mechanism (CVM);
- Simultaneously increase complementarity and coherence with other available tools – the three institutions, in particular, commit to using the findings of the annual monitoring reports in their assessment of whether there is a clear risk of a serious breach or existence of a serious and persistent breach by a Member State of Union; values in the context of Article 7 TEU.
- Establish strong role for civil society, national human rights institutions, and other relevant actors in all stages of the Cycle;

AUTHOR

Thomas Wahl

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

Published in
2020, Vol. 15(2) [eucrim](#) pp 69 –
70

ISSN: 1862-6947

<https://eucrim.eu>



The report was discussed in a [hearing in the LIBE Committee](#) on 29 June 2020. MEPs agreed that the DRF is urgently needed, however, there is still a need for discussion with regard to the scope and design of the mechanism. Many MEPs called for external expert opinions in order to guarantee an objective and unpolitical assessment and control. In this way, it would be ensured that evidenced infringements of the EU's fundamental values are discovered and adequately sanctioned.

Justice Commissioner *Didier Reynders* damped down expectations. He pointed out difficulties in the transparency of contributions and accountability. There is, however, agreement that an inter-institutional mechanism must be established, which would require increased cooperation between the institutions. He appealed to the parliamentarians to above all also become active at the national level. Only in cooperation with civil society can a clear picture of the situation in the individual Member States be created.

About eucrim

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

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

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

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



**Co-funded by
the European Union**