

Procedure file

Basic information		
INI - Own-initiative procedure	2021/2180(INI)	Procedure completed
The Commission's 2021 Rule of Law report		
Subject 8.30.10 Principles common to the Member States, EU values		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 REINTKE Terry	11/10/2021
		Shadow rapporteur	
		 MANDL Lukas	
		 REUTEN Thijs	
		 DONÁTH Anna Júlia	
		 TERHEŞ Cristian	
		 FEST Nicolaus	
		 DALY Clare	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Budgets	 GARDIAZABAL RUBIAL Eider	01/10/2021
	 Budgetary Control (Associated committee)	 SARVAMAA Petri	25/10/2021
 Legal Affairs (Associated committee)	 ROBERTI Franco	21/10/2021	
 Constitutional Affairs	 IN 'T VELD Sophia	18/10/2021	
 Petitions		09/12/2021	

European Commission

Commission DG
[Justice and Consumers](#)Commissioner
 REYNDERS Didier

Key events

07/10/2021	Committee referral announced in Parliament		
07/10/2021	Referral to associated committees announced in Parliament		
20/04/2022	Vote in committee		
02/05/2022	Committee report tabled for plenary	A9-0139/2022	
18/05/2022	Debate in Parliament		
19/05/2022	Results of vote in Parliament		
19/05/2022	Decision by Parliament	T9-0212/2022	Summary

Technical information

Procedure reference	2021/2180(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55; Rules of Procedure EP 57_o
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/07266

Documentation gateway

Committee draft report		PE704.642	21/01/2022	EP	
Committee opinion	BUDG	PE702.997	01/03/2022	EP	
Amendments tabled in committee		PE719.809	01/03/2022	EP	
Committee opinion	PETI	PE703.215	15/03/2022	EP	
Committee opinion	CONT	PE703.024	17/03/2022	EP	
Committee opinion	JURI	PE703.022	18/03/2022	EP	
Committee opinion	AFCO	PE703.001	21/03/2022	EP	
Committee report tabled for plenary, single reading		A9-0139/2022	02/05/2022	EP	
Text adopted by Parliament, single reading		T9-0212/2022	19/05/2022	EP	Summary
Commission response to text adopted in plenary		SP(2022)505	20/10/2022	EC	

The Commission's 2021 Rule of Law report

The European Parliament adopted by 429 votes to 131, with 34 abstentions, a resolution on the Commission's 2021 Rule of Law Report.

While welcoming the Commission's second annual report on the rule of law, Parliament deplored the fact that the Commission had not fully followed up on Parliament's recommendations in its [resolution](#) of 24 June 2021 on the Commission's 2020 rule of law report. It called for the inclusion in the annual report of other important elements of the Venice Commission's 2016 Rule of Law Checklist, such as the prevention of abuse of powers, equality before the law and non-discrimination and access to justice including aspects of the right to a fair trial.

The Commission is invited to elaborate its indicators used when assessing the rule of law situation in the Member States and to differentiate reporting by distinguishing between systemic and deliberate breaches of the rule of law and isolated breaches in a clearer and more comprehensible way.

Parliament regretted that the report failed to clearly recognise the deliberate process of the rule of law backsliding in countries subject to ongoing Article 7(1) TEU procedures, notably Poland and Hungary, and to identify rule of law deficiencies in a number of Member States. It also regretted that several Member States, in particular Hungary and Poland, were repeatedly mentioned as areas of concern in the Commission's synthesis report and that no tangible improvements have been recorded since the report was published.

The Commission is invited to: (i) conclude each country chapter with an assessment of Member States' performance vis-à-vis the individual pillars of the report, indicating the extent to which the conditions of the rule of law conditionality regulation have been met; (ii) include an assessment of all rule of law measures implemented in the previous year, together with an analysis of their effectiveness and possible avenues for improvement; (iii) accompany the country-specific recommendations included in the 2022 report with deadlines for implementation, targets and concrete actions to be taken.

Judicial systems

Parliament stressed that Member States must fully comply with EU and international law as regards the independence of the judiciary. It called on the Commission to include concrete recommendations on this issue in its 2022 report. Recalling that EU law has primacy over national law regardless of how national judicial systems are organised, Members called on the Commission to (i) closely monitor national court decisions on the primacy of EU law over national laws and (ii) provide a concrete response to refusals to implement and respect CJEU rulings and report back to Parliament on actions taken in this regard.

Anti-corruption framework

Deeply concerned about the increasing level of corruption and deterioration in some Member States, Members called on the Commission to update and enhance the EU's anti-corruption policy and instruments, including a uniform definition of the crime of corruption and the definition of common standards and benchmarks, as well as ensuring their proper implementation and enforcement.

Freedom of expression and information, media freedom and pluralism

Parliament recalled that journalists and media are increasingly subject to intimidation, threats (including on social networks), criminal prosecution, physical attacks, violent incidents and killings in some Member States. It condemned the oppressive strategies used by governments in some Member States, such as SLAPPs or smear campaigns, as well as the increasing state control over public media, civil society and academic institutions.

Members regretted that the 2021 report does not reflect the gravity of these trends. They called on the Commission to improve the media-related chapters, to adopt EU legislation to combat the use of SLAPPs by setting minimum standards and to present an ambitious legal framework to counter the increasing politicisation of the media in some Member States in the upcoming Media Freedom Act.

Noting that false information and misinformation of European citizens threaten democracy and the rule of law in the EU, Members believe that much remains to be done in European media legislation to create a level playing field in view of the digital transformation of the media sector and the widespread use of online platforms.

Democracy and balance of powers

Parliament defended the position that the principle of the separation of powers is essential for the proper functioning of the state. It called on the Commission and Member States to take all necessary measures whenever a risk of election manipulation by state, foreign or private actors is identified in an EU Member State. It stressed that the illegal use of Pegasus and equivalent spyware by Member States against journalists, lawyers, opposition politicians and others poses a direct threat to democracy, the rule of law and human rights. It asked the Commission to assess the misuse of surveillance tools and its impact on democratic processes in the Union.

Fundamental rights and equality

Underlining its concern that women and vulnerable people continue to see some of their rights violated in the EU, Parliament recalled that in some circumstances Member States deliberately resort to measures that are questionable from the point of view of the rule of law, so as to legitimise discriminatory policies that could not otherwise be legislated for, such as provisions specifically targeting LGBTIQ people or the imposition of a near-total ban on abortion. It reiterated its call on the Commission to include in the scope of future reports a thorough assessment of the persistent violations of fundamental rights across the Union, including equality and the rights of persons belonging to minorities.

Mechanism for democracy, rule of law and fundamental rights

Parliament regretted the reluctance of the Commission and the Council to respond positively to Parliament's call, in its [resolution](#) of 7 October 2020, for a joint EU mechanism on democracy, the rule of law and fundamental rights, which should cover the full scope of Article 2 TEU values. It reiterated its call on the Commission and the Council to immediately enter into negotiations with Parliament on an interinstitutional agreement.

It also recalled the importance of the Rule of Law Conditionality Regulation where breaches of the principles of the rule of law affect or seriously risk affecting the sound financial management of the Union budget.

Lastly, Parliament called on the Commission to further strengthen the regular, inclusive and structured dialogue with national governments and parliaments, NGOs and other stakeholders, and to be more transparent about the criteria used to select the information from these stakeholders to be included in its annual reports.