

**October 2023**

According to Article 2 of the Treaty on European Union (TEU), the EU is founded on the value of the rule of law. The value is common to all EU Member States, which must accept it in order to become EU members (Article 49 TEU). In practical terms, the rule of law is the fundamental right to an effective remedy before an independent and impartial tribunal previously established by law (Article 47 of the Charter of Fundamental Rights) and the duty of the Member States to provide effective legal protection in all fields covered by EU law (Article 19 TEU).

## Rule of law

### Protecting EU common values within the Member States – An overview of monitoring, prevention and enforcement mechanisms at EU level

Study by Maria Díaz Crego, Rafał Mańko and Wouter van Ballegooij, EPRS, September 2020

This study offers a comprehensive analysis of existing and proposed mechanisms available to the EU institutions that may be deployed in order to monitor and enforce the observance of EU values by the Member States.

### The European Commission's annual rule of law report – From a monitoring tool to a comprehensive recommendations mechanism?

Briefing by Rafał Mańko, EPRS, March 2023

As of its third rule of law report (2022), the Commission has started issuing country-specific recommendations to the Member States on issues of judicial independence, media freedom, the fight against corruption and checks and balances.

### Protecting EU shared values: How the European Parliament is responding to citizens' expectations

Briefing by Maria Díaz Crego and Rafał Mańko, EPRS, April 2022

Following the Conference on the Future of Europe, Parliament has been taking on board citizens' expectations and recommendations on the issue of EU values in general, and the rule of law in particular.

### European Court of Justice case law on judicial independence – A chronological overview

Briefing by Rafał Mańko, EPRS, October 2023

Since 2018, the European Court of Justice has been developing EU standards on judicial independence. These standards are binding on the Member States by virtue of Articles 2 and 19 TEU and Article 47 of the Charter of Fundamental Rights of the European Union.

### Council of Europe standards on judicial independence

Briefing by Rafał Mańko, EPRS, May 2021

The various bodies of the Council of Europe (Council of Ministers, Consultative Council of European Judges, Venice Commission) and the European Court of Human Rights have been developing practical standards on the rule of law.

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## Further reading

### Legislation in progress: Strategic lawsuits against public participation (SLAPPs)

Briefing by Rafał Mańko, EPRS, July 2023

### 60 years of *Da Costa en Schaake*: Asserting the binding authority of European Court of Justice case law

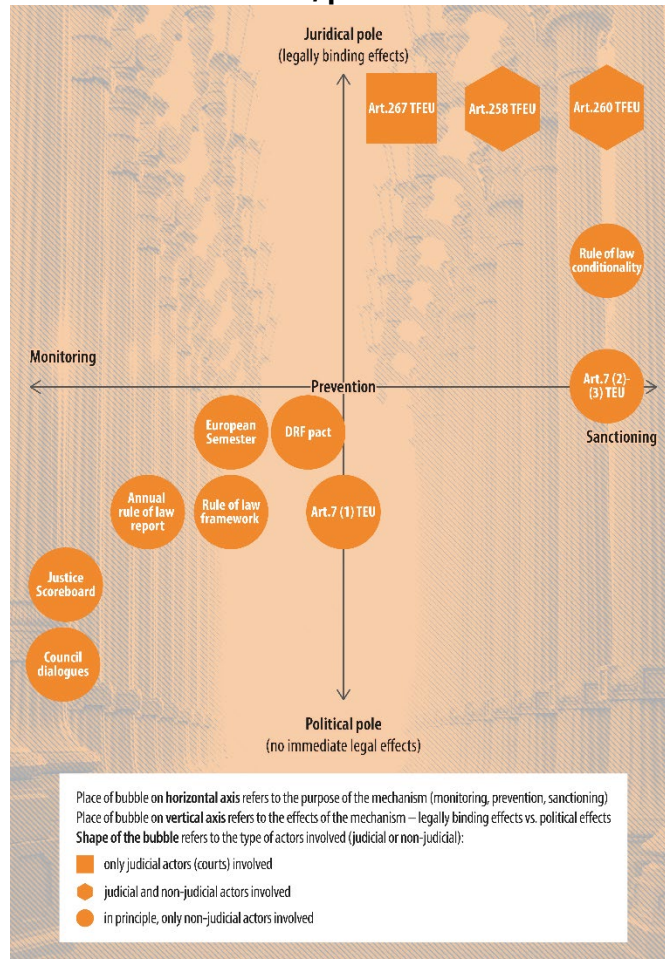
Briefing by Rafał Mańko, May 2023

### 60 years of *Van Gend & Loos*: Direct effect of EU law and a 'new legal order'

Briefing by Rafał Mańko, February 2023

## EPRS graphics

### EU mechanisms to monitor, prevent and enforce EU values



Source: M. Diaz Crego, R. Mańko and W. van Ballegooij, [Protecting common EU values in the Member States](#), EPRS, European Parliament, 2020.

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