

Protecting EU shared values

How the European Parliament is responding to citizens' expectations

SUMMARY

This is the fourth briefing within a series exploring citizens' expectations and recommendations in the context of the Conference on the Future of Europe, and presenting the European Parliament's response. The briefing focuses on citizens' proposals relating to EU common values, especially the rule of law.

Citizens have placed EU values, including democracy, the rule of law and the protection of human rights, at the core of a common European identity, and discussed ways to enhance and protect these values. They have highlighted the need to deepen people's awareness and understanding of these values, and encourage dialogue on them. They believe that democratic culture and respect for fundamental rights and the rule of law should be strengthened, and that Member States' performance should be monitored closely against the benchmark of EU values. They have called for the procedure under Article 7 of the Treaty on European Union (TEU) to be made more effective, and for the General Conditionality Regulation to be applied without delay.

Parliament's resolutions and input to the legislative process leading to the adoption of the General Conditionality Regulation are largely in tune with citizens' sentiments. Parliament has called repeatedly for the establishment of a comprehensive EU pact on democracy, the rule of law and fundamental rights. In its feedback to the Commission's annual rule of law reports, Parliament has called for more country-specific recommendations with a clear blueprint for action. Parliament has been very critical of the Commission for unnecessarily delaying the application of the General Conditionality Regulation. It has also firmly upheld the primacy of EU law: the cornerstone of the rule of law in the EU and the key prerequisite for EU integration.



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Introduction

The importance of EU common values and the best way to protect them and ensure they are respected by the EU Member States has been largely discussed on the multilingual digital platform (the platform) of the [Conference on the Future of Europe](#) (the conference). This platform was created to allow citizens, NGOs and stakeholders to express their views, [publicise events](#) and submit proposals on the future of Europe, and thereby make the conference a more inclusive event. **'Values and rights, rule of law, security'** is one of the [nine topics](#) around which the platform is structured. By 20 February 2022, when the [last report](#) on the contributions to the platform was issued, this topic had received the **fourth largest number of contributions – 4 818** – after 'European democracy', 'Climate change' and the tenth residual topic, 'Other ideas'. While the platform is still open, contributions received after that date will not feed into the conference plenary works.

The topic was also largely discussed within one of the four [citizens' panels](#) of the conference, **Panel 2, on 'European democracy / Values and rights, rule of law, security'**. Created to ensure direct citizen participation in the conference, the four citizens' panels were composed of 200 persons each; while the panel members were chosen randomly, they were representative of the EU population based on five criteria (age, gender, geographical origin, socio-economic background and level of education). Discussions were held and recommendations adopted in two in-person and one remote deliberative [sessions](#). The first to adopt its recommendations in December 2021 was [Panel 2](#), followed by [Panel 3](#) ('Climate change, environment / Health'), [Panel 4](#) ('EU in the world / Migration') and [Panel 1](#) ('A stronger economy, social justice and jobs / Education, culture, youth and sport / Digital transformation'). Panel 2 and 3 presented their recommendations to the conference plenary on 21-22 February 2022, and the other two on 11-12 March 2022 (this is a [general link](#) to the agendas). The **conference plenary**, made up of the [institutional components](#) of the conference plus 108 citizens, is **now debating the recommendations** together with the inputs from the multilingual digital platform and the national citizens' panels, and will come forward with proposals to the executive board of the conference, to be adopted on a consensual basis. Based on these proposals and acting on a consensual basis, the executive board will draw up, in full collaboration with the plenary and fully transparently, the final report of the conference.

This paper, the fourth in a series of briefings, aims to give an overview of the key recommendations submitted by the citizens and stakeholders through the citizens' panels and the multilingual digital platform, on how to better protect EU values. It also aims to illustrate how the European Parliament has, in the course of its recent activity, contributed to addressing some of the citizens' expectations.

Citizens' concerns, ideas and proposals

EU values: articulating a common vision

Citizens have identified **EU values**, including democracy, the rule of law and the protection of human rights, as being at the **core of a common European identity**, and discussed different ways to enhance and protect them. [Citizens' Panel 2](#) recommends **improving education on democracy in the EU** across all Member States (recommendation 24), introducing EU common values and identity in migrant integration programmes (recommendation 30) and building and strengthening our common identity and democracy inter alia by reducing language barriers and providing more opportunities for interaction among EU citizens (recommendations 25, 27). Considering media pluralism and freedom of expression as the basis of a strong democracy, Citizens Panel 2 recommends **ensuring media pluralism**, including through the reinforcement of competition rules in the media sector (recommendation 12), **providing citizens with reliable information**, including about the EU (recommendation 26, 31), and **addressing disinformation** (recommendation 28).

Citizens see the strengthening of democratic values within the EU as a prerequisite for **developing an EU external policy based on these same values**. Accordingly, Citizens' Panel 2 recommends

looking inwards before reaching outwards; doing so would require the EU to help its Member States strengthen their democracies before serving as an ambassador of democratic values beyond its borders (recommendation 14). Several [contributions](#) in the multilingual digital platform reinforce this message and call for **stronger action against Member States disregarding EU common values**; for [avoiding double standards](#); and for treating all Member States equally when it comes to upholding democracy, the rule of law and human rights within the EU. Similarly, some [contributions](#) received through the platform praise the **Court of Justice of the EU** (CJEU) for its role in defending EU values and call for it to have a **stronger role** in protecting fundamental rights. During the [European Youth Event 2021](#), young Europeans had suggested that the CJEU should have a strong role in adjudicating EU law, including matters concerning the rule of law.

However, **not all citizens support the call for stronger action** when it comes to Member States disregarding shared values: some [contributions](#) received through the multilingual digital platform maintain that the EU should not impose its views on the rule of law on Member States and ought to respect their national constitutions and identities. In a similar vein, it has been [proposed](#) through the platform that the competences of the CJEU be clarified so as to avoid jurisdictional conflicts with Member States' constitutional courts.

Monitoring and preventive mechanisms

In their contributions to the platform, citizens highlight the need for [raising awareness](#), promoting dialogue and [educating](#) citizens on EU shared values and their importance for strengthening our democratic culture and cultivating a culture of respect for fundamental rights and the rule of law. Support for [civil society organisations](#) and for pluralistic and free [media](#) is also seen by contributors as key to enhancing our common values and preventing their violation.

Moreover, several contributions received through the platform point to the need for [regular monitoring](#) of the Member States so as to assess, as a first step, whether they respect EU shared values. The need for a monitoring mechanism was also pointed out at the [European Youth Event 2021](#), where participants suggested modelling the monitoring tool for Member States on the pre-accession reporting procedures for candidate countries. Moreover, some [contributions](#) received through the platform suggest drawing on the expertise of civil society organisations when monitoring Member States' respect for EU values, whereas others [propose](#) strengthening the role of the [EU Agency for Fundamental Rights](#), by entrusting it with the task of monitoring compliance with the [Charter of Fundamental rights of the EU](#), reporting breaches of the charter and making recommendations. [Recommendation 11 of Citizens Panel 2](#) focuses on the monitoring tool recently created by the European Commission, the [annual rule of law report](#), and proposes organising inclusive annual conferences focusing on the content of each annual report. Attendance of these conferences by citizens and public servants from all Member States would foster dialogue on EU values, raise awareness of and attract media attention to the annual reports' main findings, and help in the sharing of best practices and ideas.

Enforcement mechanisms

Several contributions received through the conference platform point out that there is a need to **modify the EU mechanisms for enforcing EU shared values** or suggest new ways to counter the infringement of these values. In this vein, **modifications** to the mechanisms to address EU values violations provided for in **Article 7 of the Treaty on the European Union** (TEU) have been the focus of contributions received through the platform of the conference as well as contributions made by young Europeans during the [European Youth Event 2021](#). The [suggestions](#) involve modifying the Treaty in order to i) switch from unanimity, as required under the sanctioning mechanism in Article 7(2) TEU, to qualified majority; and ii) prevent abuse (e.g. two Member States being subject to the procedure may veto the adoption of sanctions as regards each other). In their suggestion, young Europeans added that the European Parliament and the Commission should also have a say in the procedure and, once triggered, the procedure should have clear timelines to avoid undue delays in

the adoption of a decision. Conversely, some opinions voiced through the platform [suggest](#) assigning a greater role to the CJEU in the context of Article 7 TEU, arguing that it should be the Court that decides whether the conditions for applying the provision have been met.

The **new general conditionality mechanism**, linking EU funds to respect for the rule of law insofar as EU financial interests are at stake, has also been the focus of several citizen contributions. Although some [contributions](#) received through the platform take the view that there is no universally accepted definition of the rule of law and therefore the provision of EU funds should not be linked to respect for the rule of law, most contributions call on EU institutions to give full effect to the General Conditionality Regulation ([Regulation \(EU, Euratom\) 2020/2092](#)). In this vein, contributions to the platform call on the Commission to [adopt the guidelines](#) needed to apply the regulation (the contributions were submitted before the [publication](#) of the guidelines on 18 March 2022) and to [apply the regulation](#) as soon as possible and retroactively. Support for this idea was also voiced at the [European Youth Event 2021](#). [Recommendation 10 of Citizens Panel 2](#) goes further and proposes extending the scope of application of the regulation to any breach of the rule of law independently of whether it affects or risks affecting the EU's financial interests, which is what the regulation currently envisages.

Furthermore, some other contributions received through the platform propose addressing infringements of EU values in Member States by means of [expelling](#) Member States disregarding EU values or [allowing](#) the **EU to take all necessary measures** to compel a Member State that fails to comply with its obligations under EU law to enforce those obligations, as is already the case in some EU Member States with a federal structure.

Parliament's response

Parliament has repeatedly shown its commitment to EU values and developed a broad range of activities to raise awareness of, enhance and protect the common values enshrined in Article 2 TEU. As described in greater detail further down, Parliament has called on the Commission and the Council to establish an EU pact on democracy, the rule of law and fundamental rights. Moreover, it has proposed modifying some of the current EU mechanisms to monitor and defend EU values, and taken a clear stand on the need to address without hesitancy cases of infringements of EU values in various Member States, including by making use of the procedures under Article 7 TEU and the General Conditionality Regulation.

Parliament is constantly monitoring the situation in the EU Member States through its [Democracy, rule of law and fundamental rights monitoring group](#). In addition, it has **voiced concerns as regards compliance with EU values** by different Member States in several resolutions, including the following most recent ones:

- its resolutions on the most recent **annual reports on the situation of fundamental rights in the European Union** in [2017](#), [2018-2019](#);
- its [resolution](#) of 16 December 2021 on fundamental rights and the rule of law in Slovenia, in particular the delayed nomination of EPPO prosecutors;
- its [resolution](#) of 21 October 2021 on the rule of law crisis in Poland and the primacy of EU law;
- its [resolution](#) of 8 July 2021 on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the legal changes adopted by the Hungarian Parliament;
- its [resolution](#) of 29 April 2021 on the assassination of Daphne Caruana Galizia and the rule of law in Malta;
- its [resolution](#) of 8 October 2020 on the rule of law and fundamental rights in Bulgaria.

Mechanisms under Article 7 TEU

In line with some citizens' contributions, the European Parliament has been an outspoken advocate for a **more effective use of the mechanisms under Article 7 TEU** to address infringements of EU values in several Member States. Some months after the European Commission [decided](#) to trigger Article 7(1) TEU against **Poland** for the very first time in the history of the EU integration process (20 December 2017), Parliament decided to use its powers [to trigger the same mechanism](#) against Hungary. Parliament's resolution on **Hungary** was adopted on 12 September 2018 by 448 votes for to 197 against, with 48 abstentions. Since the triggering of the procedure by both the Commission and Parliament, the Council has analysed the situation in Hungary and Poland in numerous meetings of its general affairs configuration, holding several hearings on the situation in Poland ([26 June 2018](#), [16 October 2018](#), [12 December 2018](#), [8 June 2021](#) and [22 February 2022](#)) and Hungary ([16 September 2019](#), [10 December 2019](#) and [8 June 2021](#)). However, the Council has not yet taken a decision under Article 7(1) TEU.

Parliament has repeatedly voiced concern about the situation in Poland and Hungary, calling on the Council to organise **hearings with the two Member States** in a **regular, structured and open manner**; to address concrete recommendations to them and to follow up on those recommendations (see [resolution](#) of 16 January 2020 and [resolution](#) of 10 June 2021). Moreover, Parliament has called on EU institutions to **extend the scope of the Article 7(1) TEU procedure** initiated against Poland to also cover major negative developments in the areas of the rule of law, democracy and fundamental rights in addition to the initial concerns relating to the independence of the Polish judiciary. Parliament has also called on the Council to finally **act under Article 7(1) TEU** to stop continued disregard for EU values by some Member States (see [resolution](#) of 17 September 2020, [resolution](#) of 24 June 2021, [resolution](#) of 21 October 2021 and [resolution](#) of 10 March 2022).

Concerned by concrete shortcomings of the mechanisms provided for under Article 7 TEU, Parliament has also proposed **modifying several elements** of this article. In this vein, it has pointed to the different treatment accorded within the Article 7(1) TEU procedure to the Commission, Parliament and one third of the Member States. Although Article 7(1) TEU entitles each of the three players to trigger the procedure, **Parliament cannot formally participate in Council meetings** and therefore, unlike the Commission and the Member States, it cannot present its reasoned proposal for triggering the procedure as regards a Member State before the Council. Such a situation occurred when Parliament triggered Article 7(1) TEU against Hungary ([resolution](#) of 16 January 2020 on ongoing hearings under Article 7(1) of the TEU regarding Poland and Hungary). In addition, in its [resolution](#) of 24 June 2021 on the Commission's 2020 rule of law report, Parliament called for a reflection at the Conference on the Future of Europe on a possible revision of Article 7 TEU to render the procedure more effective, by **overcoming the unanimity** needed to impose sanctions under Article 7(2) and (3) TEU. Similarly, in its [resolution](#) of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights, Parliament had already called for a revision of Article 7(3) TEU in order to **specify the sanctions** that could be applied to a Member State apart from the suspension of the voting rights in the Council, such as financial sanctions or the suspension of EU funding.

EU pact on democracy, the rule of law and fundamental rights

The European Parliament has not only been an outspoken advocate for a more effective use of Article 7 TEU procedures but also for other EU mechanisms allowing to address infringements of EU values, such as infringement procedures or the General Conditionality Regulation. In addition, it has repeatedly [highlighted](#) the need for a **comprehensive EU mechanism on democracy, the rule of law and fundamental rights** that would integrate and complement [existing tools](#) for monitoring and preventing violations of EU values, such as the Commission's annual rule of law report, Rule of Law Framework and annual reporting on the application of the Charter of Fundamental Rights of the EU, and the Council's Rule of Law Dialogue and Cooperation and Verification Mechanism. In

2016, Parliament [adopted a first initiative](#) calling on the Commission and the Council to establish an EU pact on democracy, the rule of law and fundamental rights in the form of an inter-institutional agreement under Article 295 of the Treaty on the Functioning of the European Union (TFEU). The initiative was taken up anew on [14 November 2018](#) and, more recently, on [7 October 2020](#), [24 June 2021](#) and [10 March 2022](#).

The proposed mechanism would consist of an annual monitoring cycle on EU values, which would **apply equally to all Member States** and would **cover all EU values** enshrined in Article 2 TEU, thereby extending the scope of the Commission monitoring exercise under its annual rule of law report (which only focuses on the national justice systems, anti-corruption frameworks, media pluralism and freedom and other institutional questions linked to checks and balances). The cycle would have **three stages**: a) a preparatory one, in which the Commission would organise a targeted stakeholder consultation to collect information for the annual report; b) one involving the publication of the annual report, with country-specific recommendations; and c) a follow-up one, in which Parliament and the Council would publicly discuss the contents of the annual report and adopt a position. The findings of the annual reports would be used to decide whether to trigger Article 7 TEU or infringement procedures, or to apply the General Conditionality Regulation. As opposed to what is done under the Commission's annual rule of law report, a permanent **inter-institutional working group on EU values**, with representatives from the Commission, the Parliament and the Council, would be created to coordinate the monitoring cycle. Similarly, a **panel of independent experts** (not envisaged in the Commission's annual rule of law report) and the **EU Agency for Fundamental Rights** would advise the institutions during the process.

Although the Commission has rejected the idea of creating such a monitoring tool and formally replied to Parliament's proposal on [3 March 2021](#), favouring cooperation under the existing mechanisms and proposing to assess the need for an inter-institutional agreement at a later stage, it has continued its monitoring efforts under the annual rule of law reports since 2020. The following section explains this in greater detail.

The Commission's rule of law report

Parliament's resolution on the first report

Parliament adopted its [resolution](#) on the Commission's first annual rule of law report (pertaining to 2020) on 24 June 2021. Parliament **welcomed the report**, considering it 'vital to establish a European rule of law monitoring and enforcement architecture in the Union' and encouraged the Commission to **further develop** the new tool. Parliament praised the report for its scope covering not only justice systems but also the anti-corruption framework, media pluralism and certain institutional issues related to checks and balances. It called upon the Commission to include certain important elements of the [Venice Commission's 2016 Rule of Law Checklist](#) in the report, such as legal safeguards to prevent arbitrariness and abuse of power by public authorities, while guaranteeing the independence and impartiality of the legal profession, equality before the law and non-discrimination. Regarding the methodology used, Parliament urged the Commission to devote **more time to country visits** in order to achieve broader engagement and dialogue with national authorities and civil society.

However, Parliament was bemused by the fact that the report puts breaches of a different qualitative weight at the same level, without drawing sufficient distinction between isolated breaches **and systemic breaches**. The report could have, in particular, 'provided more in-depth and transparent assessments, stating whether there were serious deficiencies, a risk of a serious breach or an actual breach of EU values in each of the pillars analysed in the country chapters'. On a more general note, Parliament found the report to be too descriptive and not analytical enough. Furthermore, the four pillars analysed in the report could have been more integrated in the analysis, in particular to show the interlinkages between the areas they stand for. The Commission's 2020 report, according to Parliament, was **missing an EU-wide perspective**, as it did not identify cross-cutting trends at EU

level. For the future, the Commission should further develop its **country-specific expertise** and capacity so as to react more swiftly to negative developments in the Member States.

Parliament's forthcoming resolution on the second report

The parliamentary own-initiative procedure for the adoption of a resolution on the Commission's second annual rule of law report was launched on 7 October 2021 (reference: [2021/2180\(INI\)](#)). The lead committee is the **Civil Liberties, Justice and Home Affairs Committee** (LIBE) (rapporteur: Terry Reintke, Greens/EFA, Germany) and two committees – the Legal Affairs Committee ([JUR](#)) and the Budgetary Control Committee ([CONT](#)) – will give their opinion. Opinions have also been sought and obtained from the Committee on Budgets ([BUDG](#)), the Committee for Petitions ([PETI](#)), and the Committee on Constitutional Affairs ([AFCO](#)).

The rapporteur presented the [draft report](#) on 21 January 2022 and [amendments](#) were tabled in committee on 1 March 2022. In the draft resolution, Parliament welcomes the Commission's second annual report, but at the same time regrets that the Commission did not take into consideration Parliament's recommendations made in its resolution on the first report. As these recommendations are still valid, the draft resolution mentions them again. With regard to the Commission's second annual report, Parliament notes that rule of law issues are **not covered in sufficient detail**, and that the Venice Commission's 2016 Rule of Law Checklist is not fully followed. In general, the Commission could deepen its level of analysis and would need proper resources for that. The Commission should **differentiate between deliberate rule of law backsliding and incidental infringements** of EU values. Whereas the inclusion of country-specific recommendations is welcomed, they should be accompanied by **deadlines for implementation and concrete targets**. The third and subsequent Commission annual reports should track progress on implementation. Parliament's draft resolution also deplores the limited inclusion of democracy and fundamental rights in the scope of the Commission report.

The General Conditionality Regulation and its application

Parliament's position in the legislative procedure preceding the adoption of the regulation

During the legislative procedure, Parliament [focused](#) on four main points:

- greater participation of Parliament in the procedure, with decision-making powers on an equal footing with the Council;
- more specific definitions, especially of the rule of law and threats to the EU financial interests created by rule of law breaches;
- creation of a panel of independent experts to assist the Commission;
- explicit protection of end beneficiaries of EU funding.

In the end, the [final text](#) of the General Conditionality Regulation, based on a [compromise](#) hammered out in November 2020 and formally adopted in December 2020, followed some of Parliament's demands more closely, while not taking all of them on board. Whereas **extensive definitions of the rule of law and its breaches** hampering EU financial interests were adopted (Articles 3 and 4), **Parliament's role in the procedure was not made equal to that of the Council**. As provided under Articles 6-8, Parliament's role in the procedure is limited only to being informed about the Commission's findings prior to the proposal of sanctions, and to having the right to require that the Commission engage in a 'structured dialogue'. However, it remains exclusively in the hands of the Council to adopt, modify or lift sanctions on recalcitrant Member States, and Parliament is not even consulted – it is merely entitled to be passively 'informed' by the Commission of the steps being taken (Article 8). The Commission is to 'report' to Parliament on the application of the regulation (Article 9). However, contrary to Parliament's requests, it was not vested with any decision-making powers under the regulation.

Parliament's position following the entry into force of the regulation

Following the entry into force of the General Conditionality Regulation, **Parliament urged the Commission to start applying it immediately**, i.e. from 1 January 2021 (day of entry into force), as also suggested by citizens' contributions to the conference. However, the Commission [committed](#) (to the European Council) not to apply the regulation before having elaborated non-binding guidelines, which would happen only once the CJEU confirms the legality of the regulation (it was expected from the outset that Poland and Hungary would bring action for annulment, claiming that the regulation violates the EU Treaties). The Commission's approach met with Parliament's sustained criticism – in a series of resolutions it called upon the Commission to start applying the regulation from the date of its entry into force and to elaborate guidelines, if it really considers them indispensable, without delay (resolutions of [25 March 2021](#), [10 June 2021](#), [8 July 2021](#), [10 March 2022](#)). Given that the Commission refused to heed to Parliament's repeated calls, on 29 October 2021, Parliament, following a formal letter to the Commission written by its president, brought an action under [Article 265 TFEU](#) (action for failure to act) against the Commission before the CJEU. That action is now in its written phase of procedure ([Case C-657/21](#)).

On 17 November 2021, the Commission addressed letters to Poland and Hungary pursuant to Article 6(4) of the regulation, demanding detailed information on the rule of law in those countries. Neither letter [triggered](#) the conditionality mechanism as such, but they were meant to be an administrative preliminary step while waiting for the CJEU to rule on the two cases – C-156/21 and C-157/21 brought by Hungary and Poland – questioning the legality of the regulation. In its [judgments of 16 February 2022](#) the **CJEU fully upheld the legality of the regulation** and dismissed the two actions brought by Hungary and Poland in their entirety. It was only following that judgment that the **Commission finally published**, on 2 March 2022, its [communication](#) containing non-binding **guidelines** on the application of the General Conditionality Regulation.

In its most recent [resolution of 10 March 2022](#), Parliament stressed that the General Conditionality Regulation should be applied **not only to the EU budget but also to NextGenerationEU**, asking the Commission to make the approval of national plans under the Recovery and Resilience Facility conditional on the fulfilment of all 11 criteria set out in Article 19 of and Annex V to [the Regulation on the Recovery and Resilience Facility](#). Parliament also expects the Commission to exclude all risks of programmes under cohesion policy contributing to the misuse of EU funds or to breaches of the rule of law before approving partnership agreements and cohesion policy programmes. Parliament also regretted that the Commission had not yet responded to Parliament's call to trigger Article 6(1) of the General Conditionality Regulation and **had not sent written notifications** to the Member States, contenting itself with sending merely requests for information back in November 2021.

Primacy of EU law

On 21 October 2021, Parliament adopted a [resolution](#) on the rule of law crisis in Poland and the primacy of EU law, which presented Parliament's position on two rulings of the **Polish Constitutional Court** (PCC) of 7 October 2021, **rejecting the primacy of EU law over the Polish Constitution**, and finding some key articles of the EU Treaties as unconstitutional in Poland. Parliament described the PCC as 'illegitimate', 'lack[ing] legal validity and independence', and 'unqualified to interpret' even 'the Constitution of Poland', effectively reduced to being 'a tool for legalising the illegal activities of the authorities'. The PCC ruling was considered by Parliament 'an attack on the European community of values and laws as a whole', and the resolution drew additionally attention to the ruling's 'negative impact on Polish and European citizens and businesses'. Furthermore, Parliament expressed its fear that the ruling of 7 October 2021 could 'have a strong chilling effect on Polish judges, discouraging them from using their prerogatives on the application of EU law'.

Parliament did not limit itself to criticism of the PCC ruling, but also directly called upon the Commission and Council to 'take urgent and coordinated action' to address the concerns raised by the ruling. These include:

- launching an **infringement procedure by the Commission against Poland concerning the composition of the PCC** and 'its role in preventing compliance with' CJEU case-law concerning Poland (on 22 December 2021 the Commission actually [launched](#) the procedure by sending the Polish government a letter of formal notice as provided for by Article 258 TFEU);
- **triggering the sanctions** under the General Conditionality Regulation against Poland and using the [Common Provisions Regulation](#) to interrupt or suspend payments to Poland;
- refraining from approving [Poland's recovery and resilience plan](#) (RRP) until the Polish government implements the judgments of the CJEU and the [European Court of Human Rights](#) (Poland's RRP has not been approved to date);
- adopting **unambiguous recommendations** to address breaches of the rule of law by Poland, with a clear timeline for this country to implement them;
- in accordance with the procedure laid down in Article 7(1) TEU, the Council should declare that there is a **clear risk of a serious breach of the rule of law** by Poland; despite a number of hearings, no declaration has been made to date – see Section on 'Mechanisms under Article 7 TEU' above;
- discussing the rule of law crisis in Poland in the presence of the president of the European Parliament; this would lead to the adoption of a **joint declaration** in the strongest possible terms on the matter.

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