



2015/2254(INL)

5.4.2016

AMENDMENTS

1 - 81

Draft opinion
György Schöpflin
(PE578.528v01-00)

Establishment of an EU mechanism on democracy, the rule of law and
fundamental rights
(2015/2254(INL))

Amendment 1

Maite Pagazaurtundúa Ruiz, Sylvie Goulard, Charles Goerens

Draft opinion

Indent 1 – paragraph - 1 (new)

Draft opinion

Amendment

- 1. Underlines the shared values as laid down in Article 2 TEU on which the European Union is founded;

Or. en

Amendment 2

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Indent 1 – paragraph 1

Draft opinion

Amendment

1. Expresses the view that the Member States of the European Union should move towards a shared culture of the meaning of the rule of law in the 28 Member States to be applied by all concerned even-handedly;

1. Stresses that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities; points out that, since the adoption of the Treaty of Lisbon, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the EU; notes the obligation laid down in the Treaties to accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); underlines the fact that the Treaties recognise that fundamental rights, as guaranteed by the ECHR and as they result from the constitutional traditions common to the Member States, constitute general principles of the Union's law;

Or. en

Amendment 3
Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion
Indent 1 – paragraph 1

Draft opinion

1. *Expresses the view that the Member States of the European Union should move towards a shared culture of the meaning of the rule of law in the 28 Member States to be applied by all concerned even-handedly;*

Amendment

1. *Recalls that the Union is founded on common principles such as respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, and that both all the EU institutions and bodies and the 28 Member States are legally obliged to protect and promote these principles;*

Or. en

Amendment 4
Martina Anderson

Draft opinion
Indent 1 – paragraph 1

Draft opinion

1. Expresses the view that the *Member States of the European Union should move towards a shared culture of the meaning of the rule of law in the 28 Member States to be applied by all concerned even-handedly;*

Amendment

1. Expresses the view that the *principles of Human Dignity, Equality before the Law and the prohibition of Discrimination on any grounds are Foundations of the Rule of Law and thus are universal values; calls on Member States to adopt a national legislative framework to address all forms of discrimination and guarantee the effective implementation of the existing EU legal framework;*

Or. en

Amendment 5
Kazimierz Michał Ujazdowski

Draft opinion
Indent 1 – paragraph 1

Draft opinion

1. Expresses the view that the Member States of the European Union should move towards a shared culture *of the meaning of the rule of law in the 28 Member States to be applied by all concerned even-handedly*;

Amendment

1. Expresses the view that the Member States of the European Union should move, *by consensus*, towards a shared culture *in which* the rule of law *is promoted and implemented*;

Or. pl

Amendment 6
Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion
Indent 1 – paragraph 1

Draft opinion

1. Expresses the view that the Member States of the European Union should move towards a shared culture of the meaning of the rule of law in the 28 Member States to be applied by all concerned even-handedly;

Amendment

1. Expresses the view that the Member States of the European Union should *set an example by genuinely fulfilling their obligations and* move towards a shared culture of the meaning of the rule of law in the 28 Member States to be applied by all concerned even-handedly;

Or. es

Amendment 7
Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi, Laura Ferrara, Laura Agea

Draft opinion
Indent 1 – paragraph 1

Draft opinion

1. Expresses the view that the Member States of the European Union should move towards a shared culture of the meaning of the rule of law in the 28 Member States to be applied by all concerned even-handedly;

Amendment

1. Expresses the view that the Member States of the European Union should *without delay* move towards a shared culture of the meaning of the rule of law in the 28 Member States to be applied by all

concerned even-handedly;

Or. it

Amendment 8

Maite Pagazaurtundúa Ruiz, Sylvie Goulard, Charles Goerens

Draft opinion

Indent 1 – paragraph 1

Draft opinion

1. Expresses the view that the Member States of the European Union should *move towards a shared culture of the meaning of the rule of law* in the 28 Member States to be applied by all concerned even-handedly;

Amendment

1. Expresses the view that the Member States of the European Union should *uphold* the rule of law in the 28 Member States to be applied by all concerned even-handedly;

Or. en

Amendment 9

Csaba Molnár

Draft opinion

Indent 1 – paragraph 1

Draft opinion

1. Expresses the view that the Member States of the European Union should move towards a shared culture of the meaning of the rule of law in the 28 Member States to be applied by all concerned even-handedly;

Amendment

1. Expresses the view that the Member States of the European Union should move towards a shared culture of the meaning of the rule of law in the 28 Member States to be applied by all concerned even-handedly; *stresses that the European Union's values, such as respect for fundamental rights and the rule of law, are the key to the EU's credibility;*

Or. hu

Amendment 10

Martina Anderson

Draft opinion
Indent 1 – paragraph 1 a (new)

Draft opinion

Amendment

1a. Expresses the view that respecting the rule of law is a prerequisite for the protection of fundamental rights and is of particular importance within the EU since it is also a prerequisite for upholding all rights and obligations deriving from the Treaties and from international law;

Or. en

Amendment 11
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Draft opinion
Indent 1 – paragraph 1 a (new)

Draft opinion

Amendment

1a. Believes that the conclusions and opinions of the European Union Agency for Fundamental Rights as well as the case law of the Court of Justice of the European Union constitute a good basis for the interpretation of Article 2 TFEU and the scope of the rights enshrined in the Charter of Fundamental Rights;

Or. en

Amendment 12
Fabio Massimo Castaldo, Ignazio Corrao, Laura Ferrara, Isabella Adinolfi, Laura Agea

Draft opinion
Indent 1 – paragraph 1 a (new)

Draft opinion

Amendment

1a. Recalls that Article 6(2) TEU commits

the European Union to acceding to the European Convention on Human Rights and Fundamental Freedoms, and therefore calls for this to happen;

Or. it

Amendment 13
Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion
Indent 1 – paragraph 1 a (new)

Draft opinion

Amendment

1a. Notes that recent events in some Member States have shown that the failure to observe the rule of law and fundamental values is not being properly prevented, given the resulting problems among Member States and the fact that there is no swift, effective response coming from the European institutions;

Or. es

Amendment 14
Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion
Indent 1 – paragraph 1 b (new)

Draft opinion

Amendment

1b. Points to the importance of continuing to promote and strengthen the protection and full development of core Union values and the requirements of democracy and compliance with the rule of law in accordance with the Treaties and the EU Charter of Fundamental Rights;

Or. es

Amendment 15
Csaba Molnár

Draft opinion
Indent 1 – paragraph 2

Draft opinion

2. Considers that the procedure under Article 7 TEU is virtually unusable; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental values;

Amendment

deleted

Or. hu

Amendment 16
Martina Anderson

Draft opinion
Indent 1 – paragraph 2

Draft opinion

2. Considers that the procedure under Article 7 TEU is virtually unusable; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental values;

Amendment

2. Considers that the Commission, which is the Guardian of the Treaties, has failed on a number of occasions to denounce promptly, violations of the principles of democracy, the rule of law and fundamental rights within Member States despite the existing instruments and mechanisms being in existence and thus consolidating the current failings of the EU institutions as regards compliance with their binding obligations concerning democracy, the rule of law and human rights as laid down in Article 2 TEU; whereas, in addition, a graduated corrective mechanism needs to be introduced so as bridge the gap between political dialogue and the 'nuclear option' of Article 7 TEU and to address the 'Copenhagen dilemma' within the current Treaties;

Or. en

Amendment 17

Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion

Indent 1 – paragraph 2

Draft opinion

2. Considers that the *procedure under* Article 7 TEU *is virtually* unusable; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental *values*;

Amendment

2. Considers that the *mechanisms provided for in* Article 7 TEU *are de facto* unusable *being essentially based on difficult political agreements between Member States; emphasizes that the Article 258 TFEU provides for the European Parliament no possibility of infringement proceedings before the ECJ*; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's *values and* fundamental *rights*;

Or. en

Amendment 18

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Indent 1 – paragraph 2

Draft opinion

2. Considers that the procedure under Article 7 TEU is virtually unusable; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental values;

Amendment

2. Considers that the procedure under Article 7 TEU is virtually unusable *because of the difficulty to reach a decision with such high thresholds for voting and in a body where political considerations play a prominent role*; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental values; *expresses the difficulty to launch the infringement proceedings when there*

is no link with secondary EU law;

Or. en

Amendment 19

Pedro Silva Pereira, Mercedes Bresso, Jo Leinen, Claudia Tapardel, Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion

Indent 1 – paragraph 2

Draft opinion

2. Considers that the procedure under Article 7 TEU *is virtually unusable*; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental values;

Amendment

2. Considers that the procedure under Article 7 TEU *will hardly be used to its full potential, due to the unanimity requirement in the European Council*; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental values;

Or. en

Amendment 20

Maite Pagazaurtundúa Ruiz, Sylvie Goulard, Charles Goerens

Draft opinion

Indent 1 – paragraph 2

Draft opinion

2. Considers that the procedure under Article 7 TEU *is virtually unusable*; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental values;

Amendment

2. Considers that the procedure under Article 7 TEU *remains a last resort instrument*; *deplores* that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental values;

Or. en

Amendment 21

Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi, Laura Ferrara, Laura Agea

Draft opinion

Indent 1 – paragraph 2

Draft opinion

2. Considers that the procedure under Article 7 TEU is virtually unusable; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental values;

Amendment

2. Considers that the procedure under Article 7 TEU is virtually unusable; notes that the Union has no legally binding mechanism in place to monitor regularly the compliance of the Member States and EU institutions with the EU's fundamental values, ***and therefore calls for amendments to be made to the Treaties to this end, where necessary;***

Or. it

Amendment 22

Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion

Indent 1 – paragraph 3

Draft opinion

3. Takes note of the rule of law Framework established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014; ***and looks to the formulation of common ground as between these different rule of law mechanisms;***

Amendment

3. Takes note of the rule of law Framework established by the Commission in 2014 and of the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014;

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

Or. en

Amendment 23

Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi, Laura Ferrara, Laura Agea

Draft opinion

Indent 1 – paragraph 3

Draft opinion

3. **Takes note of** the rule of law Framework established by the Commission in 2014¹ and **of** the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014; **and looks to the formulation of common ground as between these different** rule of law **mechanisms**;

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

Amendment

3. **Welcomes** the rule of law Framework established by the Commission in 2014¹ and the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014 **as a first contribution to overcoming the lack of effective mechanisms to prevent and resolve breaches of the principles of the rule of law, democracy and human rights; wishes furthermore to see coordination between the two dialogues, but recalls that they cannot absolutely be regarded as an adequate instrument to fill the gaps in the existing system, inter alia because of the lack of any binding effect of the Communication, with reference either to its issuing or to its actual implementation**;

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

Or. it

Amendment 24

Maite Pagazaurtundúa Ruiz, Sylvie Goulard, Charles Goerens

Draft opinion

Indent 1 – paragraph 3

Draft opinion

3. **Takes note of** the rule of law Framework established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs

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Amendment

3. **Welcomes** the rule of law Framework established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs

Council as established in December 2014; **and looks to the formulation of common ground as between these different rule of law mechanisms;**

Council as established in December 2014; **urges however all EU institutions to work towards the establishment of a broader, integrated Democracy, Rule of Law and Fundamental Rights mechanism that applies to all Member States and the EU Institutions; therefore recommends the adoption of a Democracy, Rule of Law and Fundamental Rights Pact between citizens, governments, and EU institutions, giving ownership to all and thus making everyone responsible for a robust democracy, the rule of law and fundamental rights throughout the Union, rather than just a legal tool for top down enforcement;**

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

Or. en

Amendment 25

Pedro Silva Pereira, Mercedes Bresso, Jo Leinen, Claudia Tapardel, Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion

Indent 1 – paragraph 3

Draft opinion

3. **Takes note** of the rule of law Framework established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014; and looks to the formulation of common ground as between these different rule of law mechanisms;

Amendment

3. **Stresses the importance** of the rule of law Framework established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014; and looks to the formulation of common ground as between these different rule of law mechanisms, **in order to make sure they are effective in ensuring compliance with fundamental rights and democratic values in the entire Union;**

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

Or. en

Amendment 26

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Indent 1 – paragraph 3

Draft opinion

3. Takes note of the rule of law Framework established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014; and looks to the formulation of common *ground as between these different* rule of law *mechanisms*;

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

Amendment

3. Takes note of the rule of law Framework established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014; and looks to the formulation of *a common EU binding mechanism based on proper expertise and independence to respond to breaches of the rule of law and fundamental rights at Member State level*;

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

Or. en

Amendment 27

Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion

Indent 1 – paragraph 3

Draft opinion

3. Takes note of the rule of law Framework

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Amendment

3. Takes note of the rule of law Framework

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established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014; **and** looks to the formulation of common ground as between these different rule of law mechanisms;

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014; looks to the formulation of common ground as between these different rule of law mechanisms **and calls on the Commission and Council to make full and regular progress reports to Parliament**;

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

Or. es

Amendment 28 **Csaba Molnár**

Draft opinion **Indent 1 – paragraph 3**

Draft opinion

3. **Takes note of** the rule of law Framework established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014; and looks to the formulation of common ground as between these different rule of law mechanisms;

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

Amendment

3. **Welcomes** the rule of law Framework established by the Commission in 2014¹ and of the creation of an annual dialogue on the rule of law in the General Affairs Council as established in December 2014; and looks to the formulation of common ground as between these different rule of law mechanisms;

¹ Communication of the Commission of 11 March 2014 on "A new EU Framework to strengthen the Rule of Law" (COM(2014)0158).

Or. hu

Amendment 29 **Maite Pagazaurtundúa Ruiz, Sylvie Goulard, Charles Goerens**

Draft opinion
Indent 1 – paragraph 3 a (new)

Draft opinion

Amendment

3a. Calls, therefore, for the adoption of an objective and evidence based mechanism that enables not only infringements to specific EU laws to be addressed, but also threats to democracy, the rule of law and fundamental rights; ensuring that all Member States are treated equally and no decision will be taken (or perceived to be taken) on political grounds;

Or. en

Amendment 30
Pedro Silva Pereira, Mercedes Bresso, Jo Leinen, Claudia Tapardel, Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion
Indent 1 – paragraph 4

Draft opinion

Amendment

4. Considers it important to work towards a new consensus between the EU and its Member States with the aim of promoting democracy, the rule of law and fundamental rights, proceeding from the basis that unless extreme care is taken, there will always be a danger of politicising legality;

deleted

Or. en

Amendment 31
Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi, Laura Ferrara, Laura Agea

Draft opinion
Indent 1 – paragraph 4

Draft opinion

4. Considers it important to work towards a new consensus between the EU and its Member States with the aim of promoting democracy, the rule of law and fundamental rights, *proceeding from the basis that unless extreme care is taken, there will always be a danger of politicising legality*;

Amendment

4. Considers it important to work towards a new consensus between the EU and its Member States with the aim of promoting democracy, the rule of law and fundamental rights;

Or. it

Amendment 32

Maite Pagazaurtundúa Ruiz, Sylvie Goulard, Charles Goerens

Draft opinion

Indent 1 – paragraph 4

Draft opinion

4. Considers it important to work towards a new *consensus between the EU and its Member States* with the aim of promoting democracy, the rule of law and fundamental rights, proceeding from the basis that *unless extreme care is taken, there will always be a danger of politicising legality*;

Amendment

4. Considers it important to work towards a new *binding mechanism* with the aim of promoting *and protecting* democracy, the rule of law and fundamental rights, *to safeguard the shared values as enshrined in the Treaties and the Charter in a fully transparent and objective manner*; proceeding from the basis that *the EU loses credibility if enforcement of the founding principles is perceived to be uneven and unfair*; *Calls, therefore, for the adoption of an objective and evidence based mechanism that enables not only infringements to specific EU laws to be addressed, but also risks of systemic threats to democracy, the rule of law and fundamental rights; ensuring that all Member States are treated equally and no decision will be taken (or perceived to be taken) on political grounds*;

Or. en

Amendment 33
Martina Anderson

Draft opinion
Indent 1 – paragraph 4

Draft opinion

4. Considers it important to work towards a *new consensus between the EU and its Member States with the aim of promoting democracy, the rule of law and fundamental rights, proceeding from the basis that unless extreme care is taken, there will always be a danger of politicising legality;*

Amendment

4. Considers it important to work towards a *mutual respect for and promotion of human rights, fundamental freedoms, democracy and the values and principles enshrined in EU treaties and international human rights instruments (UDHR, ECHR, ICCPR, ICESCR, etc.);*

Or. en

Amendment 34
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Draft opinion
Indent 1 – paragraph 4

Draft opinion

4. Considers it important to *work towards a new consensus* between the EU and its Member States with the aim of *promoting democracy, the rule of law and fundamental rights, proceeding from the basis that unless extreme care is taken, there will always be a danger of politicising legality;*

Amendment

4. Considers it important to *promote a continuous dialogue* between the EU and its Member States with the aim of *bringing positions closer in areas linked to fundamental rights that go beyond the scope of the Copenhagen criteria and the Charter of Fundamental Rights and where a consensus has not yet been reached by the Member States;*

Or. en

Amendment 35
Csaba Molnár

Draft opinion
Indent 1 – paragraph 4

Draft opinion

4. Considers it important to work towards a new consensus between the EU and its Member States with the aim of promoting democracy, the rule of law and fundamental rights, *proceeding from the basis that unless extreme care is taken, there will always be a danger of politicising legality;*

Amendment

4. Considers it important to work towards a new consensus between the EU and its Member States with the aim of promoting democracy, the rule of law and fundamental rights; *is convinced that there cannot be any compromise regarding the fundamental rights and values enshrined in the EU Treaties and the Charter;*

Or. hu

Amendment 36

Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion

Indent 1 – paragraph 4

Draft opinion

4. Considers it important *to work towards a new consensus between* the EU and its Member States *with the aim of promoting democracy, the rule of law and fundamental rights, proceeding from the basis that unless extreme care is taken, there will always be a danger of politicising legality;*

Amendment

4. Considers it important *that* the EU and its Member States *fully adhere to the wording of the Treaties, namely for instance articles 2, 3, 6, 7 and 13 TEU, with the aim of promoting democracy, the rule of law and fundamental rights, in all their policies and actions;*

Or. en

Amendment 37

Kazimierz Michał Ujazdowski

Draft opinion

Indent 1 – paragraph 4

Draft opinion

4. Considers it important to work towards a *new* consensus between the EU and its Member States with the aim of promoting democracy, the rule of law and

Amendment

4. Considers it important to work towards a consensus between the EU and its Member States with the aim of promoting democracy, the rule of law and

fundamental rights, proceeding from the basis that unless extreme care is taken, there will always be a danger of politicising legality;

fundamental rights, proceeding from the basis that unless extreme care is taken, there will always be a danger of politicising legality;

Or. pl

Amendment 38
Martina Anderson

Draft opinion
Indent 1 – paragraph 4 a (new)

Draft opinion

Amendment

4a. Considers that the Separation of Powers Doctrine is the most important component of any modern democratic politic systems, since such an adherence to this crucial doctrine prevents abuses of power and furthermore it safeguards fundamental freedom for all;

Or. en

Amendment 39
Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion
Indent 1 – paragraph 4 a (new)

Draft opinion

Amendment

4a. Following the view already expressed by the European Parliament in its Resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012), considers it necessary to abolish article 51 of the Charter of fundamental rights of the European Union in order to enhance its field of application and make all the dispositions of the Charter directly applicable in the Member States;

Or. en

Amendment 40
Kazimierz Michał Ujazdowski

Draft opinion
Indent 1 – paragraph 4 a (new)

Draft opinion

Amendment

4a. Believes that creating a new EU mechanism on democracy, the rule of law and fundamental rights in an inappropriate form may lead to a situation in which small and medium-sized countries will feel dominated by larger, more powerful countries;

Or. pl

Amendment 41
Claudia Tapardel

Draft opinion
Indent 1 – paragraph 4 a (new)

Draft opinion

Amendment

4a. Highlights the importance of protecting the fundamental right to private life for European citizens from all Member States;

Or. en

Amendment 42
Claudia Tapardel

Draft opinion
Indent 1 – paragraph 4 b (new)

Draft opinion

Amendment

4b. Outlines the relevance of preventing discrimination concerning vulnerable

minority groups in the Member States;

Or. en

Amendment 43

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Indent 1 – paragraph 5

Draft opinion

5. Emphasises the key role that *the European Parliament and the national parliaments* should play in measuring the progress of, and monitoring the compliance with, the shared values of the Union, as enshrined in Article 2 TEU;

Amendment

5. Emphasises the key role that *an independent and expert body* should play in measuring the progress of, and monitoring the compliance with, the shared values of the Union, as enshrined in Article 2 TEU; *notes the key role of the European Parliament and the national parliaments in maintaining the necessary continuous debate to adapt the common EU consensus on democracy, rule of law and fundamental rights to the changes of our society;*

Or. en

Amendment 44

Martina Anderson

Draft opinion

Indent 1 – paragraph 5

Draft opinion

5. Emphasises the key role that the European Parliament and the national parliaments should play in measuring the progress of, and monitoring the compliance with, the shared values of the Union, as enshrined in Article 2 TEU;

Amendment

5. Emphasises the key role that the European Parliament and the national parliaments should play in measuring the progress of, and monitoring the compliance with, the shared values of the *European* Union, as enshrined in Article 2 TEU; *considers that the implementation of these values and principles must also be based on effective monitoring of respect for the fundamental rights guaranteed in the*

Charter, for example when legislative proposals are being drafted;

Or. en

Amendment 45

Pedro Silva Pereira, Mercedes Bresso, Jo Leinen, Claudia Tapardel

Draft opinion

Indent 1 – paragraph 5

Draft opinion

5. Emphasises the key role that the European Parliament *and the national parliaments* should play in measuring the progress of, and monitoring the compliance with, the shared values of the Union, as enshrined in Article 2 TEU;

Amendment

5. Emphasises the key role that the European Parliament should play in measuring the progress of, and monitoring the compliance with, the shared values of the Union, as enshrined in Article 2 TEU;

Or. en

Amendment 46

Claudia Tapardel

Draft opinion

Indent 1 – paragraph 5 a (new)

Draft opinion

Amendment

5a. Recognizes the essential role civil society organisations play in promoting democratic values, the rule of law and fundamental rights;

Or. en

Amendment 47

Pedro Silva Pereira, Mercedes Bresso, Jo Leinen, Claudia Tapardel, Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion

Indent 2 – paragraph 5 a (new)

Draft opinion

Amendment

5a. Recalls that the European Parliament under Rule 135 of its Rules of Procedure has developed a scrutiny over third States in the case of breach of human rights, democracy and the rule of law; considers that on the basis of Articles 2, 6 and 7 TEU and Rule 135 of the Rules of Procedure, the European Parliament should take motions for resolutions on the respect for the rule of law, democratic values and the state of fundamental rights within the European Union and its Member States;

Or. en

Amendment 48

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Indent 2 – paragraph 6

Draft opinion

Amendment

6. Recommends the establishment on an EU mechanism for Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders; considers that this would, however, require a Treaty change;

6. Urges the Commission, without prejudice to existing mechanisms already applicable in the event of serious and persistent infringements, to propose a Regulation for the establishment on an EU mechanism for Democracy, the Rule of Law and Fundamental Rights which establishes appropriate binding and corrective mechanisms in order to fill existing gaps and to allow for an automatic and gradual response to breaches of the rule of law and fundamental rights at Member State level;

Or. en

Amendment 49

Pedro Silva Pereira, Mercedes Bresso, Jo Leinen, Claudia Tapardel, Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion

Indent 2 – paragraph 6

Draft opinion

6. Recommends the establishment on an EU mechanism for Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders; considers that *this would, however*, require a Treaty change;

Amendment

6. Recommends the establishment on an EU mechanism for Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders; considers that, *provided such mechanism does not jeopardize or rival with but rather complements and paves the way for the procedure under Article 7 TEU*, it may *not* require a Treaty change;

Or. en

Amendment 50

Maite Pagazaurtundúa Ruiz, Sylvie Goulard, Charles Goerens

Draft opinion

Indent 2 – paragraph 6

Draft opinion

6. Recommends the establishment on an EU mechanism for Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders; *considers that this would, however, require a Treaty change*;

Amendment

6. Recommends the establishment on an EU mechanism for Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders, *within the limits of the current Treaties*;

Or. en

Amendment 51

Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi, Laura Ferrara, Laura Agea

Draft opinion

Indent 2 – paragraph 6

Draft opinion

6. Recommends the establishment *on* an EU mechanism for Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders; *considers that this would, however, require a Treaty change*;

Amendment

6. Recommends, *pending a possible amendment of the Treaties*, the establishment *of* an EU mechanism for Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders, *based on the introduction of infringement procedures as referred to in Articles 258 and 260 TFEU against Member States in the event of multiple individual infringements which, taken together, could prefigure a breach of Article 2 TEU*;

Or. it

Amendment 52

Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion

Indent 2 – paragraph 6

Draft opinion

6. Recommends the establishment on *an* EU mechanism for Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders; considers *that this would, however, require a Treaty change*;

Amendment

6. Recommends the establishment on *a specialized* EU mechanism for Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders; considers *the required Treaty change to be a lengthy but necessary procedure under the light of the common efforts to defend EU's democratic principles*;

Or. en

Amendment 53

Csaba Molnár

Draft opinion

Indent 2 – paragraph 6

Draft opinion

6. Recommends the establishment *on an* EU mechanism for Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders; considers that this would, however, require a Treaty change;

Amendment

6. Recommends the establishment *of a comprehensive* EU mechanism for Democracy, the Rule of Law and Fundamental Rights *which would assess the situation in Member States with regard to the rule of law and fundamental rights in the light of objective criteria and* which would include all relevant stakeholders; considers that this would, however, require a Treaty change;

Or. hu

Amendment 54

Kazimierz Michał Ujazdowski

Draft opinion

Indent 2 – paragraph 6

Draft opinion

6. *Recommends* the establishment *on an* EU mechanism *for* Democracy, the Rule of Law and Fundamental Rights which would include all relevant stakeholders; *considers that this would, however, require* a Treaty change;

Amendment

6. *Notes that* the establishment *of* an EU mechanism *on* democracy, the rule of law and fundamental rights which would include all relevant stakeholders *requires* a Treaty change;

Or. pl

Amendment 55

Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion

Indent 2 – paragraph 6 a (new)

Draft opinion

6a. Points out that if the EU lays down requirements in its international agreements to protect and promote human rights, then it must likewise ensure that the institutions and all Member States

Amendment

comply with the rule of law and respect fundamental rights;

Or. es

Amendment 56
Kazimierz Michał Ujazdowski

Draft opinion
Indent 2 – paragraph 6 a (new)

Draft opinion

Amendment

6a. Believes that one of the fundamental values of the European Union is a culture of compromise and consensus, with the result that the existing integration process continues to develop; believes that introducing a new EU mechanism on democracy, the rule of law and fundamental rights may lead to a situation in which that culture of compromise and consensus is replaced by unbalanced and inadequate resources, exposing the EU institutions to accusations of bias;

Or. pl

Amendment 57
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Draft opinion
Indent 2 – paragraph 6 a (new)

Draft opinion

Amendment

6a. Proposes to widen the mandate of the Fundamental Rights Agency to include the monitoring of fundamental rights and the rule of law in all Member States, both within and beyond the application of EU law;

Amendment 58

Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion

Indent 2 – paragraph 6 a (new)

Draft opinion

Amendment

6a. Considers it necessary to go beyond these mechanisms as enshrined in Article 7 TEU and Article 258 TFEU in order to set-up a single, comprehensive and legally binding instrument addressing all the possible infringements of the rule of law and fundamental rights committed both by Institutions, formal and informal bodies, offices and agencies of the European Union, and the Member States and giving to the European Parliament, the European Commission and the Council the same right to appeal in the European Court of Justice;

Or. en

Amendment 59

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Indent 2 – paragraph 6 b (new)

Draft opinion

Amendment

6b. Calls on the establishment of an independent Copenhagen Commission that, in light of the assessment of the Fundamental Rights Agency, puts forward recommendations to enforce fundamental rights and the rule of law;

Or. en

Amendment 60
Kazimierz Michał Ujazdowski

Draft opinion
Indent 2 – paragraph 6 b (new)

Draft opinion

Amendment

6b. Warns that introducing a new EU mechanism on democracy, the rule of law and fundamental rights may generate rhetoric which is unhelpful to EU integration and leads to bigger, more powerful countries imposing themselves on small and medium-sized countries at the cost of their identity in terms of constitutional and political structures;

Or. pl

Amendment 61
Kazimierz Michał Ujazdowski

Draft opinion
Indent 2 – paragraph 6 c (new)

Draft opinion

Amendment

6c. Warns that introducing a new EU mechanism on democracy, the rule of law and fundamental rights could disturb the fine line separating matters which remain the responsibility of the individual Member States;

Or. pl

Amendment 62
Josep-Maria Terricabras
on behalf of the Verts/ALE Group

Draft opinion
Indent 2 – paragraph 6 c (new)

Draft opinion

Amendment

6c. Proposes to enable the Commission, on the basis of the findings of the reports drafted by the Fundamental Rights Agency and the recommendations of the Copenhagen Commission, to initiate infringement procedures under Article 2 TEU, and, if necessary, the procedure under Article 7 TEU;

Or. en

Amendment 63

Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion

Indent 2 – paragraph 7

Draft opinion

Amendment

7. Calls for a coordination of the initiatives from the different EU institutions and is of the opinion that informal trilogues should be regularly organised in order to ensure a coherent EU approach and to establish a fully consensual working definition of human rights, the rule of law and democracy;

deleted

Or. en

Amendment 64

Maite Pagazaurtundúa Ruiz, Sylvie Goulard, Charles Goerens

Draft opinion

Indent 2 – paragraph 7

Draft opinion

Amendment

7. Calls for a *coordination of the* initiatives from the different EU institutions and is of the opinion that *informal trilogues should be regularly organised in order to ensure a coherent*

7. Calls for a *broader, integrated mechanism on democracy, rule of law and fundamental rights incorporating the existing* initiatives from the different EU institutions and is of the opinion that *an*

EU approach and to establish a fully consensual working definition of human rights, the rule of law and democracy;

annual democracy, rule of law and fundamental rights policy cycle should be organized in order to ensure a coherent EU approach;

Or. en

Amendment 65

Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi, Laura Ferrara, Laura Agea

Draft opinion

Indent 2 – paragraph 7

Draft opinion

7. *Calls for a coordination of the initiatives from the different EU institutions and is of the opinion that informal trilogues should be regularly organised in order to ensure a coherent EU approach and to establish a fully consensual working definition of human rights, the rule of law and democracy;*

Amendment

7. *Calls, in order to ensure a coherent approach by the Union and to avoid any form of arbitrariness, for the formulation of a fully consensual working definition of human rights, the rule of law and democracy, taking as a point of reference, in the first place, the Charter of Fundamental Rights of the European Union, and, where the Charter does not contain clauses which can directly yield the above definitions, in the second place the European Convention on Human Rights and Fundamental Freedoms and the recommendations of the United Nations Human Rights Council, as well as other international conventions agreed by all the Member States;*

Or. it

Amendment 66

Martina Anderson

Draft opinion

Indent 2 – paragraph 7

Draft opinion

7. *Calls for a coordination of the initiatives from the different EU institutions and is of the opinion that*

Amendment

7. *Calls on the Commission, the Council and Parliament to ensure the greater transparency of informal trilogues, by*

informal trilogues should be regularly organised in order to ensure a coherent EU approach and to establish a fully consensual working definition of human rights, the rule of law and democracy;

holding the meetings in public, publishing documentation including calendars, agendas, minutes, documents examined, amendments, decisions taken, information on Member State delegations and their positions and minutes, in a standardised and easy accessible online environment, by default and without prejudice to the exemptions listed in Article 4(1) of Regulation (EC) No 1049/2001;

Or. en

Amendment 67

Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion

Indent 2 – paragraph 7 a (new)

Draft opinion

Amendment

7a. Recommends to set-up, under article 352 of the TFEU, a politically independent body of experts in the field of fundamental rights acting, within the revised mechanism on democracy, the rule of law and fundamental rights, as the monitoring body of the situation of human rights and the rule of law both in the Union as a whole and in its individual Member States;

Or. en

Amendment 68

Pedro Silva Pereira, Mercedes Bresso, Jo Leinen, Claudia Tapardel, Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion

Indent 2 – paragraph 8

Draft opinion

Amendment

8. Recommends the conclusion of a pact between all EU institutions *and national*

8. Recommends the conclusion of a pact between all EU institutions in order to

parliaments in order to establish an annual 'fundamental rights policy cycle' as part of a multi-annual structured dialogue among all stakeholders;

establish an annual 'fundamental rights policy cycle' as part of a multi-annual structured dialogue among all stakeholders; *in this context, suggests that the European Parliament holds a yearly debate on the respect for democracy, the rule of law and the state of fundamental rights within the European Union; believes that this debate should be organized in such a way that it can involve setting benchmarks and goals to achieve and providing the means to evaluate changes from one year to another;*

Or. en

Amendment 69

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Indent 2 – paragraph 8

Draft opinion

8. Recommends the conclusion of a pact between all EU institutions and national parliaments in order to establish an annual 'fundamental rights policy cycle' as part of a multi-annual structured dialogue among all stakeholders;

Amendment

8. Recommends the conclusion of a pact between all EU institutions and national parliaments in order to establish an annual 'fundamental rights policy cycle' as part of a multi-annual structured dialogue among all stakeholders *with the aim of adapting the existing EU consensus on democracy, rule of law and fundamental rights to the changes of our society;*

Or. en

Amendment 70

Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi, Laura Ferrara, Laura Agea

Draft opinion

Indent 2 – paragraph 8 a (new)

8a. Encourages Member States, bearing in mind also Resolution No 48/134 of the United Nations General Assembly of 20 December 1993, which also endorses the conclusions of the United Nations World Conference on human rights in Vienna of 1993, to set up, in accordance with domestic law, national bodies for the practical promotion, protection and monitoring of human rights, ensuring that their members are diverse and independent;

Or. it

Amendment 71

Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi, Laura Ferrara, Laura Agea

Draft opinion

Indent 2 – paragraph 9

Draft opinion

9. Recommends the *organisation* of an annual *pan-EU parliamentary debate* on *democracy*, the *rule of law* and *fundamental rights* as *part of a multi-annual structured dialogue between the European Parliament and the national parliaments, on the one hand*, and the Commission and the Council, *on the other*;

Amendment

9. Recommends *constant monitoring of the situation with regard to fundamental rights and the principles of the rule of law in Member States by creating an annual assessment system per Member State, devised by the Commission and the Council, on the basis of information gathered by the European Union Fundamental Rights Agency (FRA), the Council of Europe and its Venice Commission, as well as NGOs, also taking into account the case-law of the European Court of Human Rights and the Court of Justice of the European Union; considers that the findings from these assessments should be published, inter alia by compiling a ranking, so as to encourage naming and shaming and peer review; recommends furthermore that, after the assessment, the Commission should issue a formal warning when the indicators*

show that certain Member States are violating the rule of law or fundamental rights; considers that this formal warning should systematically be accompanied by the launching of an institutionalised dialogue involving - in addition to the Commission and the Member State concerned - the Council, the European Parliament and the parliament of the Member State concerned;

Or. it

Amendment 72

Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion

Indent 2 – paragraph 9

Draft opinion

9. Recommends the organisation of an annual pan-EU parliamentary debate on democracy, the rule of law and fundamental rights as part of a multi-annual structured dialogue between the European Parliament *and the* national parliaments, *on the one hand, and* the Commission and the Council, *on the other*;

Amendment

9. Recommends the organisation of an annual pan-EU parliamentary debate on democracy, the rule of law and fundamental rights as part of a multi-annual structured dialogue between the European Parliament, national parliaments, the Commission and the Council;

Or. en

Amendment 73

Enrique Guerrero Salom, Ramón Jáuregui Atondo

Draft opinion

Indent 2 – paragraph 9

Draft opinion

9. Recommends the organisation of an annual pan-EU parliamentary debate on democracy, the rule of law and fundamental rights as part of a multi-annual structured dialogue between the European Parliament and the national

Amendment

9. Recommends the organisation of an annual pan-EU parliamentary debate on democracy, the rule of law and fundamental rights as part of a multi-annual structured dialogue between the European Parliament and the national

parliaments, on the one hand, and the Commission and the Council, on the other;

parliaments, on the one hand, and the Commission and the Council, on the other, *and also involving civil society, the EU Agency for Fundamental Rights (FRA), and the Council of Europe;*

Or. es

Amendment 74
Kazimierz Michał Ujazdowski

Draft opinion
Indent 2 – paragraph 10

Draft opinion

Amendment

10. Recommends that the pan-EU parliamentary debate is organised in such a way that it can involve setting goals to achieve and provide the means to measure changes from one year to another.

deleted

Or. pl

Amendment 75
Pedro Silva Pereira, Mercedes Bresso, Jo Leinen, Claudia Tapardel, Ramón Jáuregui Atondo, Enrique Guerrero Salom

Draft opinion
Indent 2 – paragraph 10

Draft opinion

Amendment

10. Recommends that the pan-EU parliamentary debate is organised in such a way that it can involve setting goals to achieve and provide the means to measure changes from one year to another.

deleted

Or. en

Amendment 76
Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion
Indent 2 – paragraph 10

Draft opinion

10. Recommends that the pan-EU parliamentary debate is organised in such a way that it can involve setting goals to achieve and provide the means to measure changes from one year to another.

Amendment

10. Recommends that the pan-EU parliamentary debate is organised in such a way that it can involve setting goals to achieve and provide the means to measure changes from one year to another; ***also recommends the acceleration of relevant procedures in order to create such means, which will not only allow the immediate and effective monitoring of annual changes, but will also ensure the compliance with commitments by all relevant parts;***

Or. en

Amendment 77
Maite Pagazaurtundúa Ruiz, Sylvie Goulard, Charles Goerens

Draft opinion
Indent 2 – paragraph 10

Draft opinion

10. Recommends that the pan-EU parliamentary debate is organised in such a way that it can involve setting goals to achieve and provide the means to measure changes from one year to another.

Amendment

10. Recommends that the pan-EU parliamentary debate is organised in such a way that it can involve setting goals to achieve and provide the means to measure changes from one year to another ***with the possibility to report back on the implementation of goals or recommendations.***

Or. en

Amendment 78
Martina Anderson

Draft opinion
Indent 2 – paragraph 10 a (new)

Draft opinion

Amendment

10a. Recommends that there needs to be a concerted focus on moving towards new sustainable development objectives under which human rights are universal, indivisible and inalienable;

Or. en

Amendment 79

Kostas Chrysogonos, Helmut Scholz, Barbara Spinelli

Draft opinion

Indent 2 – paragraph 10 a (new)

Draft opinion

Amendment

10a. Recommends the organisation of an annual "European Justice Summit" focused on democracy, the rule of law and fundamental rights, bringing together representatives of the European Parliament, the Commission, the Council, the Court of Justice, the European Court of human rights, the Council of Europe, the EU Agency for fundamental rights and of the national supreme courts, in order to promote a structured and permanent pan-European dialogue in this field;

Or. en

Amendment 80

Enrique Guerrero Salom, Ramón Jáuregui Atondo

Draft opinion

Indent 2 – paragraph 10 a (new)

Draft opinion

Amendment

10a. Considers it essential, for the purpose of following up the above

parliamentary debate, to provide for the option of tabling an annual resolution in plenary;

Or. es

Amendment 81

Josep-Maria Terricabras

on behalf of the Verts/ALE Group

Draft opinion

Indent 2 – paragraph 10 a (new)

Draft opinion

Amendment

10a. Calls on the Commission and the Council to address the concerns raised by the Court of Justice in its Opinion 2/13 as quickly as possible in order to comply with the obligation enshrined in Article 6 TEU to accede to the ECHR;

Or. en