



**2018/0136(COD)**

15.11.2018

## **AMENDMENTS 27 - 170**

**Draft opinion**  
**Josep-Maria Terricabras**  
(PE629.627v01-00)

on the proposal for a regulation of the European Parliament and of the Council  
on the protection of the Union's budget in case of generalised deficiencies as  
regards the rule of law in the Member States

Proposal for a regulation  
(COM(2018)0324 – C8-0178/2018 – 2018/0136(COD))

AM\_Com\_LegOpinion

**Amendment 27**

**Auke Zijlstra, Nicolas Bay, Gilles Lebreton, Giancarlo Scottà**

**Proposal for a regulation**

—

*Proposal for a rejection*

***The Committee on Civil Liberties, Justice and Home Affairs calls on the Committees on Budgets and on Budgetary Control, as the committees responsible, to propose a rejection of the Commission proposal.***

Or. en

*Justification*

*This report should be rejected as it does not offer a solution to the fundamental problem of how to assess the situation after the implementation of Article 7.*

**Amendment 28**

**Marek Jurek**

**Proposal for a regulation**

—

*Proposal for a rejection*

***The Committee on Civil Liberties, Justice and Home Affairs calls on the Committees on Budgets and on Budgetary Control, as the committees responsible, to propose a rejection of the Commission proposal.***

Or. en

*Justification*

*Pursuant to the principle of the rule of law, violations of the law cannot be attributed to an entity against whom no violation of the law has been found in legal proceedings. The allegation does not constitute guilt. Democracy must protect freedom of opinion as well as oppose itself to the imposition of opinions, and this is the case when the authority implements*

*policies for which it has no legal mandate. The budgetary exclusion of states that are in minority is an idea that is not taking legalism into account. For the good of the European Union, the Commission's proposal should be rejected.*

**Amendment 29**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Title 1**

*Text proposed by the Commission*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on the protection of the Union's budget in  
case of ***generalised deficiencies as regards***  
the rule of law ***in the*** Member ***States***

*Amendment*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on the protection of the Union's budget in  
case of ***occurred determination of the***  
***existence of a serious and persistent***  
***breach of*** the rule of law ***by a*** Member  
***State***

Or. en

**Amendment 30**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Title 1**

*Text proposed by the Commission*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on the protection of the Union's budget in  
case of generalised deficiencies as regards  
the rule of law in the Member States

*Amendment*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on the protection of the Union's budget in  
case of generalised deficiencies as regards  
***democracy***, the rule of law ***and***  
***fundamental rights*** in the Member States

Or. en

**Amendment 31**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Title 1**

*Text proposed by the Commission*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on the protection of the Union's budget in  
case of generalised deficiencies as regards  
the rule of law in the Member States

*Amendment*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on the protection of the Union's budget in  
case of generalised deficiencies as regards  
the rule of law, ***human rights and  
democracy*** in the Member States

Or. en

**Amendment 32**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Citation 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Having regard to the Charter of  
Fundamental Rights of the European  
Union,***

Or. en

**Amendment 33**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Citation 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***Having regard to the European  
Convention on Human Rights and to the  
European Social Charter, the Additional  
Protocol thereto and the revised version***

*thereof,*

Or. en

**Amendment 34**  
**Cécile Kashetu Kyenge**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) The rule of law *is one* of the *essential values upon which the Union is founded*. As recalled by Article 2 of the Treaty on European Union, these values are common to the Member States.

*Amendment*

(1) The rule of law, *democracy and fundamental rights are in a triangular relationship, reinforcing each other and together safeguarding the constitutional core* of the *Union and its Member States*. As recalled by Article 2 of the Treaty on European Union, these values are common to the Member States.

Or. en

**Amendment 35**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) *The rule of law is one of the essential values upon which* the Union is founded. As recalled by Article 2 of the Treaty on European Union, these values are common to the Member States.

*Amendment*

(1) 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*. As recalled by Article 2 of the Treaty on European Union, these values are common to the Member States.

Or. en

**Amendment 36**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) The rule of law *is one of the* essential values upon which the Union is founded. As recalled by Article 2 of the Treaty on European Union, these values are common to the Member States.

*Amendment*

(1) ***Democracy***, the rule of law ***and fundamental rights are*** essential values upon which the Union is founded. As recalled by Article 2 of the Treaty on European Union, these values are common to the Member States.

Or. en

**Amendment 37**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1 a) Respect for the rule of law entails the full observance and promotion of its core elements, namely legality, including a transparent, accountable and democratic process for enacting law; legal certainty; prohibition of arbitrariness; access to justice before independent and impartial courts, including judicial review of administrative acts; respect for human rights; and non-discrimination and equality before the law.***

Or. en

**Amendment 38**  
**Cécile Kashetu Kyenge**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1 a) 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 minority, and these values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.***

Or. en

**Amendment 39**

**Michal Boni**

**Proposal for a regulation**

**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1 a) Member States should uphold and cultivate the value of the rule of law and set an example by moving towards a shared culture of the rule of law, which is an essential condition for the legitimacy of the European project as a whole and the basic condition for building citizens' trust in the Union.***

Or. en

**Amendment 40**

**Auke Zijlstra, Nicolas Bay, Gilles Lebreton, Giancarlo Scottà**

**Proposal for a regulation**

**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1 a) The Commission's interference in the Member States' internal affairs is***



## **Amendment 41**

**Maria Grapini**

### **Proposal for a regulation**

#### **Recital 2**

##### *Text proposed by the Commission*

(2) The rule of law requires that all public powers act within the constraints set out by law, in accordance with the values of democracy and fundamental rights, and under the control of independent and impartial courts. It requires, in particular, that the principles of legality<sup>7</sup>, legal certainty<sup>8</sup>, prohibition of arbitrariness of the executive powers<sup>9</sup>, separation of powers<sup>10</sup>, and effective judicial protection by independent courts<sup>11</sup> are respected<sup>12</sup>.

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<sup>7</sup> Judgment of the Court of Justice of 29 April 2004, CAS Succhi di Frutta, C-496/99 PECLI:EU:C:2004:236, paragraph 63.

<sup>8</sup> Judgment of the Court of Justice of 12 November 1981, Amministrazione delle finanze dello Stato v Srl Meridionale Industria Salumi and others Ditta Italo Orlandi & Figlio and Ditta Vincenzo Divella v Amministrazione delle finanze dello Stato. Joined cases 212 to 217/80, ECLI:EU:C:1981:270, paragraph 10.

<sup>9</sup> Judgment of the Court of Justice of 21 September 1989, Hoechst, Joined cases 46/87 and 227/88, ECLI:EU:C:1989:337, paragraph 19.

<sup>10</sup> Judgment of the Court of Justice of 10 November 2016, Kovalkovas, C-477/16,

##### *Amendment*

(2) The rule of law requires that all public powers act within the constraints set out by law, in accordance with ***the Constitution of every Member State***, the values of democracy and fundamental rights, and under the control of independent and impartial courts. It requires, in particular, that the principles of legality<sup>7</sup>, legal certainty<sup>8</sup>, prohibition of arbitrariness of the executive powers<sup>9</sup>, separation of powers<sup>10</sup>, and effective judicial protection by independent courts<sup>11</sup> are respected<sup>12</sup>.

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<sup>7</sup> Judgment of the Court of Justice of 29 April 2004, CAS Succhi di Frutta, C-496/99 PECLI:EU:C:2004:236, paragraph 63.

<sup>8</sup> Judgment of the Court of Justice of 12 November 1981, Amministrazione delle finanze dello Stato v Srl Meridionale Industria Salumi and others Ditta Italo Orlandi & Figlio and Ditta Vincenzo Divella v Amministrazione delle finanze dello Stato. Joined cases 212 to 217/80, ECLI:EU:C:1981:270, paragraph 10.

<sup>9</sup> Judgment of the Court of Justice of 21 September 1989, Hoechst, Joined cases 46/87 and 227/88, ECLI:EU:C:1989:337, paragraph 19.

<sup>10</sup> Judgment of the Court of Justice of 10 November 2016, Kovalkovas, C-477/16,

ECLI:EU:C:2016:861, paragraph 36; Judgment of the Court of Justice of 10 November 2016, PPU Poltorak, C-452/16, ECLI:EU:C:2016:858, paragraph 35; and Judgment of the Court of Justice of 22 December 2010, DEB, C-279/09, ECLI:EU:C:2010:811, paragraph 58.

<sup>11</sup> Judgment of the Court of Justice of 27 February 2018, Associação Sindical dos Juizes Portugueses v Tribunal de Contas C-64/16, ECLI:EU:C:2018:117, paragraphs 31, 40-41.

<sup>12</sup> Communication from the Commission "A new EU Framework to strengthen the Rule of Law", COM(2014) 158 final, Annex I.

ECLI:EU:C:2016:861, paragraph 36; Judgment of the Court of Justice of 10 November 2016, PPU Poltorak, C-452/16, ECLI:EU:C:2016:858, paragraph 35; and Judgment of the Court of Justice of 22 December 2010, DEB, C-279/09, ECLI:EU:C:2010:811, paragraph 58.

<sup>11</sup> Judgment of the Court of Justice of 27 February 2018, Associação Sindical dos Juizes Portugueses v Tribunal de Contas C-64/16, ECLI:EU:C:2018:117, paragraphs 31, 40-41.

<sup>12</sup> Communication from the Commission "A new EU Framework to strengthen the Rule of Law", COM(2014) 158 final, Annex I.

Or. en

## **Amendment 42** **Barbara Spinelli**

### **Proposal for a regulation** **Recital 2**

#### *Text proposed by the Commission*

(2) The rule of law requires that all public powers act within the constraints set out by law, in accordance with the **values** of democracy and fundamental rights, and under the control of independent and impartial courts. It requires, in particular, that the principles of legality<sup>7</sup>, legal certainty<sup>8</sup>, prohibition of arbitrariness of the executive powers<sup>9</sup>, separation of powers<sup>10</sup>, and effective judicial protection by independent courts<sup>11</sup> are respected<sup>12</sup>.

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<sup>7</sup> Judgment of the Court of Justice of 29 April 2004, CAS Succhi di Frutta, C-496/99 PECLI:EU:C:2004:236, paragraph 63.

<sup>8</sup> Judgment of the Court of Justice of 12

#### *Amendment*

(2) The rule of law requires that all public powers act within the constraints set out by law, in accordance with the **principles** of democracy and **respect for** fundamental rights, and under the control of independent and impartial courts. It requires, in particular, that the principles of legality<sup>7</sup>, legal certainty<sup>8</sup>, prohibition of arbitrariness of the executive powers<sup>9</sup>, separation of powers<sup>10</sup>, and effective judicial protection by independent courts<sup>11</sup> are respected<sup>12</sup>.

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<sup>7</sup> Judgment of the Court of Justice of 29 April 2004, CAS Succhi di Frutta, C-496/99 PECLI:EU:C:2004:236, paragraph 63.

<sup>8</sup> Judgment of the Court of Justice of 12

November 1981, Amministrazione delle finanze dello Stato v Srl Meridionale Industria Salumi and others Ditta Italo Orlandi & Figlio and Ditta Vincenzo Divella v Amministrazione delle finanze dello Stato. Joined cases 212 to 217/80, ECLI:EU:C:1981:270, paragraph 10.

<sup>9</sup> Judgment of the Court of Justice of 21 September 1989, Hoechst, Joined cases 46/87 and 227/88, ECLI:EU:C:1989:337, paragraph 19.

<sup>10</sup> Judgment of the Court of Justice of 10 November 2016, Kovalkovas, C-477/16, ECLI:EU:C:2016:861, paragraph 36; Judgment of the Court of Justice of 10 November 2016, PPU Poltorak, C-452/16, ECLI:EU:C:2016:858, paragraph 35; and Judgment of the Court of Justice of 22 December 2010, DEB, C-279/09, ECLI:EU:C:2010:811, paragraph 58.

<sup>11</sup> Judgment of the Court of Justice of 27 February 2018, Associação Sindical dos Juizes Portugueses v Tribunal de Contas C-64/16, ECLI:EU:C:2018:117, paragraphs 31, 40-41.

<sup>12</sup> Communication from the Commission "A new EU Framework to strengthen the Rule of Law", COM(2014) 158 final, Annex I.

November 1981, Amministrazione delle finanze dello Stato v Srl Meridionale Industria Salumi and others Ditta Italo Orlandi & Figlio and Ditta Vincenzo Divella v Amministrazione delle finanze dello Stato. Joined cases 212 to 217/80, ECLI:EU:C:1981:270, paragraph 10.

<sup>9</sup> Judgment of the Court of Justice of 21 September 1989, Hoechst, Joined cases 46/87 and 227/88, ECLI:EU:C:1989:337, paragraph 19.

<sup>10</sup> Judgment of the Court of Justice of 10 November 2016, Kovalkovas, C-477/16, ECLI:EU:C:2016:861, paragraph 36; Judgment of the Court of Justice of 10 November 2016, PPU Poltorak, C-452/16, ECLI:EU:C:2016:858, paragraph 35; and Judgment of the Court of Justice of 22 December 2010, DEB, C-279/09, ECLI:EU:C:2010:811, paragraph 58.

<sup>11</sup> Judgment of the Court of Justice of 27 February 2018, Associação Sindical dos Juizes Portugueses v Tribunal de Contas C-64/16, ECLI:EU:C:2018:117, paragraphs 31, 40-41.

<sup>12</sup> Communication from the Commission "A new EU Framework to strengthen the Rule of Law", COM(2014) 158 final, Annex I.

Or. en

## **Amendment 43** **Sophia in 't Veld**

### **Proposal for a regulation** **Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2 a) Fundamental rights in the Union are stipulated, in particular, in the Charter of Fundamental Rights of the European Union and in the European Convention for the Protection of Human***

**Amendment 44**

**Auke Zijlstra, Nicolas Bay, Gilles Lebreton, Giancarlo Scottà**

**Proposal for a regulation**

**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2 a) The Treaty defines the Commission as an impartial referee: the Commission however sees itself as a political body, thereby jeopardizing the EU.**

**Amendment 45**

**Michal Boni**

**Proposal for a regulation**

**Recital 3**

*Text proposed by the Commission*

*Amendment*

(3) The rule of law is a prerequisite for the protection of the other fundamental values on which the Union is founded, such as freedom, democracy, equality and respect for human rights. Respect for the rule of law is intrinsically linked to respect for democracy and for fundamental rights: there can be no democracy and respect for fundamental rights without respect for the rule of law and vice versa.

(3) The rule of law is a prerequisite for the protection of the other fundamental values on which the Union is founded, such as freedom, democracy, equality and respect for human rights. Respect for the rule of law is intrinsically linked to respect for democracy and for fundamental rights: there can be no democracy and respect for fundamental rights without respect for the rule of law and vice versa. ***Deterioration of the rule of law in one Member State negatively affects the rule of law in the Union as a whole.***

**Amendment 46**  
**Cécile Kashetu Kyenge**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) The rule of law is a prerequisite for the protection of the other fundamental values on which the Union is founded, such as freedom, democracy, equality and respect for human rights. Respect for the rule of law is intrinsically linked to respect for democracy **and** for fundamental rights: there can be no democracy and respect for fundamental rights without respect for the rule of law and vice versa.

*Amendment*

(3) The rule of law is a prerequisite for the protection of the other fundamental values on which the Union is founded, such as freedom, democracy, equality and respect for human rights. Respect for the rule of law is intrinsically linked to respect for democracy, for fundamental rights **as well as for upholding all rights and obligations deriving from the Treaties and from international law**: there can be no democracy and respect for fundamental rights without respect for the rule of law and vice versa.

Or. en

**Amendment 47**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) ***The rule of law is a prerequisite for the protection of the other fundamental values on which the Union is founded, such as freedom, democracy, equality and respect for human rights. Respect for the rule of law is intrinsically linked to respect for democracy and for fundamental rights:*** there can be no democracy and respect for fundamental rights without respect for the rule of law and vice versa.

*Amendment*

(3) Democracy, the rule of law **and** fundamental rights **are in a triangular relationship, reinforcing each other and together safeguarding the constitutional core of the Union and its Member States.** There can be no democracy and respect for fundamental rights without respect for the rule of law and vice versa.

Or. en

**Amendment 48**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) *The rule of law is a prerequisite for the protection of the other fundamental values on which the Union is founded, such as freedom, democracy, equality and respect for human rights. Respect for the rule of law is intrinsically linked to respect for democracy and for fundamental rights: there can be no democracy and respect for fundamental rights without respect for the rule of law and vice versa.*

*Amendment*

(3) *Rule of law, human rights and democracy are strictly interlinked and mutually reinforcing; the interdependence between a functioning democracy, strong and accountable institutions, transparent and inclusive decision-making and effective rule of law is essential for an effective respect for human rights and vice versa.*

Or. en

**Amendment 49**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

(3 a) *Articles 2 and 6 TEU require Member States to fully respect, protect and promote the principle of rule of law, human rights and democracy as well as their constitutive elements. The Union principle of mutual trust does not preclude the establishment of mechanisms to assess the compliance of the Member States with the provisions enshrined in such articles.*

Or. en

**Amendment 50**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3 a) Respect for the rule of law is essential not only for citizens of the Union but also for entrepreneurship, innovation, investment and the smooth functioning of the internal market, which need a stable legal and institutional framework to realize their full potential and in order to achieve sustainable long-term growth.**

Or. en

**Amendment 51**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) Whenever the Member States implement the Union's budget, and whatever method of implementation they use, respect for the rule of law is an essential precondition to comply with the principles of sound financial management enshrined in Article 317 of the Treaty on the Functioning of the European Union.

(4) Whenever the Member States implement the Union's budget, and whatever method of implementation they use, respect for the rule of law, **human rights and democracy** is an essential precondition to comply with the principles of sound financial management enshrined in Article 317 of the Treaty on the Functioning of the European Union.

Or. en

**Amendment 52**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) Sound financial management can only be ensured by the Member States if public authorities act in accordance with the law, and if breaches thereof are effectively pursued by investigative and prosecution services, and if decisions of public authorities can be subject to effective judicial review by independent courts and by the Court of Justice of the European Union.

*Amendment*

(5) Sound financial management can only be ensured by the Member States if public authorities act in accordance with the law, and if breaches thereof are effectively pursued by investigative and prosecution services, and if decisions of public authorities can be subject to effective judicial review by independent courts and by the Court of Justice of the European Union. ***This applies in particular to judicial review of the legality of measures, contracts or other instruments that result in public expenditure or debts, inter alia in the context of procurement procedures in respect of which the courts may also be seized.***

Or. en

**Amendment 53**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

***(6) Judicial bodies should act independently and impartially and investigation and prosecution services should be able to properly execute their function. They should be endowed with sufficient resources and procedures to act effectively and in full respect of the right to a fair trial. These conditions are required as a minimum guarantee against unlawful and arbitrary decisions by public authorities that could harm the financial interests of the Union.***

*Amendment*

***deleted***

Or. en



**Amendment 54**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

(6) ***Judicial bodies*** should ***act independently and impartially*** and investigation and prosecution services should be able to properly execute their function. They should be endowed with sufficient resources and procedures to act effectively and in full respect of the right to a fair trial. These conditions are required as a minimum guarantee against unlawful and arbitrary decisions by public authorities that could ***harm the financial interests of the Union***.

*Amendment*

(6) ***Independence and impartiality of the judiciary*** should ***always be guaranteed*** and investigation and prosecution services should be able to properly execute their function. They should be endowed with sufficient resources and procedures to act effectively and in full respect of the right to a fair trial. These conditions are required as a minimum guarantee against unlawful and arbitrary decisions by public authorities that could ***impair these fundamental principles***.

Or. en

**Amendment 55**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) ***The independence of the judiciary presupposes, in particular, that the body concerned is able to exercise its judicial functions wholly autonomously, without being subject to any hierarchical constraint or subordinated to any other body, and without taking orders or instructions from any source whatsoever, and that it is thus protected against external interventions or pressure liable to impair the independent judgment of its members and to influence their decisions. The guarantees of independence and impartiality require rules, particularly as regards the composition of the body and the appointment, length of service and the***

*Amendment*

***deleted***

*grounds for rejection and dismissal of its members, in order to dismiss any reasonable doubt in the minds of individuals as to the imperviousness of that body to external factors and its neutrality with respect to the interests before it.*

Or. en

**Amendment 56**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

*Amendment*

**(8) Respect for the rule of law is not only important for citizens of the Union, but also for business initiatives, innovation, investment and the proper functioning of the internal market, which will flourish most where a solid legal and institutional framework is in place.**

**deleted**

Or. en

**Amendment 57**  
**Michal Boni**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

*Amendment*

**(8) Respect for the rule of law is not only important for citizens of the Union, but also for business initiatives, innovation, investment and the proper functioning of the internal market, which will flourish most where a solid legal and institutional framework is in place.**

**(8) Respect for the rule of law is not only important for citizens of the Union, but also for business initiatives, innovation, investment and the proper functioning of the internal market, which will flourish most where a solid legal and institutional framework is in place. *The rule of law is an essential condition for trust among actors operating on the internal market.***

**Amendment 58**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) Respect for the rule of law ***is not only important for*** citizens of the Union, ***but also*** for business initiatives, innovation, investment and ***the proper functioning of the*** internal market, ***which will flourish most where a solid legal and institutional framework is in place.***

*Amendment*

(8) Respect for the rule of law, ***human rights and democracy is essential for allowing*** citizens ***to fully participate in the democratic life*** of the Union. ***It is also important*** for business initiatives, innovation ***and*** investment and ***for the promotion of a social rights-based and well-functioning*** internal market ***compliant with the principles enshrined in Article 3 TEU.***

Or. en

**Amendment 59**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) Respect for the rule of law is not only important for citizens of the Union, but also for business initiatives, innovation, investment and the proper functioning of the internal market, which will flourish most where a solid legal and institutional framework is in place.

*Amendment*

(8) Respect for ***democracy***, the rule of law ***and fundamental rights*** is not only important for citizens of the Union, but also for business initiatives, innovation, investment and the proper functioning of the internal market, which will flourish most where a solid legal and institutional framework is in place.

Or. en

**Amendment 60**  
**Cécile Kashetu Kyenge**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) Respect for the rule of law is not only important for citizens of the Union, but also for business initiatives, innovation, investment and the proper functioning of the internal market, which will flourish most where a solid legal and institutional framework is in place.

*Amendment*

(8) Respect for the rule of law, ***human rights and democracy*** is not only important for citizens of the Union, but also for business initiatives, innovation, investment and the proper functioning of the internal market, which will flourish most where a solid legal and institutional framework is in place.

Or. en

**Amendment 61**  
**Cécile Kashetu Kyenge**

**Proposal for a regulation**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8 a) In situations where a Member State no longer guarantees respect for the rule of law, democracy or fundamental rights, or in cases of a breach of the rule of law, the Union and its Member States have a duty to protect the integrity and application of the Treaties and to protect the rights of everyone within its jurisdiction.***

Or. en

**Amendment 62**  
**Auke Zijlstra, Nicolas Bay, Gilles Lebreton, Giancarlo Scottà**

**Proposal for a regulation**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**(8 a) Reaffirms its commitment to the overriding principles of cultural identity and national sovereignty, principles that form an indivisible whole with the principle of freedom.**

Or. en

## **Amendment 63**

**Emil Radev**

### **Proposal for a regulation**

#### **Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) Article 19 TEU, which gives concrete expression to the value of the rule of law stated in Article 2 TEU, requires the Member States to provide effective judicial protection in the fields covered by Union law, including those relating to the implementation of the Union's budget. The very existence of effective judicial review designed to ensure compliance with Union law is the essence of the rule of law and requires independent courts<sup>13</sup>. Maintaining the independence of the courts is essential, as confirmed by the second subparagraph of Article 47 of the Charter of Fundamental Rights of the European Union<sup>14</sup>. This is true, in particular, for the judicial review of the validity of the measures, contracts or other instruments giving rise to public expenditure or debts, inter alia in the context of public procurement procedures which may also be brought before the courts.**

**deleted**

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<sup>13</sup> Case C-64/16, para 32-36.

<sup>14</sup> Case C-64/16, para 40-41.

**Amendment 64**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) Article 19 TEU, ***which gives concrete expression to the value of the rule of law stated in Article 2 TEU,*** requires the Member States to provide effective judicial protection in the fields covered by Union law, including those relating to the implementation of the Union's budget. The ***very existence of effective judicial review designed to ensure compliance with Union law is the essence*** of the rule of law and ***requires independent courts***<sup>13</sup>. Maintaining the independence of the courts is essential, as confirmed by the second subparagraph of Article 47 of the Charter of Fundamental Rights of the European Union<sup>14</sup>. ***This is true, in particular, for the judicial review of the validity of the measures, contracts or other instruments giving rise to public expenditure or debts, inter alia in the context of public procurement procedures which may also be brought before the courts.***

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<sup>13</sup> Case C-64/16, para 32-36.

<sup>14</sup> Case C-64/16, para 40-41.

*Amendment*

(9) Article 19 TEU requires the Member States to provide effective judicial protection in the fields covered by Union law, including those relating to the implementation of the Union's budget. The ***effectiveness of justice systems is a key aspect*** of the rule of law and ***it is essential for ensuring equal treatment, sanctioning government abuses and preventing arbitrariness.*** Maintaining the independence of the courts is essential, as confirmed by the second subparagraph of Article 47 of the Charter of Fundamental Rights of the European Union<sup>14</sup>.

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<sup>13</sup> Case C-64/16, para 32-36.

<sup>14</sup> Case C-64/16, para 40-41.

**Amendment 65**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) Article 19 TEU, which gives concrete expression to the value of the rule of law stated in Article 2 TEU, requires the Member States to provide effective judicial protection in the fields covered by Union law, including those relating to the implementation of the Union's budget. The very existence of effective judicial review designed to ensure compliance with Union law is the essence of the rule of law and requires independent courts<sup>13</sup>. Maintaining the independence of the courts is essential, as confirmed by ***the second subparagraph of*** Article 47 of the Charter of Fundamental Rights of the European Union<sup>14</sup>. This is true, in particular, for the judicial review of the validity of the measures, contracts or other instruments giving rise to public expenditure or debts, inter alia in the context of public procurement procedures which may also be brought before the courts.

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<sup>13</sup> Case C-64/16, para 32-36.

<sup>14</sup> Case C-64/16, para 40-41.

*Amendment*

(9) Article 19 TEU, which gives concrete expression to the value of the rule of law stated in Article 2 TEU, requires the Member States to provide effective judicial protection in the fields covered by Union law, including those relating to the implementation of the Union's budget. The very existence of effective judicial review designed to ensure compliance with Union law is the essence of the rule of law and requires independent courts<sup>13</sup>. ***Ensuring the right to an effective remedy and to a fair trial and*** maintaining the independence of the courts is essential, as confirmed by Article 47 of the Charter of Fundamental Rights of the European Union<sup>14</sup>. This is true, in particular, for the judicial review of the validity of the measures, contracts or other instruments giving rise to public expenditure or debts, inter alia in the context of public procurement procedures which may also be brought before the courts.

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<sup>13</sup> Case C-64/16, para 32-36.

<sup>14</sup> Case C-64/16, para 40-41.

Or. en

**Amendment 66**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) There is ***hence*** a clear relationship between respect for the rule of law and an efficient implementation of the Union budget in accordance with the principles of sound financial management.

*Amendment*

(10) There is a clear relationship between respect for the rule of law, ***human rights and democracy*** and an efficient implementation of the Union budget in accordance with the principles of sound ***and socially responsible*** financial

management.

Or. en

**Amendment 67**  
**Cécile Kashetu Kyenge**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) There is ***hence a clear*** relationship between respect for the rule of law and an efficient implementation of the Union budget in accordance with the principles of sound financial management.

*Amendment*

(10) There is ***a*** relationship between respect for the rule of law, ***democracy and fundamental rights*** and an efficient implementation of the Union budget in accordance with the principles of sound financial management.

Or. en

**Amendment 68**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) Generalised deficiencies in the Member States as regards the rule of law which affect in particular the proper functioning of public authorities and effective judicial review, can seriously harm the financial interests of the Union.

*Amendment*

(11) Generalised deficiencies in the Member States as regards the rule of law which affect in particular the proper functioning of public authorities and effective judicial review ***on irregularities related to the spending of the Union budget***, can seriously harm the financial interests of the Union.

Or. en

**Amendment 69**  
**Michał Boni**



**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) Generalised deficiencies in the Member States as regards the rule of law which affect in particular the proper functioning of public authorities and effective judicial review, can seriously harm the financial interests of the Union.

*Amendment*

(11) Generalised deficiencies in the Member States as regards the rule of law which affect in particular the proper functioning of public authorities and effective judicial review, can seriously harm the financial interests of the Union, **and Union citizens, regardless of where they live.**

Or. en

**Amendment 70**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) Generalised deficiencies in the Member States as regards the rule of law which affect in particular the proper functioning of public authorities and effective judicial review, can seriously harm the financial interests of the Union.

*Amendment*

(11) Generalised deficiencies in the Member States as regards **democracy**, the rule of law **and fundamental rights** which affect in particular the proper functioning of public authorities and effective judicial review, can seriously harm the financial interests of the Union.

Or. en

**Amendment 71**  
**Cécile Kashetu Kyenge**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) Generalised deficiencies in the Member States as regards the rule of law which affect in particular the proper

*Amendment*

(11) Generalised deficiencies in the Member States as regards the rule of law **and democracy** which affect in particular

functioning of public authorities and effective judicial review, can seriously harm the financial interests of the Union.

the proper functioning of public authorities and effective judicial review, can seriously harm the financial interests of the Union.

Or. en

**Amendment 72**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) ***Generalised deficiencies in the Member States as regards*** the rule of law which affect in particular the proper functioning of public authorities and effective judicial review, can seriously harm the financial interests of the Union.

*Amendment*

(11) ***Serious and persistent breaches of*** the rule of law ***by a Member State*** which affect in particular the proper functioning of public authorities and effective judicial review, can seriously harm the financial interests of the Union.

Or. en

**Amendment 73**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) Generalised deficiencies in the Member States as regards the rule of law ***which affect in particular the proper functioning of public authorities and effective judicial review***, can seriously harm the financial interests of the Union.

*Amendment*

(11) Generalised deficiencies in the Member States as regards the rule of law, ***human rights and democracy*** can seriously harm the financial interests of the Union ***as well as the rights and interests of the citizens as a whole***.

Or. en

**Amendment 74**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) The **identification of a generalised deficiency** requires a qualitative assessment **by the Commission**. That assessment could be based on the information from all available sources and recognized institutions, including judgments of the Court of Justice of the European Union, reports of the Court of Auditors, and conclusions and recommendations of relevant international organisations and networks, such as the bodies of the Council of Europe and the European networks of supreme courts and councils for the judiciary.

*Amendment*

(12) The **determination of the existence of a serious and persistent breach of the rule of law** requires a qualitative assessment. That assessment could be based on the information from all available sources and recognized institutions, including judgments of the Court of Justice of the European Union, reports of the Court of Auditors, and conclusions and recommendations of relevant international organisations and networks, such as the bodies of the Council of Europe and the European networks of supreme courts and councils for the judiciary.

Or. en

**Amendment 75**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) The identification of a generalised deficiency requires **a qualitative assessment by the Commission**. **That assessment could be based on the information from all available sources and recognized institutions, including judgments of the Court of Justice of the European Union, reports of the Court of Auditors, and conclusions and recommendations of relevant international organisations and networks, such as the bodies of the Council of Europe and the European networks of supreme courts and councils for the judiciary.**

*Amendment*

(12) The identification of a generalised deficiency requires **the existence of a comprehensive, permanent and objective Union mechanism for the protection of democracy, the rule of law and fundamental rights. The main element of such a mechanism should consist of an annual evidence-based and non-discriminatory review, assessing, on an equal footing, all Union Member States' compliance with the values stipulated in Article 2 TEU, and with country-specific recommendations, to be followed by an inter-parliamentary debate.**

Or. en

**Amendment 76**  
**Josep-Maria Terricabras**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) The identification of a generalised deficiency requires a qualitative assessment by the Commission. That assessment could be based on the information from all available sources and recognized institutions, including judgments of the Court of Justice of the European Union, reports of the Court of Auditors, and conclusions and recommendations of relevant international organisations and networks, such as the bodies of the Council of Europe and the European networks of supreme courts and councils for the judiciary.

*Amendment*

(12) The identification of a generalised deficiency requires a qualitative assessment by the Commission, ***assisted by a representative panel of independent experts.*** That assessment ***should be impartial and transparent and*** could be based on the information from all available sources and recognized institutions, including judgments of the Court of Justice of the European Union, reports of the Court of Auditors, ***reports and opinions of other institutions, bodies, offices or agencies of the Union, such as the European Parliament, the Economic and Social Committee, the Committee of the Regions and the European Union Agency for Fundamental Rights,*** and conclusions and recommendations of relevant international organisations and networks, such as the bodies of the Council of Europe and the European networks of supreme courts and councils for the judiciary.

Or. en

**Amendment 77**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) The identification of a generalised deficiency requires a qualitative assessment by the Commission. That assessment ***could*** be based on the

*Amendment*

(12) The identification of a generalised deficiency requires a qualitative, ***objective, transparent and impartial*** assessment ***carried out*** by the Commission ***in***

information from all available sources and recognized institutions, including judgments of the Court of Justice of the European Union, reports of the Court of Auditors, **and** conclusions and recommendations of relevant international organisations and networks, such as the bodies of the Council of Europe and the European networks of supreme courts and councils for the judiciary.

***cooperation with a representative panel of independent experts.*** That assessment ***should*** be based on the information from all available sources and recognized institutions, including, ***inter alia,*** judgments of the Court of Justice of the European Union ***and of the European Court of Human Rights,*** reports of the Court of Auditors, ***the European Ombudsman and the European Union Agency for Fundamental Rights,*** conclusions and recommendations of relevant international organisations and networks, such as the bodies of the Council of Europe and the European networks of supreme courts and councils for the judiciary ***as well as reporting from non-governmental and civil society organisations working in the field of human rights protection and promotion.***

Or. en

## **Amendment 78**

**Emil Radev**

### **Proposal for a regulation**

**Recital 12**

#### *Text proposed by the Commission*

(12) The identification of a generalised deficiency requires ***a qualitative*** assessment by the Commission. That assessment could be based on the information from all available sources and recognized institutions, including judgments of the Court of Justice of the European Union, reports of the Court of Auditors, and conclusions and recommendations of relevant international organisations and networks, such as the bodies of the Council of Europe and the European networks of supreme courts and councils for the judiciary.

#### *Amendment*

(12) The identification of a generalised deficiency requires ***an*** assessment by the Commission ***that there is a direct link between, on one hand, the malfunctioning, and on the other side, the principles of sound financial management and the protection of the financial interests of the Union.*** That assessment could be based on the information, ***accompanied with specific evidence for such deficiencies,*** from all available sources and recognized institutions, including judgments of the Court of Justice of the European Union, reports of the Court of Auditors, and conclusions and recommendations of relevant international

organisations and networks, such as the bodies of the Council of Europe and the European networks of supreme courts and councils for the judiciary.

Or. en

**Amendment 79**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12 a) The evaluation should be based on clear evidence, objective and not based on external influences, especially political ones, without discrimination of Member States, and should evaluate all Member States on an equal footing; this assessment should respect the principle of subsidiarity, necessity and proportionality; the assessment should constitute a single framework applicable to all Member States and should replace existing instruments and mechanisms such as the Cooperation and Verification Mechanism for Bulgaria and Romania.***

Or. en

**Amendment 80**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

*Amendment*

(13) The possible measures to be adopted in the event of ***generalised deficiencies*** and the procedure to be followed to adopt them should be determined. Those measures should

(13) The possible measures to be adopted in the event of ***occurred determination of the existence of a serious and persistent breach of the rule of law by a Member State which affects the***

include the suspension of payments and of commitments, a reduction of funding under existing commitments, and a prohibition to conclude new commitments with recipients.

***financial interests of the Union*** and the procedure to be followed to adopt them should be determined. Those measures should include the suspension of payments and of commitments, a reduction of funding under existing commitments, and a prohibition to conclude new commitments with recipients.

Or. en

**Amendment 81**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) The possible measures to be adopted in the event of generalised deficiencies and the procedure to be followed to adopt them should be determined. Those measures ***should*** include the suspension of payments and of commitments, a reduction of funding under existing commitments, and a prohibition to conclude new commitments with recipients.

*Amendment*

(13) The possible ***fair and proportionate*** measures to be adopted in the event of generalised deficiencies and the procedure to be followed to adopt them should be determined. Those measures ***could*** include the suspension of payments and of commitments, a reduction of funding under existing commitments, and a prohibition to conclude new commitments with recipients ***if incontestable evidence exists***.

Or. en

**Amendment 82**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) The possible measures to be adopted in the event of generalised deficiencies and the procedure to be followed to adopt them should be

*Amendment*

(13) The possible measures to be adopted in the event of generalised deficiencies and the procedure to be followed to adopt them should be

determined. Those measures should include *the suspension of payments and of commitments, a reduction of funding under existing commitments, and a prohibition to conclude new commitments with recipients.*

determined. Those measures should include *enhancing cooperation between the Member State and the European Commission by providing technical support from the European Commission's Structural Reform Support Service.*

Or. en

**Amendment 83**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) The *principle of* proportionality should apply when determining the measures to be adopted, in particular taking into account the seriousness of the situation, the time which has elapsed since the relevant conduct started, its duration and its recurrence, the intention, and the degree of cooperation of the Member State concerned in putting an end to the generalised deficiency as regards the rule of law, and the effects of that deficiency on the respective Union funds.

*Amendment*

(14) The *principles of necessity, proportionality and non-discrimination* should apply when determining the measures to be adopted, in particular taking into account the seriousness of the situation, the time which has elapsed since the relevant conduct started, its duration and its recurrence, the intention, and the degree of cooperation of the Member State concerned in putting an end to the generalised deficiency as regards the rule of law, *human rights and democracy* and the effects of that deficiency on the respective Union funds.

Or. en

**Amendment 84**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) The principle of proportionality should apply when determining the measures to be adopted, in particular taking

*Amendment*

(14) The principle of proportionality should apply when determining the measures to be adopted, in particular taking



into account the seriousness of the situation, the time which has elapsed since the relevant conduct started, its duration and its recurrence, the intention, and the degree of cooperation of the Member State concerned in putting an end to the **generalised deficiency as regards** the rule of law, and the effects of that **deficiency** on the respective Union funds.

into account the seriousness of the situation, the time which has elapsed since the relevant conduct started, its duration and its recurrence, the intention, and the degree of cooperation of the Member State concerned in putting an end to the **serious and persistent breach of** the rule of law, and the effects of that **breach** on the respective Union funds.

Or. en

**Amendment 85**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14 a) It is of paramount importance that the fundamental rights and the legitimate interests of the final recipients and beneficiaries are duly taken into account in determining the measures to be adopted. The Commission should always assess in detail, before the adoption of any possible measure under this Regulation, the potential impact that these might have on final beneficiaries and how to ensure that their rights and legitimate interests will be properly safeguarded. The Commission should also assess, before determining the measures to be adopted, the possible budgetary implications of a reduction in Union funding for the national budget of the Member States concerned with due regard to the principles of proportionality and non-discrimination.***

Or. en

**Amendment 86**  
**Michał Boni**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14 a) It is essential that the legitimate interests of final recipients and beneficiaries are properly safeguarded when measures are adopted in the event of a generalised deficiency. When considering the measures to be adopted, the Commission should take into account their potential impact on final recipients and beneficiaries.***

Or. en

**Amendment 87**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

*Amendment*

(15) In order to ensure uniform implementation of this Regulation and in view of the importance of the financial effects of measures being imposed pursuant to this Regulation, implementing powers should be conferred on the Council which should act on the basis of a Commission proposal. ***To facilitate the adoption of decisions which are required to protect the financial interests of the Union, reversed qualified majority voting should be used.***

(15) In order to ensure uniform implementation of this Regulation and in view of the importance of the financial effects of measures being imposed pursuant to this Regulation, implementing powers should be conferred on the Council which should act on the basis of a Commission proposal ***under Article 7(3) and 7(4) TEU.***

Or. en

**Amendment 88**  
**Emil Radev**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) In order to ensure uniform implementation of this Regulation and in view of the importance of the financial effects of measures being imposed pursuant to this Regulation, ***implementing*** powers should be conferred on the Council which should act on the basis of a Commission proposal. ***To facilitate the adoption of decisions which are required to protect the financial interests of the Union, reversed qualified majority voting should be used.***

*Amendment*

(15) In order to ensure uniform implementation of this Regulation and in view of the importance of the financial effects of measures being imposed pursuant to this Regulation, powers should be conferred on the Council which should act on the basis of a Commission proposal ***for a Council decision.***

Or. en

**Amendment 89**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) In order to ensure uniform implementation of this Regulation and in view of the importance of the financial effects of measures being imposed pursuant to this Regulation, implementing powers should be conferred on the Council which should act on the basis of a Commission proposal. To facilitate the adoption of decisions which are required to protect the financial interests of the Union, reversed qualified majority voting should be used.

*Amendment*

(15) In order to ensure uniform implementation of this Regulation and in view of the importance of the financial effects of measures being imposed pursuant to this Regulation, implementing powers should be conferred on the Council which should act on the basis of a Commission proposal, ***after consulting the Parliament.*** To facilitate the adoption of decisions which are required to protect the financial interests of the Union, reversed qualified majority voting should be used, ***based on a report drafted by an external group of experts.***

Or. en

**Amendment 90**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) In order to ensure uniform implementation of this Regulation and in view of the importance of the financial effects of measures being imposed pursuant to this Regulation, implementing powers should be conferred on the Council which should act on the basis of a Commission proposal. ***To facilitate the adoption of decisions which are required to protect the financial interests of the Union, reversed qualified majority voting should be used.***

*Amendment*

(15) In order to ensure uniform implementation of this Regulation and in view of the importance of the financial effects of measures being imposed pursuant to this Regulation, implementing powers should be conferred on the Council which should act on the basis of a Commission proposal, ***after obtaining the consent of the European Parliament.***

Or. en

**Amendment 91**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) Before proposing the adoption of any measure pursuant to this Regulation, the Commission should ***inform*** the Member State concerned ***why it considers that a generalised deficiency regarding the rule of law might exist in that Member State. The Member State should be allowed to submit its observations. The Commission and the Council should take those observations*** into account.

*Amendment*

(16) Before proposing ***and proceeding with*** the adoption of any measure pursuant to this Regulation, the Commission ***and the Council*** should ***take the observations submitted by*** the Member State concerned into account.

Or. en

**Amendment 92**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) The Council should lift measures with suspensive effect on a proposal from the Commission, if the situation leading to the imposition of those measures has been sufficiently remedied.

*Amendment*

(17) The Council should **vary or** lift measures with suspensive effect on a proposal from the Commission, if the situation leading to the imposition of those measures has been sufficiently remedied.

Or. en

**Amendment 93**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

This Regulation establishes the rules necessary for the protection of the Union's budget in the case of **generalised deficiencies as regards** the rule of law **in the Member States**.

*Amendment*

This Regulation establishes the rules necessary for the protection of the Union's budget in the case of **occurred determination of the existence of a serious and persistent breach of** the rule of law **by a Member State**.

Or. en

**Amendment 94**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

This Regulation establishes the rules necessary for the protection of the Union's budget in the case of generalised deficiencies as regards the rule of law in

*Amendment*

This Regulation establishes the rules necessary for the protection of the Union's budget in the case of generalised deficiencies as regards the rule of law,

the Member States.

*human rights and democracy* in the Member States.

Or. en

**Amendment 95**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) 'the rule of law' *refers to the Union value* enshrined in Article 2 of the Treaty on European Union *which includes* the principles of legality, implying a transparent, accountable, democratic and pluralistic process for enacting laws; legal certainty; prohibition of arbitrariness of the executive powers; effective judicial protection by independent courts, *including of fundamental rights*; separation of powers and equality before the law;

*Amendment*

(a) '*democracy*, the rule of law *and fundamental rights*' are enshrined in Article 2 of the Treaty on European Union *and include* the principles of legality, implying a transparent, accountable, democratic and pluralistic process for enacting laws; *free and fair elections*, legal certainty; prohibition of arbitrariness of the executive powers; effective judicial protection by independent courts; separation of powers and equality before the law; *and the fundamental rights as stipulated in the Charter of Fundamental Rights of the EU and in the European Convention for the Protection of Human Rights and Fundamental Freedoms*;

Or. en

**Amendment 96**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) 'the rule of law' refers to the *Union value* enshrined in *Article 2* of the Treaty on European Union *which* includes the principles of legality, implying a transparent, accountable, democratic and

*Amendment*

(a) 'the rule of law, *human rights and democracy*' refers to the *provisions* enshrined in *Articles 2 and 6* of the Treaty on European Union *and in the Charter of Fundamental Rights of the European*

pluralistic process for enacting **laws**; legal certainty; prohibition of arbitrariness **of the executive powers**; effective judicial protection **by** independent courts, including **of fundamental** rights; separation of powers and equality before the law;

**Union, and** includes **also** the principles of legality, implying a transparent, accountable, democratic and pluralistic process for enacting **law**; legal certainty; prohibition of arbitrariness; **access to justice and** effective judicial protection **before** independent **and impartial** courts, including **judicial review of administrative acts**; **respect for human** rights; separation of powers; **non-discrimination** and equality before the law;

Or. en

**Amendment 97**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) 'generalised deficiency as regards the rule of law' means **a widespread or recurrent practice or omission, or measure by public authorities which affects** the rule of law;

*Amendment*

(b) 'serious and persistent breach of the rule of law' means **the occurred determination, pursuant to Article 7(2) TEU, of the existence of a serious and persistent breach of** the rule of law **by a Member State**;

Or. en

**Amendment 98**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) 'generalised deficiency as regards the rule of law' means **a** widespread or recurrent **practice or omission, or measure** by public authorities **which affects the rule of law**;

*Amendment*

(b) 'generalised deficiency as regards the rule of law, **human rights and democracy**' means **any situation where a systemic threat to the rule of law, human rights and democracy may be established or where they are directly or indirectly**

*undermined in a systemic way, either by the combined impact of practices, omissions, measures or inactions by public authorities or by widespread or recurrent practices, omissions, measures or inactions by public authorities;*

Or. en

**Amendment 99**  
**Cécile Kashetu Kyenge**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) 'generalised deficiency as regards the rule of law' means a widespread or recurrent practice or omission, or measure by public authorities which affects the **rule of law**;

*Amendment*

(b) 'generalised deficiency as regards the rule of law, **democracy and fundamental rights**' means a widespread or recurrent practice or omission, or measure by public authorities which affects the **Union values enshrined in Article 2 of the Treaty on European Union**;

Or. en

**Amendment 100**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) 'generalised deficiency as regards the rule of law' means a widespread or recurrent practice or omission, or measure by public authorities which affects the rule of law;

*Amendment*

(b) 'generalised deficiency as regards **democracy**, the rule of law **and fundamental rights**' means a widespread or recurrent practice or omission, or measure by public authorities which affects the **democracy, the rule of law and fundamental rights**;

Or. en



## Amendment 101

Emil Radev

### Proposal for a regulation

#### Article 2 – paragraph 1 – point b

*Text proposed by the Commission*

(b) 'generalised deficiency as regards the rule of law' means a widespread or recurrent practice or omission, or measure by public authorities which ***affects the rule of law***;

*Amendment*

(b) 'generalised deficiency as regards the rule of law' means a widespread or recurrent practice or omission, or measure by public authorities which ***constitute a threat to the implementation of the Union budget in the respective Member State***;

Or. en

## Amendment 102

Giancarlo Scottà

### Proposal for a regulation

#### Article 3 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Appropriate measures ***shall be taken*** where a ***generalised deficiency as regards*** the rule of law ***in*** a Member State affects ***or risks affecting*** the principles of sound financial management or the protection of the financial interests of the Union, ***in particular***:

*Amendment*

1. ***In the event it decides to act according to Article 7(3) TEU, the Council may take*** appropriate measures ***pursuant to this Regulation*** where a ***serious and persistent breach of*** the rule of law ***by*** a Member State affects the principles of sound financial management or the protection of the financial interests of the Union.

Or. en

## Amendment 103

Maria Grapini

### Proposal for a regulation

#### Article 3 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Appropriate measures shall be taken where a generalised deficiency as regards the rule of law in a Member State affects or risks affecting the principles of sound financial management or the protection of the financial interests of the Union, in particular:

*Amendment*

1. Appropriate, ***balanced and proportional*** measures shall be taken where a generalised deficiency as regards the rule of law in a Member State, ***as defined by its constitution***, affects or risks affecting the principles of sound financial management or the protection of the financial interests of the Union, in particular:

Or. en

**Amendment 104**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Appropriate measures shall be taken where a generalised deficiency as regards the rule of law in a Member State affects or risks affecting the principles of sound financial management ***or*** the protection of the financial interests of the Union, ***in particular***:

*Amendment*

1. Appropriate measures shall be taken where a generalised deficiency as regards the rule of law, ***human rights and democracy*** in a Member State affects or risks affecting the ***proper implementation of the Union's budget, in particular the management and control activities, in accordance with the*** principles of sound ***and socially responsible*** financial management ***and*** the protection of the financial interests of the Union, ***and if at least one of the following conditions is met***:

Or. en

**Amendment 105**  
**Sophia in 't Veld**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Appropriate measures shall be taken where a generalised deficiency as regards the rule of law in a Member State affects or risks affecting the principles of sound financial management or the protection of the financial interests of the Union, in particular:

*Amendment*

1. Appropriate measures shall be taken where a generalised deficiency as regards **democracy**, the rule of law **and fundamental rights** in a Member State affects or risks affecting the principles of sound financial management or the protection of the financial interests of the Union, in particular:

Or. en

**Amendment 106**

**Cécile Kashetu Kyenge**

**Proposal for a regulation**

**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Appropriate measures shall be taken where a generalised deficiency as regards the rule of law in a Member State affects or risks affecting the principles of sound financial management or the protection of the financial interests of the Union, in particular:

*Amendment*

1. Appropriate measures shall be taken where a generalised deficiency as regards the rule of law, **democracy and fundamental rights** in a Member State affects or risks affecting the principles of sound financial management or the protection of the financial interests of the Union, in particular:

Or. en

**Amendment 107**

**Sophia in 't Veld**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

**(-a) where the annual report with country-specific recommendations under the comprehensive, permanent and objective Union mechanism for the**

*protection of democracy, the rule of law and fundamental rights finds that there is evidence for such a generalised deficiency, and after an exchange of views has taken place on these findings in an inter-parliamentary debate;*

Or. en

**Amendment 108**

**Giancarlo Scottà**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) the proper functioning of the authorities of that Member State implementing the Union budget, in particular in the context of public procurement or grant procedures, and when carrying out monitoring and controls;*

*deleted*

Or. en

**Amendment 109**

**Barbara Spinelli**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) the proper functioning of the authorities of that Member State implementing the Union budget, in particular in the context of public procurement or grant procedures, and when carrying out monitoring and controls;*

*(a) the Commission considers that there is no satisfactory follow-up to the "rule of law recommendation" issued on the basis of the Communication of 11 March 2014 from the Commission to the European Parliament and the Council entitled "A new EU Framework to strengthen the Rule of Law";*

Or. en

**Amendment 110**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) the proper functioning of investigation and public prosecution services in relation to the prosecution of fraud, corruption or other breaches of Union law relating to the implementation of the Union budget;**

**deleted**

Or. en

**Amendment 111**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) the proper functioning of investigation and public prosecution services in relation to the prosecution of fraud, corruption or other breaches of Union law relating to the implementation of the Union budget;**

**(b) one third of the Member States, the European Parliament or the Commission submits a reasoned proposal to the Council in accordance with Article 7(1) TEU to determine that there is a clear risk of a serious breach by that Member State of the values referred to in Article 2 TEU;**

Or. en

**Amendment 112**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) *the effective judicial review by independent courts of actions or omissions by the authorities referred to in points (a) and b);*

*deleted*

Or. en

**Amendment 113**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) *the effective judicial review by independent courts of actions or omissions by the authorities referred to in points (a) and b);*

(c) *one third of the Member States or the Commission submits a reasoned proposal to the European Council in accordance with Article 7(2) TEU to determine the existence of a serious and persistent breach by that Member State of the values referred to in Article 2 TEU.*

Or. en

**Amendment 114**  
**Emil Radev**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the effective judicial review by independent courts of actions or omissions by the authorities referred to in points (a) and b);

(c) the effective judicial review by independent courts of actions or omissions by the authorities referred to in points (a) and b) *in cases of threat to the implementation of the Union budget;*

Or. en

**Amendment 115**

**Barbara Spinelli**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) the prevention and sanctioning of fraud, corruption or other breaches of Union law relating to the implementation of the Union budget, and the imposition of effective and dissuasive penalties on recipients by national courts or by administrative authorities;** **deleted**

Or. en

**Amendment 116**

**Giancarlo Scottà**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) the prevention and sanctioning of fraud, corruption or other breaches of Union law relating to the implementation of the Union budget, and the imposition of effective and dissuasive penalties on recipients by national courts or by administrative authorities;** **deleted**

Or. en

**Amendment 117**

**Barbara Spinelli**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) the recovery of funds unduly paid;** **deleted**

**Amendment 118**

**Giancarlo Scottà**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e)     *the recovery of funds unduly paid;*                 *deleted***

Or. en

**Amendment 119**

**Giancarlo Scottà**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f)     *the effective and timely*                                 *deleted*  
*cooperation with the European Anti-fraud*  
*Office and with the European Public*  
*Prosecutor's Office in their investigations*  
*or prosecutions pursuant to their*  
*respective legal acts and to the principle*  
*of loyal cooperation.***

Or. en

**Amendment 120**

**Barbara Spinelli**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f)     *the effective and timely*                                 *deleted*  
*cooperation with the European Anti-fraud*  
*Office and with the European Public***



*Prosecutor's Office in their investigations or prosecutions pursuant to their respective legal acts and to the principle of loyal cooperation.*

Or. en

**Amendment 121**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.      *The following may, in particular, be considered generalised deficiencies as regards the rule of law,***      ***deleted***

***(a)      endangering the independence of judiciary;***

***(b)      failing to prevent, correct and sanction arbitrary or unlawful decisions by public authorities, including by law enforcement authorities, withholding financial and human resources affecting their proper functioning or failing to ensure the absence of conflicts of interests;***

***(c)      limiting the availability and effectiveness of legal remedies, including through restrictive procedural rules, lack of implementation of judgments, or limiting the effective investigation, prosecution or sanctioning of breaches of law.***

Or. en

**Amendment 122**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. *The following may, in particular, be considered generalised deficiencies as regards the rule of law,*

*deleted*

*(a) endangering the independence of judiciary;*

*(b) failing to prevent, correct and sanction arbitrary or unlawful decisions by public authorities, including by law enforcement authorities, withholding financial and human resources affecting their proper functioning or failing to ensure the absence of conflicts of interests;*

*(c) limiting the availability and effectiveness of legal remedies, including through restrictive procedural rules, lack of implementation of judgments, or limiting the effective investigation, prosecution or sanctioning of breaches of law.*

Or. en

#### **Amendment 123**

**Emil Radev**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The following *may, in particular*, be considered generalised deficiencies as regards the rule of law,

2. The following *shall* be considered generalised deficiencies as regards the rule of law,

Or. en

#### **Amendment 124**

**Michał Boni**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) endangering the independence of judiciary;

*Amendment*

(a) endangering the independence of judiciary, ***including by setting any limitations on the ability to exercise judicial functions autonomously by externally intervening in guarantees of independence, by constraining judgement under external order, by arbitrarily revising rules on the appointment or terms of service of judicial personnel, or by influencing judicial staff in any way that jeopardises their impartiality;***

Or. en

**Amendment 125**  
**Emil Radev**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) endangering the independence of judiciary;

*Amendment*

(a) endangering the independence of judiciary, ***by limiting the possibility for judges to work without external pressure or by exerting whatever pressure on magistrates working on cases, related to irregularities with the implementation of the Union budget;***

Or. en

**Amendment 126**  
**Emil Radev**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) failing to prevent, correct and sanction arbitrary or unlawful decisions by public authorities, including by law enforcement authorities, withholding financial and human resources affecting their proper functioning or failing to ensure the absence of conflicts of interests;

*Amendment*

(b) failing to prevent, correct and sanction arbitrary or unlawful decisions by public authorities, including by law enforcement authorities, withholding financial and human resources affecting their proper functioning or failing to ensure the absence of conflicts of interests ***in relation to the implementation of the Union budget;***

Or. en

**Amendment 127**  
**Emil Radev**

**Proposal for a regulation**  
**Article 3 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) limiting the availability and effectiveness of legal remedies, including through restrictive procedural rules, lack of implementation of judgments, or limiting the effective investigation, prosecution or sanctioning of breaches of law.

*Amendment*

(c) limiting the availability and effectiveness of legal remedies, including through restrictive procedural rules, lack of implementation of judgments, or limiting the effective investigation, prosecution or sanctioning of breaches of law ***in relation to the implementation of the Union budget.***

Or. en

**Amendment 128**  
**Emil Radev**

**Proposal for a regulation**  
**Article 3 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2 a. Establishing a generalised deficiency as regards the rule of law shall be based on a quantified assessment***

*carried out by the European Commission containing clear evidence of a threat to the implementation of the Union budget in a Member State for three consecutive years. This assessment should be carried out annually for all Member States. The evaluation criteria are described in paragraph 2 of Article 3.*

Or. en

**Amendment 129**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 3 a*

***Democracy, Rule of Law and  
Fundamental Rights Expert Panel***

***1. In the assessment of the state of generalised deficiencies as regards the rule of law, human rights and democracy, the Commission shall be assisted by a representative panel of independent experts (the Democracy, Rule of Law and Fundamental Rights Expert Panel). The Democracy, Rule of Law and Fundamental Rights Expert Panel shall assess the situation on the basis of a quantitative and qualitative review of all the data and information available.***

***2. The assessment by the Democracy, Rule of Law and Fundamental Rights Expert Panel shall be made public by the Commission.***

***3. The Democracy, Rule of Law and Fundamental Rights Expert Panel shall be composed of the following members:  
(a) one independent expert designated by the parliament of each Member State who shall be a qualified constitutional court or supreme court judge not currently in***

*active service; (b) ten further experts designated by the European Parliament with a two-third majority, chosen from a list of experts nominated by: (i) the European Federation of Academies of Sciences and Humanities (ALLEA); (ii) the European Network of National Human Rights Institutions(ENNHRI); (iii) the Council of Europe (including the Venice Commission, the Group of States Against Corruption (GRECO) and the Council of Europe Commissioner for Human Rights); (iv) European Commission for the efficiency of justice (CEPEJ) and the Council of Bars and Law Societies of Europe (CCBE); (v) the United Nations (UN), the Organization for Security and Co-operation in Europe (OSCE) and the Organisation for Economic Co-operation and Development (OECD).*

*4. The composition of the Democracy, Rule of Law and Fundamental Rights Expert Panel shall ensure gender balance.*

*5. The Democracy, Rule of Law and Fundamental Rights Expert Panel shall elect its chairperson from among its members.*

*6. In order to facilitate the work of the Democracy, Rule of Law and Fundamental Rights Expert Panel, the Commission shall provide a secretariat to the Expert Panel, enabling it to function efficiently, in particular by gathering data and information sources to be reviewed and assessed, and by providing administrative support.*

Or. en

**Amendment 130**  
**Emil Radev**

**Proposal for a regulation**

**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. One or more of the following appropriate measures **may** be adopted

*Amendment*

1. One or more of the following appropriate measures **shall** be adopted ***in the following order:***

Or. en

**Amendment 131**

**Emil Radev**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

***(-a) establishing a dialogue between the European Commission and the Member State for which the assessment has revealed widespread disregard for the rule of law;***

Or. en

**Amendment 132**

**Emil Radev**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point -a a (new)**

*Text proposed by the Commission*

*Amendment*

***(-a a) establishing cooperation between the Member State and the European Commission by providing technical support from the European Commission's Structural Reform Support Service;***

Or. en

## Amendment 133

Emil Radev

### Proposal for a regulation

#### Article 4 – paragraph 1 – point a – introductory part

*Text proposed by the Commission*

(a) where the Commission implements the Union's budget in direct or indirect management pursuant to points (a) and (c) of Article 62 of the Financial Regulation, and where a government entity is the recipient:

*Amendment*

(a) ***after an independent assessment of the effect and proportionality of the measure taken, a Commission proposal for a Council decision to impose a financial penalty on the Member State,*** where the Commission implements the Union's budget in direct or indirect management pursuant to points (a) and (c) of Article 62 of the Financial Regulation, and where a government entity is the recipient:

Or. en

## Amendment 134

Emil Radev

### Proposal for a regulation

#### Article 4 – paragraph 1 – point b

*Text proposed by the Commission*

(b) ***where the Commission implements the Union's budget in shared management pursuant to [point (b) of Article 62] of the Financial Regulation:***

(1) ***a suspension of the approval of one or more programmes or an amendment thereof;***

(2) ***a suspension of commitments;***

(3) ***a reduction of commitments, including through financial corrections or transfers to other spending programmes;***

(4) ***a reduction of pre-financing;***

(5) ***an interruption of payment***

*Amendment*

***deleted***



*deadlines;*

*(6) a suspension of payments.*

Or. en

#### **Amendment 135**

**Emil Radev**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Unless the decision adopting the measures provides otherwise, the imposition of appropriate measures shall not affect the obligation of government entities referred to in point (a) of paragraph 1 or of Member States referred to in point (b) of paragraph 1 to implement the programme or fund affected by the measure, and in particular the obligation to make payments to final recipients or beneficiaries.** **deleted**

Or. en

#### **Amendment 136**

**Giancarlo Scottà**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 2 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***The additional national budgetary resources needed to fulfil the obligation referred to in the previous subparagraph shall not be counted for the purposes of the Stability and Growth Pact.***

Or. en

**Amendment 137**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. The measures taken shall be proportionate to the nature, gravity and scope of the ***generalised deficiency as regards*** the rule of law. They shall, ***insofar as possible***, target the Union ***actions affected or potentially*** affected by that ***deficiency***.

*Amendment*

3. The measures taken shall be proportionate to the nature, gravity, ***persistence*** and scope of the ***breach of*** the rule of law. They shall ***exclusively*** target the ***financial interests of the*** Union affected by that ***breach***.

Or. en

**Amendment 138**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. The measures taken shall be proportionate to the nature, gravity and scope of the generalised deficiency as regards the rule of law. They shall, insofar as possible, target the Union actions affected or potentially affected by that deficiency.

*Amendment*

3. The measures taken shall be proportionate to the nature, gravity, ***duration*** and scope of the generalised deficiency as regards the rule of law, ***human rights and democracy***. They shall, insofar as possible, target the Union actions affected or potentially affected by that deficiency.

Or. en

**Amendment 139**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. Where the Commission finds that it has reasonable grounds to believe that the conditions of Article 3 are fulfilled, it shall send a written notification to that Member State, setting out the grounds on which it based its finding**

**deleted**

Or. en

**Amendment 140**  
**Emil Radev**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Where the Commission finds that it has reasonable grounds to believe that the conditions of Article 3 are fulfilled, it shall send a written notification to that Member State, setting out the grounds on which it based its finding

1. Where the Commission finds ***on the basis of three consecutive assessments*** that it has reasonable grounds to believe that the conditions of Article 3 are fulfilled, it shall send a written notification to that Member State, setting out the grounds on which it based its finding

Or. en

**Amendment 141**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Where the Commission finds that it has reasonable grounds to believe that the conditions of Article 3 are fulfilled, it shall send a written notification to that Member State, setting out the grounds on which it based its finding

1. Where the Commission finds, ***on the basis of the assessment carried out in full cooperation with the Democracy, Rule of Law and Fundamental Rights Expert Panel***, that it has reasonable grounds to believe that the conditions of Article 3 are fulfilled, it shall send a

written notification to that Member State, setting out the grounds on which it based its finding.

Or. en

## Amendment 142

Giancarlo Scottà

### Proposal for a regulation

#### Article 5 – paragraph 2

*Text proposed by the Commission*

2. *The Commission may take into account all relevant information, including decisions of the Court of Justice of the European Union, reports of the Court of Auditors, and conclusions and recommendations of relevant international organisations.*

*Amendment*

*deleted*

Or. en

## Amendment 143

Barbara Spinelli

### Proposal for a regulation

#### Article 5 – paragraph 2

*Text proposed by the Commission*

2. The Commission *may* take into account all relevant information, including *decisions* of the Court of Justice of the European Union, reports of the Court of Auditors, *and* conclusions and recommendations of relevant international organisations.

*Amendment*

2. *In conducting the assessment pursuant to paragraph 1, the Commission and the Democracy, Rule of Law and Fundamental Rights Expert Panel shall take into account all relevant information, including, *inter alia*, judgments of the Court of Justice of the European Union and of the European Court of Human Rights, reports of the Court of Auditors, the European Ombudsman and the European Union Agency for Fundamental Rights, conclusions and recommendations of relevant international*

organisations *and networks*, such as the bodies of the Council of Europe and the European networks of supreme courts and councils for the judiciary as well as reporting from non-governmental and civil society organisations working in the field of human rights protection and promotion.

Or. en

**Amendment 144**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3.      *The Commission may request any additional information required for its assessment, both before and after having made a finding pursuant to paragraph 1.***      *deleted*

Or. en

**Amendment 145**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 5 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4.      *The Member State concerned shall provide all required information and may make observations within a time limit specified by the Commission, which shall not be less than 1 month from the date of notification of the finding. In its observations, the Member State may propose the adoption of remedial measures.***      *deleted*

Or. en

## Amendment 146

Emil Radev

### Proposal for a regulation

#### Article 5 – paragraph 4

##### *Text proposed by the Commission*

4. The Member State concerned shall provide all required information and may make observations within a time limit specified by the Commission, which shall not be less than **1 month** from the date of notification of the finding. In its observations, the Member State may propose the adoption of remedial measures.

##### *Amendment*

4. The Member State concerned shall provide all required information and may make observations within a time limit specified by the Commission, which shall not be less than **3 months** from the date of notification of the finding. In its observations, the Member State may propose the adoption of remedial measures.

Or. en

## Amendment 147

Giancarlo Scottà

### Proposal for a regulation

#### Article 5 – paragraph 5

##### *Text proposed by the Commission*

5. The Commission shall **take** into account the information received and any observations made by the Member State concerned, as well as the adequacy of any proposed remedial measures, **when deciding whether or not to submit a proposal for a decision on the appropriate measures.**

##### *Amendment*

5. The Commission shall **submit to the Council a proposal for a decision on the appropriate measures taking** into account the information received and any observations made by the Member State concerned, as well as the adequacy of any proposed remedial measures.

Or. en

## Amendment 148

Emil Radev

### Proposal for a regulation

#### Article 5 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5 a. If the Commission considers that the proposed remedial measures are inadequate for three consecutive years, it shall establishe cooperation by providing technical support from the Structural Reform Support Service in order to undertake reforms by the Member State which do not lead to a generalised deficiency as regards the rule of law.**

Or. en

**Amendment 149**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 5 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. Where the Commission considers that the generalised deficiency as regards the rule of law is established, it shall submit a proposal for an implementing act on the appropriate measures to the Council.**

**deleted**

Or. en

**Amendment 150**  
**Emil Radev**

**Proposal for a regulation**  
**Article 5 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. Where the Commission considers that the generalised deficiency as regards the rule of law is established, it shall submit a proposal for *an implementing act on the appropriate measures to the***

**6. If the Commission considers that the generalised deficiency as regards the rule of law is established *despite the cooperation dialogue and cooperation and after an independent assessment of the***

Council.

*effect and proportionality*, it shall submit a proposal for *a* Council *decision on financial sanctions*.

Or. en

#### **Amendment 151**

**Barbara Spinelli**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 6**

##### *Text proposed by the Commission*

6. Where the Commission considers that the generalised deficiency as regards the rule of law is established, it shall submit a proposal for an implementing act on the appropriate measures to the Council.

##### *Amendment*

6. Where the Commission considers that the generalised deficiency as regards the rule of law, *human rights and democracy* is established, it shall submit a proposal for an implementing act on the appropriate measures to the Council.

Or. en

#### **Amendment 152**

**Maria Grapini**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 6**

##### *Text proposed by the Commission*

6. Where the Commission considers that the generalised deficiency as regards the rule of law is established, it shall submit a proposal for an implementing act on the appropriate measures to the Council.

##### *Amendment*

6. Where the Commission considers that the generalised deficiency as regards the rule of law is established, it shall submit a proposal for an implementing act on the appropriate measures to the Council *and the Parliament*.

Or. en

#### **Amendment 153**

**Barbara Spinelli**



**Proposal for a regulation**  
**Article 5 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6 a.** *Before submitting the proposal for an implementing act pursuant to article 5(6), the Commission shall carry out a detailed assessment regarding the potential impacts that these measures might have on the final beneficiaries and how to ensure that their rights and legitimate interests will be properly safeguarded. The Commission shall also assess the possible budgetary implications of a reduction in the Union funding for the national budget of the Member States concerned with due regard to the principles of proportionality and non-discrimination.*

Or. en

**Amendment 154**  
**Emil Radev**

**Proposal for a regulation**  
**Article 5 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6 a.** *After receiving the proposal for a Council decision from the European Commission, the Council shall conduct a dialogue or a series of dialogues with the Member State and shall carefully review the assessment of the effect and proportionality of the proposed financial sanction.*

Or. en

**Amendment 155**  
**Giancarlo Scottà**

**Proposal for a regulation**  
**Article 5 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The decision shall be deemed to have been adopted by the Council, unless it decides, by qualified majority, to reject the Commission proposal within one month of its adoption by the Commission.**

**deleted**

Or. en

**Amendment 156**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 5 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The decision shall be deemed to have been adopted by the Council, unless it decides, by qualified majority, to reject the Commission proposal within one month of its adoption by the Commission.**

**deleted**

Or. en

**Amendment 157**  
**Emil Radev**

**Proposal for a regulation**  
**Article 5 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The decision shall be deemed to have been adopted by the Council, unless it decides, by qualified majority, to reject the Commission proposal within one month of its adoption by the Commission.**

**7. The Council shall take any decision on a financial sanction by unanimity.**

Or. en

**Amendment 158**

**Emil Radev**

**Proposal for a regulation**

**Article 5 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

8. ***The Council, acting by a qualified majority, may amend the Commission’s proposal and adopt the amended text as a Council decision.***

***deleted***

Or. en

**Amendment 159**

**Barbara Spinelli**

**Proposal for a regulation**

**Article 5 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

8. The Council, acting by a qualified majority, ***may amend*** the Commission’s proposal ***and adopt the*** amended ***text*** as a Council decision.

8. The Council, acting by a qualified majority ***and after obtaining the consent of the European Parliament, may adopt*** the Commission’s proposal, amended ***or otherwise***, as a Council decision.

Or. en

**Amendment 160**

**Giancarlo Scottà**

**Proposal for a regulation**

**Article 5 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

8. The Council, ***acting by a qualified majority***, may amend the Commission’s proposal and adopt the amended text as a Council decision.

8. The Council may amend the Commission’s proposal and adopt the amended text as a Council decision ***pursuant to the procedure set out in***

Or. en

**Amendment 161**

**Giancarlo Scottà**

**Proposal for a regulation**

**Article 6 – title**

*Text proposed by the Commission*

Lifting of measures

*Amendment*

***Varying or*** lifting of measures

Or. en

**Amendment 162**

**Giancarlo Scottà**

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. The Member State concerned may, at any time, submit to the Commission evidence to show that the ***generalised deficiency as regards*** the rule of law has been remedied or has ceased to exist.

*Amendment*

1. The Member State concerned may, at any time, submit to the Commission evidence to show that the ***serious and persistent breach of*** the rule of law has been remedied or has ceased to exist.

Or. en

**Amendment 163**

**Barbara Spinelli**

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

1. The Member State concerned may, at any time, submit to the Commission evidence to show that the generalised

*Amendment*

1. The Member State concerned may, at any time, submit to the Commission evidence to show that the generalised

deficiency as regards the rule of law has been remedied or has ceased to exist.

deficiency as regards the rule of law, ***human rights and democracy*** has been remedied or has ceased to exist.

Or. en

## **Amendment 164**

**Giancarlo Scottà**

### **Proposal for a regulation**

#### **Article 6 – paragraph 2**

##### *Text proposed by the Commission*

2. The Commission shall assess the situation in the Member State concerned. Once the ***generalised deficiencies as regards*** the rule of law which on the grounds of which the appropriate measures were adopted ***cease*** to exist in full or in part, the Commission shall submit to the Council a proposal for a decision lifting those measures in full or in part. The procedure set out in ***paragraphs 2, 4, 5, 6 and 7 of Article 5 shall apply.***

##### *Amendment*

2. The Commission shall assess the situation in the Member State concerned. Once the ***serious and persistent breach of*** the rule of law which on the grounds of which the appropriate measures were adopted ***ceases*** to exist in full or in part, the Commission shall submit to the Council a proposal for a decision ***varying or*** lifting those measures in full or in part. The ***Council may amend the Commission's proposal and adopt the amended text as a Council decision pursuant to the procedure set out in Article 7(4) TEU.***

Or. en

## **Amendment 165**

**Barbara Spinelli**

### **Proposal for a regulation**

#### **Article 6 – paragraph 2**

##### *Text proposed by the Commission*

2. The Commission shall assess the situation in the Member State concerned. Once the generalised deficiencies as regards the rule of law ***which*** on the grounds of which the appropriate measures were adopted cease to exist in full or in

##### *Amendment*

2. The Commission shall ***regularly*** assess the situation in the Member State concerned, ***covering also the impact, on human rights and fundamental freedoms, of the remedial measures adopted by the Commission.*** Once the generalised

part, the Commission shall submit to the Council a proposal for a decision lifting those measures in full or in part. The procedure set out in paragraphs 2, 4, 5, 6 **and** 7 of Article 5 shall apply.

deficiencies as regards the rule of law, **human rights and democracy** on the grounds of which the appropriate measures were adopted cease to exist in full or in part, the Commission shall, **without delay**, submit to the Council a proposal for a decision lifting those measures in full or in part. The procedure set out in paragraphs 2, 4, 5, 6, **6(a) and 8** of Article 5 shall apply.

Or. en

#### **Amendment 166**

**Emil Radev**

#### **Proposal for a regulation**

##### **Article 6 – paragraph 2**

###### *Text proposed by the Commission*

2. The Commission shall assess the situation in the Member State concerned. Once the generalised deficiencies as regards the rule of law which on the grounds of which the appropriate measures were adopted cease to exist in full or in part, the Commission shall submit to the Council a proposal for a decision lifting those measures in full or in part. The procedure set out in paragraphs 2, 4, 5, 6 and 7 of Article 5 shall apply.

###### *Amendment*

2. The Commission shall assess **on a regular basis** the situation in the Member State concerned. Once the generalised deficiencies as regards the rule of law which on the grounds of which the appropriate measures were adopted cease to exist in full or in part, the Commission shall submit to the Council a proposal for a decision lifting those measures in full or in part. The procedure set out in paragraphs 2, 4, 5, 6, **6a** and 7 of Article 5 shall apply.

Or. en

#### **Amendment 167**

**Barbara Spinelli**

#### **Proposal for a regulation**

##### **Article 6 – paragraph 3**

###### *Text proposed by the Commission*

3. Where measures concerning the suspension of the approval of one or more programmes or amendments thereof

###### *Amendment*

3. Where measures concerning the suspension of the approval of one or more programmes or amendments thereof

referred to in point (i) of Article 4(2)(b) or the suspension of commitments referred to in point (ii) of Article 4(2)(b) are lifted, amounts corresponding to the suspended commitments shall be entered in the budget subject to Article 7 of Council Regulation (EU, Euratom) No XXXX (MFF Regulation). Suspended commitments of year n may not be entered in the budget beyond year n+2.

referred to in point (i) of Article 4(2)(b) or the suspension of commitments referred to in point (ii) of Article 4(2)(b) are lifted, amounts corresponding to the suspended commitments shall be entered in the budget subject to Article 7 of Council Regulation (EU, Euratom) No XXXX (MFF Regulation). Suspended commitments of year n may not be entered in the budget beyond year n+2. ***As from year n+3, an amount equivalent to the suspended commitments shall be entered in the Union Reserve for Commitments provided for in Article 12 of Council Regulation (EU, Euratom) No XXXX (MFF Regulation).***

Or. en

**Amendment 168**  
**Emil Radev**

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

3. Where measures concerning the suspension of the approval of one or more programmes or amendments thereof referred to in point (i) of Article ***4(2)(b) or the suspension of commitments referred to in point (ii) of Article 4(2)(b)*** are lifted, amounts corresponding to the suspended commitments shall be entered in the budget subject to Article 7 of Council Regulation (EU, Euratom) No XXXX (MFF Regulation). Suspended commitments of year n may not be entered in the budget beyond year n+2.

*Amendment*

3. Where measures concerning the suspension of the approval of one or more programmes or amendments thereof referred to in point (i) of Article ***4(2)*** are lifted, amounts corresponding to the suspended commitments shall be entered in the budget subject to Article 7 of Council Regulation (EU, Euratom) No XXXX (MFF Regulation). Suspended commitments of year n may not be entered in the budget beyond year n+2.

Or. en

**Amendment 169**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

The Commission shall immediately inform the European Parliament *of any measures proposed or adopted pursuant to Articles 4 and 5*

*Amendment*

The Commission shall immediately inform the European Parliament *at any stage of the procedure.*

Or. en

**Amendment 170**  
**Barbara Spinelli**

**Proposal for a regulation**  
**Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 7 a*

*Reporting*

*The Commission shall report to the European Parliament and the Council on the application of this Regulation, in particular on the effectiveness of the measures adopted, if any, and on the impact of such measures on the rights and principles enshrined in the Charter of fundamental rights of the European Union, at the latest three years after its entry into force.*

*The report shall be accompanied, where necessary, by appropriate proposals.*

Or. en