

**June 2017**

The European Union is founded on values, including democracy, the rule of law and respect for fundamental rights, laid down in Article 2 TEU. Those values are common to all Member States and a precondition for a well-functioning Union based on mutual trust. In recent years, events in some Member States have revealed systemic threats to the rule of law. A lack of coherent and effective action to protect those values has shown the need for a new and more effective EU mechanism.

[An EU mechanism on democracy, the rule of law and fundamental rights: European Added Value Assessment](#)

In-depth Analysis by Wouter van Ballegooij and Tatjana Evas, October 2016

European Parliament legislative initiative reports drawn up on the basis of Article 225 of the Treaty on the Functioning of the European Union are automatically accompanied by a European Added Value Assessment (EAVA). Such assessments are aimed at evaluating the potential impacts, and identifying the advantages, of proposals made in legislative initiative reports. This EAVA accompanies a resolution based on a legislative initiative report prepared by Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) (rapporteur: Sophie in 't Veld, ALDE, the Netherlands), presenting recommendations to the Commission on an EU mechanism on democracy, the rule of law and fundamental rights.

[Understanding the EU Rule of Law mechanisms](#)

Briefing by Eva-Maria Poptcheva, January 2016

The European Union is founded on values common to all Member States. These are supposed to ensure a level of homogeneity among Member States, while respecting their national identities, and so facilitate the development of a European identity and their integration based on mutual trust. Article 7 of the Treaty on European Union provides mechanisms to enforce EU values, based on a decision by the Council with the participation of the Commission and Parliament. The current mechanism is said to be unusable due to the high thresholds needed to adopt a decision in the Council, as well as Member States' political unwillingness to use it. Various new approaches have been proposed by academics and by political actors, from a new independent monitoring body – the 'Copenhagen Commission', through extending the mandate of the EU Fundamental Rights Agency (FRA), to introducing the possibility for the EU to suspend national measures suspected of infringing EU law. In 2014, the Commission adopted a new 'Rule of Law Framework' featuring a structured dialogue between the Commission and the Member State concerned, and Commission recommendations and follow-up.

[The EU as a community of law. Overview of the role of law in the Union](#)

Briefing by Rafał Mańko, March 2017

The expression 'community of law' to describe the European Economic Community, as it then was, was popularised in the 1960s by Walter Hallstein, the first Commission President and one of the founding fathers of European integration. This expression emphasises that the EU is based on the rule of law, meaning not only that the powers of EU institutions are based on law and limited by law, but also that individuals (citizens, companies) enjoy rights under EU law which can be enforced before national courts. The role of law in European integration has led political scientists to describe this phenomenon as 'integration through law'. This briefing provides a general overview of the role of law in European integration, including legislation, interpretation and adjudication, with a particular focus on the role of national courts and the protection of the rights of individuals.

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[Rule of law: selected publications](#)

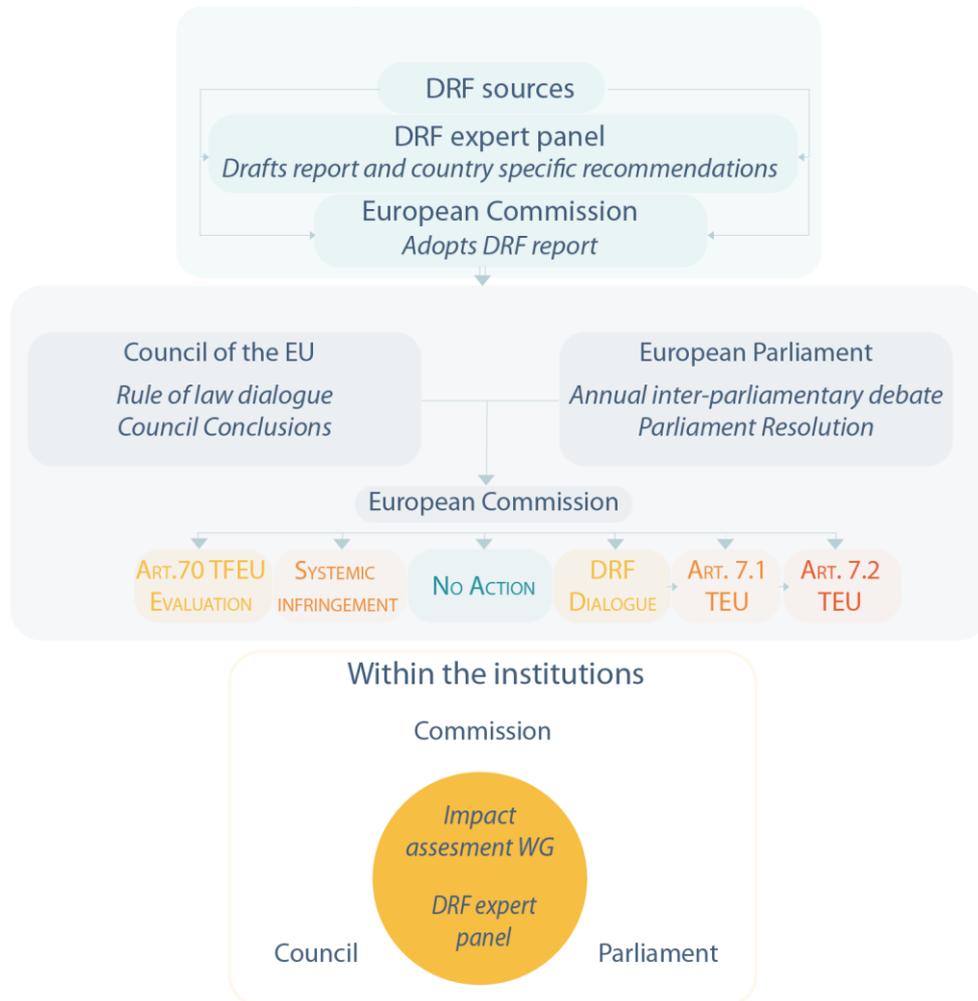
[Rule of law: selected case-law](#)

Comparative Law Library Unit, March 2017

These selections of publications and of judgments were prepared in the context of the conference entitled '60 years of the Treaties of Rome, 25 years of the Treaty of Maastricht', organised jointly by the Academy of European Law (ERA) and the Comparative Law Library Unit of the European Parliamentary Research Service on 28 March 2017. The selection of publications includes only material available to the European Parliament's Library.

Graphic: Envisioned EU Pact on Democracy, the Rule of Law and Fundamental Rights

EU pact on Democracy, the Rule of Law and Fundamental rights



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