

# Interparliamentary Committee Meeting

## **The first annual rule of law report by the Commission and the role of national parliaments**

Expert and research publications



This [Thematic Digest](#) contains a list of publications from the European Parliament's expertise and research capacities within the Directorates-General for Internal Policies (IPOL) and Parliamentary Research Service (EPRS), relevant to the topics of debate of the Interparliamentary Committee Meeting on the [Commission's first annual rule of law report and the role of national parliaments](#), organised by the [Committee on Civil Liberties, Justice and Home Affairs](#).



## **Key issues in the European Council: State of play in October 2020**

*Study by Suzana Anghel, Izabela Bacian, Ralf Drachenberg, Annastiina Papunen, October 2020*

Chapter 3 of this study examines the European Council's role in respect of EU values and democracy. While the European Council has addressed issues related to EU values and democracy in its main strategic documents and during the series of Future of Europe debates in Parliament plenary sessions, it has hardly addressed them at all as part of its regular meetings and these topics do not appear in their conclusions. The one noteworthy exception is the area of disinformation.

## **An EU mechanism on democracy, the rule of law and fundamental rights. European added value assessment**

*Study by Wouter van Ballegooij and Cecilia Navarra, September 2020*

This study assesses the potential added value of an EU pact on Democracy the Rule of law and Fundamental rights covering all Member States, as proposed by the European Parliament. It compares the pact to the European Commission's approach in its annual rule of law report, which only covers the rule of law and further integration requiring Treaty change. It concludes that the pact proposed by the European Parliament would lead to significant benefits in terms of more effective monitoring and enforcement of EU values.

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

*Study by Maria Diaz Crego, Rafał Mańko and Wouter van Ballegooij, September 2020*

This study analyses the existing and proposed mechanisms available to EU institutions that may be deployed to monitor and enforce the observance of EU values by the Member States. More specifically, the study addresses the status and meaning of EU values (Article 2 TEU) and also discusses existing monitoring and preventive mechanisms (including the preventive arm of Article 7 TEU), as well as enforcement mechanisms (including the sanctions arm of Article 7 TEU).

## **Addressing violations of democracy, the rule of law and fundamental rights**

*Briefing by Wouter van Ballegooij, September 2020*

This briefing puts forward a set of proposals aimed at enhancing the EU's resilience to violations of the common values of democracy, the rule of law and fundamental rights (DRF). It focuses on possibilities for the European Parliament and national parliaments to jointly strengthen their monitoring and investigative capabilities. In particular, they could build on their general resources to evaluate the implementation of (EU) law and further coordinate their tools to ensure the democratic accountability of Member State governments.

## **Protecting, promoting and projecting Europe's values and interests in the world**

*Briefing by Naja Bentzen, September 2020*

In its foreign policy, the EU is committed to promoting its values and interests, which include the rule of law. Worldwide, however, these values and interests are under mounting pressure – pressure that the pandemic has further intensified. This briefing explains how the EU is currently promoting democracy, human rights and rule of law and makes suggestions as to how to make the EU a democracy champion, at home and abroad.

## **The gendered impact of the COVID-19 crisis and post-crisis period**

*Study coordinated by Martina Schonard, September 2020*

Whilst indications suggest that more men than women are dying of COVID-19, the impact of the (short and longer term) socio-economic effects of COVID-19 fall disproportionately on women. Beyond this gendered effect, these outcomes intersect with other drivers of vulnerability, which are a consequence of the public health interventions and policies introduced by governments, and are particularly acute for black, Asian and minority ethnic groups, and LGBTIQ communities. This study outlines some of the key gendered effects thus far and makes suggestions on how these may extend into the post-crisis period.

## **In the name of COVID: An assessment of the Schengen internal border controls and travel restrictions in the EU**

*Study coordinated by Udo Bux, September 2020*

This study assesses the mobility restricting measures adopted by the EU and its Member States in the fight against COVID-19. The research demonstrates that policy priorities have moved from a logic of containment to one characterised by a policing approach on intra-EU mobility giving priority to the use of police identity/health checks, interoperable databases and electronic surveillance of every traveller. It concludes that Schengen is not in 'crisis'. Instead, there has been an 'EU enforcement and evaluation gap' of Member States' compliance with EU rules in areas falling under EU competence.

## **Protecting the EU budget against generalised rule of law deficiencies**

*Briefing by Rafał Mańko and Magdalena Sapala, June 2020*

When preparing the 2021-2027 multiannual financial framework, the Commission proposed to strengthen the link between EU funding and respect for the rule of law. To this end, in May 2018, the Commission presented a proposal for a regulation that would introduce a general rule of law conditionality into the EU's financial rules. This briefing explains the current situation, introduces the original proposal, the position of the Parliament and other stakeholders and tracks the legislative progress during the negotiations with the Council.

## **Strengthening the Fundamental Rights Agency: The revision of the Fundamental Rights Agency regulation**

*Study coordinated by Ottavio Marzocchi, May 2020*

Since it was set up in 2007, the EU Agency for Fundamental Rights has demonstrated its ability to produce high-quality research, and to provide the EU institutions and the EU Member States implementing Union law with expert advice on fundamental rights issues. The regulatory framework under which the Agency operates, however, is not fully appropriate to discharge its mandate effectively. This study identifies how it could be improved.

## **The impact of COVID-19 measures on democracy, the rule of law and fundamental rights in the EU**

*Briefing by Ottavio Marzocchi, April 2020*

This briefing focuses on the measures adopted by EU Member States to fight COVID-19, and their impact on democracy, the rule of law and fundamental rights in the EU. These measures were monitored and their impact was examined in relation to: state of emergency and exceptional powers, the functioning of national parliaments and the judiciary; freedom of movement; freedom of expression and of the media; freedom of assembly; privacy and data protection; asylum; prisons; discrimination and vulnerable groups; and other issues.

## **Protecting the rule of law in the EU - Existing mechanisms and possible improvements**

*Briefing by Rafał Mańko, November 2019*

The rule of law has been an enduring basic value of the European Union from its inception. Should an EU Member State be suspected of breaching the rule of law, a number of procedures are available to verify this and, if needed, remedy the situation. This briefing explains the concept of the rule of law in the EU, the political and the legal mechanisms for protecting the rule of law. It also explores possible options for enhancing the protection of rule of law.

## **Rule of law [What Think Tanks are thinking]**

*Briefing by Marcin Grajewski, November 2019*

Developments in several EU Member States have raised concerns over how far the commitment to uphold the rule of law, which remains a shared responsibility for all EU institutions and all Member States, is actually being observed in practice, sparking a lively debate across the EU and action in the EU institutions themselves. This note offers links to recent commentaries, studies and reports from major international think tanks on the rule of law debate.

## **The protection of fundamental rights in the EU: European Parliament achievements in the 2014-2019 term**

*Briefing by Ottavio Marzocchi, April 2019*

In the years between 2014 and 2019, the EU has faced serious challenges related to the protection of fundamental rights within its territory, notably in connection to the rule of law and democracy in some EU Member States. This briefing goes over the measures taken the European Parliament to address these challenges, including the activation of the procedure foreseen in Article 7.1 TEU, the adopted legislation, the annual reports on the situation of fundamental rights in the EU, and resolutions adopted on specific Member states. It also looks at upcoming challenges in this area.

## **Disinformation and propaganda – impact on the functioning of the rule of law in the EU and its Member States**

*Study coordinated by Marion Schmid-Drüner, February 2019*

This study assesses the impact of disinformation and strategic political propaganda disseminated through online social media sites. It examines the effects on the functioning of the rule of law, democracy and fundamental rights in the EU and its Member States. The study formulates recommendations on how to tackle this threat to human rights, democracy and the rule of law. It specifically addresses the role of social media platform providers in this regard.

## **The EU framework enforcing the respect of the rule of law and the Union's fundamental principles and values**

*Study coordinated by Eeva Pavy, January 2019*

This study examines the EU founding values and principles set out in Article 2 TEU and the instruments at the EU's disposal to uphold them, in particular Article 7 TEU and Article 258 TFEU, and the Rule of Law Framework launched by the European Commission. Focusing on rule of law, the study also examines how these instruments have been used, particularly in the cases of Poland and Hungary. The study proposes the signing of the European Convention on Human Rights by the EU, and the introduction of economic conditionality into EU Cohesion Policy and its funds as a sanction mechanism.

## **Assessment of the 10 years' Cooperation and Verification Mechanism for Bulgaria and Romania**

*Study coordinated by Jean-Jacques Gay, December 2017*

This study takes stock of the Cooperation Verification Mechanism (CVM) agreed between the European Commission and Bulgaria and Romania in 2007. It reviews the progress made regarding judicial reform, combatting corruption, and organised crime (in Bulgaria's case), looks at the measures adopted in response to the latest Commission recommendations, and examines how the CVM has performed overall. The report includes recommendations on how to develop the CVM in the future.

## **Value for money: EU programme funding in the field of democracy and rule of law**

*Study coordinated by Rudolfs Verdins, June 2017*

This study explores the extent to which processes are in place to enable the delivery of value for money through EU programme funding in the field of democracy and rule of law. It includes a review of the European Instrument for Democracy and Human Rights and the Instrument for Stability and Peace. It considers current ways of working and the potential for improvement. The analysis is based on interviews with EU programme officials and EU delegations, and related documentary evidence.

## **The implementation of the Charter of Fundamental Rights in the EU institutional framework**

*Study coordinated by Roberta Panizza, Eeva Eriksson, Ottavio Marzocchi, November 2016*

The EU institutions are required to take into account the Charter of Fundamental Rights in the design and implementation of legislation or of policies. This study looks into the role of the Charter in the legislative process, in the economic governance of the EU, in the work of EU agencies, in the implementation of EU law by Member States, and in the external relations of the EU, both in trade and investment policies and in the Common Foreign and Security Policy. It also analyses gaps in judicial protection and identifies measures through which the potential of the Charter could be further realised.

## **A comparative analysis of media freedom and pluralism in the EU Member States**

*Study coordinated by Sarah Sy, September 2016*

Democratic processes in several EU countries are suffering from systemic failure, resulting in an absence of the basic conditions for media pluralism, and at the same time, a distortion of media pluralism that hampers the proper functioning of democracy. This study offers a new approach to strengthening media freedom and pluralism, bearing in mind the different political and social systems of the Member States. Comparative research was conducted in Bulgaria, France, Greece, Hungary, Italy, Poland and Romania. Enforceable and systematic actions to correct existing deficiencies are proposed.

## **Follow-up to the European Parliament's resolution of 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014)**

*Study coordinated by Sarah Sy, June 2016*

This study examines the extent to which the European Commission and the Council of the EU have effectively promoted and enacted the policies and legislative initiatives requested by the European Parliament in its resolution of 8 September 2015 on the situation of fundamental rights in the European Union (2013-2014). Its broader objective, however, is to contribute to the debate on how the fundamental rights framework of the Union could be improved. It considers recent developments and the conditions necessary for the establishment of an EU fundamental rights strategy.

## **The interpretation of Article 51 of the EU Charter of Fundamental Rights**

*Study coordinated by Martina Schonard and Ottavio Marzocchi, February 2016*

This study considers the dilemma of a broad or narrow application of the Charter of Fundamental Rights to national measures. It considers the way the Court of Justice of the European Union has been interpreting fundamental rights in relation to such measures before and after the Lisbon Treaty, and the constitutionalisation of the Charter. The study concludes that a more courageous approach should be taken at EU level when examining national implementing measures of EU law raising fundamental rights issues, notably until these are not evenly and properly guaranteed across the European Union.

## **The European Social Charter in the context of implementing the EU Charter of Fundamental Rights**

*Study coordinated by Roberta Panizza, January 2016*

This study examines the role of the European Social Charter in the legal order of the European Union. Despite its increased visibility and relevance to fields covered by the EU, the European Social Charter has been ignored from the more recent developments concerning the protection of fundamental rights. The current lack of coordination creates the risk of conflicting obligations imposed on the EU Member States, both as members of the EU and as States parties to the European Social Charter. This study analyses the various options that could be explored in order to move beyond the current impasse.

## **The triangular relationship between fundamental rights, democracy and rule of law in the EU**

*Study coordinated by Rosa Raffaelli, October 2013*

This study examines the challenges that arise in reflecting on ways to strengthen EU competences in fundamental rights, democracy and the rule of law in the EU. It analyses the current state of play and provides a map of EU-level mechanisms assessing the respect for rule of law, democracy and fundamental rights by EU Member States. Crosscutting dilemmas affecting the operability and effective implementation of these principles are looked into. The study proposes the creation of a new supervisory mechanism – the Copenhagen mechanism – to effectively address the current rule of law deficits in the EU.

## Policy departments

The Policy Departments of DG Internal Policies (IPOL) and DG External Policies (EXPO) are responsible for providing expertise and policy advice to support the activities of the parliamentary committees and other parliamentary bodies. Based on analyses carried out either in-house or externally, policy departments provide independent, specialised, objective, high-quality and up-to-date information in all areas of Parliament's activities.

A wide variety of formats is used by the Policy Departments in order to deliver their policy analysis, most frequently in response to a request from a parliamentary committee or delegation. Their written output serves a variety of purposes by feeding directly into the legislative work of a specific committee or serving as a briefing for delegations of Members, or as background notes and speaking points for Parliament's political authorities.

The Policy departments also organise events, including workshops and expert panels, to enhance Parliament's analytical capacity and develop common approaches to current issues.

## European Parliamentary Research Service

The European Parliamentary Research Service (EPRS) provides Members of the European Parliament, and where appropriate parliamentary committees, with independent, objective and authoritative analysis of, and research on, policy issues relating to the European Union, in order to assist them in their parliamentary work.

As the European Parliament's in-house research service and think tank, EPRS provides a comprehensive range of products and services, backed by specialist internal expertise and knowledge sources in all policy fields, so empowering Members and committees through knowledge and contributing to the Parliament's effectiveness and influence as an institution.

EPRS also supports and promotes parliamentary outreach to the wider public.

## Access the publications in this document and more...

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