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WORKING DOCUMENT

Activity report of the Democracy, Rule of Law and Fundamental Rights
Monitoring Group (DFRMG)

Committee on Civil Liberties, Justice and Home Affairs

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Introduction

Established after the murder of journalist Daphne Caruana Galizia and of journalist Ján Kuciak and his fiancée Martina Kušnírová, the DRFMG monitors threats to democracy, the rule of law and fundamental rights, as well as the fight against corruption, across EU Member States. Its sessions are meant to collect first-hand testimonies and engage national authorities in a fruitful dialogue with the Group.

Based on information gathered during sessions, DRFMG recommends specific actions to the LIBE Committee, such as meetings with stakeholders, hearings and missions, and makes suggestions for proposals for resolutions and reports.

The outcome of each session and of the correspondence with national authorities of the monitoring exercise are fully accessible and published on **LIBE DRFMG webpage** [LIBE Democracy, Rule of Law and Fundamental Rights Monitoring Group \(DRFMG\) | Subject files | Home | LIBE | Committees | European Parliament \(europa.eu\)](#).

This report covers meetings from 28 August 2020 to 3 June 2021 that included both horizontal sessions and country-dedicated sessions.

Over this period, a wide variety of threats to DRF has been identified and monitored.

Several specific crosscutting elements stand out:

First, the DRFMG has witnessed a worrying multiplication of DRF challenges across Member States. The problems appear to spread and worsen, rather than to be properly addressed. The monitoring group has therefore put on its agenda situations from across a growing number of Member States. Issues of concern are *inter alia* the threats to the independence of the judiciary, the shrinking civil society space, corruption, disinformation, the persistent lack of proper due diligence for citizenship and residence by investment schemes, pressure on the independence of (State) media, and the increasingly hostile environment for journalists. On the latter point - being a key area of concern since the establishment of the DRFMG - we witness that the tactics of intimidation, harassment and stigmatisation of journalists are becoming all too common. Some Member States governments themselves unfortunately also engage in those, including at the highest political level. The same atmosphere of increasing pressure and hostility is also hitting civil society organisations that are sometimes targeted by arbitrary legal requirements and by smear campaigns. DRF challenges are also increasingly observed in Member States not previously monitored, such as regarding the respect for the primacy of EU law. This founding principle of EU Rule of Law is at risk across various Member States, including in founding EU Member States, following rulings of high-level courts.

Second, due to the specific nature of the COVID-19 pandemic and the measures adopted to counter this crisis, several risks to rights, freedoms and checks and balances have further exacerbated. As expressed in a previous working document and resolution on this particular matter, the DRFMG has continuously monitored the necessity, proportionality and time limit of the measures taken. Several sessions showed that the measures taken sometimes lack a robust legal and/or constitutional basis and framework, affect particular minority groups in a disproportionate manner and can be exploited to adopt controversial non-COVID related measures. In the months ahead, the DRFMG will continue to monitor this. Particular focus is

given to a durable and constitutionally robust legal architecture for measures taken and on the exit strategies to ensure the restoration of all rights and freedoms.

Third, the multiplication of DRF challenges in these particular times are notwithstanding the efforts of certain governments to address corruption and Rule of Law challenges through reforms. Several Member States' governments have put in place the ambition and programmes to improve the situation, such as in fighting corruption and increasing checks and balances. The DRFMG has always promoted and supported such commitments by Member States' governments. The tenacity with which such reforms are carried out will be a crucial element for the further monitoring of the DRFMG, such as in the case of Malta and Slovakia. The specific police and judicial investigations and processes in the murder cases taking place in these Member States - which the DRFMG has monitored since its inception - seem to be progressing, even though full truth and justice are still not delivered.

Fourth, the DRFMG has at several occasions discussed the issue of the EU institutions' response to threats to democracy, the Rule of Law and fundamental rights. Often, the conclusion was that the EU institutions, in particular the Commission and the Council, could do more with the tools at hand. More and better use could be made of the monitoring tools (in particular the Commission's Rule of Law report), EU law enforcement tools (in particular infringement procedures), specific tools to address Rule of Law challenges (in particular the Article 7 procedures and the Rule of Law conditionality Regulation), and measures to support the Rule of Law pro-actively (in particular more EU funding for independent civil society and journalism and stronger legal protections and frameworks). With the current response to these challenges, the EU institutions are often not pro-active in addressing them and risk irreparable damage to democracy, the Rule of Law and fundamental rights across the Member States.

Fifth, while several Member States' governments have provided useful and timely information to the monitoring process, the DRFMG has also encountered an increasing unwillingness of certain Member States' governments to engage in a dialogue. On several accounts have governments refused to be represented at the appropriate level, to be represented at all, or have they engaged in such a manner that a dialogue was not possible. Several governments have also refused to answer written follow-up questions that the DRFMG Members have sent them. This is a worrying trend, signalling that certain Member States governments appear not value a dialogue about our common EU values. On the other hand, on several occasions during its monitoring, the value of input from Council of Europe bodies has been clear, in particular stressing the need for Member States to request the opinion of the Venice Commission on crucial reforms of legal and judicial architecture. The DRFMG stresses the importance of cooperation between EU institutions and Member States' authorities in the spirit of dialogue and sincere cooperation, but will also continue its monitoring exercise where authorities appear not be engaging. In doing so, the monitoring group will also continuously interact with civil society, journalists and international organisations.

I. Summary of meetings and relevant monitoring documents: 28 August 2020 - 3 June 2021

28 August 2020 - Exchange of views on latest developments in Bulgaria in relation to Democracy, Rule of Law and Fundamental Rights

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Roberta METSOLA (EPP), Katarina BARLEY (S&D), Ana DONÁTH (Renew), Sergey LAGODINSKY (Greens/EFA).

Members of the DRFMG first exchanged with representatives of the Bulgarian authorities - Krasimira FILIPOVA (Deputy Chief Prosecutor of the Republic of Bulgaria), Ekaterina ZAHARIEVA (Deputy Prime Minister for Judicial Reform and Minister of Foreign Affairs of the Republic of Bulgaria), Dessislava AHLADOVA (Deputy Minister of Justice of the Republic of Bulgaria) - and of the European Commission with Julien MOUSNIER (Citizens, Equality, Democracy & Rule of Law Unit). This first part of the meeting was completed with an exchange with Simona GRANATA-MENGHINI (Venice Commission) and Gianluca ESPOSITO (Action against Crime Department of the Council of Europe, GRECO).

Invited speakers in the second part of the meeting were Christian MOOS (Fundamental Rights and Rule of Law and Group of the European Economic and Social Committee), Dimiter STOYANOV (journalist at Bivol), Krassimir KANEV (Bulgarian Helsinki Committee), Ana DZHUMALIEVA (Commission for Protection against Discrimination in Bulgaria) and Marin LESSENSKI (European Policies, Open Society Institute Sofia).

Discussions revolved around the following topics: checks and balance, the functioning of the Bulgarian prosecution, independence of the judiciary, judicial and constitutional reforms including in relation to recommendations from Council of Europe's Venice Commission and GRECO, ongoing protests in the country, the CVM, the current monitoring by the European Commission and the new Rule of Law mechanism with the upcoming first Rule of Law annual report, the fight against corruption, media freedom and ownership, safety of journalists, civil society, freedom of association and NGO funding, COVID-19 measures, discriminations, in particular against Roma people, the Istanbul Convention, domestic violence, and the rights of LGBTI people.

The Chair concluded the meeting by indicating that the Group would continue monitoring the situation in Bulgaria and report to the full LIBE Committee.

Related documentation:

- [Follow-up questions by the DRFMG Members to the exchange of views of 28 August 2020 on latest developments in Bulgaria \(PDF - 242 KB\)](#)
- [Bulgaria: statement by the Democracy, Rule of Law and Fundamental Rights Monitoring Group](#)

Answers of the Bulgarian authorities to the DRFMG Members:

- [Answers from the Prosecutors' Office of the Republic of Bulgaria to the DRFMG](#)

[Members, 21 September 2020 \(PDF - 659 KB\)](#)

- [Letter from the Prosecutors' Office of the Republic of Bulgaria to the DRFMG Members, 17 September 2020 \(PDF - 719 KB\)](#)
- [Position of the Prosecutors' Office of the Republic of Bulgaria, 24 August 2020 \(PDF - 97 KB\)](#)
- [Second letter from the Prosecutors' Office of the Republic of Bulgaria to the DRFMG Members \(PDF - 36 KB\)](#)
- [Answers from Bulgarian Authorities to questions 1-16 and 22-29 \(PDF - 690 KB\)](#)
- [The specialised Prosecutors' Office instituted pre-trial proceedings for a Crime under Chapter one of the Criminal Code \(PDF - 254 KB\)](#)
- [National meeting of the Bulgarian Prosecutors and investigators \(PDF - 997 KB\)](#)
- [Executive summary by the Structural Reform and Support Service \(PDF - 614 KB\)](#)
- [Statement by Prosecutor Elena ANDREEVA \(PDF - 80 KB\)](#)
- [Replies of the Commission for Protection against Discrimination on the questions from DRFMG Group \(PDF - 699 KB\)](#)

3 September 2020 - Exchange of views with Germany's State Minister for Europe representing the Presidency of the Council

Participating Members:

Sophie IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Roberta METSOLA (EPP), Katarina BARLEY (S&D), Anna DONÁTH (Renew), Gwendoline DELBOS-CORFIELD (Greens/EFA), Sylwia SPUREK (S&D¹), Malin BJÖRK (GUE/NGL).

The meeting was dedicated to an exchange of views with Michael ROTH (Germany's State Minister for Europe) on behalf of the Council Presidency. Discussions revolved around the following topics: the relations between the Council and the European Parliament, article 7 procedures against Hungary and Poland, the need for a preventive mechanism, golden passports, the COREPER agreement on the legislative transparency list, the new conditionality mechanism, the Multiannual Financial Framework, the Istanbul convention, the support to civil society and the first Rule of Law report.

11 September 2020 - Exchange of views on residence and citizenship by investment schemes

Participating Members:

Sophie IN 'T VELD (Chair of the DRFMG), Nicolaus FEST (ID), Gwendoline DELBOS-

¹ Ms Spurek later joined the Greens/EFA group and was replaced as S&D DRFMG Member by Ms Yoncheva.

CORFIELD (Greens/EFA), Malin BJÖRK (GUE/NGL).

The meeting was dedicated to an exchange of views with Martina PRPIC (EPRS), Jelena DZANKIC (Global Citizenship Observatory, European University Institute), Laure BRILLAUD (Anti-Money Laundering, Transparency International), Irena MOOZOVA, (Equality and Union citizenship Directorate, DG JUST) and Laura CORRADO (Legal Pathways and Integration Unit, DG HOME).

Discussions revolved around the following topics: the competence of the EU regarding citizenship, legal migration, freedom of circulation inside the EU, taxation legislation and privileged tax regimes, requirements for physical presence, fiscal buffers, accountability framework, the anti-money laundering directive, corruption, the role of the Commission and the use of infringement proceedings as well as economic and financial risks.

The Chair concluded the exchange of views by recalling that the European Parliament has called for legislation on residence and citizenship by investment schemes for a long time and that the matter of political interference of people who have acquired citizenship would be pursued further.

17 September 2020 - Exchange of views with Matthew Caruana Galizia on the latest developments in Malta

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Roberta METSOLA (EPP), Gwendoline DELBOS-CORFIELD (Greens/EFA), Sylwia SPUREK (Greens/EFA).

The meeting was dedicated to an exchange of views with Daphne CARUANA GALIZIA's son Matthew CARUANA GALIZIA. Discussions revolved around the following topics: the public enquiry regarding the assassination of the journalist, investigations on suspect Melvin THEUMA, ElectroGas Malta Ltd, Jan KUSAC's case, judicial and police cooperation, Europol framework, EPPO, corruption, organised criminal structures, the independence of the Maltese institutions, the role of the Commission in this regard as well as the work of the Venice commission.

The Chair concluded the meeting by expressing the wish that justice could be done and that deficient systems would be changes. She reiterated that the monitoring of the situation of Malta was a permanent exercise and would continue.

Related documentation:

- [LIBE ad-hoc delegation to Malta - 2-4 December 2019 - mission report \(PDF - 551 KB\)](#)
- [LIBE-PANA ad-hoc delegation to Malta on 30 November - 1 December 2017 - mission report](#)
- [EP resolution of 15 November 2017 on the rule of law in Malta](#)
- [Factsheet: Observing the Rule of Law and he strengthening of judicial systems in](#)

[Malta \(PDF - 1 MB\)](#)

- [Reply by Prime Minister Rober Abela to DRFMG Chair on comprehensive update on the latest state of affairs in the case of the murder of Daphne Caruana Galizia, 01 April 2021 \(PDF - 275 KB\)](#)
- [Letter by DRFMG Chair to the Prime Minister Abela on comprehensive update on the latest state of affairs in the case of the murder of Daphne Caruana Galizia, 25 March 2021 \(PDF - 332 KB\)](#)
- [Reply by Prime Minister ABELA to DRFMG Chair on the Public inquiry into the assassination of Daphne CARUANA GALIZIA, 17 December 2020 \(PDF - 443 KB\)](#)
- [Letter by DRFMG Chair to the Prime Minister ABELA on the Public inquiry into the assassination of Daphne CARUANA GALIZIA, 9 December 2020 \(PDF - 64 KB\)](#)
- [Reply by Prime Minister ABELA to DRFMG Chair on the Public inquiry into the assassination of Daphne CARUANA GALIZIA, 5 October 2020 \(PDF - 2 MB\)](#)
- [Letter by DRFMG Chair to the Prime Minister ABELA on the Public inquiry into the assassination of Daphne CARUANA GALIZIA, 29 September 2020 \(PDF - 179 KB\)](#)

2 October 2020 - Exchange of views on the first Annual Rule of Law report

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Katarina BARLEY (S&D), Anna DONÁTH (Renew), Sergey LAGODINSKY (Greens/EFA), Malin BJÖRK (GUE/NGL).

The meeting was dedicated to an exchange of views on the first Annual Rule of Law report with Commissioner for Justice, Didier REYNDERS, followed by a short internal meeting.

Discussions revolved around the following topics: the review of the first Rule of Law report, in scope of its methodology, the lack of country-specific recommendations from the Commission, the work of the Council, possible intervention of the Commissioner before the LIBE Committee meetings to discuss country chapters, Member States' positions and the new conditionality tool.

The Chair concluded the meeting by thanking the Commissioner and assuring that the DRGMG would get back on the proposal to have a dedicated discussion on specific country chapters.

8 October 2020 - Exchange of views on Support for Civil Society

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Katarina BARLEY (S&D), Anna DONÁTH (Renew), Nicolaus FEST (ID), Gwendoline DELBOS-CORFIELD (Greens/EFA), Malin BJÖRK (GUE/NGL).

The meeting was dedicated to an exchange of views with Morris LIPSON and Peter NOORLANDER (independent Human Rights consultants), Anna FEDAS (Batory Foundation), Lina VOSYLIUTE and Ngo CHUN LUK (CEPS), and Maria TOMASSETTI (European Commission, DG Justice), followed by a short internal meeting.

The DRFMG Chair presented the topic of the meeting by referring to an interim version of the study “[Protecting civil society space: strengthening freedom of association, assembly and expression and the right to defend rights in the EU](#)”. Panellists also presented the “[Feasibility Study for financial support for litigating cases relating to violations of democracy, rule of law and fundamental rights](#)” prepared for the Commission.

Discussions revolved around the following topics: funding for supporting litigation, grant decisions, fundamental rights litigation structure, transparency, democratic dialogue and setting up an EU civil society index.

22 October 2020 - Exchange of views on the “CHOVANEC case” in Belgium

Participating Members:

Sophia IN ‘T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Elena YONCHEVA (S&D), Sergey LAGODINSKY (Greens/EFA).

The meeting was dedicated to an exchange with Ann VAN DE STEEN, Belgian lawyer of the Chovanec family, followed by a short internal meeting.

The DRFMG Chair reported that three institutional Belgian speakers had declined the group’s invitation by arguing that the investigation was still pending. Written questions would be sent to them.

Discussions revolved around the following topics: the speed and circumstances of the investigation of the case, the publication of the images in the press, the use and costs of counter expertise for the victim’s family and police oversight.

The DRFMG expressed interest in continuing to follow the case and the institutional reforms it might bring.

Related documentation:

- Questions of DRFMG Members to the Belgian authorities (November 2020)
- Questions of DRFMG Members to Europol (November 2020)
- Answers from Europol to the DRFMG Members (14 December 2020)
- [Report of the Conseil supérieur de la Justice/Hoge Raad voor de Justitie on the CHOVANEC case \(28 October 2020\)](#)

12 November 2020 - Exchange of views on National Human Rights Institutions (NHRIs) and the situation of the Polish Commissioner for Human Rights, and on the situation of judges in Poland

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Juan Fernando LÓPEZ AGUILAR (S&D, Chair of the LIBE Committee and Standing Rapporteur on the Article 7(1) TEU procedure in relation to Poland), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Anna DONATH (Renew), Sergey LAGODINSKY (Greens/EFA), Malin BJÖRK (GUE/NGL), Patryk JAKI (ECR).

Members first exchanged with Andreas ACCARDO and Eva SOBOTKA from the European Union Agency for Fundamental Rights (FRA); and Adam BODNAR, Polish Commissioner for Human Rights.

Discussions revolved around the following topics: resources of the NHRIs, their legal basis, their independence and their heads' independence, and public debate at national level on the protection of Human Rights.

Speakers in the second panel of the meeting, Michał WAWRYKIEWICZ (lawyer, Free Courts Initiative (Wolne Sądy)), Joanna HETNAROWICZ-SIKORA (National Board, Association of Judges Iustitia), Beata MORAWIEC (President, Association of Judges Themis) and Igor TULEYA (judge), focused on the situation of judges in Poland, including the operation of new chambers in the Supreme Court, the “muzzle law” and abusive disciplinary and criminal proceedings against judges, the lack of respect of CJEU rulings in relation to the independence of the Polish justice system and the interim measures taken by the European Commission.

27 November 2020 - Exchange of views on the situation in Slovakia

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Gwendoline DELBOS-CORFIELD (Greens/EFA), Konstantinos ARVANITIS (GUE/NGL).

The Minister of Justice Mária KOLÍKOVÁ provided Members with an update on the situation in Slovakia. The first panel was also composed of Emmanuel CRABIT (DG Justice, European Commission), and Igor NEBYVAEV and Irina TALIANU representing the Secretariat of MONEYVAL (the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism, Council of Europe).

Discussions revolved around the following topics: the Commission's Rule of Law Report and its country chapter on Slovakia, the quality and efficiency of Slovakia's justice system, the independency of the prosecutors and their selection process, access to justice, the fight against corruption, lobbying, the protection of freedom of expression, the transparency of media ownership and the latest report on Slovakia adopted by MONEYVAL.

On the second panel, Katarina BATKOVA (for VIA IURIS, civil society organisation in the field of justice, rule of law and democracy), Lukas DIKO, (for the Ján KUCIAK Investigative Centre (ICJK)) and Peter BÁRDY (for Aktuality SK) focused on the protection of journalists and media freedom, particularly following the assassination of investigative journalist Ján KUCIAK and his fiancée Martina KUSNIROVA.

Related documentation:

- [Agenda of the DRFMG meeting of 27 November 2020 \(PDF - 468 KB\)](#)

4 December 2020 -Exchange of views on residence and citizenship by investment schemes

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Nicolaus FEST (ID), Gwendoline DELBOS-CORFIELD (Greens/EFA).

The meeting was dedicated to an exchange of views with Alex CRUTCHER (Al Jazeera Investigative Unit) and Eka ROSTOMASHVILI (Transparency International).

The DRFMG Chair informed Members that Nicos NOURIS, Minister of Interior of Cyprus, had cancelled his participation shortly before the meeting.

Discussions revolved around the Cyprus Papers (a leak of government documents related to the Cyprus Investment Program obtained by Al Jazeera and released in August 2020) and more particularly on the following topics: corruption, the report of Cyprus audit authority, reforms that followed the publication, the investigation of the case, “visa shopping” across the EU and the price of passports.

8 January 2021 - Exchange of views on the situation of the Rule of law in Bulgaria

Participating Members:

Sophia IN'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Anna DONÁTH (Renew), Gwendoline DELBOS-CORFIELD (Greens/EFA), Konstantinos ARVANITIS (GUE/NGL), Malin BJÖRK (The Left).

The meeting was dedicated to an exchange of views with Evgeni STOYANOV, Deputy Minister of Justice, Daniela MASHEVA and Krasimira FILIPOVA, Deputy Prosecutor Generals with the Supreme Prosecutor's Office of Cassation, Ana DZHUMALIEVA, Chairperson at the Commission for protection against discrimination in Bulgaria, Emmanuel CRABIT, Director for Fundamental Rights and Rule of Law at the DG Justice, European Commission, and James HAMILTON, former member of the Venice Commission and Rapporteur on latest opinion on Bulgaria.

Discussions revolved around the following topic: [the latest opinion of the Venice Commission on Bulgaria](#), public trust in institutions, the anti-corruption framework and OLAF report, media pluralism and the transparency of ownership structure, prosecutor powers and independency, discrimination and the Rule of Law report.

Related documentation:

- [Questions of DRFMG Members to Bulgarian authorities, 8 January 2021 \(PDF - 244](#)

[KB\)](#)

Answers of the Bulgarian authorities to the DRFMG Members:

- [Letter from the Prosecutors' Office of the Republic of Bulgaria to the DRFMG Members, 19 February 2021 \(PDF - 4 MB\)](#)
- [Answers from Bulgarian Authorities to questions, 15 February 2021 \(DOCUMENT - 43 KB\)](#)

5 February 2021 - Exchange of views on the situation in Slovakia

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Nicolaus FEST (ID), Sergey LAGODINSKY (Greens/EFA).

Radoslav KUTAŠ, State Secretary for the Ministry of Culture, Mária KOLÍKOVÁ, Minister of Justice and Tomas CITBAJ, Chair of the Committee set up to enquire on the death of Mr LUCANSKY introduced the first part of the exchange. Discussions revolved around the following topics: access to information, media freedom and freedom of journalists, the recodification of the media legislation, the suicide of Mr LUCANSKY, pre-trial detention and condition of detention, corruption, the modernisation of the judiciary and the new judicial map.

On the second panel, Stephane LEYENBERGER (GRECO, Council of Europe), Katarina JAVORČÍKOVÁ (Judge, Member of the Judicial Council and Spokesperson of the Association for Open Justice), Matúš KOSTOLNÝ (editor-in-chief at Denník N) and Xénia MAKAROVA (investigation journalist for Nadácia Zastavme korupciu) exchanged on the GRECO reports, the new legal framework and changes to statutory laws in relation to judges, the protection of journalists and whistle blowers since the Murder of Ján Kuciak and corruption.

Questions were submitted in writing after the meeting to Minister KOLÍKOVÁ who had left before the end of the discussion.

Related documentation:

- [Questions of DRFMG Members to Slovak authorities, 19 February 2021 \(DOCUMENT - 35 KB\)](#)
- [Answers of the Slovak Republic to the questions of the DRFMG \(PDF - 709 KB\)](#)
- [Agenda of the DRFMG meeting of 5 February 2021 \(PDF - 404 KB\)](#)
- [DRFMG briefing on Justice system reform in Slovakia.pdf](#)
- [DRFMG Briefing on Milan Lucansky.pdf](#)

25 February 2021 - Exchange of views on disinformation undermining democracy,

fundamental rights and the Rule of Law in the EU

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Anna DONATH (Renew), Gwendoline DELBOS-CORFIELD (Greens/EFA), Sergey LAGODINSKY (Greens/EFA).

Julien MOUSNIER (Citizens, Equality, Democracy & Rule of Law Unit, European Commission), Lutz GÜLLNER (Representative of Strategic Communications and Information Analysis at EEAS (Stratcom taskforce) and Judit BAYER (Professor (Associate) at the Department of Media and Communications at Budapest Business School) introduced the first part of the exchange. Discussions revolved around the following topics: the Commission 2020 action plan on Democracy, the preparation of recommendations to enhance safety of journalists and of initiative on SLAPP for public and targeted consultation, the difference between disinformation and misinformation, which can be upstream and downstream, media pluralism and transparency, social media and regulation.

The second panel was gathering Alexandre ALAPHILIPPE (EU Disinfo Lab), Stephen TURNER (Twitter), Renate SCHROEDER (European Federation of Journalists) and Neil DATTA (European Parliamentary Forum). The panellists exchanged on the following issues: disinformation campaigns from Russia and India, EU institutions role in fighting disinformation, guidelines and rules from platforms, media literacy and rise in disinformation on issues relating to sexual and reproductive health and rights.

5 March 2021 - Exchange of views on the situation in Slovenia (webstreamed meeting)

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Roberta METSOLA (EPP), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Anna DONATH (Renew), Nicolaus FEST (ID), Sergey LAGODINSKY (Greens/EFA), Malin BJÖRK (The Left), Kostas ARVANITIS (The Left).

Members of the DRFMG first exchanged with representatives of the European Commission - Emmanuel CRABIT (DG Justice, European Commission) – and of the Slovenian Centre for Information Service, Co-operation and Development of NGOs (CNVOS) - Goran FORBICI.

Speakers in the second panel of the meeting focused on the situation of media in Slovenia: Petra LESJAK TUŠEK, President of the Slovenian Association of Journalists, Lenart J. KUČIĆ, investigative journalist at Pod črto, and Marko MILOSAVLJEVIĆ, professor of journalism and media policy at the University of Ljubljana.

Discussions revolved around the following topics : the first Commission's Rule of Law report and its specific country chapter, the situation as regards independence of the judiciary, the situation of media freedom and ownership landscape in Slovenia, media pluralism, safety of journalists and the chilling effect of the attacks and harassment to which journalists are subject, freedom of association, support for NGOs and media funding.

The Chair concluded by indicating that the Group would continue monitoring the situation in Slovenia including with representatives of the national authorities that had cancelled their

participation in this session and would report to the full LIBE Committee.

Related documentation:

- [Agenda of the Exchange of view on the situation in Slovenia, 5 March 2021 \(PDF - 62 KB\)](#)
- [Recording of the DRFMG meeting on the situation in Slovenia, 5 March 2021](#)

18 March 2021 - Exchange of views on the effective application of the EU Rule of Law toolbox in 2021

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), , Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Gwendoline DELBOS-CORFIELD (Greens/EFA), Sergey LAGODINSKY (Greens/EFA), Malin BJORK (The Left).

Invited participants from other committees: Monika HOHLMEIER (Chair of the CONT committee), Petri SARVAMAA (Rapporteur for the Rule of Law mechanism)

Members first exchanged with representatives of the European Commission - Nicolaas BEL, Deputy Head of unit in the Justice Policy and Rule of Law unit of the DG Justice, and Alessandro NUCARA, Head of unit of the DG Budget – and of the European Anti-fraud Office with its Deputy Director-General, Ernesto BIANCHI.

Speakers of the second panel were members of the academic community - Gabor HALMAI, Professor and Chair of Comparative Constitutional Law at the European University Institute and Alberto ALEMANNI, Jean Monnet Professor of EU Law at HEC Paris – and of civil society with Linda RAVO, expert adviser at the Civil Liberties Union for Europe.

Discussions revolved around the following topics: the first Rule of Law report from the European Commission and its new Rule of Law Mechanism, the other tools from the toolbox including infringement procedures and the use of Article 7 TEU and the Rule of Law Conditionality Regulation.

26 March 2021 - Exchange of views on the situation in Slovenia (webstreamed meeting)

Participating Members:

Sophia IN'T VELD (Chair of the DRFMG), Vladimír BILČIK (EPP), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Anna DONÁTH (Renew), Gwendoline DELBOS-CORFIELD (Greens/EFA), Sergey LAGODINSKY (Greens/EFA), Konstantinos ARVANITIS (The Left).

The meeting was dedicated to an exchange of views on the situation in Slovenia in relation to Democracy, Rule of law and Fundamental rights, and more particularly regarding media freedom and pluralism and the state of the judiciary system in Slovenia.

Members first exchanged with representatives and experts of/on the media: Barbara ŠTRUKELJ (editor-in-chief, Slovenian Press Agency), Igor KADUNC (General Director,

RTV Slovenia), Borut RONČEVIČ (Supervisory Board, RTV Slovenia and Chair, expert committee for media projects, Ministry of Culture of Slovenia), Nataša PIRC MUSAR (lawyer specialized in media law) and Igor PIRKOVIČ (Association of journalists and publicists).

Speakers in the second panel of the meeting focused on the situation of the media and the judiciary in Slovenia: Peter SVETINA, Human Rights Ombudsman, and Mirjam KLINE, Supreme State Prosecutor.

Discussions revolved around the following topics: the budget allocated to public media in Slovenia, the pressures faced by journalists, the appointment of public prosecutors and the situation of the judiciary.

The third panel was composed of Janez JANŠA, Prime Minister of the Republic of Slovenia, and Vasko SIMONITI, Culture Ministry although the latter did not speak. As for the exchange with Mr JANŠA, it did not go beyond procedural issues regarding the possible playing of a video submitted by the Prime Minister just before the opening of the meeting.

The Chair concluded the meeting and indicated that the videos sent by the Prime Minister office which were not played would be circulated to DRFMG Members and that as a follow up, written questions would be sent to the national authorities.

Related documentation:

- [Agenda of the Exchange of view on the situation in Slovenia, 26 March 2021 \(PDF - 492 KB\)](#)
- [Recording of the DRFMG meeting on the situation in Slovenia, 26 March 2021](#)
- [Statement by the Democracy, Rule of Law and Fundamental Rights Monitoring Group following the meeting on Slovenia with Prime Minister JANŠA](#)
- [In-Depth Analysis on the situation of Democracy, the Rule of Law and Fundamental Rights in Slovenia \(update 1 of 25 March 2021\) \(PDF - 589 KB\)](#)
- [Follow-up questions by the DRFMG Members to the exchange of views of 26 March \(PDF - 37 KB\)](#)
- [Exchange with Slovenian authorities regarding follow-up questions to the meeting of 26.03.21 \(PDF - 624 KB\)](#)
- [Letter of Mirjam KLINE, Supreme State Prosecutor, President of the ASPS, to the DRFMG Chair, following the meeting of 26 March 2021 \(PDF - 51 KB\)](#)

15 April 2021 - Exchange of views on the situation of the Polish judiciary and other Democracy, Rule of Law and Fundamental rights issues in Poland (Webstreamed meeting)

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Juan Fernando LÓPEZ

AGUILAR (S&D, Chair of the LIBE Committee and Standing Rapporteur on the Article 7(1) TEU procedure in relation to Poland), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Anna DONATH (Renew), Sergey LAGODINSKY (Greens/EFA), Patryk JAKI (ECR), Beata KAMPA (ECR).

The Chair opened the meeting by regretting the absence of the Polish Government and by recalling the decision of the Polish Constitutional Tribunal regarding the Polish Ombudsman's mandate.

Emmanuel CRABIT (DG Justice, European Commission) and Filippo DONATI (European Network of Councils for the Judiciary) spoke on the upcoming decision assessing the constitutionality of Treaty provisions regarding the independence of the judiciary, the 2020 Rule of Law report, the "muzzle law", the activities of the Disciplinary Chamber of the Supreme Court, infringement procedures and the possibility for the Commission to impose sanctions on Poland for not abiding to CJEU rulings .

During the second panel discussion, Waldemar ŻUREK (Judge, Member of the Board of Association of Judges, Themis), Ewa WRZOSEK (Lex Super Omnia and Prosecutor), Igor TULEYA (Judge, Member of the Association of Judges, Iustitia) and Małgorzata GERSDORF (former President of the Supreme Court) exchanged with Members on the independence of judges, harassment and disciplinary and criminal prosecution of judges critical of the reforms of the judiciary in Poland and how to better protect judges, on the role of the Constitutional Tribunal and on the ongoing process of politicisation of the Polish justice system.

At the end of the meeting, Members agreed to send questions for written answers to the Polish government and to send a letter to the Greek Prime Minister and the Greek Minister of Justice regarding the murder of the journalist Giorgos KARAIVAZ.

Related documentation:

- [Agenda of the Exchange of views on the situation in Poland - 15 April 2021 \(DOCUMENT - 34 KB\)](#)
- [DRFMG Members' follow-up questions to the Exchange of views on the situation in Poland held on Friday, 15 April 2021 \(PDF - 263 KB\)](#) By mail of 31 May 2021 the Permanent Representation informed that the Polish Minister of Justice has decided not to respond to DRFMG queries while a short answer was provided by the Chancellery of the Prime Minister with respect to one question.
- [Recording of the DRFMG meeting on the situation in Poland, 15 April 2021](#)

29 April 2021 - Exchange of views on the Civil society space in the EU, in particular the right of association (Webstreamed meeting)

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Juan Fernando LÓPEZ AGUILAR (S&D, Chair of the LIBE Committee), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Anna DONÁTH (Renew), Sergey LAGODINSKY (Greens/EFA),

Konstantinos ARVANITIS (The Left).

Members first exchanged with Alexandrina NAJMOWICZ (Director, Civic Space Watch) and Marta PARDAVI (Policy Leader Fellow, School of Transnational Governance (EUI), Hungarian Helsinki Committee). They discussed then with Georgia GEORGIADOU (Deputy Head of Unit, Fundamental Rights Policy, DG Justice, European Commission) and Waltraud HELLER (Programme Officer, Cooperation with Civil Society, FRA).

Discussions revolved around the following topics: the main indicators to measure the state of civil society space, the main threats to freedom of association, access to funding, the 2017 Lex NGO from Hungary, QUANGOs, the actions undertaken by the European Commission to avoid the shrinking of the civil society space, the proposal on a European association statute and the next Rule of Law report.

21 May 2021 - Exchange of views on the measures taken in the context of the Covid-19 crisis and their impact on democracy, rule of law and fundamental rights (Webstreamed meeting)

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Anna DONÁTH (Renew), Gwendoline DELBOS-CORFIELD (Greens/EFA), Kostas Arvanitis (LEFT).

The meeting was the first monitoring session held in 2021 on the measures taken in the context of the Covid-19 crisis and their impacts on democracy, rule of law and fundamental rights, with a special focus on exit strategies to be adopted by EU governments.

Members exchanged with Nicolaas BEL (Head of the Justice Policy and Rule of Law unit, DG Justice and Consumers), Marie-Dominique PARENT (Deputy Regional Representative, OHCHR), Joelle GROGAN (Senior Lecturer in Law, Middlesex University) and Olivia VENET (Chair of the Ligue des droits humains).

Discussions revolved around the following topics: legislative procedures, the anticipation and possible better preparation for future pandemics, the role of the Commission in this regards, and the impact of Covid-19 legislation on digital space, on courts system as well as on the situation of women and minority groups, in particular Roma.

Related documentation (see II A)

3 June 2021 - Exchange of views on the Primacy of EU law

Participating Members:

Sophia IN 'T VELD (Chair of the DRFMG), Vladimír BILČÍK (EPP), Katarina BARLEY (S&D), Elena YONCHEVA (S&D), Nicolaus FEST (ID), Sergey LAGODINSKY (Greens/EFA).

The meeting was dedicated to an exchange of views on the primacy of EU law with Niels PETERSEN and Konstantin CHATZIATHANASIOU (Institute for International and

Comparative Public Law, University of Münster, [Primacy's Twilight? On the Legal Consequences of the Ruling of the Federal Constitutional Court of 5 May 2020 for the Primacy of EU Law](#)), Jacques ZILLER (University of Pavia), Federico FABBRINI (Dublin City University), Tomasz Tadeusz KONCEWICZ (Department of European and Comparative Law at the Faculty of Law and Administration, University of Gdańsk) and Pierre SCULIER, (Ordre des barreaux francophones et germanophones).

Discussions revolved around the following topics: the ruling of the Karlsruhe Court of 5 May 2020, the equilibrium between the CJEU and the national constitutional courts, the conclusions of the study conducted by Professors PETERSON and CHATZIATHANASIOU and in particular the fact that they consider the defiance of constitutional courts rather isolated and politically related while other speakers disagreed and stated that they revealed a new trend, the ruling of the Conseil d'Etat of 21 April 2021, the decision of the Belgian Constitutional Court of 22 April 2021, the impacts and the threats of such rulings on the EU order, the use of infringement proceedings, the concepts of "vigilant constitutionalism" and "abusive constitutionalism", the submissions of preliminary rulings, the independence of the CJEU and possible reforms, the history of the EU integration and game changers explaining the recent rulings of national constitutional courts.

II. Other relevant documentation related to DRFMG monitoring activities:

A- Impact of COVID-19 related measures on the state of democracy, the rule of law and fundamental rights

- [Texts adopted - The impact of COVID-19 measures on democracy, the rule of law and fundamental rights - Friday, 13 November 2020 \(europa.eu\)](#)
- [Interim report Venice Commission of 8 October 2020 on the measures taken in the EU Member States as a result of the COVID-19 crisis and their impact on democracy, the rule of law and fundamental rights, following the request by its President to the Venice Commission of 1 July 2020, following the proposal of the Committee on Civil Liberties, Justice and Home Affairs \(LIBE\)](#)
- [The Impact of Coronavirus Measures on Democracy, Rule of Law and Fundamental Rights in the EU – Overview prepared by Policy Department, Part 1, April 2020 to March 2021](#)
- [The Impact of Coronavirus Measures on Democracy, Rule of Law and Fundamental Rights in the EU – Overview prepared by Policy Department, Part 2, from March 2021.](#)

B- The status of democracy, the rule of law and fundamental rights in other Member States

The situation in Slovakia

- [Agenda of the DRFMG meeting of 25 June 2020 \(PDF - 282 KB\)](#)
- [Agenda of the DRFMG meeting of 2 April 2020 \(PDF - 403 KB\)](#)

- [Agenda of the DRFMG meeting of 16 January 2020 \(PDF - 280 KB\)](#)
- [EP resolution of 19 April 2018 on protection of investigative journalists in Europe: the case of Slovak journalist Ján Kuciak and Martina Kušnírová](#)
- [LIBE-CONT fact-finding mission to Slovakia - 7-9 March 2018 - mission report](#)

The situation in Malta and in Slovakia

- [European Parliament resolution of 28 March 2019 on the situation of the rule of law and the fight against corruption in the EU, specifically in Malta and Slovakia \(2018/2965\(RSP\)\)](#)
- [LIBE mission to Malta and Slovakia - 17-20 September 2018 - mission report](#)
- [Hearing on Rule of Law and Safety of Journalists, 11 July 2018](#)
- [Collection of multimedia items relevant to the topic](#)
- [Extracts from the vote & statement by the Rapporteur](#)
- [Press release on the launch of the EP Caruana Galizia price for journalism](#)

The situation in Greece

- [Letter to Prime Minister and Minister of Justice of Greece regarding Assassination of journalist Giorgos KARAIVAZ \(PDF - 167 KB\)](#)
- [Letter to Prime Minister and Minister of Justice of Greece Assassination of journalist Giorgos Karaivaz.pdf](#)

The situation in the Czech Republic

<http://www.europarl.europa.eu/cmsdata/231907/Overview Covid Measures DRF 24 LIBE.pdf>

- [Letter to the President of the Czech Chamber of Deputies Mr Radek Vondráček regarding the independence of the Czech Television Council \(PDF - 247 KB\)](#)
- [Reply letter from the Speaker of the Parliament of the Czech Chamber of Deputies w annex.pdf](#)

The situation in Spain

- [Letter to the Minister of Justice of the Kingdom of Spain Mr Juan Carlos Campo regarding the functioning of judiciary and the procedure for the appointments to the National Council of the Judiciary \(PDF - 199 KB\)](#)
- Letter from the Minister of Justice of the Kingdom of Spain on the functioning of the judiciary and the procedure for the appointments to the National Council of the Judiciary