

**Amendment 1**

**Patricia Chagnon, Nicolaus Fest**  
on behalf of the ID Group

**Report****A9-0025/2024****Sophia in 't Veld**

Report on the Commission's 2023 Rule of Law report  
(2023/2113(INI))

**Motion for a resolution (Rule 181(3) of the Rules of Procedure) replacing non-legislative motion for a resolution A9-0025/2024**

**European Parliament resolution on the Commission's 2023 Rule of Law report**

*The European Parliament,*

- having regard to Articles 2 and 7 of the Treaty on European Union (TEU),
  - having regard to Article 5 TEU, in particular the principles of conferral, subsidiarity and proportionality, which limit the powers of the EU,
  - having regard to the Charter of Fundamental Rights of the European Union,
  - having regard to the Vienna Convention on the Law of Treaties,
  - having regard to Rule 54 of its Rules of Procedure,
- A. whereas the Union is founded on values such as respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, which are common to the Member States;
- B. whereas any clear risk of a serious breach by a Member State or by the EU institutions of the values referred to in Article 2 TEU does not solely concern that individual Member State or institution, but has an impact on the other Member States and the entire EU, on mutual trust between Member States and between them and the EU, and on the very nature of the EU and its Member States' and citizens' fundamental rights;
- C. whereas Article 5(3) TEU states that 'under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States';
- D. whereas Article 7 TEU sets out the procedure for instituting infringement proceedings against a Member State where there is a clear risk of violating the common values in areas falling under the EU's competences;
- E. whereas, as an international organisation, the EU remains bound by international law

and the Court of Justice of the European Union (CJEU), a treaty-based court, and, by virtue of the Member States being signatories to the Vienna Convention on the Law of Treaties, remains bound by the rules of interpretation and other provisions of the Convention;

- F. whereas there is no EU-wide legal definition of what the concept of ‘rule of law’ entails; whereas the political procedures provided for in Article 7 TEU seek to bind Member States to a monolithic and centralised conception of EU law, putting the Union hierarchically above the Member States, while, on the other hand, they endeavour to supplant the traditional understanding of the rule of law, developed over centuries of legal practice, with a subjective framework of values and principles;
  - G. whereas for several years the European institutions have been using the debate on respect for the rule of law and fundamental rights as a pretext to exert political pressure on certain Member States by urging them to alter policies falling within their national competences, especially by using Article 7 TEU for political gain;
  - H. whereas the process is applied unequally as there are a number of Member States which have institutional procedures and state actions in place that contradict the traditional understanding of the rule of law, raising serious concerns about the report’s concept, methodology and sources, as it seems to apply ‘double standards’ when dealing with Spain, Hungary and Greece;
  - I. whereas the Rule of Law Regulation<sup>1</sup> is not intended to protect the rule of law, but only the EU budget, and the Commission should strictly comply with procedural requirements when applying it, including, in particular, proving a genuine link between the possible infringement and the impact or serious risk of impact on the sound financial management of the EU or its financial interests;
1. Recalls that every Member State has its own national identity and constitutional traditions that are in line with European values and must always be treated with respect, objectivity and consideration for the principle of equality; underlines that the rule of law is a fundamental value for all Member States; expresses concern that abuse of the concept of the rule of law for political purposes undermines mutual trust and genuine cooperation between the Member States;
  2. Welcomes the fact that the rule of law is a fundamental principle in all Member States; respects the fact that Member States may attach different interpretations to the general concept of the rule of law because of their vastly differing legal traditions and case-law;
  3. Considers that cooperation between Member States is of particular relevance for advancing democracy, the rule of law and fundamental rights in the EU; urges the Commission to uphold its own rules in the area of transparency, anti-corruption and justice and to comply with the European Ombudsman’s recommendations;
  4. Notes that while all Member States are said to be scrutinised in a similar way, there is a

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<sup>1</sup> Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget, OJ L 433I, 22.12.2020, p. 1.

noticeable gap between theory and the practical reality;

5. Expresses its concern that the rule of law assessment is implemented without a clear and precise definition agreed upon by the Member States;
6. Believes that the Union's repeated interferences with the Member States' constitutional traditions further erodes their independence and sovereignty and imposes a single ideology on them; considers that politically motivated sanction mechanisms, deployed against Member States that dissent from this course of action, could lead to the arbitrary application of the values outlined in Article 2 TEU and pose a systemic threat to European cooperation;
7. Underlines that, according to the Treaties, the Council is the competent institution to conduct Article 7 procedures and, in the spirit of mutual trust, must defer its decision until the end of its examination; notes, nevertheless, that the Council's indecision as regards making meaningful progress in this process harms European cooperation, and urges it to conclude this procedure rather than organise any more hearings;
8. Commits, in these areas and within the limits of the powers conferred on it by the Treaties, to apply the same criteria used in its previous relevant resolutions to all Member States and to the EU institutions with equal stringency, and to refrain from using EU treaties for political gain;
9. Urges the Commission to comply with EU law and not to use tools other than Article 7 TEU to protect the rule of law; recalls that, according to CJEU case-law, the Rule of Law Conditionality Regulation is specifically aimed at protecting the EU budget;
10. Stresses that all the Member States are and remain the masters of the Treaties;
11. Instructs its President to forward this resolution to the governments and parliaments of the Member States, the Council and the Commission.

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