



2021/2180(INI)

1.2.2022

AMENDMENTS

1 - 63

Draft opinion
Sophia in 't Veld
(PE703.001v01-00)

The Commission's 2021 Rule of Law report
(2021/2180(INI))

Amendment 1
Victor Negrescu

Draft opinion
Paragraph 1

Draft opinion

1. Underlines that the annual Rule of Law Report is a key element of the EU's Rule of Law Toolbox;

Amendment

1. Underlines that the annual Rule of Law Report is a key element of the EU's Rule of Law Toolbox; ***points out that both the efficiency of national courts and access to justice were adversely affected during the pandemic, with the partial closure of national courts and the - sometimes inefficient - use of digitalisation for some legal proceedings;***

Or. ro

Amendment 2
Vladimír Bilčík

Draft opinion
Paragraph 1

Draft opinion

1. Underlines that the annual Rule of Law Report is a key element of the EU's Rule of Law Toolbox;

Amendment

1. Underlines that the annual Rule of Law Report is a key element of the EU's Rule of Law Toolbox; ***welcomes the entry into force of the new rule of law conditionality mechanism; notes the importance of strengthening and streamlining existing mechanisms to ensure that the principles and values enshrined in the Treaties are upheld throughout the Union;***

Or. en

Amendment 3
Jacek Saryusz-Wolski

Draft opinion

Paragraph 1

Draft opinion

1. *Underlines* that the annual Rule of Law Report is **a key** element of the EU's Rule of Law Toolbox;

Amendment

1. *Notes* that the annual Rule of Law Report is **an** element of the EU's Rule of Law Toolbox; ***urges the Commission that such an instrument has to be used in good faith, should be written objectively by reflecting only facts, and should guarantee the equal treatment of all Member States;***

Or. en

Amendment 4 Angel Dzhambazki

Draft opinion Paragraph 1

Draft opinion

1. Underlines that the annual Rule of Law Report is a key element of the EU's Rule of Law Toolbox;

Amendment

1. Underlines that the annual Rule of Law Report is a key element of the EU's Rule of Law Toolbox ***and should contain measured and transparent assessment criteria;***

Or. bg

Amendment 5 João Pimenta Lopes

Draft opinion Paragraph 1

Draft opinion

1. Underlines that the annual Rule of Law Report is **a key** element of the EU's ***Rule of Law*** Toolbox;

Amendment

1. Underlines that the annual Rule of Law Report is **an** element of the EU's Toolbox;

Or. pt

Amendment 6

Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Loránt Vincze, Danuta Maria Hübner

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Welcomes Commission’s Annual Rule of Law Report as a positive addition to the EU’s toolbox to promote improvements as well as to prevent and address rule of law issues in Member States, and recalls that the Commission’s report was a commitment made by President Von Der Leyen in her political guidelines for the 2019-2024 Commission, ahead of her election;

Or. en

Amendment 7

Vladimír Bilčík

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1 a. Calls on the Commission to continue to use all tools at its disposal to enforce EU values and prevent their violations; underlines the importance of the binding conditionality during the disbursement of the “Next Generation EU” payments and all other EU funds and payments;

Or. en

Amendment 8

João Pimenta Lopes

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

1a. *Points out that the supremacy or primacy of EU law over Member States' domestic law – established in the 'Constitutional Treaty', which was rejected by the peoples of a number of Member States – has no basis in the EU treaties;*

Or. pt

Amendment 9
Jacek Saryusz-Wolski

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1 a. *Deplores that the subject of the report exceeds the scope of the Treaties; notes that the methodology of the Rule of Law Report is seriously flawed and has to be revised;*

Or. en

Amendment 10
João Pimenta Lopes

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. *Takes the view that, despite that, the EU has sought to impose policies responsible for eroding rights, worsening social inequalities, increasing imbalances between countries, and imposing unequal relationships (of dominance and dependence), on the constitutions of the Member States by means of economic and political conditionality in access to funds,*

and through pressure, blackmail and the threat of sanctions;

Or. pt

Amendment 11
Jacek Saryusz-Wolski

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. *Stresses that public debate about the report is central to the annual rule of law cycle and therefore that the time of its publication is key; regrets therefore the publication of the 2021 report just before parliamentary recess in mid-July; calls on the Commission to instate an annual EU Values Week each September, in which the report is presented to the European Parliament and national parliaments at the same time as the Justice Scoreboard, the Fundamental Rights Report, and the Media Pluralism Monitor;*

deleted

Or. en

Amendment 12
Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Loránt Vincze, Danuta Maria Hübner

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Stresses that public debate about the report is central to the annual rule of law cycle and therefore that the time of its publication is **key**; regrets therefore the publication of the 2021 report just before parliamentary recess in mid-July; calls on the Commission to instate an annual EU Values Week each September, in which the

2. Stresses that public debate about the report is central to the annual rule of law cycle and therefore that the time of its publication is **relevant**; regrets therefore the publication of the 2021 report just before parliamentary recess in mid-July; calls on the Commission to instate an annual EU Values Week each September,

report is presented to the European Parliament and national parliaments at the same time as the Justice Scoreboard, the Fundamental Rights Report, and the Media Pluralism Monitor;

in which the report is presented to the European Parliament and national parliaments at the same time as the Justice Scoreboard, the Fundamental Rights Report, and the Media Pluralism Monitor;

Or. en

Amendment 13
Nathalie Colin-Oesterlé

Draft opinion
Paragraph 3

Draft opinion

Amendment

3. Recalls that important elements of Parliament's resolutions of 25 October 2016 and of 7 October 2020 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights are still missing, in particular the panel of independent experts, widening the scope to include all values set out under Article 2 of the Treaty on European Union (TEU), and the interinstitutional agreement for an annual monitoring cycle;

deleted

Or. fr

Amendment 14
Angel Dzhambazki

Draft opinion
Paragraph 3

Draft opinion

Amendment

3. Recalls that important elements of Parliament's resolutions of 25 October 2016 and of 7 October 2020 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights are still missing, in particular the panel of independent

deleted

experts, widening the scope to include all values set out under Article 2 of the Treaty on European Union (TEU), and the interinstitutional agreement for an annual monitoring cycle;

Or. bg

Amendment 15

Giuliano Pisapia, Brando Benifei, Miapetra Kumpula-Natri

Draft opinion

Paragraph 3

Draft opinion

3. Recalls that important elements of Parliament's resolutions of 25 October 2016 and of 7 October 2020 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights are still missing, in particular the panel of independent experts, widening the scope to include all values set out under Article 2 of the Treaty on European Union (TEU), and the interinstitutional agreement for an annual monitoring cycle;

Amendment

3. Recalls that important elements of Parliament's resolutions of 25 October 2016 and of 7 October 2020 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights are still missing, in particular the panel of independent experts, widening the scope ***of the monitoring*** to include all values set out under Article 2 of the Treaty on European Union (TEU), and the ***negotiation of an*** interinstitutional agreement for ***the establishment of*** an annual monitoring cycle; ***invites the Commission to better integrate the EU Justice Scoreboard in the annual rule of law report and to include in the next editions an assessment of how the right to a fair trial is guaranteed in Member States, with particular attention paid to the right of defence, the protection of victims of crimes, the fight against impunity, equality between prosecution and defence parties, and the length of court proceedings; calls on the Commission to also include in its next annual reports an evaluation of prison conditions, judicial backlogs, and the average duration of trials in all Member States;***

Or. en

Amendment 16

Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Loránt Vincze, Danuta Maria Hübner

Draft opinion

Paragraph 3

Draft opinion

3. Recalls that important elements of Parliament's resolutions of 25 October 2016 and of 7 October 2020 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights are still missing, ***in particular the panel of independent experts, widening*** the scope to include all values set out under Article 2 of the Treaty on European Union (TEU), and the interinstitutional agreement for an annual monitoring cycle;

Amendment

3. Recalls that important elements of Parliament's resolutions of 25 October 2016 and of 7 October 2020 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights are still missing; ***calls therefore to widen*** the scope to include all values set out under Article 2 of the Treaty on European Union (TEU), and the interinstitutional agreement for an annual monitoring cycle; ***calls on the Council and Commission to engage in discussions on such interinstitutional agreement, in order to set up a single and coherent monitoring system for democracy, rule of law and fundamental rights in the EU;***

Or. en

Amendment 17

Jacek Saryusz-Wolski

Draft opinion

Paragraph 3

Draft opinion

3. ***Recalls that*** important ***elements*** of Parliament's resolutions of 25 October 2016 and of 7 October 2020 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights ***are*** still missing, ***in particular*** the panel of independent experts, ***widening the scope to include all values set out under Article 2 of the Treaty on European Union (TEU), and***

Amendment

3. ***Notes that the*** important ***element*** of Parliament's resolutions of 25 October 2016 and of 7 October 2020 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights ***is*** still missing, ***namely*** the panel of independent experts.

the interinstitutional agreement for an annual monitoring cycle;

Or. en

Amendment 18
Vladimír Bilčík

Draft opinion
Paragraph 3

Draft opinion

3. Recalls that important elements of Parliament's resolutions of 25 October 2016 and of 7 October 2020 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights are still missing, in particular the panel of independent experts, widening the scope to include all values set out under Article 2 of the Treaty on European Union (TEU), and the interinstitutional agreement for an annual monitoring cycle;

Amendment

3. Recalls that important elements of Parliament's resolutions of 25 October 2016 and of 7 October 2020 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights are still missing, in particular the panel of independent experts, widening the scope to include all values set out under Article 2 of the Treaty on European Union (TEU), and the interinstitutional agreement for an annual monitoring cycle; ***calls on the Commission to address these shortcomings;***

Or. en

Amendment 19
Maite Pagazaurtundúa, Sophia in 't Veld, Alin Mituța

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3 a. Calls on the Commission to develop proposals to further strengthening of the Rule of Law toolbox if, despite the current instruments and efforts, significant violations of the values enshrined in Article 2 of the TEU persist; proposes to expand the scope of the non-discrimination clause in the European Charter of Fundamental Rights, and to

render it universal, to enable the enforcement of the Rule of Law in Member States and the Union consistent with article 14 of the European Convention on Human Rights; calls, in the meantime, on all EU institutions to give the non-discrimination clause the broadest possible legal interpretation;

Or. en

Amendment 20

Daniel Freund

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3 a. *Welcomes recommendation 11 of the EU Citizens Panel 2 on Democracy and Values on the organisation of ‘annual conferences on the rule of law’ ensuring ‘socially diverse national delegations to the conference that include both citizens and civil servants’^{1a}; notes that this recommendations fits with Parliament’s previous calls for an annual Democracy, Rule of Law and Fundamental Rights cycle; calls on Commission and Council to reconsider their negative answers to Parliament’s request to open negotiations about its proposal;*

^{1a} *European Citizens’ Panel 2: “European democracy / Values and rights, rule of law, security”, Recommendations, 2021*

Or. en

Amendment 21

Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Loránt Vincze, Danuta Maria Hübner

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3 a. Welcomes Commission's involvement of civil society actors, both through the online public consultation and the country visits and interviews, however believes that more transparency from the Commission on the methodology and selection process of stakeholders invited to consultation meetings, as well as closer consultation and collaboration with civil society to design a more straight forward and more easily accessible process, is needed;

Or. en

Amendment 22
Jacek Saryusz-Wolski

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3 a. Notes with concern that the report involves both objective reporting of the facts and highly subjective evaluations without making clear distinction between those two elements; strongly opposes the fact that the Commission applies double standards when it differently assesses similar legal regulations, those already in force in some Member States and those yet to be implemented in other Member States.

Or. en

Amendment 23
João Pimenta Lopes

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Denounces and firmly condemns attacks on democracy, social rights, freedoms and guarantees for citizens of any country and points out that every national population has the sovereign right to decide on its development path;

Or. pt

Amendment 24
Jacek Saryusz-Wolski

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Calls for the inclusion of an overview per Member State of all enforcement actions undertaken by the Commission, including pending infringement proceedings, as well as the state of compliance with Court of Justice of the European Union and European Court of Human Rights rulings, feeding into a comprehensive Application of EU Law Scoreboard;

deleted

Or. en

Amendment 25
Angel Dzhambazki

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Calls for the inclusion of an overview per Member State of all enforcement actions undertaken by the

4. Calls for the inclusion of an overview per Member State of all enforcement actions undertaken by the

Commission, including pending infringement proceedings, *as well as the state of compliance with Court of Justice of the European Union and European Court of Human Rights rulings*, feeding into a comprehensive Application of EU Law Scoreboard;

Commission, including pending infringement proceedings, feeding into a comprehensive Application of *the* EU Law Scoreboard;

Or. bg

Amendment 26
Nathalie Colin-Oesterlé

Draft opinion
Paragraph 4

Draft opinion

4. Calls for the inclusion of an overview per Member State of all enforcement actions undertaken by the Commission, including pending *infringement proceedings*, as well as the state of compliance with Court of Justice of the European Union and European Court of Human Rights rulings, feeding into a comprehensive Application of EU Law Scoreboard;

Amendment

4. Calls for the inclusion of an overview per Member State of all enforcement actions undertaken by the Commission, including *infringement proceedings*, pending *actions for failure to fulfil obligations*, as well as the state of compliance with Court of Justice of the European Union and European Court of Human Rights *provisional measures and* rulings, feeding into a comprehensive Application of EU Law Scoreboard;

Or. fr

Amendment 27
Giuliano Pisapia, Brando Benifei, Miapetra Kumpula-Natri

Draft opinion
Paragraph 4

Draft opinion

4. Calls for the inclusion of an overview per Member State of all enforcement actions undertaken by the Commission, including pending infringement proceedings, as well as the state of compliance with Court of Justice of

Amendment

4. Calls for the inclusion of an overview per Member State of all enforcement actions *related to the rule of law* undertaken by the Commission, including pending infringement proceedings, as well as the state of

the European Union and European Court of Human Rights rulings, feeding into a comprehensive Application of EU Law Scoreboard;

compliance with Court of Justice of the European Union and European Court of Human Rights rulings, feeding into a comprehensive Application of EU Law Scoreboard;

Or. en

Amendment 28

Daniel Freund

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4 a. Welcomes that the report assesses the state of the rule of law in every Member State; regrets, however, that it fails to make a clear distinction between Member States with isolated shortcomings and those with systemic rule of law deficiencies; calls on the Commission to make this distinction in future reports to prevent the report from being misused as a tool to relativize processes of autocratisation in some Member States;

Or. en

Amendment 29

Nathalie Colin-Oesterlé

Draft opinion

Paragraph 5

Draft opinion

Amendment

5. Calls on the Commission to conclude each country chapter with a ‘traffic light’ assessment of the fulfilment of the conditions of the Rule of Law Conditionality Regulation (Regulation (EU, Euratom) 2020/2092);

deleted

Amendment 30

Giuliano Pisapia, Brando Benifei, Miapetra Kumpula-Natri

Draft opinion

Paragraph 5

Draft opinion

5. Calls on the Commission to conclude each country chapter with a ‘traffic light’ assessment of the **fulfilment of the conditions of the Rule of Law Conditionality Regulation** (Regulation (EU, Euratom) 2020/2092);

Amendment

5. Calls on the Commission to conclude each country chapter with a ‘traffic light’ assessment of the ***situation in each Member State with regards to the four pillars analysed by the Report and, more broadly, of each Member State’s compliance with the values enshrined in Article 2 TEU; believes that such a ‘traffic light’ system could be useful to connect the annual report to the EU’s instruments to prevent and counter violations of the rule of law and, for example, to evaluate whether the conditions to activate the Rule of Law Conditionality Regulation (Regulation (EU, Euratom) 2020/2092) are fulfilled; regrets that the Commission has not yet made full-use of this tool and asks the Commission to fully and proactively enforce it without delay with regard to all EU funds and programmes; recalls the Advocate General’s Opinions on Cases C-156/21 and C-157/21, according to which the regime of conditionality was adopted on an appropriate legal basis, is compatible with Article 7 TEU and respects the principle of legal certainty;***^{1a}

^{1a} *Advocate General’s Opinion in Case C-156/21 and Case C-157/21 Hungary v Parliament and Council; Poland v Parliament and Council*

Amendment 31
Jacek Saryusz-Wolski

Draft opinion
Paragraph 5

Draft opinion

5. Calls on the Commission to ***conclude each country chapter with a ‘traffic light’ assessment of the fulfilment of the conditions of the Rule of Law Conditionality Regulation (Regulation (EU, Euratom) 2020/2092)***;

Amendment

5. Calls on the Commission to ***use only Treaty-based tools to address the breaches of EU values; ; stresses that the rule of law conditionality mechanism should fully respect the provisions of the European Council conclusions of December 2020;***

Or. en

Amendment 32
Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Loránt Vincze, Danuta Maria Hübner

Draft opinion
Paragraph 5

Draft opinion

5. Calls on the Commission to conclude each country chapter with ***a ‘traffic light’ assessment of the fulfilment of the conditions of the Rule of Law Conditionality Regulation (Regulation (EU, Euratom) 2020/2092)***;

Amendment

5. Calls on the Commission to conclude each country chapter with ***an*** assessment of the fulfilment of the conditions of the Rule of Law Conditionality Regulation (Regulation (EU, Euratom) 2020/2092);

Or. en

Amendment 33
Victor Negrescu

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Calls on the Commission to include recommendations for the Member

States on mitigating the adverse impact of the pandemic on the work of the national courts and on ensuring compliance with one of the fundamental elements of the rule of law - more precisely the effectiveness of the justice system.

Or. ro

Amendment 34
João Pimenta Lopes

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Welcomes Commission proposals to include country-specific recommendations as of 2022, as per Parliament's resolution of 25 October 2016; calls on the Commission to monitor and report on their implementation;

deleted

Or. pt

Amendment 35
Giuliano Pisapia, Brando Benifei, Miapetra Kumpula-Natri

Draft opinion
Paragraph 6

Draft opinion

Amendment

6. Welcomes Commission proposals to include country-specific recommendations as of 2022, as per Parliament's resolution of 25 October 2016; calls on the Commission to monitor and report on their implementation;

6. Believes that the report should go beyond monitoring and include country-specific recommendations regarding preventive and corrective actions that must be adopted by the Member States concerned, with a clear outline of enforcement measures and concrete proposals to tackle violations in the case of non-compliance; takes note, to this end, of the President of the European Commission's commitment to include country-specific recommendations as of

2022,^{2a} as per Parliament's resolution of 25 October 2016; calls on the Commission to monitor and report on their implementation;

*2a 2021 State of the Union Address by
President Ursula von der Leyen, 15
September 2021*

Or. en

Amendment 36

Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Loránt Vincze, Danuta Maria Hübner

Draft opinion Paragraph 6

Draft opinion

6. Welcomes ***Commission proposals*** to include country-specific recommendations as of 2022, as per Parliament's resolution of 25 October 2016; calls on the Commission to monitor and report on their implementation;

Amendment

6. Welcomes ***Commission's commitment*** to include country-specific recommendations as of 2022, as per Parliament's resolution of 25 October 2016, ***which should be framed in the context of Member States' obligations under EU law and international human rights law and standards, which would allow for tracking and evaluating progress and regression against an agreed, binding framework***; calls on the Commission to monitor and report on their implementation;

Or. en

Amendment 37

Jacek Saryusz-Wolski

Draft opinion Paragraph 6

Draft opinion

6. ***Welcomes Commission*** proposals

Amendment

6. ***Take note of Commission's***

to include country-specific recommendations as of 2022, as per Parliament's resolution of 25 October 2016; ***calls on the Commission to monitor and report on their implementation;***

proposals to include country-specific recommendations as of 2022, as per Parliament's resolution of 25 October 2016; ***underlines that the Commission has no competences in this regard and the only recommendations regarding the rule of law may be addressed to a Member State in accordance with procedure set up Article 7(1) TEU;***

Or. en

Amendment 38
Nathalie Colin-Oesterlé

Draft opinion
Paragraph 6

Draft opinion

6. Welcomes Commission proposals to include country-specific recommendations as of 2022, as per Parliament's resolution of 25 October 2016; calls on the Commission to monitor and ***report on*** their implementation;

Amendment

6. Welcomes Commission proposals to include country-specific recommendations as of 2022, as per Parliament's resolution of 25 October 2016; calls on the Commission to monitor and ***include an assessment of*** their implementation ***in the following year's annual report;***

Or. fr

Amendment 39
Angel Dzhambazki

Draft opinion
Paragraph 6

Draft opinion

6. ***Welcomes*** Commission proposals to include country-specific recommendations as of 2022, as per Parliament's resolution of 25 October 2016; calls on the Commission to monitor and report on their implementation;

Amendment

6. ***Expresses its disapproval of the*** Commission proposals to include country-specific recommendations as of 2022, as per Parliament's resolution of 25 October 2016; calls on the Commission to monitor and report on their implementation;

Amendment 40
Angel Dzhambazki

Draft opinion
Paragraph 7

Draft opinion

Amendment

7. Calls on the Commission to link the Rule of Law Report and its recommendations to the instruments ensuring the application of EU law, such as infringement proceedings, Article 7 TEU procedures, and the Rule of Law Conditionality Regulation; *deleted*

Amendment 41
João Pimenta Lopes

Draft opinion
Paragraph 7

Draft opinion

Amendment

7. Calls on the Commission to link the Rule of Law Report and its recommendations to the instruments ensuring the application of EU law, such as infringement proceedings, Article 7 TEU procedures, and the Rule of Law Conditionality Regulation; *deleted*

Amendment 42
Jacek Saryusz-Wolski

Draft opinion
Paragraph 7

Draft opinion

Amendment

7. Calls on the Commission to link the Rule of Law Report and its recommendations to the instruments ensuring the application of EU law, such as infringement proceedings, Article 7 TEU procedures, and the Rule of Law Conditionality Regulation;

deleted

Or. en

**Amendment 43
Victor Negrescu**

**Draft opinion
Paragraph 7**

Draft opinion

Amendment

7. Calls on the Commission to link the Rule of Law Report and its recommendations to the instruments ensuring the application of EU law, such as infringement proceedings, Article 7 TEU procedures, and the Rule of Law Conditionality Regulation;

7. Calls on the Commission to link the Rule of Law Report and its recommendations to the instruments ensuring the application of EU law, such as infringement proceedings, Article 7 TEU procedures, and the Rule of Law Conditionality Regulation; ***points out that accession to the Schengen Area cannot be centred solely on the rule of law, and stresses that no other criteria should be set for Croatia, Bulgaria and Romania beyond the specified prerequisites of the Schengen acquis;***

Or. ro

**Amendment 44
Nathalie Colin-Oesterlé**

**Draft opinion
Paragraph 7**

Draft opinion

Amendment

7. Calls on the Commission to link the Rule of Law Report and its

7. Calls on the Commission to link the Rule of Law Report and its

recommendations to the instruments ensuring the application of EU law, such as infringement proceedings, Article 7 TEU procedures, and the Rule of Law Conditionality Regulation;

recommendations to the instruments ensuring the application of EU law, such as infringement proceedings, ***preliminary ruling proceedings***, Article 7 TEU procedures, and the Rule of Law Conditionality Regulation;

Or. fr

Amendment 45

Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Danuta Maria Hübner

Draft opinion

Paragraph 7 a (new)

Draft opinion

Amendment

7 a. Underlines that while the 2020 Rule of Law Report has encouraged positive reforms related to the rule of law in a number of Member States, some serious concerns remain, however, with regard to a number of Member States, especially pertaining to the independence of the judiciary and the freedom and pluralism of media;

Or. en

Amendment 46

Nathalie Colin-Oesterlé

Draft opinion

Paragraph 7 a (new)

Draft opinion

Amendment

7a. Calls on the EU institutions to read the annual reports on the rule of law in the light of the reports on fundamental rights published by the European Agency of Fundamental Rights, given the close connection between democracy, the rule of law and fundamental rights.

Amendment 47

Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Danuta Maria Hübner

Draft opinion

Paragraph 7 b (new)

Draft opinion

Amendment

7 b. Is concerned that the COVID-19 pandemic has affected the fight against corruption, as it slowed down legal reforms or the adjudication of corruption cases in some Member States and increased the risk of corruption; stresses that while efforts to repress corruption have significantly increased in several Member States, yet others are cause for concern as regards the effectiveness of investigation and prosecution;

Or. en

Amendment 48

Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Danuta Maria Hübner

Draft opinion

Paragraph 7 c (new)

Draft opinion

Amendment

7 c. Strongly regrets the Council's continued failure to move further the procedure under Article 7(1) TEU; recalls that only qualified majority is required to determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2; Regrets that, the Council, invoking the COVID-19 pandemic, and the impossibility to hold physical Council meetings, only organised two hearings under Article 7 TEU since December 2019; points out that the

hearings organised by the Council are neither regular nor structured, and call on the Council to address concrete recommendations to the countries concerned, including deadlines; notes that the failure to progress in Article 7 TEU procedure enables continued divergence from the values enshrined in Article 2 TEU, undermining those values and mutual trust between Member States and the EU as a whole; urges the French presidency of the Council to take the appropriate steps in order to move further the procedure under Article 7(1) TEU;

Or. en

Amendment 49
Nathalie Colin-Oesterlé

Draft opinion
Paragraph 8

Draft opinion

Amendment

8. *Highlights that constitutional checks and balances at EU level should be included in the report; commits to requesting a Venice Commission opinion on key principles of democracy in EU governance, in particular the separation of powers, accountability and checks and balances;*

deleted

Or. fr

Amendment 50
Jacek Saryusz-Wolski

Draft opinion
Paragraph 8

Draft opinion

Amendment

8. *Highlights that constitutional checks and balances at EU level should be*

deleted

included in the report; commits to requesting a Venice Commission opinion on key principles of democracy in EU governance, in particular the separation of powers, accountability and checks and balances;

Or. en

Amendment 51
Victor Negrescu

Draft opinion
Paragraph 8

Draft opinion

8. Highlights that constitutional checks and balances at EU level should be included in the report; commits to requesting a Venice Commission opinion on key principles of democracy in EU governance, in particular the separation of powers, accountability and checks and balances;

Amendment

8. Highlights that constitutional checks and balances at EU level should be included in the report; commits to requesting a Venice Commission opinion on key principles of democracy in EU governance, in particular the separation of powers, accountability and checks and balances; *stresses the importance of the assessment by the Commission of respect for the principle of the presumption of innocence and the right to fair and impartial justice in each Member State, in order to avoid abuses and guarantee the rights of the defence;*

Or. ro

Amendment 52
João Pimenta Lopes

Draft opinion
Paragraph 8

Draft opinion

8. *Highlights that constitutional checks and balances at EU level should be included in the report;* commits to requesting a Venice Commission opinion

Amendment

8. Commits to requesting a Venice Commission opinion on key principles of democracy in EU governance, in particular the separation of powers, accountability

on key principles of democracy in EU governance, in particular the separation of powers, accountability and checks and balances;

and checks and balances;

Or. pt

Amendment 53
Angel Dzhambazki

Draft opinion
Paragraph 8

Draft opinion

8. ***Highlights that constitutional checks and balances at EU level should be included in the report;*** commits to requesting a Venice Commission opinion on key principles of democracy in EU governance, in particular the separation of powers, accountability and checks and balances;

Amendment

8. Commits to requesting a Venice Commission opinion on key principles of democracy in EU governance, in particular the separation of powers, accountability and checks and balances;

Or. bg

Amendment 54
Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Danuta Maria Hübner

Draft opinion
Paragraph 8

Draft opinion

8. Highlights that constitutional checks and balances at EU level should be ***included in the report; commits to*** requesting a Venice Commission opinion on key principles of democracy in EU governance, in particular the separation of powers, accountability and checks and balances;

Amendment

8. Highlights that constitutional checks and balances at EU level should be ***assessed, by*** requesting a Venice Commission opinion on key principles of democracy in EU governance, in particular the separation of powers, accountability and checks and balances;

Or. en

Amendment 55
Vladimír Bilčík

Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8 a. *Notes that several Member States' positions in international press freedom rankings have declined; highlights the irreplaceable role of public service media and stresses that it is essential to ensure and maintain their independence from political interference; strongly condemns threats to media freedom, including harassment and attacks aimed at journalists and whistle-blowers, the disregard of their legal protection as well as media capture or politically motivated actions in the media sector;*

Or. en

Amendment 56
Daniel Freund
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 8 a (new)

Draft opinion

Amendment

8 a. *Notes that since the publication of the 2014 anti-corruption report, the topic never again received similar attention despite subsequent reports including anti-corruption issues; calls on the Commission to biannually publish a dedicated anti-corruption report following the example of 2014, including an analysis of the EU institutions themselves;*

Or. en

Amendment 57
Daniel Freund
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 8 b (new)

Draft opinion

Amendment

8 b. *Stresses the need for a functioning civil society throughout the Union through the Citizenship, Equality, Rights and Values programme and calls for the creation of the European statute for associations and non-profit organisations;*

Or. en

Amendment 58
Daniel Freund
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 8 c (new)

Draft opinion

Amendment

8 c. *Welcomes that civil society was consulted during the drafting process; stresses that civil society actors can provide valuable input for the assessment of country-specific situations and provide a more critical view than the concerned government; notes, however, that the consultation can be improved by ensuring, among others, a meaningful follow-up with civil society actors to their input given, sufficiently long timeframes for providing input and reconsidering the format of a one-size-fits-all questionnaire for providing input; encourages the Commission to seek further input from civil society on how to optimise the consultation process for future reports;*

Or. en

Amendment 59

Giuliano Pisapia, Brando Benifei, Miapetra Kumpula-Natri

Draft opinion

Paragraph 9

Draft opinion

9. Calls on the Council to discuss the report in all transparency and engage in dialogue with the European Parliament; calls on the European Council, too, to discuss the findings of the report, as the values of Article 2 TEU are a matter to be addressed at the highest political level.

Amendment

9. Calls on the Council to discuss the report in all transparency and engage in dialogue with the European Parliament; calls on the European Council, too, to discuss the findings of the report, as the values of Article 2 TEU are a matter to be addressed at the highest political level; ***notes with concern that the failure to apply Article 7 TEU enables continued divergence from the values enshrined in Article 2 TEU and weakens one of the most important instruments of the Union's rule of law toolbox; welcomes therefore the hearings and general discussion respectively held at the General Affairs Council meetings of 22 June 2021 and 14 December 2021, and takes note of the French presidency's commitment to hold formal hearings in the first half of 2022; underlines, however, that unanimity is not required to vote on Council recommendations nor to determine whether there is a clear risk of a serious breach by a Member State of Article 2 TEU values, and urges the presidency of the Council to take the appropriate steps to move forward with the ongoing procedures under Article 7(1) TEU; reiterates, finally, its call for Parliament to be able to present its reasoned proposal to the Council, to attend hearings, in particular when Parliament has initiated the procedure, and to be kept promptly and fully informed at every stage, including its respective parliamentary committees involved in the procedure.***

Or. en

Amendment 60

Paulo Rangel, Sven Simon, Vladimír Bilčík, Esteban González Pons, Seán Kelly, Loránt Vincze, Danuta Maria Hübner

Draft opinion

Paragraph 9

Draft opinion

9. Calls on the Council to discuss the report in all transparency and engage in dialogue with the European Parliament; calls on the European Council, too, to discuss the findings of the report, as the values of Article 2 TEU are a matter to be addressed at the highest political level.

Amendment

9. ***Underlines the importance of interinstitutional dialogue and cooperation on rule of law matters;*** calls on the Council to discuss the report in all transparency and engage in dialogue with the European Parliament; calls on the European Council, too, to discuss the findings of the report, as the values of Article 2 TEU are a matter to be addressed at the highest political level.

Or. en

Amendment 61

Jacek Saryusz-Wolski

Draft opinion

Paragraph 9

Draft opinion

9. Calls on the Council to discuss the report ***in all transparency and engage in dialogue with the European Parliament;*** calls on the ***European*** Council, ***too, to discuss the findings of the report, as the values of Article 2 TEU are a matter to be addressed at the highest political level.***

Amendment

9. Calls on the Council to discuss the report, ***its methodology, and its findings;*** calls on the Council ***to end the Article 7(1) TEU procedure within the strict framework of the Treaties.***

Or. en

Amendment 62

Nathalie Colin-Oesterlé

Draft opinion

Paragraph 9

Draft opinion

9. Calls on the Council to discuss the report in all transparency and engage in dialogue with the European Parliament; calls on the European Council, too, to discuss the findings of the report, as ***the values of*** Article 2 TEU ***are*** a matter to be addressed at the highest political level.

Amendment

9. Calls on the Council to discuss the report in all transparency and engage in dialogue with the European Parliament; calls on the European Council, too, to discuss the findings of the report, as ***upholding the rule of law as set out in*** Article 2 TEU ***is*** a matter to be addressed at the highest political level.

Or. fr

Amendment 63
Vladimír Bilčík

Draft opinion
Paragraph 9 a (new)

Draft opinion

Amendment

9 a. Underlines the importance of the ongoing Conference on the Future of Europe deliberations, notably in the “Values and rights, rule of law, security” panel, and takes note of the recommendations by the European Citizens’ Panel 2;

Or. en