



2021/2180(INI)

14.12.2021

DRAFT OPINION

of the Committee on Constitutional Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

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

Rapporteur for opinion: Sophia in 't Veld

SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

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