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*Plenary sitting*

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**B9-0190/2023**

22.3.2023

## **MOTION FOR A RESOLUTION**

to wind up the debate on the statement by the Commission

pursuant to Rule 132(2) of the Rules of Procedure

on the 2022 Rule of Law report – the rule of law situation in the European Union  
(2022/2898(RSP))

**Jaak Madison, Nicolaus Fest, Jean-Paul Garraud**  
on behalf of the ID Group

**B9-0190/2023**

**European Parliament resolution on the 2022 Rule of Law report – the rule of law situation in the European Union (2022/2898(RSP))**

*The European Parliament,*

- having regard to Articles 2, 4, 5 and 7 of the Treaty on European Union (TEU),
  - having regard to the Commission communication of 13 July 2022 entitled ‘2022 Rule of Law report – The rule of law situation in the European Union’ (COM(2022)0500),
  - having regard to 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 (the Conditionality Regulation)<sup>1</sup>,
  - having regard to Opinion No 1/2018 of the Court of Auditors of 17 May 2018 concerning the proposal of 2 May 2018 for a regulation of the European Parliament and of the Council on the protection of the Union’s budget in case of generalised deficiencies as regards the rule of law in the Member States<sup>2</sup>,
  - having regard to the European Council conclusions of 10 and 11 December 2020,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights; whereas it must also respect the equality of the Member States before the Treaties, as well as their national identities and their own legal, constitutional and cultural traditions;
- B. whereas competences that have not been conferred upon the Union in the Treaties remain with the Member States;
- C. whereas Article 5 TEU establishes the principles of conferral, subsidiarity and proportionality, which limit the powers of the EU;
- D. whereas the Member States share a common but not unitary vision and whereas their cooperation is based primarily on the principle of subsidiarity and mutual trust, which includes divergent national specificities;
- E. whereas there is no EU-wide legal definition of what the concept of ‘rule of law’ entails; whereas the Commission, on the one hand, seeks to bind the Member States to EU law, putting the Union hierarchically above the Member States, while, on the other hand, it seeks to replace the traditional content of the rule of law by constructing a subjective set of values and principles; whereas the EU has used the process of alleging

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<sup>1</sup> OJ L 433 I, 22.12.2020, p. 1.

<sup>2</sup> OJ C 291, 17.8.2018, p.1.

rule of law violations for political purposes in the past;

- F. whereas the Commission acts in a politicised manner; whereas the Treaties designate the Commission as the guardian of the Treaties; whereas a politicised Commission cannot be trusted to apply the law equally;
1. Expresses its concern about the Commission's desire to establish a single definition of the concept of the rule of law, disregarding the different constitutional traditions of the Member States; considers that this desire reflects a political instrumentalisation of the rule of law aimed at undermining democratically elected governments and imposing a standardisation of lifestyles through law in the EU;
  2. Recalls the need for the Commission to respect the important principle of sovereignty regarding the Member States and their right to design and uphold their own judicial systems;
  3. Considers that cooperation between Member States is of particular relevance for advancing democracy, the rule of law and fundamental rights within the EU; urges the Commission to uphold its own rules in the areas of transparency, anti-corruption and justice;
  4. Expresses its concern about the fact that the Commission applies its own interpretation of the rule of law without a clear definition agreed upon by the Member States;
  5. Stresses that the procedure provided for in Article 7(1) TEU is the only legitimate procedure for dealing with allegations of breaches of the rule of law;
  6. Reiterates that the Member States are, and should remain, the masters of the Treaties; considers that the Commission has misinterpreted and unduly outgrown the role it was assigned by the Treaties;
  7. Calls on the Commission not to use the protection of the rule of law and fundamental rights as a pretext to put political pressure on certain Member States to change policies that fall within the competence of the Member States;
  8. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.