



**2021/2180(INI)**

25.1.2022

# **AMENDMENTS**

## **1 - 25**

**Draft opinion**  
**Eider Gardiazabal Rubial**  
(PE702.997v01-00)

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



**Amendment 1**  
**Hélène Laporte, Joachim Kuhs**

**Draft opinion**  
**Recital A**

*Draft opinion*

*Amendment*

**A. whereas 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<sup>1</sup> (Rule of Law Conditionality Regulation) entered into force on 1 January 2021 and has been binding in its entirety and directly applicable in all Member States since that date;**

**deleted**

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

Or. en

**Amendment 2**  
**Andor Deli**

**Draft opinion**  
**Recital A**

*Draft opinion*

*Amendment*

**A. whereas 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<sup>1</sup> (Rule of Law Conditionality Regulation) entered into force on 1 January 2021 and has been binding in its entirety and directly applicable in all Member States since that date;**

**deleted**

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

**Amendment 3****Andor Deli****Draft opinion****Recital A a (new)***Draft opinion**Amendment*

*A a. whereas according to the statement<sup>1a</sup> of the European Commission: “the objective of the Rule of law Mechanism is preventive. It is separate from the other elements in the EU’s rule of law toolbox, and does not replace the Treaty-based mechanisms for the EU to respond to more serious rule of law related issues in Member States. These tools include infringement proceedings and the procedure to protect the founding values of the Union under Article 7 of the Treaty on European Union. It is also different from the budget conditionality procedure, which aims to protect the EU budget in situations where the Union’s financial interest might be at risk due to generalized deficiencies of the rule of law in a Member State”;*

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*1a*

*[https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_1756](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1756)*

**Amendment 4****Hélène Laporte, Joachim Kuhs****Draft opinion****Paragraph 1***Draft opinion**Amendment*

1. Reiterates that the identification of breaches of the principles of the rule of law

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requires an objective, impartial, fair and thorough qualitative assessment by the Commission, *which should take into account relevant information from available sources and recognised institutions; insists that the annual Rule of Law Report be used systematically for that assessment, taking into account the above-mentioned criteria;*

requires an objective, impartial, fair and thorough qualitative assessment, *which cannot be provided* by the Commission; *recalls that the concept of the rule of law remains vague and can easily be used as an instrument of political pressure on certain Member States;*

Or. en

## **Amendment 5 Andor Deli**

### **Draft opinion Paragraph 1**

#### *Draft opinion*

1. Reiterates that the identification of breaches of the principles of the rule of law requires an objective, impartial, fair and thorough qualitative assessment by the Commission, which should take into account relevant information from available sources and recognised institutions; *insists that the annual Rule of Law Report be used systematically for that assessment, taking into account the above-mentioned criteria;*

#### *Amendment*

1. Reiterates that the identification of breaches of the principles of the rule of law requires an objective, impartial, fair and thorough qualitative assessment by the Commission, which should take into account relevant information from available sources and recognised institutions;

Or. en

## **Amendment 6 Alexandra Geese**

### **Draft opinion Paragraph 1 a (new)**

#### *Draft opinion*

#### *Amendment*

*1 a. Reiterates its call on the Commission to take immediate action under the Rule of Law Conditionality Regulation to make full use of its existing*

*investigation tools without further delay in order to address rule of law deficiencies in Member States that could affect or seriously risk affecting the sound financial management of the EU budget in a sufficiently direct way; calls on the Commission to apply the Common Provisions Regulation and Financial Regulation more stringently in order to tackle the discriminatory use of EU funds, in particular those of politically motivated nature;*

Or. en

**Amendment 7**  
**Petri Sarvamaa**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

*1 a. Calls on the Commission to implement the Rule of Law Conditionality Regulation without any further delay; recalls that concerning measures targeted at the budget in the event of violations of the rule of law in a Member State, the competences of parliamentary committees should be allocated on the basis of Annex VI of Parliament's Rules of Procedure when the infringements under the Rule of Law Conditionality Regulation procedure are dealt with within the Parliament;*

Or. en

**Amendment 8**  
**Victor Negrescu**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1 a. Invites the Commission to include recommendations for the Member States to reduce the negative impact of the pandemic on the activity of the national courts and ensure compliance with one of the fundamental elements of the rule of law as to the effectiveness of a justice system;***

Or. en

**Amendment 9**  
**Alexandra Geese**

**Draft opinion**  
**Paragraph 1 b (new)**

*Draft opinion*

*Amendment*

***1 b. Welcomes that the report assesses the state of the rule of law in every Member State; notes, 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;***

Or. en

**Amendment 10**  
**Hélène Laporte, Joachim Kuhs**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

*Amendment*

***2. Recalling its resolution of 8 July 2021 on the creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget<sup>2</sup>, insists that the Commission include in its annual Rule of Law Report a section dedicated to cases where breaches of the rule of law in a***

***deleted***

*Member State could affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way;*

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<sup>2</sup> *Texts adopted, P9\_TA(2021)0348.*

Or. en

**Amendment 11**  
**Andor Deli**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

*Amendment*

**2.      *Recalling its resolution of 8 July 2021 on the creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget<sup>2</sup>, insists that the Commission include in its annual Rule of Law Report a section dedicated to cases where breaches of the rule of law in a Member State could affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way;***      *deleted*

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<sup>2</sup> *Texts adopted, P9\_TA(2021)0348.*

Or. en

**Amendment 12**  
**Bogdan Rzońca**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

*Amendment*



2. Recalling its resolution of 8 July 2021 on the creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget<sup>2</sup>, insists that the Commission include in its annual Rule of Law Report a section dedicated to cases where breaches of the rule of law in a Member State could affect *or seriously risk affecting* the sound financial management of the Union budget or the protection of the financial interests of the Union in a *sufficiently* direct way;

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<sup>2</sup> Texts adopted, P9\_TA(2021)0348.

2. Recalling its resolution of 8 July 2021 on the creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget<sup>2</sup>, insists that the Commission include in its annual Rule of Law Report a section dedicated to cases where breaches of the rule of law in a Member State could affect the sound financial management of the Union budget or the protection of the financial interests of the Union in a direct way;

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<sup>2</sup> Texts adopted, P9\_TA(2021)0348.

Or. pl

### **Amendment 13** **Alexandra Geese**

#### **Draft opinion** **Paragraph 2**

##### *Draft opinion*

2. Recalling its resolution of 8 July 2021 on the creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget<sup>2</sup>, insists that the Commission include in its annual Rule of Law Report a section dedicated to cases where breaches of the rule of law in a Member State could affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way;

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<sup>2</sup> Texts adopted, P9\_TA(2021)0348.

##### *Amendment*

2. Recalling its resolution of 8 July 2021 on the creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget<sup>2</sup>, insists that the Commission include in its annual Rule of Law Report a section dedicated to cases where breaches of the rule of law in a Member State could affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way; ***furthermore insists that findings published in the annual Rule of Law Report should not be subject to further informal exchanges with the concerned Member State for sending a notification under Article 6(1) of the Rule of Law Conditionality Regulation;***

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<sup>2</sup> Texts adopted, P9\_TA(2021)0348.

**Amendment 14**  
**Victor Negrescu**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

***2 a. Calls on the Commission to use all tools at its disposal to counter violations of EU values, such as infringement procedures, including expedited procedures, actions to ensure compliance with the judgments of the Court of Justice and applications for interim measures before the Court; welcomes the new rule of law conditionality mechanism and asks that it be fully enforced with regard to all EU funds, including Next Generation EU; recalls that accession to the Schengen Area cannot be limited to the rule of law, pointing out that no additional criteria other than the specified prerequisites laid down in the Schengen acquis should be required;***

Or. en

**Amendment 15**  
**Hélène Laporte, Joachim Kuhs**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

*Amendment*

***3. Recalls that the Rule of Law Conditionality Regulation applies both to individual breaches of the principles of the rule of law and to ‘systemic’ breaches that are widespread or are a result of recurrent practices or omissions by public authorities, or general measures adopted by such authorities; regrets that the***

***deleted***

*structure of the 2021 Rule of Law Report does not always lend itself to the effective identification of such systemic breaches and calls on the Commission for improvements in this respect.*

Or. en

**Amendment 16**  
**Andor Deli**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

*Amendment*

**3. Recalls that the Rule of Law Conditionality Regulation applies both to individual breaches of the principles of the rule of law and to ‘systemic’ breaches that are widespread or are a result of recurrent practices or omissions by public authorities, or general measures adopted by such authorities; regrets that the structure of the 2021 Rule of Law Report does not always lend itself to the effective identification of such systemic breaches and calls on the Commission for improvements in this respect.**

**deleted**

Or. en

**Amendment 17**  
**Alexandra Geese**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

*Amendment*

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authorities, or general measures adopted by such authorities; regrets that the structure of the 2021 Rule of Law Report does not always lend itself to the effective identification of such systemic breaches and calls on the Commission *for improvements in this respect*.

authorities, or general measures adopted by such authorities; regrets that the structure of the 2021 Rule of Law Report does not always lend itself to the effective identification of such systemic breaches and calls on the Commission *to draft the report for 2022 to ensure that the scrutiny of such systemic breaches is fully reflected in the annual Rule of Law Report*.

Or. en

### **Amendment 18** **Petri Sarvamaa**

#### **Draft opinion** **Paragraph 3**

##### *Draft opinion*

3. Recalls that the Rule of Law Conditionality Regulation applies both to individual breaches of the principles of the rule of law and to ‘systemic’ breaches that are widespread or are a result of recurrent practices or omissions by public authorities, or general measures adopted by such authorities; regrets that the structure of the 2021 Rule of Law Report does not always lend itself to the effective identification of such systemic breaches and calls on the Commission for improvements in this respect.

##### *Amendment*

3. Recalls that the Rule of Law Conditionality Regulation applies both to individual breaches of the principles of the rule of law and to ‘systemic’ breaches that are widespread or are a result of recurrent practices or omissions by public authorities, or general measures adopted by such authorities; regrets that the structure of the 2021 Rule of Law Report does not always lend itself to the effective identification of such systemic breaches and calls on the Commission for improvements in this respect; *calls on the Commission to act against the breaches it has identified in its previous annual Rule of Law Reports*.

Or. en

### **Amendment 19** **Younous Omarjee**

#### **Draft opinion** **Paragraph 3 a (new)**

**3a. Recalls that in accordance with the Regulation on a general regime of conditionality for the protection of the Union budget, the rule of law must be understood in the light of the values and principles enshrined in Article 2 TEU, including fundamental rights and non-discrimination; is of the opinion that persistent violations of democracy and of fundamental rights, including attacks on freedom of the media and journalists, migrants, women's rights, LGBTQIA+ rights and freedom of association and assembly, affect the projects that Member States decide to finance with Union funds and can have a sufficiently direct impact on the protection of the Union's financial interests; calls on the Commission to act and to take this into account in the regulation;**

Or. fr

**Amendment 20  
Angelika Winzig**

**Draft opinion  
Paragraph 3 a (new)**

**3 a. Recalls that key prerequisites for economic activity are legal certainty and the upholding of rule and law standards; points out that, in view of an increasing tendency towards protectionism, the implementation of discriminatory measures against foreign investors and the growing arbitrariness in decisions taken by public authorities in some Member States, the economic dimension of the rule of law should be given greater consideration as an integral part of the Rule of Law Mechanism; regrets that the structure of the 2021 Rule of Law Report does not serve the effective identification**

*of such breaches in the economic sector and calls on the Commission to improve the report in this respect;*

Or. en

**Amendment 21**

**Jens Geier**

**Draft opinion**

**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

*3 a. Believes that the principle of the rule of law and the risks for the Union budget in case of breaches require a holistic approach for the protection of European public money; considers that the bodies charged with ensuring the proper management of Union funds need to cooperate as effectively as possible; calls on all Member states who have not done so yet to participate in the European Public Prosecutors Office;*

Or. en

**Amendment 22**

**Victor Negrescu**

**Draft opinion**

**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

*3 a. Welcomes the reflection on the resilience of the justice system and stresses that an effective justice system is essential for upholding the rule of law; recalls that both access to justice and the efficiency of national courts were negatively impacted in the context of the pandemic with the partial closure of national courts and the use of digitalization for some of the legal*

*proceedings;*

Or. en

**Amendment 23**  
**Alexandra Geese**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

**3 a.    Calls on the Commission to focus in the annual Rule of Law Report also on the country specific recommendations under the European Semester relevant for the annual Rule of Law report, in particular those linked to the independence of the judiciary and the public prosecutor as well as those linked to fighting corruption and ensuring transparency and integrity, where relevant;**

Or. en

**Amendment 24**  
**Alexandra Geese**

**Draft opinion**  
**Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

**3 b.    Underlines the primordial role of civil society actors in the early identification of elements for the drafting of the annual Rule of Law Report and strongly insists that a proper consultation with reasonable timelines (in particular excluding the winter holiday period from the 2 months usually foreseen) is set by the Commission; further asks the Commission to reconsider the format of a one-size-fits-all questionnaire for providing input and that the consultation**

*is followed up by a proper dialogue with the participating CSOs and that their input is fully reflected in the annual Rule of Law Report; encourages the Commission to seek further input from civil society on how to optimise the consultation process for future reports;*

Or. en

**Amendment 25**  
**Alexandra Geese**

**Draft opinion**  
**Paragraph 3 c (new)**

*Draft opinion*

*Amendment*

*3 c. Is concerned by the spill over effects of the erosion of media freedom especially as regards the protection of the Union's financial interests; urges the Commission to provide an assessment of the efficiency and effectiveness of the national frameworks for the protection of media freedom and media pluralism with a particular focus on the role media plays in fighting corruption; stresses the importance of assessing and monitoring the situation of the media in the Member States, in particular by examining measures taken by any government to silence critical media and/or to undermine freedom and pluralism, in order to prevent the risk of further concentration of information in the hands of a few, which could hamper the spread of free and independent information with a focus on both the public service and private media sector at national level and its de jure and de facto degree of independence from national authorities, political parties or any other interference, including the lack of an assessment of potential conflicts of interest and of media concentration and transparency of media ownership; highlights the need to ensure the financial independence of and*



*conditions for sustainable activity by  
private media operators in order to avoid  
the political capture of the media;*

Or. en