



**2023/2113(INI)**

13.11.2023

# **AMENDMENTS**

## **1 - 20**

**Draft opinion**  
**Adrián Vázquez Lázara**  
(PE754.755v01-00)

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



**Amendment 1**  
**Franco Roberti, Ibán García Del Blanco**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Recalls that the Union's legal structure is based on the fundamental premise that each Member State shares with all the other Member States a set of common values on which the EU is founded, as stated in Article 2 of the Treaty on European Union<sup>1</sup> ; recalls further that the rule of law, as enshrined in EU primary law and further defined in the case-law of the Court of Justice of the European Union (CJEU), is akin to democracy and fundamental rights; stresses that any backsliding on the rule of law in any given Member State significantly affects the common area of freedom, security and justice, as well as mutual trust and mutual recognition as leading principles of EU law in this area<sup>2</sup> ;

---

<sup>1</sup> See opinion 2/2013 of the Court of Justice of the European Union (Full Court) of 18 December 2014, ECLI:EU:C:2014:2454, paragraph 168.

<sup>2</sup> Ibid., paragraph 191.

*Amendment*

1. Recalls that the Union's legal structure is based on the fundamental premise that each Member State shares with all the other Member States a set of common values on which the EU is founded, as stated in Article 2 of the Treaty on European Union<sup>1</sup> ; recalls further that the rule of law, as enshrined in EU primary law and further defined in the case-law of the Court of Justice of the European Union (CJEU), is akin to democracy and fundamental rights; ***reminds that the rule of law and rules-based international order are key to fight the spread of authoritarian regimes, the violation of international law, help consolidate democratic structures, and protect human rights***; stresses that any backsliding on the rule of law, ***which is based on the separation and balancing of powers***, in any given Member State significantly affects the common area of freedom, security and justice, as well as mutual trust and mutual recognition as leading principles of EU law in this area<sup>2</sup> ;

---

<sup>1</sup> See opinion 2/2013 of the Court of Justice of the European Union (Full Court) of 18 December 2014, ECLI:EU:C:2014:2454, paragraph 168.

<sup>2</sup> Ibid., paragraph 191.

Or. en

**Amendment 2**  
**Gilles Lebreton, Virginie Joron**

**Draft opinion**

## Paragraph 2

### *Draft opinion*

2. **Welcomes** the Commission's fourth Rule of Law Report ('the Report') **and considers that the periodic review of the rule of law is an essential monitoring tool**; stresses, in this context, the importance of the use of clear and objective criteria by the Commission when providing its assessment, thereby avoiding claims of unequal treatment of Member States or the use of selective data only; welcomes, in this regard, the Commission's approach to receive Member States' contributions, thereby fostering a common dialogue; **welcomes the** new classification adopted by the Commission as regards measuring progress on past recommendations, with four categories: (a) no progress, (b) some progress, (c) significant progress, and (d) full implementation; in view of the problems involved in the gathering of statistical data by Member States, points out the usefulness of Council of Europe tools such as the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) reports<sup>3</sup>, thereby creating, as far as possible, convergence between the different data inputs;

---

<sup>3</sup> CEPEJ evaluation cycles.

### *Amendment*

2. **Notes** the Commission's fourth Rule of Law Report ('the Report'); stresses, in this context, the importance of the use of clear and objective criteria by the Commission when providing its assessment, thereby avoiding claims of unequal treatment of Member States or the use of selective data only; welcomes, in this regard, the Commission's approach to receive Member States' contributions, thereby fostering a common dialogue; **deplores, however, the contemptuous and condescending** new classification adopted by the Commission as regards measuring progress on past recommendations, with four categories: (a) no progress, (b) some progress, (c) significant progress, and (d) full implementation; in view of the problems involved in the gathering of statistical data by Member States, points out the usefulness of Council of Europe tools such as the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) reports<sup>3</sup>, thereby creating, as far as possible, convergence between the different data inputs;

---

<sup>3</sup> CEPEJ evaluation cycles.

Or. fr

## Amendment 3

**Axel Voss, Jiří Pospíšil**

### **Draft opinion Paragraph 3**

#### *Draft opinion*

3. Acknowledges the importance attached to justice systems by the rule of law reporting, particularly as regards the

#### *Amendment*

3. Acknowledges the importance attached to justice systems by the rule of law reporting, particularly as regards the

legality, independence and impartiality of judges and judicial appointments, promotions, dismissals and decisions; acknowledges that no common EU system of nomination of judges exists; recalls, however, that all Member States have to adhere to Council of Europe<sup>4</sup> and CJEU<sup>5</sup> minimum standards; stresses, in this context, the importance of independent councils of the judiciary, which must be composed by a substantial majority of judges elected by their peers and empowered with substantial authority over the selection, advancement and disciplinary procedures concerning judges; deeply regrets that not all Member States have fulfilled their obligations fully in this regard;

---

<sup>4</sup> Briefing – ‘Council of Europe standards on judicial independence’, European Parliament, Directorate-General for Parliamentary Research Services, 25 May 2021.

<sup>5</sup> For example, Judgment of the Court of Justice (Grand Chamber) of 27 February 2018 in Case C-64/16, Associação Sindical dos Juizes Portugueses v Tribunal de Contas, ECLI:EU:C:2018:117, or Judgment of the Court of Justice (Grand Chamber) of 19 November 2019, A.K. v Krajowa Rada Sądownictwa, Joined Cases C-585/18, C-624/18 and C-625/18, ECLI:EU:C:2019:982. See also Briefing – ‘European Court of Justice case law on judicial independence’, European Parliament. Directorate-General for Parliamentary Research Services, 19 July 2021.

legality, independence and impartiality of judges and judicial appointments, promotions, dismissals and decisions; acknowledges that no common EU system of nomination of judges exists; recalls, however, that all Member States have to adhere to Council of Europe<sup>4</sup> and CJEU<sup>5</sup> minimum standards; stresses, in this context, the importance of independent councils of the judiciary, which must be composed by a substantial majority of judges elected by their peers and empowered with substantial authority over the selection, advancement and disciplinary procedures concerning judges; deeply regrets that not all Member States have fulfilled their obligations fully in this regard; ***deplores the devastating effect this has on the independence and integrity of their justice systems;***

---

<sup>4</sup> Briefing – ‘Council of Europe standards on judicial independence’, European Parliament, Directorate-General for Parliamentary Research Services, 25 May 2021.

<sup>5</sup> For example, Judgment of the Court of Justice (Grand Chamber) of 27 February 2018 in Case C-64/16, Associação Sindical dos Juizes Portugueses v Tribunal de Contas, ECLI:EU:C:2018:117, or Judgment of the Court of Justice (Grand Chamber) of 19 November 2019, A.K. v Krajowa Rada Sądownictwa, Joined Cases C-585/18, C-624/18 and C-625/18, ECLI:EU:C:2019:982. See also Briefing – ‘European Court of Justice case law on judicial independence’, European Parliament. Directorate-General for Parliamentary Research Services, 19 July 2021.

Or. en

#### **Amendment 4**

**Gilles Lebreton, Virginie Joron**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

**4. Urges the Commission to persist in its diligent monitoring of Member States' legal frameworks in order to assess their alignment with the above-mentioned recommendations, and further calls on the Commission to become more insistent on the implementation of these critical reforms in cases where Member States' systems do not meet the prescribed standards;**

*Amendment*

*deleted*

Or. fr

**Amendment 5**  
**Franco Roberti, Ibán García Del Blanco**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Urges the Commission to persist in its diligent monitoring of Member States' legal frameworks in order to assess their alignment with the above-mentioned recommendations, and further calls on the Commission to become more insistent on the implementation of these critical reforms in cases where Member States' systems do not meet the prescribed standards;

*Amendment*

4. ***Acknowledges that almost two-thirds of the recommendations issued in 2022 related to important reforms have been followed up at some extent, yet, it shows concern on the number of issues identified in previous Rule of Law reports that remain unaddressed;*** urges the Commission to persist in its diligent monitoring of Member States' legal frameworks in order to assess their alignment with the above-mentioned recommendations, and further calls on the Commission to become more insistent on the implementation of these critical reforms in cases where Member States' systems do not meet the prescribed standards;

Or. en

**Amendment 6**  
**Axel Voss, Jiří Pospíšil**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Urges the Commission to persist in its diligent monitoring of Member States' legal frameworks in order to assess their alignment with the above-mentioned recommendations, and further calls on the Commission to become more insistent on the implementation of these critical reforms in cases where Member States' systems do not meet the prescribed standards;

*Amendment*

4. Urges the Commission to persist in its diligent monitoring of Member States' legal frameworks in order to assess their alignment with the above-mentioned recommendations, and further calls on the Commission to become more insistent on the implementation of these critical reforms in cases where Member States' systems do not meet the prescribed standards; ***calls on the Commission to take further steps to address in full the recommendations made by Parliament in its previous resolutions;***

Or. en

**Amendment 7**  
**Axel Voss, Jiří Pospíšil**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4 a. Welcomes the continuous support which is provided to relevant stakeholders via dedicated programmes, such as Citizens, Equality, Rights and Values programme; welcomes the funding via Justice programme to support judicial cooperation in civil and criminal matters and to contribute to the further development of the European area of justice, which is strengthening democracy, rule of law and fundamental rights;***

Or. en

**Amendment 8**  
**Axel Voss, Jiří Pospíšil**

**Draft opinion**  
**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

**4 b. Urges the Commission to invest more into awareness-raising about the Union values and applicable tools, including the annual report, especially in those countries where there are serious concerns;**

Or. en

**Amendment 9**  
**Gilles Lebreton, Virginie Joron**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

*Amendment*

5. Acknowledges that a certain degree of progress can be seen in the last report in a number of different Member States as regards judicial independence; **welcomes, in this regard, the withholding of EU funds, if necessary, under the conditionality mechanism<sup>6</sup>, as confirmed by the CJEU<sup>7</sup>, or under the Recovery and Resilience Facility<sup>8</sup>**; points out, however, that infringements of judicial independence are still a concern in some Member States, **such as ongoing disciplinary procedures against judges for the content of their decisions, problems with the composition of councils of the judiciary and with the composition of the highest national courts in view of the principle of a court established by law, etc.;**

5. Acknowledges that a certain degree of progress can be seen in the last report in a number of different Member States as regards judicial independence; points out, however, that infringements of judicial independence are still a concern in some Member States;

---

<sup>6</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 433 I, 22.12.2020, p. 1).*

<sup>7</sup> *See, judgment of the Court of Justice (Full Court) of 16 February 2022, Hungary v the European Parliament and the Council of the European Union, C-156/21, ECLI:EU:C:2022:97 and judgment of the Court of Justice (Full Court) of 16 February 2022, Poland v the European Parliament and the Council of the European Union, C-157/21, ECLI:EU:C:2022:98.*

<sup>8</sup> *Regulation (EU) 2012/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18. 2. 2021, p. 17).*

Or. fr

**Amendment 10**  
**Franco Roberti, Ibán García Del Blanco**

**Draft opinion**  
**Paragraph 9 a (new)**

*Draft opinion*

*Amendment*

**9 a. Recalls that the fight against corruption is essential to maintain the rule of law and preserve and foster citizens' trust in public institutions and, to be effective, it requires a robust legal and administrative anti-corruption framework based on integrity, transparency and accountability, namely in public life, stressing the disclosure of interests declarations and the protection of whistleblowers when applicable;**

Or. en

**Amendment 11**  
**Franco Roberti, Ibán García Del Blanco**

**Draft opinion**  
**Paragraph 10**

*Draft opinion*

10. States that corruption is a menace that can destroy democracies and has to be combated in all its forms; is worried that the latest Report shows either no or only very slow progress in relation to anti-corruption prevention measures in several Member States; is extremely worried about the reluctance to establish registers of lobbyists, transparency registers and proper systems of asset declarations by public office holders and senior officials, as well as about the lack of political will to introduce strict rules within revolving doors policies; highlights, in this context, the importance of a transparent legislative procedure with far-reaching access to documents, and rules to ensure the highest degree of transparency and accountability in public administrations and public decision-making with a view to preventing corruption<sup>11</sup>;

---

<sup>11</sup> See, in this context, Article 3 of the proposal for a directive of the European Parliament and of the Council of 3 May 2023 on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of the Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council (COM(2023)0234).

*Amendment*

10. States that corruption is a menace that can destroy democracies, ***undermining citizens' trust in institutions***, and has to be combated in all its forms; ***points out that corruption is the most common avenue by which organised crime infiltrates and controls the economy***; is worried that the latest Report shows either no or only very slow progress in relation to anti-corruption prevention measures in several Member States; is extremely worried about the reluctance to establish registers of lobbyists, transparency registers and proper systems of asset declarations by public office holders and senior officials, as well as about the lack of political will to introduce strict rules within revolving doors policies; highlights, in this context, the importance of a transparent legislative procedure with far-reaching access to documents, and rules to ensure the highest degree of transparency and accountability in public administrations and public decision-making with a view to preventing corruption<sup>11</sup>;

---

<sup>11</sup> See, in this context, Article 3 of the proposal for a directive of the European Parliament and of the Council of 3 May 2023 on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of the Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council (COM(2023)0234).

Or. it

## Amendment 12

Axel Voss

### Draft opinion

#### Paragraph 10

##### *Draft opinion*

10. States that corruption is a menace that can destroy democracies and has to be combated in all its forms; is worried that the latest Report shows either no or only very slow progress in relation to anti-corruption prevention measures in several Member States; is extremely worried about the reluctance to establish registers of lobbyists, transparency registers **and proper systems of asset declarations by public office holders and senior officials**, as well as about the lack of political will to introduce strict rules within revolving doors policies; highlights, in this context, the importance of a transparent legislative procedure with far-reaching access to documents, and rules to ensure the highest degree of transparency and accountability in public administrations and public decision-making with a view to preventing corruption<sup>11</sup> ;

---

<sup>11</sup> See, in this context, Article 3 of the proposal for a directive of the European Parliament and of the Council of 3 May 2023 on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of the Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council (COM(2023)0234).

##### *Amendment*

10. States that corruption is a menace that can destroy democracies and has to be combated in all its forms; is worried that the latest Report shows either no or only very slow progress in relation to anti-corruption prevention measures in several Member States; is extremely worried about the reluctance to establish registers of lobbyists **and** transparency registers, as well as about the lack of political will to introduce strict rules within revolving doors policies; highlights, in this context, the importance of a transparent legislative procedure with far-reaching access to documents, and rules to ensure the highest degree of transparency and accountability in public administrations and public decision-making with a view to preventing corruption<sup>11</sup> ;

---

<sup>11</sup> See, in this context, Article 3 of the proposal for a directive of the European Parliament and of the Council of 3 May 2023 on combating corruption, replacing Council Framework Decision 2003/568/JHA and the Convention on the fight against corruption involving officials of the European Communities or officials of the Member States of the European Union and amending Directive (EU) 2017/1371 of the European Parliament and of the Council (COM(2023)0234).

Or. en

## Amendment 13

Franco Roberti, Ibán García Del Blanco

**Draft opinion**  
**Paragraph 11**

*Draft opinion*

11. Calls, in this context, also for all EU institutions to adhere to the highest possible standards with a view to the prevention of corruption, such as, inter alia, the creation of an effective EU Ethics Body, the full application of Regulation 1049/2001<sup>12</sup> on access to documents, and the full application of the conditionality principle as regards the EU Transparency Register; calls on the Member States to try to reach an agreement as soon as possible on the proposed directive on combating corruption;

---

<sup>12</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

*Amendment*

11. Calls, in this context, also for all EU institutions to adhere to the highest possible standards with a view to the prevention of corruption, such as, inter alia, the creation of an effective EU Ethics Body, the full application of Regulation 1049/2001<sup>12</sup> on access to documents, and the full application of the conditionality principle as regards the EU Transparency Register; calls on the Member States to try to reach an agreement as soon as possible on the proposed directive on combating corruption ***with a view to establishing a common homogeneous framework of codes of conduct, standards preventing conflicts of interest and rules ensuring the transparency of procedures;***

---

<sup>12</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Or. it

**Amendment 14**  
**Axel Voss**

**Draft opinion**  
**Paragraph 11**

*Draft opinion*

11. Calls, in this context, also for all EU institutions to adhere to the highest possible standards with a view to the prevention of corruption, such as, inter alia, ***the creation of an effective EU Ethics Body***, the full application of Regulation

1049/2001<sup>12</sup> on access to documents, and the full application of the conditionality principle as regards the EU Transparency Register; calls on the Member States to try to reach an agreement as soon as possible on the proposed directive on combating corruption;

---

<sup>12</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

the full application of the conditionality principle as regards the EU Transparency Register; calls on the Member States to try to reach an agreement as soon as possible on the proposed directive on combating corruption;

---

<sup>12</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Or. en

**Amendment 15**  
**Axel Voss, Jiří Pospíšil**

**Draft opinion**  
**Paragraph 11 a (new)**

*Draft opinion*

*Amendment*

***11 a. Recalls its resolution of 11 November 2021 on strengthening democracy and media freedom and pluralism in the Union where the European Parliament called on Commission to propose a package of both soft and hard law to address the increasing number of strategic lawsuits against public participation or SLAPPs; welcomes the Commission legislative proposal and recommendation to Member States of 27 April 2022 addressing the EP's call in this respect; stresses that SLAPPs are a particular form of harassment used primarily against journalists to prevent or penalise speaking up on matters of public interest by subjecting them to lengthy, burdensome and expensive lawsuits; calls on the Member States to keep up with the ambitions in the proposed measures and step up efforts to improve the safety and***

*protection of journalists.*

Or. en

**Amendment 16**  
**Franco Roberti, Ibán García Del Blanco**

**Draft opinion**  
**Paragraph 12 a (new)**

*Draft opinion*

*Amendment*

***12 a. Recalls that no sector is corruption-risk safe, including those that manage significant public funds or access to critical infrastructures and services, such as healthcare or construction; stresses that organised crime groups play an increasingly important role in these activities, which include counterfeiting, piracy and intellectual property rights infringements, which have skyrocketed in the digital environment; recalls that the criminal groups involved in these illegal activities often use the profits to finance other illegal activities;***

Or. en

**Amendment 17**  
**Axel Voss**

**Draft opinion**  
**Paragraph 13 a (new)**

*Draft opinion*

*Amendment*

***13 a. Recalls Parliament's strong support for the establishment of the European Public Prosecutor Office (EPPO); acknowledges the important role of EPPO as an independent European Union body in investigating, prosecuting and bringing to judgment crimes affecting the financial interests of the Union; highlights that since starting its***

*operations on 1 June 2021, EPPO has registered more than 4000 crime reports from participating EU Member States and private parties and over 929 investigations have been opened (as of June 2022);*

Or. en

**Amendment 18**  
**Sergey Lagodinsky**

**Draft opinion**  
**Paragraph 14 a (new)**

*Draft opinion*

*Amendment*

**14 a. Civil society**

Or. en

**Amendment 19**  
**Sergey Lagodinsky**

**Draft opinion**  
**Paragraph 14 b (new)**

*Draft opinion*

*Amendment*

**14 b. Notes with deep concern the overall shrinking of space for civil society in some Member States, which represents a serious threat to the rule of law, democracy, fundamental rights and other EU values; calls on the Commission to monitor the challenges and attacks faced by civil society as part of its annual rule of law assessment and reporting work and to include conclusions and targeted recommendations in its report; to this regard, reiterates its call for a separate chapter to be dedicated to the condition of civil society in Member States;**

Or. en

**Amendment 20**  
**Sergey Lagodinsky**

**Draft opinion**  
**Paragraph 14 c (new)**

*Draft opinion*

*Amendment*

***14 c. Emphasises that the current legal framework at Union and national level is insufficient to establish and support a strong pan-European civil society, the existence of which is necessary for democracy; thus, believes that a statute for EU cross-border associations and not-for-profit organisations will provide an extra layer of protection to CSOs faced with undue hurdles to their establishment and operations<sup>1a</sup>;***

---

***<sup>1a</sup> See to this regard the EP resolution of 17 February 2022 with recommendations to the Commission on a statute for European cross-border associations and non-profit organisations (P9\_TA(2022)0044).***

Or. en