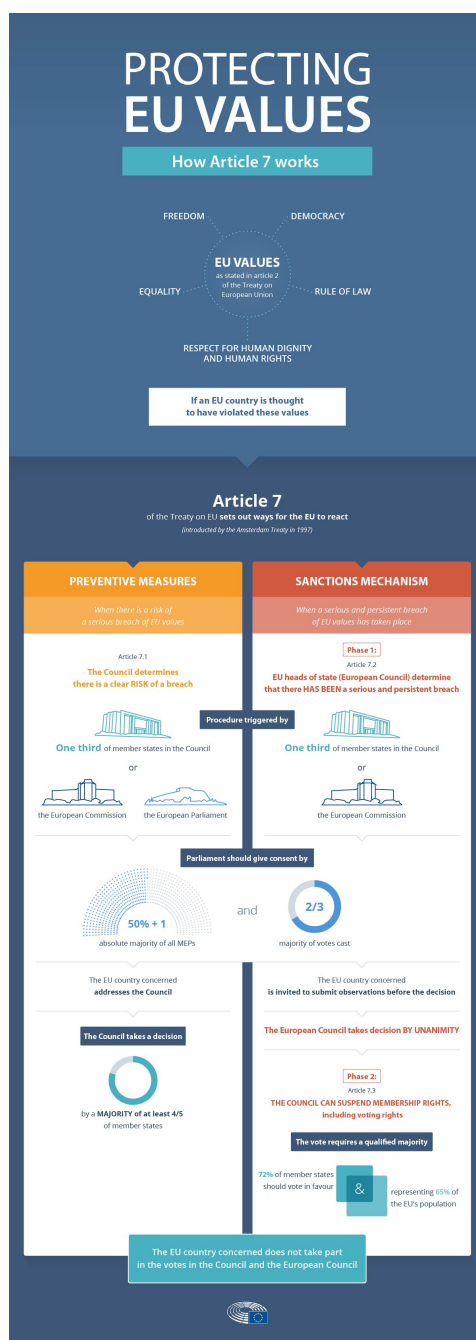


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## Breaches of EU values: how the EU can act (infographic)

The EU has tools to protect its values and budget when there is a risk of a breach from a member state. Find out how these mechanisms work.



Find out the facts in our infographic

The European Union is based on **common values** that bind countries and people together. These values are set out at the very start of the Treaty on European Union, in Article 2. They include respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights.

A **breach of EU values** by a member state justifies a reaction at EU level.

## What is the rule of law?

The rule of law is one of the EU values and a key principle in democratic states as it helps ensure fairness and transparency, among others.

The principle of the rule of law means that governments should be **bound by law**, that they should **not take arbitrary decisions** and that citizens should be able to **challenge their actions** in independent courts.

It also enshrines the **fight against corruption**, which unfairly favours some to the detriment of others, and the safeguarding of **media freedom**, thus ensuring the public is **properly informed** about the work of government.

In recent years the European Parliament has been sounding the alarm about the worsening situation concerning the rule of law in some EU countries. MEPs have been taking action and repeatedly calling on the European Commission and member states to protect EU values and the budget.

## The Article 7 procedure

The **procedure under Article 7 of the Treaty on European Union** was introduced by the Amsterdam Treaty in 1997. It includes two mechanisms **for protecting EU values**:

- **Preventive measures**, if there is a clear risk of a breach of EU values
- **Sanctions**, if such a breach has already occurred.

Possible sanctions against the EU country concerned are not clearly defined in the EU treaties, but might include suspending voting rights in the Council and the European Council.

For both mechanisms, the final decision needs to be taken by representatives of member states in the Council. The thresholds to reach a decision are different:

- For the preventive mechanism, a decision in the Council requires a majority of four fifths of member states.
- To determine the existence of a breach, unanimity among EU heads of state and government is required.

The EU country concerned does not take part in either vote.

*Check out our infographic for all the details.*

## Rules to protect the EU budget

In 2020, MEPs approved a [regulation designed to protect EU funds from being misused](#) by member states - this is known as the **rule of law conditionality mechanism**. Parliament pushed for it to not only apply when EU funds are misused directly, such as cases of corruption or fraud, but also when systemic breaches of fundamental values risk affecting the management of EU funds.

This means respecting the rule of law and other values is a condition for member states to obtain EU funds, as money can be withheld from countries in which established breaches of the rule of law compromise management of EU funds.



▶ **The rule of law conditionality mechanism explained**  
[https://multimedia.europarl.europa.eu/en/video/v\\_N01\\_AFPS\\_230720\\_DL01](https://multimedia.europarl.europa.eu/en/video/v_N01_AFPS_230720_DL01)

## Other measures

If the Commission is of the view that a member state is violating EU law, which means not applying the rules agreed at EU level, it can start **infringement proceedings** before the European Court of Justice that may lead to financial sanctions against the country.

The Parliament is paying close attention to the rule of law situation in EU countries, preparing reports that highlight the problems and call for action, including the [report on fundamental rights in 2020 and 2021](#).

Since 2020, the Commission publishes an [annual rule of law report](#) that monitors both positive and negative developments relating to the rule of law in all member states.



## The Parliament's actions regarding rule of law in Hungary

The European Parliament is concerned that Hungarian government is repeatedly and systematically trying to undermine the EU's founding values.

In a [resolution](#) adopted in January 2024, MEPs expressed their concern about the erosion of democracy, rule of law and fundamental rights in Hungary. The vote came as an immediate response to the "national sovereignty protection" law that was adopted by the Hungarian parliament and following the latest action by the Hungarian Prime Minister Viktor Orbán to block the key decision in revising the EU's long-term budget, including EU aid to Ukraine.

Parliament expressed regret about the Council's failure to apply the [Article 7](#) procedure and the Commission's decision to release up to [€10.2 billion of previously frozen funds](#), despite the fact that Hungary has not fulfilled the required reforms on judicial independence.

MEPs triggered the Article 7 procedure for the first time in 2018 when they asked the Council to determine whether **Hungary** is at risk of breaching the EU's founding values. They raised a

number of concerns about the functioning of the country's institutions, including problems with the electoral system, independence of the judiciary and the respect for citizens' rights and freedoms.

In September 2022, the Commission proposed to suspend the payment of €7.5 billion of EU funding to Hungary due to rule of law concerns to ensure the protection of the EU budget and the financial interests of the EU. The MEPs who guided the rules to protect the EU budget through the Parliament [welcomed the proposal](#), calling on EU countries in the Council to take the next steps.

On 1 June 2023, in light of the upcoming Hungarian presidency of the Council of the EU starting in July 2024, Parliament [criticised developments in Hungary again](#). MEPs highlighted ruling by decree, attacks on LGBTIQ+ rights and teachers, as well as systemic corruption. They condemned the Hungarian government's anti-EU campaigns, questioning the country's fitness to take over the presidency. They also repeated concerns about the misuse of EU funds.

## Concerns about Poland

In July 2023, MEPs adopted a resolution about rule of law issues in Poland . The resolution focused on the revision of the country's electoral rules ahead of the elections in October 2023; on the new administrative body with the power to bar people from public office, which according to critics targeted opposition figures; and on further concerns about judicial independence.

*This article was originally published in 2018 and has been updated several time. The most recent update was in January 2024*