

Creation of a European Rule of Law Mechanism

The Congress of the Alliance of Liberals and Democrats for Europe (ALDE) Party convening in Athens, Greece, on 24-26 October 2019:

Notes that:

- the Rule of Law is one of the core values of the European Union and enshrined in Article 2 of the Treaty of the European Union (TEU);
- in the last two years the breach of the rule of law by Polish and Hungarian governments and the consequent activation of the procedure provided by Article 7 TEU has triggered a debate about the tools available to the EU institutions to prevent and sanction any breach of the rule of law in the European Union;
- in 2016 the European Parliament adopted an own legislative initiative report by MEP Sophia In 't Veld for creating a pact on the protection of democracy, rule of law and fundamental rights (DRF) in the European Union, both in the Member States and the EU Institutions. The European Parliament has been repeatedly insisting that the Commission submits a legislative proposal to this effect, and in the end of 2018 adopted a resolution calling once again on the Commission to propose an inter-institutional agreement on an EU Pact for DRF;
- the currently existing instruments have proven to be insufficient to tackle threats to the rule of law. The existing instruments have a limited thematic or geographical scope, which causes unequal treatment only for some countries, or only for some topics; points out that the European Parliamentary Research Service study titled “The Cost of Non-Europe in the area of Organised crime and Corruption” estimates that integrating the existing Union monitoring mechanisms, such as the Cooperation and Verification Mechanism, the Justice Scoreboard and the Anti-Corruption reports, into a broader rule of law monitoring framework would result in annual cost savings of €70 billion;
- the ALDE Party Manifesto for the 2019 European elections stated that “we shall establish a new effective mechanism outside the framework of Article 7 of the TEU to monitor violations of fundamental rights, civil liberties and the rule of law in the member states of the European Union on a regular basis. We call on the European Commission, as the guardian of the EU Treaties and on the basis of objective criteria, to enforce sanctions in cases of violations and create stronger conditionality between the rule of law and receipt of European funding”;
- the President-elect of the European Commission, Ursula von der Leyen, in her Political Guidelines for the next European Commission 2019-2024, expressed her support for an additional comprehensive European Rule of Law Mechanism, “with an EU-wide scope and objective annual reporting by the European Commission”;

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- the President of Renew Europe group in the European Parliament, in a letter addressed to the President-elect of the European Commission on 11 July 2019, reaffirmed the need for a commitment by the new European Commission to setup a European Rule of Law Mechanism that includes a sanctions regime, based on independent experts and reviewing of each Member State to deal with possible breaches of the values referred to in Article 2 TEU;
- in its communications issued on 3 April 2019 and on 17 July 2019 the European Commission set out some possible initiatives grouped around three pillars: promoting a rule of law culture, preventing rule of law problems, and responding effectively to breaches of the rule of law; Regrettably, this long-expected provision is much weaker and narrower in scope than the European Parliament's proposal;
- on 8 April 2019 the European Commission registered a European Citizens' Initiative (ECI) entitled "Respect for the rule of law within the European Union" with the aim to create a mechanism for objective and impartial assessment of the implementation of the European Union's values by all Member States.

Considers that:

- European values, as referred to in Article 2 TEU - human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities are not negotiable;
- the recent cases of breach of the Rule of Law in some EU countries underlines the urgency and importance of a European Rule of Law Mechanism (ERLM);
- the creation of such mechanism is a primary political target for the present legislature;
- in order to ensure the impartiality of the decisions that might be taken in the framework of the ERLM, it is very important to provide for the involvement in the ERLM of juridical expert committees such as the European Union Agency for Fundamental Rights and the Venice Commission of the Council of Europe;
- ECIs and any other initiative from civil society aimed at raising public awareness on this topic are welcome.

Welcomes:

- the establishment of the "Democracy, Rule of Law and Fundamentals Rights Monitoring Group" within the European Parliament as a step to increase the focus on members states respect of Rule of Law.

Calls on:

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- the ALDE Party, its member parties, liberal Prime Ministers, Commissioners and MEPs to continue insisting that the Commission introduces a binding rule of law mechanism developed as an inter-institutional agreement jointly by the Parliament, the Commission and the Council, which would incorporate and replace all existing tools and would be applied on equal footing to all EU Member States, as provisioned in the report on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights from 2016, instead of the weaker additional instrument for monitoring the compliance with the rule of law through a Rule of Law Review Cycle and peer-review as currently envisaged by the Commission;
- the ALDE Party and its member parties to support the ECI entitled 'Respect for the rule of law within the European Union' and support any other initiatives from the European citizens and civil society aimed at creating effective tools to prevent and sanction possible breaches of the rule of law by EU Member States.

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