

For a European Rule of Law Semester

Introduction

In its position paper last October calling for action on the rule of law, Renew advocated the **establishment of a mechanism for democracy, the rule of law, and fundamental rights to ensure a coordinated and unified approach to existing tools.**

It is clear that when a violation occurs, European action remains too fragmented, inconsistent, and ineffective. Moreover, the current assessment instruments are only partially effective in properly monitoring the rule of law tendencies and timely identifying of worrying trends. This situation can no longer continue. It harms not only our credibility, legitimacy, and mutual trust between Member States but, above all, **the adequate protection of all European citizens against violations of their rights and freedoms.**

We cannot simply lament these violations. That is why **Renew has decided to put forward a concrete, ready-to-use proposal for the European institutions.** This proposal builds on ideas previously discussed in past legislative terms, updating, consolidating, and expanding them.

Specifically, inspired by the European Semester in budgetary matters, we propose the establishment of a **Rule of Law Semester**¹, assigning clear responsibilities to each institution. An interinstitutional agreement will be necessary to formalize the implementation of this cycle, also to favour synergies with existing initiatives such as Council's Rule of Law dialogues.

PHASE 0 - PREPARATORY PHASE: ANALYSIS

Work on the European Commission's Rule of Law Report

Parliament inspects the main features of the Rule of Law report in parallel with the Council's Rule of Law dialogues. Co-legislators should keep each other informed about the outcome of their respective processes.

STEP 1: COUNTRY-SPECIFIC GUIDELINES (June))

Publication of the European Commission's Rule of Law Report

The European Commission's Rule of Law report will continue to be published annually, but in June instead of July, in order to attract greater media attention and to ensure it can be presented to Members of Parliament before the summer break. . Moreover, several improvements would be introduced, including:

1. **Development of indicators** modeled on the *World Justice Project* to assess, for each Member State, the severity of violations found within each pillar/sub-pillar.
2. **Inclusion of milestones**, inspired by those in the Recovery and Resilience Facility (RRF), to clearly and precisely outline the reforms expected from the Member State.
3. **Clear and reasonable deadlines** associated with the milestones.

¹ The proposed cycle differs from the European Commission's rule of law cycle, which remains an internal exercise within the institution.

4. **Clear, comprehensive and inclusive evaluation procedures** with active and continuous dialogue and consultations not only with national governments but also with opposition parties and independent NGOs from different domains, such as human rights, justice, media, academia, civil society.

A reflection should also be initiated on the relevance of adding new pillars or sub-pillars. For example:

- Within the *media pluralism and freedom* pillar, there should be an analysis of tools implemented by Member States to combat disinformation and foreign interference.
- Under the *checks and balances* pillar, a sub-pillar on electoral integrity and respect for academic and artistic freedom should be introduced.
- Within the *judicial systems* pillar, the follow-up given to hate crimes should be examined.

The Commission must also ensure that the assessment of the existing sub-pillars is carried out in light of any potential new case law from the Court.

Additionally, recommendations from other Commission reports—such as the annual Enlargement Reports or the *EU Justice Scoreboard*—should be considered to avoid fragmentation of information and duplication of work.

The reports must also systematically include an assessment of the implementation of rulings by the CJEU and the ECtHR, and, where necessary, formulate recommendations in this regard.

In parallel, the **DRFMG (Democracy, Rule of Law and Fundamental Rights Monitoring Group)** within the European Parliament's LIBE Committee would prepare (November/December) a roadmap to assess developments in Member States where the rule of law has raised serious concerns as identified in the Commission's report. The objective is to determine whether, for each pillar/sub-pillar, the situation is improving, stagnating, or deteriorating. This will provide a **multi-year perspective**, allowing trends to be identified, assessing whether intentions translate into concrete actions, and detecting potential systemic violations of the rule of law. The standing rapporteur for the report presented in step 2 would be a member of the DRFMG, in order to ensure continuity and coherence in the work carried out.

STEP 2: COUNTRY ASSESSMENT (February-March)

European Parliament's report

The European Parliament's own-initiative report on the Commission's Rule of Law Report is often only adopted once the Commission is finalising its work on the following year's edition. This timing mismatch prevents the report from being taken into account in a timely manner and reduces its potential impact, as it effectively lags behind the process.

In our proposal, the Parliament would adopt its report in an expedited procedure, in order to streamline the process and save time. The report should provide added value by consolidating work and assessments from all European institutions:

(A) The Commission's report

- (B) The DRFMG roadmap (i.e., the Parliament's analysis)
- (C) The Council's annual Rule of Law dialogues (*where the Parliament should have a representative*)

Using this aggregated data, the European Parliament will state its position on the report and issue recommendations that will serve as the basis for the next step: **the implementation of enforcement measures**.

STEP 3 : IMPLEMENTATION (May))

Evaluation and potential sanctions by the Commission and the Council

This step introduces a new mechanism to address key shortcomings in the rule of law framework, notably the lack of institutional follow-up. Commission reports, Parliament resolutions, and Council dialogues can often be disjointed, limiting their impact. This suboptimal coordination undermines transparency and results in an inconsistent use of financial instruments - including insufficient transparency towards the European Parliament and key stakeholders. Inspired by the European Semester, the mechanism establishes an annual political checkpoint to reflect on the previous cycle before initiating the next. This checkpoint does not in any way prevent the Commission from activating any of the instruments at other points throughout the year.

Based on the European Parliament's report, the Commission will:

- **Review expired recommendations** and assess their implementation.
- **Consider trends analyzed by the DRFMG:** Is the Member State showing a willingness to act? Are there positive developments? If so, an **extension of the implementation deadline** could be considered.

However, there will be **no automaticity** in the choice of enforcement instruments. The Commission must retain **flexibility** to select the most appropriate tool.

A new "Rule of Law Restoration Fund" should be established under the next Multiannual Financial Framework (MFF) to provide financial support to Member States demonstrating a political commitment to change.

In the absence of progress, or where progress remains insufficient in cases of serious and/or systemic breaches of the rule of law, the Commission and/or the Council may decide to activate one or more existing instruments. Each of these tools could also be improved, notably in the following areas:

1. Infringement procedures

- Making these procedures should be more **systematic**, with stricter deadlines.
- Strengthen the role of the Court of Justice within the framework of infringement procedures, by providing it with greater resources, enhancing its operational capacity, ensuring systematic follow-up of its rulings, and encouraging a more proactive use of referrals.
- Article 2 of the Treaty should be used as a standalone legal basis.

2. Financial instruments

Enhanced Conditionality Mechanism:

- Replacing the current **qualified majority** rule with a **reverse qualified majority** for greater efficiency in activating the Enhanced Conditionality Mechanism for Article 2 breaches.
- Strengthening **human resources** dedicated to **continuous monitoring and risk analysis** in each Member State to ensure uniform application.
- The Rule of Law Report should include monitoring of the conditionality mechanism ;
- Introducing a “**smart conditionality**” concept to ensure that **final beneficiaries** of EU funds are not impacted, with proper guarantees for sound financial management.

Strengthened Enabling Conditions:

- Extending these conditions to **all EU funds**.
- Providing **greater clarity and transparency** on the criteria for blocking or unblocking funds (cfr step 3) and ensuring that the reasons for such decisions are explained to the European Parliament.

Overall, the logic applied to **RRF funding—where fund disbursement is linked to reform implementation—should be maintained**. Progress should be assessed not only in terms of meeting specific milestones, but also based on concrete results on the ground, so as to ensure it goes beyond symbolic gestures. This **proactive approach** significantly reduces procedural delays. Final beneficiaries must be protected as much as possible from any negative impact of conditionality.

3. Article 7 for severe and persistent violations

In cases of **serious and persistent breaches** of EU values, **Article 7 must be activated**. The EU should fully exploit **all possibilities provided by the Treaties**. A generalization of qualified majority voting would also make it easier to invoke this article. Ideally, **Article 7 should be reformed** to:

- Introduce a **gradual sanction mechanism** with a **binding timeline**.
- Establish **clear definitions** of what constitutes (A) a clear risk of violation ; (B) a serious violation ; (C) a persistent violation ; (D) the criteria for determining such violations.
- Avoid institutional blockage in fully leveraging EU Treaties for effective action;
- Initiate a debate on the reform of the Council voting rules to overcome vetoes and ensure greater responsiveness and foresee a role for the Court of Justice in the procedure;

When the Council holds **Article 7 hearings**, a representative from the European Parliament should be involved, alongside the Commission.

Conclusion

This proposal aligns perfectly with the 2024 mission letter of the **Commissioner for the Rule of Law**, which calls for **systematic links between the Commission’s recommendations and access to EU funds**, as well as a **stronger application of Article 7**.

The European Union stands at a crossroads. In the face of upheavals and threats, it must uphold its **values firmly and decisively**.

More than ever, European citizens must feel protected, ensuring that the EU remains a **space of freedom, rights, and unity**. **Let us apply our fundamental principles with the same rigor as our other policies. Together, let us create this European Rule of Law Semester.**