

Statement on the release of the 2022 Rule of Law Report by the European Commission

07/18/2022, Berlin

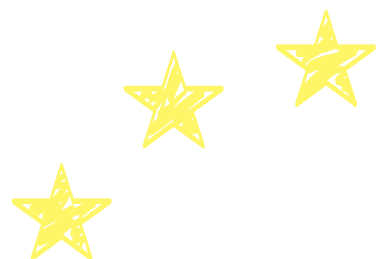
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Expertise: Rule of law, Democracy, Poland, Hungary

- The 2022 Rule of Law Report flags significant improvements. However, in some member states reasons for concern emerge in the areas of judicial independence, freedom of the media and "shrinking spaces" for civil society.
- The new conditionality mechanism for the protection of the EU budget opens up pathways to effectively curbing the rule of law regression.
- Fundamental principles of the EU must not be compromised for pragmatic political goals.

The following can be concluded from the 2022 Rule of Law Report: The EU should further refine the existing rule of law toolkit in technical terms. Yet, it is equally important to create a favourable political environment that facilitates the protection of the rule of law framework in each member state. The use of leverage in the event of violations of the rule of law is essential in this regard. The new conditionality mechanism for the protection of the EU budget has the potential to become a useful tool for that purpose.

It is extremely important to take decisive action today against violations of the rule of law. The future of the EU in terms of internal cohesion as well as external credibility depends on it.



Background information:

On 13 July 2022, the European Commission published the third annual Rule of Law Report. Each report contains a synthetic analysis of the overall rule of law situation in the European Union, followed by 27 country-specific chapters with detailed recommendations. It covers four dimensions: the justice system, the anti-corruption framework, media pluralism, and other institutional issues related to checks and balances. The Rule of Law Report is part of a broader mechanism to strengthen the rule of law in the EU.

The focus of the Commission's Rule of Law Report 2022 lies primarily on the freedom of the media and the independence of the judiciary. It also covers the use of Pegasus spy software in Europe and emergency measures during the COVID-19 pandemic.

Positive developments include the ongoing investments in digitization to advance the efficiency of judiciary and strengthening the autonomy of judicial bodies, the EU ranking among one of the least corrupt regions in the world, and improvements in the quality of legislative procedures.

Unfortunately, a lapse in some dimensions of the rule of law was also observed. In more than half of the EU member states, general opinion on the independence of the judiciary has deteriorated. Systemic concerns about the autonomy of the judiciary and the independence of prosecutors remain a problem, particularly in Poland and Hungary. The excessively long duration of criminal proceedings in corruption cases (Malta, Czech Republic, Spain) and the lack of a track record in prosecuting high-level corruption cases (Bulgaria, Greece, Hungary) are also a problem. In terms of media freedom, concerns emerge about the independence from political pressures (Hungary, Slovenia, Poland). Finally, in Poland and Hungary, "shrinking spaces" for NGOs due to insufficient access to funding, legal restrictions, or even smear campaigns could have a potentially chilling effect.

In January 2022, the Institute for European Politics (IEP) in Berlin initiated the RESILIO project. The goal is to establish an observatory for the rule of law in Europe. To this end, institutional and structural factors that contribute to the resilience of the rule of law will be identified. Based on this, ideas will be developed on how to prevent further democratic regression in the EU. The project is funded by Stiftung Mercator.

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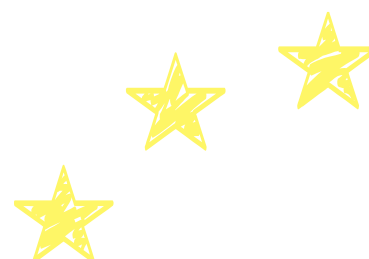
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About the IEP:

The IEP is a non-profit, non-partisan organisation concerned with European integration. Situated in Berlin, it is one of the leading foreign and European policy research institutions in the Federal Republic of Germany.

We work nationally and transnationally at the interface of science, politics, administration and political education. Our task is to scientifically investigate topics of European politics and integration in order to then promote the practical application of the research results.

The IEP offers a citizen-oriented, European and interdisciplinary forum as well as a platform for European policy debates among experts.

