



# RESILIO toolbox

## About the project

“RESILIO – Resilience Observatory on the rule of law in Europe” examines the ability of the rule of law to anticipate and withstand incremental threats and hazardous events without losing its core functions. The project focuses on the resilience of the rule of law, rather than evaluating the performance of the rule of law per se, or on its perception and experience.

RESILIO wants to offer a positive framework for researching the rule of law. Its added value derives from the adoption of the resilience perspective, and looking beyond the legal framework and technical debates. By choosing a preventive approach, RESILIO wants to deliver ideas on how to strengthen the rule of law not only to prevent attacks and slow down rule of law backsliding, but also to create a friendly habitat to boost rule of law resilience.

RESILIO identifies rule of law resilience factors and measures their performance in all 27 member states of the European Union (EU) in order to provide recommendations on how to strengthen the rule of law by making it more resilient. Furthermore, RESILIO looks beyond legal framework and institutional design, including determinants such as civic space, media landscape, political culture, or the overall socio-economic circumstances at a given moment in time.

## Introducing the RESILIO toolbox

Due to the emergence of illiberal populism, the last EU legislative period witnessed an ongoing erosion of rule of law standards in some member states, with the direst consequences in Hungary and Poland. As a result, the rule of law toolbox designed by the EU to directly address rule of law violations was equipped with new measures, like the Rule of Law Framework or the conditionality mechanism. Yet, its insufficient effectiveness triggered a broader debate about the pillars of rule of law resilience, such as the media, civic activity or political integrity. This corresponds with the interdisciplinary approach of RESILIO, based on both academic literature and institutional practice, to identify structural and political determinants of rule of law resilience.

The RESILIO toolbox draws from the results of a robust data analysis conducted in the project. First, it identified the dimensions, factors, and aspects of rule of law resilience and examined what role each of them played for the rule of law in the EU. Second, it revealed areas in need of immediate attention. Following this multidisciplinary approach, the purpose of the RESILIO toolbox is to collect the existing tools for strengthening rule of law resilience across the EU – both at EU and national levels, in order to better respond to existing deficits and blank spots.

The toolbox is a comprehensive index of already existing measures as well new policy approaches, delivering viable solutions to policy and decision makers committed to safeguarding the rule of law in the EU. This comprehensive set of existing and proposed policy measures is addressed to the European Commission, European Parliament, the Council of the European Union, and finally the European Citizens' Initiative.

The RESILIO toolbox is the final product of the RESILIO Observatory, complementing the [conceptual model](#) and ten explanatory [Snapshot Analyses](#); [Resilience Monitor data visualisation](#) and [full report "What makes the rule of law resilient? Evidence from EU27"](#), which showcase the empirical approach in measuring rule of law resilience; and [27 Country Reports](#) that provide a nuanced insight into the situation in each member state.

## Structure of the RESILIO toolbox

The toolbox neither analyses the division of competences within the EU (its supra-national organs)<sup>1</sup>, nor disputes the current areas of EU action (the exclusive, shared, supporting or special competences of the EU and member countries)<sup>2</sup>. Instead, it recaps the existing resources at the EU level for fostering rule of law resilience and suggests further directions for their development and implementation.


The RESILIO toolbox is organised in seven thematic areas:


- 1. Overall resilience**, looking at the existing rule of law toolbox of the EU and ways to overcome its deficiencies;
- 2. Institutional and judicial resilience**, embracing the actions aimed at improving the functioning of state institutions and the judiciary in member states and protecting them against political influence and corruption;
- 3. Media resilience**, offering ideas to foster media independence and press freedom;
- 4. Discourse resilience**, aiming to support European civic education and mitigate malign influence in the public debate;
- 5. Civic resilience**, tackling shrinking spaces and suggesting ways to include CSOs in decision-making and consultation processes;
- 6. Political resilience**, focusing on supporting democratic standards in member states and electoral integrity of national and EP elections;
- 7. Economic resilience**, identifying financing tools and economic incentives to improve rule of law resilience in member states.


For each thematic area objectives to improve rule of law resilience were identified, based on the conclusions delivered by RESILIO. Measures and policy approaches collected in the RESILIO toolbox address them directly, offering a broad spectrum of possible EU actions to improve rule of law resilience, directly (by improving the EU rule of law toolbox) and indirectly (through strengthening democracy across the EU).


<sup>1</sup> <https://eur-lex.europa.eu/EN/legal-content/summary/division-of-competences-within-the-european-union.html>


<sup>2</sup> [https://commission.europa.eu/about-european-commission/what-european-commission-does/law/areas-eu-action\\_en](https://commission.europa.eu/about-european-commission/what-european-commission-does/law/areas-eu-action_en)


THEMATIC AREA	OBJECTIVES	EXISTING EU-TOOLS AND POLICY PROPOSALS
<p>Overall resilience</p> 	<ul style="list-style-type: none"> <li>• Depoliticising the rule of law</li> </ul>	<ul style="list-style-type: none"> <li>• Formulating a <b>clear and unambiguous European definition of the rule of law</b> as laid out in primary law (Conditionality Regulation) as the defining, standard for all rule of law-related tools, accepted by all EU institutions as well as member states.</li> <li>• Adopting a common paradigm (“thick” or “thin” definition of the rule of law) and <b>developing a set of common rule of law standards and empirical benchmarks</b> to adjust preventive measures accordingly (Rule of Law Report, EU Justice Scoreboard, Rule of Law Dialogue).</li> </ul> <p>Source: <a href="https://library.fes.de/pdf-files/bueros/bruessel/20380.pdf">https://library.fes.de/pdf-files/bueros/bruessel/20380.pdf</a></p>
	<ul style="list-style-type: none"> <li>• Increasing the effectiveness of the existing rule of law toolbox</li> </ul>	<ul style="list-style-type: none"> <li>• Creating procedural pathways for member states to meet the recommendations listed in the annual <b>Rule of Law Report</b>.</li> <li>• Changing the <b>EU Justice Scoreboard</b> into an empirical and coherent rule of law index, becoming an authoritative point of reference in rule of law disputes.</li> <li>• Establishing a clear and permanent rule of law portfolio (permanent responsibility) by <b>one Commissioner</b>.</li> </ul> <p>Source: <a href="https://library.fes.de/pdf-files/bueros/bruessel/20380.pdf">https://library.fes.de/pdf-files/bueros/bruessel/20380.pdf</a></p> <ul style="list-style-type: none"> <li>• Addressing the political vulnerability of <b>Art. 7 TEU</b>: replacing unanimity and the veto right by qualified majority at the Council; reinforcing the automaticity of the response by including time limits to force the Council and the EUCO to take a position when the procedure is triggered; automatic sanctions five years after the proposal to trigger the procedure.</li> </ul> <p>Source: <a href="https://www.auswaertiges-amt.de/blob/2617206/4d0e0010ffcd8c0079e21329bbbb3332/230919-rfaa-deu-fra-bericht-data.pdf">https://www.auswaertiges-amt.de/blob/2617206/4d0e0010ffcd8c0079e21329bbbb3332/230919-rfaa-deu-fra-bericht-data.pdf</a></p> <ul style="list-style-type: none"> <li>• Introducing procedural changes to <b>Art. 7(1)</b> hearings: establishing the right for the European Parliament to attend Council hearings.</li> </ul> <p>Source: <a href="https://www.europarl.europa.eu/doceo/document/TA-9-2022-0204_EN.html">https://www.europarl.europa.eu/doceo/document/TA-9-2022-0204_EN.html</a></p> <ul style="list-style-type: none"> <li>• Preventing countries subject to the ongoing <b>Art. 7 procedure</b> from holding Council Presidencies and chairing hearings.</li> </ul> <p>Source: <a href="https://onlinelibrary.wiley.com/doi/epdf/10.1111/jcms.13551">https://onlinelibrary.wiley.com/doi/epdf/10.1111/jcms.13551</a></p>

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<p data-bbox="136 384 331 411"><b>Overall</b> resilience</p> 	<ul data-bbox="367 384 616 523" style="list-style-type: none"> <li>• Increasing the effectiveness of the existing rule of law toolbox</li> </ul>	<ul data-bbox="672 384 2101 799" style="list-style-type: none"> <li>• <b>Budgetary conditionality:</b> making the rule of law conditionality mechanism an instrument to sanction breaches of the rule of law and systematic breaches of the European values enshrined in Art. 2 TEU; if no agreement: extending the scope of budgetary conditionality to other behaviours detrimental to the EU budget; introducing conditionality, similar to NGEU, for future funds and establishing a stronger link to the European Semester.</li> </ul> <p data-bbox="672 549 1850 571">Source: <a href="https://www.auswaertiges-amt.de/blob/2617206/4d0e0010ffcd8c0079e21329bbb3332/230919-rfaa-deu-fra-bericht-data.pdf">https://www.auswaertiges-amt.de/blob/2617206/4d0e0010ffcd8c0079e21329bbb3332/230919-rfaa-deu-fra-bericht-data.pdf</a></p> <ul data-bbox="672 619 2101 799" style="list-style-type: none"> <li>• <b>Rule of law dialogue:</b> relaunching the horizontal discussion covering general rule of law developments in the EU and country-specific discussions addressing key developments one by one in each member state.</li> <li>• Expanding the <b>Rule of law dialogue</b> to candidate countries by introducing a forum for the most advanced candidates and current member states to exchange best practices and advance resilience.</li> <li>• Expanding the <b>Rule of Law dialogue</b> to other Council formations to complement discussions beyond the General Affairs Council.</li> </ul> <p data-bbox="672 823 1917 845">Source: <a href="https://eucrim.eu/news/council-launches-rule-law-dialogue/">https://eucrim.eu/news/council-launches-rule-law-dialogue/</a>; <a href="https://www.auswaertiges-amt.de/en/aussenpolitik/europe/-/2417932">https://www.auswaertiges-amt.de/en/aussenpolitik/europe/-/2417932</a>.</p>


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<p data-bbox="129 379 336 448"><b>Institutional and judicial</b> resilience</p> 	<ul data-bbox="367 384 645 624" style="list-style-type: none"> <li>• Capacity building and technical assistance</li> <li>• Transparency and fighting corruption</li> </ul>	<ul data-bbox="672 384 2110 932" style="list-style-type: none"> <li>• Strengthening public administration and state institutions across member states through <b>capacity-building in public administration, governance, the judiciary</b>: more technical assistance for institutions; adequate technical equipment (digital infrastructure) and salaries for personnel; Europeanisation of professional associations of magistrates and public servants.</li> <li>• Further developing the <b>EU network against corruption</b> to foster collaboration, identify trends and maximise the impact and coherence of European efforts to prevent and fight corruption. Source: <a href="https://home-affairs.ec.europa.eu/networks/eu-network-against-corruption_en">https://home-affairs.ec.europa.eu/networks/eu-network-against-corruption_en</a></li> <li>• Further developing and adopting the proposed <b>Directive on combatting corruption</b> by criminal law. Source: <a href="https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2516">https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2516</a>; <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2023%3A234%3AFIN">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2023%3A234%3AFIN</a>, <a href="https://ec.europa.eu/commission/presscorner/detail/en/qanda_23_2517">https://ec.europa.eu/commission/presscorner/detail/en/qanda_23_2517</a></li> <li>• Including all EU27 into the <b>European Public Prosecutor's Office (EPPO)</b> and making the participation mandatory with accession to the EU. Source: <a href="https://www.eppo.europa.eu/en/members">https://www.eppo.europa.eu/en/members</a></li> </ul>


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<p data-bbox="143 384 331 411"><b>Media</b> resilience</p> 	<ul data-bbox="367 384 645 488" style="list-style-type: none"> <li>• Protecting a pluralistic media landscape and media independence</li> </ul>	<ul data-bbox="672 384 2101 963" style="list-style-type: none"> <li>• Ambitiously implementing the <b>European Media Freedom Act (EMFA)</b>: advancing EMFA by protecting media pluralism and independence, harmonising freedom of information laws across member states. Source: <a href="https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5504">https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5504</a></li> <li>• Ambitiously implementing the <b>Anti-SLAPP legislation</b>: protecting journalists and human rights defenders in strategic lawsuits against public participation (SLAPP); advancing anti-SLAPP by means of diplomacy and domestic harmonisation. Source: <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0177">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0177</a>; <a href="https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13192-EU-action-against-abusive-litigation-SLAPP-targeting-journalists-and-rights-defenders_en">https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13192-EU-action-against-abusive-litigation-SLAPP-targeting-journalists-and-rights-defenders_en</a></li> <li>• Establishing <b>exchange programmes for journalists</b>, such as International Journalists' Programmes, at the EU-level to connect journalists in the EU and establish a platform for exchange and education. Source: <a href="https://www.ijp.org/en/?saveOptinHistory=&amp;cHash=73469d0e87cdd50333b8ee90817bacc0">https://www.ijp.org/en/?saveOptinHistory=&amp;cHash=73469d0e87cdd50333b8ee90817bacc0</a></li> <li>• Developing a <b>basic European media law for public broadcasters</b>, to protect them from political pressures and establish common standards across the EU.</li> </ul>

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<p data-bbox="176 384 293 448"><b>Discourse resilience</b></p> 	<ul data-bbox="367 384 647 485" style="list-style-type: none"> <li>• Awareness raising and citizen education for informed EU citizens</li> </ul>	<ul data-bbox="669 384 2092 448" style="list-style-type: none"> <li>• Putting the <b>Digital Service Act</b> and <b>Defense of Democracy Package</b> in action to counter malign influence and foster transparency, especially in the digital sphere.</li> </ul> <p data-bbox="669 469 2047 528">Sources: <a href="https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package">https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package</a>, <a href="https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4843">https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4843</a>, <a href="https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6453">https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6453</a>.</p> <ul data-bbox="669 576 2107 719" style="list-style-type: none"> <li>• Building on the “<b>EU Back to School</b>” initiative: promoting the understanding of political and legislative processes within the EU through active and participatory educational methods in cooperation with the European institutions and for acquiring the same competences and knowledge on the functioning of the European Union across all member states.</li> <li>• Developing more targeted <b>financial support for youth organisations</b> who are involved in civic education programmes.</li> </ul> <p data-bbox="669 735 2101 794">Sources: <a href="https://jef.eu/resolution/strengthening-european-citizenship-education/">https://jef.eu/resolution/strengthening-european-citizenship-education/</a>, <a href="https://germany.representation.ec.europa.eu/der-eu-leben-arbeiten-und-studieren/europa-der-schule_de">https://germany.representation.ec.europa.eu/der-eu-leben-arbeiten-und-studieren/europa-der-schule_de</a></p> <ul data-bbox="669 842 1749 874" style="list-style-type: none"> <li>• Launching a <b>unified citizen education programme</b> based on a common European curriculum.</li> </ul> <p data-bbox="669 895 1442 919">Source: <a href="https://www.socialeurope.eu/european-citizenship-education-antidote-to-hate">https://www.socialeurope.eu/european-citizenship-education-antidote-to-hate</a></p>

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<p data-bbox="152 384 322 411"><b>Civic resilience</b></p> 	<ul style="list-style-type: none"> <li>Protecting the civil society from shrinking spaces (financial, legislative, political pressures)</li> </ul>	<ul style="list-style-type: none"> <li>Launching <b>smart capacity building of independent media and civil society organisations (CSOs)</b> by improving access to EU funds through direct grant-making and bypassing national intermediary institutions and providing assistance with reporting duties to support small CSOs. Source: <a href="https://library.fes.de/pdf-files/bueros/bruessel/20380.pdf">https://library.fes.de/pdf-files/bueros/bruessel/20380.pdf</a></li> <li>Upscaling the <b>EU CERV programme</b>: increasing funding and granting capacity, simplifying application procedures. Source: <a href="https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/cerv">https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/cerv</a></li> </ul>
	<ul style="list-style-type: none"> <li>Including CSOs in formal decision-making in the EU</li> </ul>	<ul style="list-style-type: none"> <li>Introducing an additional legal entity of <b>European cross-border associations (ECBA)</b> designed for cross-border cooperation of CSOs, to reduce legal and administrative burden when it comes to the recognition and establishment of non-profit associations engaging in activities in another member state; putting legal provisions in place to remove hurdles for cross-border activities of associations/NGOs, including equal treatment in fundraising regulation, access to donations, and related fiscal aspects. Source: <a href="https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4242">https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4242</a></li> <li>Further developing the <b>EU statute for associations</b>: including the third sector in policy and legislative framework as well as implementation by formulating a precise EU definition of NGOs or a European association for formally accessing civil dialogue (e.g. in European Semester). Sources: <a href="https://verfassungsblog.de/europe-needs-a-civil-society-strategy/">https://verfassungsblog.de/europe-needs-a-civil-society-strategy/</a>, <a href="https://www.europarl.europa.eu/doceo/document/TA-9-2022-0044_EN.html">https://www.europarl.europa.eu/doceo/document/TA-9-2022-0044_EN.html</a>, <a href="https://www.eesc.europa.eu/en/our-work/opinions-information-reports/information-reports/creation-european-statute-associations-and-ngos-incorporating-precise-definition-ngo-or-european-association-information">https://www.eesc.europa.eu/en/our-work/opinions-information-reports/information-reports/creation-european-statute-associations-and-ngos-incorporating-precise-definition-ngo-or-european-association-information</a></li> <li>Connecting civil society stakeholders from different countries and regions through <b>existing macro-regional strategies</b>. Source: <a href="https://ec.europa.eu/regional_policy/policy/cooperation/macro-regional-strategies_en">https://ec.europa.eu/regional_policy/policy/cooperation/macro-regional-strategies_en</a></li> </ul>



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<p><b>Political</b> resilience</p> 	<ul style="list-style-type: none"> <li>Enhancing participatory and democratic political culture at the EU level</li> </ul>	<ul style="list-style-type: none"> <li>Increasing citizen participation by following the blueprint of the <b>Conference on the Future of Europe</b> – a bottom-up, grassroots exercise, which allowed citizens to have a say on what they expect from the EU and have a greater role in shaping its future.</li> <li>Further developing and promoting the <b>European Citizens’ Initiative</b> to enhance participatory democracy at the EU level.</li> </ul> <p>Source: <a href="https://eur-lex.europa.eu/EN/legal-content/glossary/democratic-deficit.html">https://eur-lex.europa.eu/EN/legal-content/glossary/democratic-deficit.html</a></p> <ul style="list-style-type: none"> <li>Further developing the <b>European Democracy Action Plan</b> and the resulting <b>Defence of Democracy package</b>: transparency of foreign interest representation; strengthening electoral processes in the EU; inclusive participation of citizens and civil society organisations in public policymaking.</li> </ul>
	<ul style="list-style-type: none"> <li>Transparency in political processes, fair elections, and decision-making</li> </ul>	<ul style="list-style-type: none"> <li>Ambitious implementation of the <b>Regulation on the transparency and targeting of political advertising</b>: countering information manipulation and foreign interference in elections.</li> </ul> <p>Source: <a href="https://www.consilium.europa.eu/en/press/press-releases/2024/03/11/eu-introduces-new-rules-on-transparency-and-targeting-of-political-advertising/">https://www.consilium.europa.eu/en/press/press-releases/2024/03/11/eu-introduces-new-rules-on-transparency-and-targeting-of-political-advertising/</a></p> <ul style="list-style-type: none"> <li>Strengthening electoral integrity: more domestic <b>electoral monitoring and observatory missions</b> by OECD or Council of Europe; measuring irregularities in electoral laws and processes across the EU, especially concerning disproportionality of electoral systems and gerrymandering of constituencies.</li> </ul>

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<p data-bbox="176 384 297 448"><b>Economic resilience</b></p> 	<ul data-bbox="367 384 645 596" style="list-style-type: none"> <li>Investing in economic cohesion/overcoming economic disparities between countries and inequalities within countries</li> </ul>	<ul data-bbox="669 384 2101 839" style="list-style-type: none"> <li>Continued disbursement of the <b>Cohesion Fund</b>: providing support to member states with a gross national income (GNI) per capita below 90% EU-27 average to strengthen the economic, social and territorial cohesion of the EU. Source: <a href="https://ec.europa.eu/regional_policy/funding/cohesion-fund_en">https://ec.europa.eu/regional_policy/funding/cohesion-fund_en</a></li> <li>Including the economic dimension in the annual <b>Rule of Law Report</b> to monitor discriminatory practices violating the Single Market and their implications for the rule of law and democracy. Lowering the threshold for the European Commission to intervene in competition affairs if national competition institutions are captured. Source: <a href="https://www.europarl.europa.eu/doceo/document/A-9-2024-0025_EN.html">https://www.europarl.europa.eu/doceo/document/A-9-2024-0025_EN.html</a></li> <li><b>Rule of law conditionality mechanism</b>: Expanding the rule of law conditionality mechanism to all funds and all values enshrined in Art. 2 TEU, redirecting unused funds to fostering democracy and democratic institutions (CSOs, media) in countries affected by rule of law backsliding or facing autocratisation threats.</li> </ul>

## Imprint

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