

**Question for oral answer O-000107/2018
to the Council**

Rule 128

Sophia in 't Veld

on behalf of the ALDE Group

Roberta Metsola, Frank Engel

on behalf of the PPE Group

Subject: Need for a comprehensive Democracy, Rule of Law and Fundamental Rights mechanism

Two years ago, Parliament adopted a legislative initiative report on the establishment of an EU mechanism on Democracy, Rule of Law and Fundamental Rights (DRF)¹. The resolution recommends setting up an interinstitutional EU Pact for DRF. Such a pact would entail an annual DRF Report on Member States' compliance with the values laid down in Article 2 TEU, accompanied by country-specific recommendations, to serve as a basis for an interparliamentary debate and a permanent DRF policy cycle within the institutions. The DRF Pact would replace the crisis-driven, erratic and politicised approach that marks the EU institutions' responses to DRF challenges in the EU. Unfortunately, the Council and the Commission have not joined the effort to set up a DRF Pact. In the face of growing DRF challenges in the EU, such as those highlighted by the triggering of Article 7(1) TEU procedures, infringement procedures and cases before the CJEU, the creation of an EP rule of law monitoring group and various hearings and resolutions, it is clear that the EU urgently needs a permanent and objective mechanism to deal with these fundamental challenges.

In light of this:

1. Does the Council agree that the current approach is unsustainable, as it has proven unable to prevent or effectively address serious breaches of Article 2?
2. Does the Council agree that Article 7 TEU alone is not sufficient for an effective response to such breaches, especially if more than one Member State is subjected to a procedure under it, and that, therefore, a complementary and permanent interinstitutional mechanism is needed to deal with the growing DRF challenges?
3. In relation to the Commission's proposal on rule of law conditionality in the Union budget², does the Council agree with the position expressed in the European Court of Auditors' opinion³ that more specification of sources and guidance is needed to determine generalised deficiencies as regards the rule of law in Member States, and that the DRF Pact provides a mechanism fit for the purpose of determining such deficiencies?
4. Will the Council support setting up a DRF Pact, especially if the Commission so proposes in its forthcoming communication on the rule of law?

Tabled: 1.10.2018

Forwarded: 2.10.2018

Deadline for reply: 23.10.2018

¹ European Parliament resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights – Texts adopted, P8_TA(2016)0409.

² European Commission, Proposal for a Regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, COM(2018)0324, 2 May 2018.

³ European Court of Auditors, Opinion 1/2018, 17 July 2018.