



European Commission



Rule of Law

4 September 2013 - In a speech at the Centre for European Policy Studies, Vice-President Viviane Reding drew up a blueprint for a future rule of law mechanism for the European Union. (See [SPEECH/13/977](#))

1. Rule of Law Crises in Europe

"In all these cases, the Commission intervened after reflection and sometimes intense internal discussions, partly with strong words, sometimes with letters, and sometimes with Treaty infringement proceedings."



- *The Hungarian crisis that started at the end of 2011;*
- *The Romanian rule of law crisis in the summer of 2012.*

2. Drawing on Experience

"The EU Justice Scoreboard [...] is a first tool to provide comparative data assessing the quality, independence and efficiency of national justice systems. This could become the basis for a more comprehensive tool in the future."



- *European Semester / Justice Scoreboard*
- *Cooperation and Verification Mechanism*

3. Respecting certain principles

LEGITIMACY

"European Council conclusions and European Parliament resolutions endorsing with very broad majorities a new rule of law mechanism are from my perspective the absolute minimum required if we want to go further."

EXPERTISE

"A deep comparative knowledge of [Member States] systems is required to be able to pass judgment on what lies outside constitutional norms on the rule of law."

THE EQUALITY OF MEMBER STATES

"Any new tool to safeguard the rule of law has to be applicable in the same way – on the same threshold of a serious and systematic threat to the rule of law – to all Member States, big or small, North or South, East or West."

4. A two part plan

1. *"I see the best way forward as a two-step approach. The **first step** would be to exploit the potential offered already by the existing Treaties, in order to develop an improved mechanism for handling a future rule of law crisis."*
2. *"A **second step** could be to anchor a strong basis for a more far-reaching rule of law mechanism, which would include more detailed monitoring and sanctioning powers for the Commission, in an amendment of the Treaty."*



1. *Giving "formal notice" to a Member State where we have reason to believe that a systemic rule of law crisis is on the way to developing.*
2. *Several Options, including infringement proceedings to uphold EU values; or a rule of law mechanism applicable to all Member States.*

Next steps:

A new rule of law framework for the EU