

## Towards an enhanced European rule of law

The Congress of the Alliance of Liberals and Democrats for Europe (ALDE) Party convening in Dublin, Ireland, on 2-4 June 2022:

### Notes that:

- noting there is an absence of an effective and transparent system of accountability in the EU that allows member states to drift away from the core values of the European Union, thereby endangering the fundamental rights of European citizens, non-European minorities and stateless inhabitants of the European Union;
- recalling that each EU member state has contractually bound itself to comply with the European values of the Enlightenment, such as freedom, democracy, rule of law (characterised by the independent judiciary), human rights and open societies according to Article 2 TEU, and accepted a Union supervision for this;
- referring to the fact that as early as December 2017, after the unsuccessful rule-of-law dialogue with the Polish government, the European Commission submitted convincing reasons to the European Council as to why the constant interventions in the Polish judiciary pose a threat to compliance with common European standards, but the European Council has still not commented on this, although the danger has long since turned into systematic violations;
- deploring that the same applies to the motion by the European Parliament from August 2019 on the situation in Hungary, when the Council dealt with the Article 7 request only half-heartedly and postponed any decision, which severely damaged the European Council's authority to ensure that EU values are upheld;
- being concerned that the Council dealt with the Article 7 requests only half-heartedly and postponed any decisions and that this has severely damaged the European Council's authority to ensure that European values are upheld;
- welcoming that in 2020, the Commission started presenting an annual report on the rule of law in all EU Member States and the Council's decision to conduct a "legal state check";
- the European Council has failed to give a clear focus to the period of reflection, and lacks considerably the political will and the capacity to stimulate and manage the European dialogue;
- highlighting the crucial role of the Renew Europe group in the European Parliament when passing a new EU conditionality instrument at the end of December 2020 allowing the European Commission to withhold EU funds if there are serious violations of the rule of law;

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- recognising that EU regional funds can be withheld if there are serious violations of the rule of law based on new EU conditionality instrument that passed end of December 2020 and that actions of annulment were rejected by European Court of Justice in February 2022;
- acknowledging that the European Commission has declared it would trigger the Rule of Law Conditionality mechanism against the Hungarian government in April 2022, aiming to link the payment of EU cash to respect for the rule of law;
- encouraging measures that bring Poland and Hungary back to the common foundation of the Union, including dialogue with Polish and Hungarian civil society and the opposition.

**Against this background, the ALDE Party:**

- declares that no EU funds should be disbursed to Poland before all rulings of the European Court of Justice have been fully implemented;
- in case the Commission makes any payments to Poland before the criteria have been fulfilled, the ALDE Party calls on the Renew Group in the European Parliament to withdraw its confidence from the Commission and to table a motion of censure;
- calls upon the European Council to finalise the two article 7 procedures against Poland and Hungary in 2022;
- asks the Council of the European Union to align its annual rule of law check more closely with the Commission's annual reports and allow for urgent discussions in the Council on serious rule of law concerns in individual Member States;
- calls on the European Commission and European Council to agree on the institution of a five-year review cycle where Member States, in turn, are held accountable for laws and policies that are contrary to the values of article 2 TEU. Infringements should lead to: penalty's in subsidies, decreased eligibility of citizens of an infringing member state for European office, Member States in line for the presidency;
- stresses the importance that all annual reports from the Council and the Commission use independent expertise, e.g., from the European Fundamental Rights Agency and the bodies of the Council of Europe such as the Venice Commission;
- requests the Commission to apply the conditionality mechanism vigorously to avoid that EU funds will be used to finance autocratic rulers;
- expects from the Commission that it only authorises national programmes under the next Generation EU instrument if there are sufficient rule of law guarantees in the recipient country;
- asks the Commission to further strengthen the interaction between the rule of law and democracy by supporting free and independent media; considers in that respect that European Media Act should lay down

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fundamental guarantees, which would make it an infringement of European law if the government of a Member states cracks down independent media;

- calls upon the European Parliament to continue monitoring the rule of law action of the Council and the Commission on a regular basis in its LIBE committee, including through its democracy, rule of law, and fundamental rights monitoring group to hold a yearly rule of debate in the plenary;
- calls upon the ALDE Bureau, ELF and other liberal organisations to make the protection of the rule of law in the EU a priority of its outreach and public activities;
- wishes to continue the dialogue with the governments of the Member States concerned;
- considers it of paramount importance to conduct direct discussions about European values with citizens, cities and regions in all EU Member States.

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