

Follow-up to the European Parliament non-legislative resolution on the Commission's 2024 Rule of Law report

- 1. Rapporteur:** Ana Catarina MENDES (S&D/PT)
- 2. References:** 2024/2078(INI) / A10-0100/2025 / P10_TA(2025)0129
- 3. Date of adoption of the resolution:** 18 June 2025
- 4. Competent Parliamentary Committee:** Committee on Civil Liberties, Justice and Home Affairs (LIBE)
- 5. Brief analysis/ assessment of the resolution and requests made in it:**

The Resolution welcomes the preventive tools in the rule of law toolbox, such as the annual Rule of Law Cycle, the EU justice scoreboard, the European Semester, EU funds to support civil society, judicial networks and media freedom and the rule of law milestones in the Recovery and Resilience Facility (paragraph 75). It recognises the Commission's Rule of Law Report as a key preventive tool for monitoring the state of the rule of law across the EU, facilitating dialogue between Member States, and guiding reforms in areas such as judicial independence, anti-corruption, media freedom, and other checks and balances (paragraph 91) and acknowledges that the Commission's Rule of Law Report has become more comprehensive since its inception in 2020 (paragraph 92). The Resolution calls for a comprehensive interinstitutional mechanism on democracy, the rule of law and fundamental rights based on an interinstitutional agreement (paragraphs 99, 100). It expresses support for the inclusion of a Single Market dimension in the Rule of Law Report (paragraphs 66-72) as well as its extension to enlargement countries (paragraph 105). It welcomes the strengthened link with budgetary measures (paragraphs 73, 75, 77-79). At the same time, the Resolution calls for the inclusion in the Rule of Law Report of a separate pillar on equality (paragraphs 51-63, 92, 93) and for the Report to cover adherence to the rule of law by EU institutions (paragraphs 22, 98).

It discusses challenges to judicial independence, quality and efficiency (paragraphs 1-11) and calls for prison conditions to be covered by the Report (paragraph 18). The Resolution regrets the lack of progress in tackling high-level corruption in certain Member States, while welcoming the proposed anti-corruption Directive, calling for an accelerated revision of the EPPO Regulation and PIF Directive and for the EU's accession to GRECO (paragraphs 21-23, 25-27, 29). It calls for a swift implementation of the European Media Freedom Act and Anti-SLAPP Directive (paragraphs 32, 35), condemns state political interference in public service media (paragraph 39), calls for the banning of politically motivated surveillance (paragraph 40), condemns hate speech (paragraph 37) and calls for tackling foreign interference and

manipulation, including via social media (paragraphs 38, 88). It expresses concern regarding CSOs facing legal restrictions, lack of funding and attacks (paragraph 45), calls on the Commission and Member States to improve funding mechanisms for CSOs (paragraph 47) and welcomes the Commissions' plan to draft a strategy for the protection of civil society and human rights defenders (paragraph 50). Regarding the methodology, the Resolution calls for a structured civil dialogue framework to integrate civil society contributions into the annual Rule of Law Cycle, "as recommended by the EESC" (paragraph 44), for clearer language to evaluate compliance with EU values and for a greater focus on the implementation of recommendations with specific follow-up mechanisms and measurable benchmarks (paragraph 95).

The Resolution calls on Member States to promptly implement CJEU and national judgments (paragraphs 13, 15) and for the Commission to further develop the link between the Report and reactive instruments in calling for stronger action regarding infringements, under the Article 7 TEU procedure (paragraphs 74-76) and in the application of the Conditionality Regulation. Finally, it calls for the embedding of rule of law milestones in budgetary instruments, for the future Multiannual Financial Framework (MFF) to include robust rule of law safeguards applicable to all EU funds and for 'smart conditionality' allowing EU funds to bypass national governments undermining the rule of law (paragraphs 73, 77-79).

6. Response to requests and overview of actions taken, or intended to be taken by the Commission

The Commission welcomes the European Parliament's Resolution and fully shares its objectives for promoting, protecting, and reinforcing Union values, in accordance with Article 2 TEU. It has given the Resolution careful consideration. Many elements reflect the approach it is pursuing with its annual Rule of Law Report. The Commission looks forward to continuing the dialogue with the European Parliament based on the 2025 Rule of Law Report, which was adopted on 8 July 2025¹. The Commission appreciates the close cooperation with the European Parliament. Beyond Plenary debates, it has participated in various hearings and meetings organised by the LIBE Committee and its Working Group on Democracy, the Rule of Law and Fundamental Rights both on horizontal issues and concerning the rule of law situation in individual Member States. While an interinstitutional agreement (paragraphs 99, 100) could help to frame the discussion, it could be difficult to negotiate, with the risk that discussions focus on procedure rather than substance. At this stage, the Commission would favour making the most of the interinstitutional cooperation framework as it stands, fully using its

¹ 2025 Rule of Law Report, The rule of law situation in the European Union, COM(2025)900 of 08.07.2025.

potential for further development. The Commission is open to setting up an informal contact group, where Commission representatives would be available to conduct regular discussions with Members of Parliament and where the Presidency of the Council and relevant Member States could also be invited.

The Commission welcomes the European Parliament's support for the inclusion, in the Rule of Law Report, of a Single Market dimension (paragraphs 66-72), and its extension to enlargement countries (paragraph 105). Rule of law and good governance are essential to create an overall stable economic environment and the necessary conditions for economic operators to take full advantage of the opportunities offered by the Single Market. The inclusion of enlargement countries alongside Member States will support rule of law reforms aiming to firmly and irreversibly anchor democracy and the rule of law in enlargement countries ahead of and after their accession. This approach is fully coherent with the existing enlargement process, in particular, as recommendations to enlargement countries will continue to be issued in the annual enlargement reports. The rule of law is at the heart of the enlargement process, in line with the revised enlargement methodology agreed in 2020, and both progress and state of play in this field continue to be closely evaluated in this context. Another aspect of an evolving EU is to further extend the inclusion of other enlargement countries in the Rule of Law Report in the future as and when they are ready.

As for the strengthened link between the rule of law and EU funds (paragraphs 73, 75, 77 - 79), as set out in President von der Leyen's Political Guidelines, respect for the rule of law is a must for EU funds. On 16 July 2025, the Commission adopted its proposal for the 2028-2034 MFF², in which it makes clear that the principles of the rule of law and the Charter of Fundamental Rights are non-negotiable. It is essential that EU spending has strong safeguards on the rule of law to guarantee the protection of the EU's financial interests. Therefore, it confirms that the Conditionality Regulation³ will continue to apply to the whole of the EU budget. At the same time, experience with the current financing instruments shows that EU financial support for investments and reforms that strengthen the rule of law can offer real added value. The national and regional partnership plans ensure a strong link between the recommendations in the Rule of Law Report and financial support for targeted reforms and measures that boost institutional and civil society capacities in upholding the rule of law. These plans require that Member

² Commission Communication on A dynamic EU budget for the priorities of the future – The Multiannual Financial Framework 2028-2034, COM(2025) 570 final/2 of 16.07.2025. Proposal for a Council Regulation laying down the multiannual financial framework for the years 2028 to 2034, COM(2025) 571 final.

³ Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget.

States respect the principles of the rule of law and the Charter of Fundamental Rights, building on features of the Common Provisions Regulation and the Recovery and Resilience Facility. In the next financial framework, there should be, as today in NextGenerationEU, a possibility to block payments in case of systemic deficiencies linked to the rule of law.

As regards the call to expand the scope of the Report to all values under Article 2 TEU (paragraphs 93), the Commission points out that the Report is only one element of a broader endeavour at EU level to strengthen the founding EU values, including democracy, equality, and respect for human rights. This includes the measures, including legislation⁴, already in place following the European Democracy Action Plan and the Defence of Democracy Package, and as reviewed, *inter alia*, in the 2024 report on the Elections to the European Parliament⁵. These will be further developed, including in 2025 when the Commission will propose a European Democracy Shield, which will provide a strategic approach to safeguard, strengthen and promote democracy in the EU, reinforcing public trust. It also includes the 2020 Strategy to strengthen the application of the Charter of Fundamental Rights in the EU ("Charter strategy") with its thematic annual reports, and targeted strategies and measures to address the needs and challenges of specific groups of rights holders. Furthermore, the Commission monitors the respect of EU law, including the EU Charter of the fundamental rights, as part of its role as guardian of the treaties and launches infringement procedures as appropriate. As regards the potential release of all reports related to EU values at the same time (paragraph 92), the Commission notes that the EU Agency for Fundamental Rights' (FRA) Fundamental Rights Report is already published in summer as is the Commission's Rule of Law Report. The mid-term review of the Charter strategy is scheduled for publication in December 2025.

Concerning the call to add a dedicated pillar on equality (paragraphs 63, 92), as stated above, the Commission developed targeted strategies and measures to address the needs and challenges of specific groups of rights holders. The Commission would like to point in particular to the publication of the progress report on the EU anti-racism action plan, which provides an overview of progress achieved in the first three years of its implementation⁶. Furthermore, the Commission published its report

⁴ For instance Regulation (EU) 2024/900 of the European Parliament and of the Council on the transparency and targeting of political advertising.

⁵ Report on the 2024 elections to the European Parliament, COM(2025) 287 final of 06.06.2025

⁶ Report on the implementation of EU anti-racism action plan 2020-2025 and on national action plans against racism and discrimination, COM(2024) 419 of 24.09.2024.

on the LGBTIQ strategy⁷, which analysed how the situation of LGBTIQ people has evolved in the EU, what progress has been made, and which areas require greater focus to fully implement the strategy by 2025. Moreover, the Commission publishes an annual report on gender equality, which takes stock of where the EU and its Member States stand on gender equality. It highlights the EU's achievements in the five key areas covered by the Gender Equality Strategy and gives inspiring examples from the Member States and EU-funded projects in these areas. The Commission takes note of the European Parliament's call for enshrining the right to access to safe, legal abortion in the Charter. It recalls that any revision of the Charter would have to follow the same procedure as a revision of the Treaties and require a unanimous vote of all Member States in favour of such a revision. The Commission remains committed to doing all it can within the remit of its competence to advance fundamental rights and gender equality. In this respect, the Roadmap for Women's Rights⁸ strengthens the protection of women's health by supporting and complementing actions by the Member States regarding women's access to sexual and reproductive health and rights, in full respect of the Treaties. The Commission welcomes the European Parliament's condemnation of gender-based violence and remains committed to building a Union where women and men, in all their diversity, can live free from violence and stereotypes. In this respect, the Commission is determined in ensuring a swift implementation of Directive (EU) 2024/1385 ('Violence Against Women Directive') in all Member States given its importance in preventing and combating violence against women and domestic violence.

The rule of law is a founding value of the European Union, which EU Member States, institutions and bodies must respect. The Commission is not planning to add a dedicated chapter on Union institutions (paragraphs 22, 98) to the Commission's Rule of Law Report. The powers of EU institutions are clearly determined in EU Treaties and the legality of EU institutions acts can be reviewed by the Court of Justice. The decisions of the Court of Justice are binding on all EU institutions. In addition, the European Anti-Fraud Office and the European Court of Auditors make sure that EU institutions follow the rules when disbursing EU funds, while the European Public Prosecutor's Office (EPPO) is competent to investigate and prosecute criminal offences affecting the Union's financial interests. Also, the independent European Ombudsman investigates complaints about maladministration by EU institutions. Furthermore, including a chapter on Union institutions would require the Commission to report on itself, which would raise concerns in terms of impartiality and conflict of interest.

⁷ European Commission, Report on the Implementation of the LGBTIQ Equality Strategy 2020-2025, 25.09.2024.

⁸ COM(2025) 97 final.

The Report already covers four areas of systemic importance: national justice systems, anti-corruption frameworks, media pluralism and media freedom and other checks and balances, such as the civic space. The Commission has taken due note of the European Parliament's detailed comments on its findings and recommendations in these areas. The Commission underlines that efficient, well-functioning, and fully independent justice systems are essential for applying and enforcing both EU and national laws (paragraphs 1-11). Regarding the call for prison conditions to be covered by the Report (paragraph 18), it should be noted that, on 8 December 2022, the Commission adopted Recommendation (EU) 2023/681 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions. The minimum standards laid down in the Recommendation are not legally binding on the Member States. However, they serve as a reference point to improve the situation in prisons within the EU. The Commission is currently assessing the replies provided by Member States on their follow-up to the Recommendation and plans to submit a Report by the end of 2025.

The Commission welcomes the European Parliament's support and commitment for its proposal for a Directive on combating corruption and the constructive efforts made so far to advance the negotiations. It urges the co-legislators to swiftly resolve the remaining issues and conclude their discussions by the end of 2025. The Commission will continue to support the co-legislators in their efforts, aiming for a balanced and meaningful outcome that preserves the Commission's original objective to prevent and combat corruption effectively and efficiently across the EU. The Commission will also continue to monitor and assess the effectiveness of the anti-corruption frameworks in the Member States in its annual Rule of Law Cycle (paragraph 29). Furthermore, the Commission continues discussing with the other institutions the possibility of moving towards full participation of the EU in GRECO (paragraphs 22-23)⁹. It agrees with the European Parliament that the EPPO plays a key role in safeguarding the rule of law and combating corruption in the Union and updates on cooperation between the Member States and the EPPO are covered in the Rule of Law Report. Reflections on the benefits of extending the EPPO's competence to other cross-border crimes, in line with President von der Leyen's political guidelines and her mission letter to Commissioner McGrath, have started in the context of the High-Level Forum on the Future of EU Criminal Justice, in which the European Parliament also participates. The process of evaluating the EPPO Regulation is ongoing and should be concluded by 1 June 2026. The Commission will on that basis also launch the reflection on a possible proposal to revise the EPPO Regulation. Likewise, in 2026, the

⁹ Joint Communication to the European Parliament, the Council and the European Economic and Social Committee on the fight against corruption, JOIN/2023/12 of 3.5.2023, [EUR-Lex - 52023JC0012 - EN - EUR-Lex \(europa.eu\)](http://EUR-Lex - 52023JC0012 - EN - EUR-Lex (europa.eu))

Commission will present the third implementation report of the PIF Directive, which may be followed by a legislative proposal to revise the Directive. The Commission supports the European Parliament's call to the non-participating Member States to join the EPPO, to all candidate and potential candidate countries to establish a framework for effective cooperation with the EPPO, and to all relevant anti-fraud actors (Eurojust, Europol, the European Court of Auditors, OLAF and the EPPO) to step up their cooperation in the fight against crimes affecting the Union budget (paragraphs 25-27). Finally, the Commission also welcomes the European Parliament's recognition of the role of whistleblowers in exposing corruption and promoting transparency across both the public and private sector (paragraph 31). The Commission is determined to ensure that Directive (EU) 2019/1937 (the Whistleblowers' Directive)¹⁰ is effectively transposed in all Member States given its importance for safeguarding the public interest.¹¹

The Commission also welcomes the European Parliament's support for a swift implementation of the European Media Freedom Act (EMFA) and Anti-SLAPP Directive (paragraphs 32, 35). Regarding the Anti-SLAPP Package (Recommendation and Directive), the Commission welcomes the European Parliament's call on Member States to fully implement both instruments and, when transposing the Directive, to extend its application to also include national cases as encouraged by the Recommendation, since the majority of SLAPP cases occur at the national level. The Commission will continue to engage with Member States on the matter. There are indications that a very significant number of Member States intend to include national cases in the transposition of the Directive. Concerning the call on the Commission to put forward proposals to address SLAPP cases not covered under the current Directive, the Commission recalls the limitations of the legal basis of the Directive¹². As regards the EMFA, the Commission points out that Member States had to ensure compliance with most of its provisions by 8 August 2025. A correct application of the EMFA will help address a number of issues and recommendations in the Commission's Rule of Law Report (paragraph 39), related in particular to public service media independence or financing, media ownership transparency and the transparency and

¹⁰ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

¹¹ See, in particular, the Commission's Report on the implementation and application of Directive (EU) 2019/1937, of 3 July 2024, where the Commission acknowledged that, while Member States have transposed the Directive's main provisions, the transposition of the Directive needs to be improved on certain key areas, such as the material scope, the conditions for protection and the measures of protection against retaliation, in particular the exemptions from liability and the penalties. Report available at: eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52024DC0269

¹² In accordance with Article 81(2)(f) harmonisation measures need to concern: 'the elimination of obstacles to the proper functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States.'

fairness in the allocation of state advertising. In order to prepare for the August deadline, the Commission organised readiness checks of all Member States' legislation.

The Commission is looking at the issue of the use of spyware from various angles of EU law. It is important to address spyware in a comprehensive way, as it poses challenges in terms of rule of law and fundamental rights, data protection, media freedom, trade (dual use technology/export controls), cybersecurity, foreign interference and manipulation (paragraph 40). The EMFA prohibits the use of spyware (paragraphs 40, 86) against media service providers, their editorial staff or any persons who, because of their regular or professional relationship with a media service provider or its editorial staff, might have information related to or capable of identifying journalistic sources or confidential communications, unless this is necessary for the purpose of investigating one of those persons for certain serious crimes. An exception to such prohibition must also be in line with Article 52 of the Charter, i.e. it must be based on a law, which respects clarity and foreseeability, and be necessary and proportionate. Moreover, EU data protection law is fully applicable when public authorities process personal data for law enforcement and criminal justice purposes. National supervisory authorities and courts are competent under data protection law to ensure effective compliance with this legislative framework. Investigations are a matter for national authorities. And the Commission expects national authorities to thoroughly examine any allegations, also relating to spyware (paragraph 87). Where relevant, this issue is also covered in the Rule of Law Report, notably as regards the functioning of national checks and balances. The Commission continues to closely monitor the implementation by Member States of the Audiovisual Media Services Directive (AVMSD), including its Article 30, which contributes to the strengthening of the independent functioning of media regulators, an aspect covered by the media freedom and pluralism pillar of the Commission's Rule of Law Report. Moreover, the Commission shares the European Parliament's concerns about the erosion of democracies via mis- and disinformation (paragraph 38). Hence, the Commission has taken robust steps to enforce the Digital Services Act (DSA) in line with its goal to create a safer and more trustworthy digital space for EU citizens in which their fundamental rights are protected, including their right to hold opinions and to receive and impart information and ideas without interference. The Commission and the European Board for Digital Services endorsed the official integration of the voluntary Code of Practice on Disinformation into the framework of the DSA, eventually to become a relevant benchmark for determining DSA compliance regarding disinformation risks for its signatories.

The Commission welcomes the European Parliament's condemnation of the spread of hate speech, including in mainstream and social media (paragraph 37) as well as its call on the Council to extend the current list of EU crimes in Article 83(1) TFEU to include hate crimes and hate speech (paragraph 53). The DSA requires providers of hosting services, including

online platforms, to put in place easily accessible and user-friendly notice-and-action mechanisms to notify illegal content, including illegal hate speech. Providers are obliged to process these notices in a timely, diligent, non-arbitrary and objective manner. Additionally, on 20 January 2025, the Commission positively assessed the integration of the Code of Conduct on Countering Illegal Hate Speech Online into the framework of the DSA. The Code of Conduct strengthens the way signatories, which include all major social media platforms, deal with online content deemed to be illegal hate speech as defined by applicable laws. It will also facilitate compliance with and effective enforcement of the DSA in this specific area. It should also be recalled that the AVMSD requires Member States to ensure protection of users of audiovisual media services and video-sharing platforms from content inciting to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter.

In December 2021, the Commission proposed to extend the current list of 'EU crimes' set out in Article 83(1) TFEU to hate speech and hate crime. This would also enable the Commission to put forward a legislative proposal that harmonises the criminal law response to hate speech and hate crime, including on grounds such as sexual orientation, gender identity or disability (paragraph 56), which are not covered by Framework Decision 2008/913/JHA on combating racism and xenophobia by means of criminal law. The extension of the current list of 'EU crimes' set out in Article 83(1) TFEU requires a unanimous Council Decision, with the consent of the European Parliament. The Council has not yet reached an agreement. On the monitoring and reporting of hate crimes, and the support to victims (paragraph 53), the Commission has developed a range of policy measures, under the EU High-Level Group on combating hate speech and hate crime. The High-Level Group, composed of national authorities, international organisations and civil society representatives, has developed guidance, standards and good practices over the years in the following areas: hate crime recording, reporting and data collection, coordinated by the EU Agency for Fundamental Rights (FRA); hate crime training and capacity building for national law enforcement coordinated by the Commission and the EU Agency for Law Enforcement Training (CEPOL); as well as hate crime victims support coordinated by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). In addition, the Citizens, Equality, Rights and Values (CERV) programme contains a specific priority on 'protecting EU values and rights by combating hate speech and hate', with dedicated budget for projects in this area.

As regards the concerns about foreign interference in the Member States (paragraph 88), the Commission presented, as part of the Defence of Democracy Package, a proposal for a Directive on interest representation carried out on behalf of third countries, which is currently being discussed by the co-legislators. Instilling transparency on interest representation activities carried out on behalf of third countries would support the prevention of foreign interference. Furthermore, Regulation

(EU) 2024/900¹³ (paragraph 83) establishes EU common standards in the internal market on transparency of political advertising services and contributes to a higher resilience of the EU electoral systems. It addresses foreign interference in elections by requiring providers of political advertising services, in the three months prior to an election or referendum, to provide services exclusively to clients from the EU, with the option for Member States to impose stricter rules. The Commission is committed to ensuring and supporting the smooth entry into application of the Regulation on 10 October 2025. The Commission believes in structural solutions that protect the integrity of information space (paragraph 88), consisting, among others, of the DSA and the Code of Conduct on Disinformation, which together provide a strong framework for platform accountability. Furthermore, the EMFA provides for coordination by the European Board for Media Services of national regulatory measures related to the dissemination of or access to media services originating from outside the Union or provided by media service providers established outside the Union that, irrespective of their means of distribution or access, target or reach audiences in the Union where, *inter alia*, in view of the control that could be exercised by third countries over them, such media services prejudice or present a serious and grave risk of prejudice to public security.

The assessment of developments related to the framework for civil society (paragraph 45) has continuously been deepened throughout successive editions of the Rule of Law Report. The Report covers i.e. issues related to funding, the legal framework, participation in policy and decision-making and a free and safe operating environment for CSOs and human rights defenders, including, where relevant, the potential chilling effects of measures affecting those actors. Several recommendations related to the framework for civil society have been addressed to Member States in the previous Reports and the Commission has followed up on their implementation in the 2025 Report. As regards the call on the Commission and Member States to improve funding mechanisms for CSOs (paragraph 47), direct funding from the Commission to those organisations particularly through the CERV programme, the biggest ever EU programme to support CSOs active at local, regional, national and transnational levels and supporting fundamental rights, democracy and the rule of law, has already brought significant results. In the first four years of CERV implementation, CSOs were its main beneficiaries having received 77% of the awarded funds (this includes more than 5 600 CSOs across all Member States and eligible non-EU countries, for an overall EU funding of more than EUR 460 000 000). The funding and tools already in place, such as the CERV programme and its regranting mechanism, represent a powerful opportunity. The Commission keeps

¹³ Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising, OJ L, 2024/900, 20.3.2024, <http://data.europa.eu/eli/reg/2024/900/oj>.

exploring possibilities and learning on how these mechanisms are working to reach more organisations, particularly at grassroots level. As presented in the Commission's proposal for the 2028-2034 MFF, financial support for civil society organisations will remain a priority in the future EU budget, with efforts to simplify funding processes, reduce administrative burdens, and improve access through user-friendly digital tools. In particular, they will be increasingly supported by the AgoraEU programme, which will replace and integrate the current CERV programme with a significant budgetary reinforcement compared to the 2021-2027 total envelope.

Regarding the Commission's upcoming Strategy on Civil Society (paragraph 50), the Commission would like to clarify that its main objectives will be to strengthen meaningful engagement with, as well as the protection and support of civil society organisations working on a broad range of EU policies and ensuring that they can carry out their work in an enabling environment. The Strategy will also include specific actions to address the shrinking civic space for civil society organisations and human rights defenders active in promoting and protecting fundamental rights, democracy and the rule of law. As regards the request for a structured involvement of civil society (paragraph 44), the Commission would like to recall that, in the framework of the country visits, the Commission conducts many meetings with national authorities, independent bodies and non-governmental and professional organisations, including CSOs. Responding to the Parliament and CSOs, the Commission increased the transparency and inclusiveness, extending the consultation periods and providing additional information online about the process, including the schedule of the country visits and network of national contact points on the rule of law. As part of the upcoming Civil Society Strategy, the Commission will step up engagement with civil society, including by creating a Civil Society Platform. This platform goes beyond the Rule of Law Report methodology, and will aim at setting up a systematic, structured dialogue with civil society organisations and human rights defenders on democracy, rule of law and related issues.

As regards the request for measurable benchmarks for the recommendations in the Rule of Law Report (paragraph 95), the Commission points out that the recommendations are addressed and tailored to each Member State and based on the clear and specific assessments contained in each country chapter. The Rule of Law Report is a preventive instrument, which by its nature is not legally binding, including as regards its recommendations. Furthermore, the Report is only one of the tools in the EU Rule of Law toolbox. While there are clear synergies between these tools, they remain separate instruments with different conditions under which they can be used and as such require a separate, detailed and time-sensitive assessment. The Commission has not hesitated to act, as guardian of the Treaties, in cases of violation of EU law, including the Charter, and will continue to do so, including through infringement proceedings. In line with the President's Political

Guidelines, each Commissioner will organise at least two Implementation Dialogues per year with stakeholders to align implementation with realities on the ground. The Commissioners will also prepare an Annual Progress Report on Simplification, Implementation and Enforcement.

The Commission agrees with the need for timely and effective implementation of CJEU and ECtHR judgments and with the observation that the non-implementation of court judgments violates the rule of law and undermines citizens' trust (paragraphs 13, 15). The implementation of ECtHR judgments has been added to the original topics covered by the first report, also following calls of the European Parliament. Instances of structural non-implementation of judgments are reported on as well. Furthermore, the Commission adopts annual reports monitoring the application of EU law¹⁴.

The Commission welcomes the European Parliament's support for a comprehensive toolbox (paragraph 77), including a strict application of the Conditionality Regulation for which the Rule of Law Report is a key source of information. As underlined by the Commission in its Communication on the 2028-2034 MFF, the Regulation is not time bound and will continue to protect the EU budget from breaches of the principles of the rule of law, as a last line of defence, applying to all EU programmes. The Commission constantly monitors the situation in all Member States and does not hesitate to take the necessary steps under the Conditionality Regulation when its conditions are met. Measures adopted under the Regulation can be adapted or lifted, if the Member State concerned addresses, in part or fully, the situation that had led to their adoption.

As regards the link with the future MFF (paragraph 78) and call for "smart conditionality" (paragraph 79), the Commission is supportive of finding solutions to protect final recipients. The Conditionality Regulation already provides for clear obligations for Member States in that regard to honour the obligations they have towards final recipients or beneficiaries and, when implementing EU funds under shared management, to report to the Commission on their compliance with those obligations. Article 5(2) of the Conditionality Regulation reflects the best solution with respect to protecting final recipients and beneficiaries that could be identified as legally possible by the co-legislators in 2020. The Commission constantly monitors the impact of budgetary protective measures, including whether the Member State concerned, in spite of the budgetary protective measures, is implementing the programme or fund affected by the measure, and in particular is respecting its obligations toward beneficiaries and final recipients.

As part of the post-2027 Multiannual Financial Framework proposals put

¹⁴ See the annual Report on the application of EU law, with the most recent edition published on 25 July

2024: https://commission.europa.eu/publications/2023-annual-report-monitoring-application-eu-law_en.

forward on 16 July 2025, the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security includes strong safeguards for the protection of recipients and beneficiaries. The new rules will require the Member States to have appropriate arrangements in place to ensure compliance with their obligations to continue payments to beneficiaries, recipients, final recipients, contractors and participants in the event of interruption of payment deadlines or suspension of Union funding, financial corrections or other measures to ensure the protection of the Union's financial interests. This includes any measures adopted under the Conditionality Regulation. Member States will be requested to provide guarantees in that respect when submitting their national and regional partnership plans. Amounts lost because of unresolved breaches in a given Member State may be reallocated to other Union instruments or programmes implemented under direct or indirect management, in particular those contributing to supporting Europe's democracy, civil society, Union values or the fight against corruption, subject to the agreement of the budgetary authority.

The Commission continues to share several concerns expressed by the European Parliament in its reasoned proposal of 12 September 2018 triggering the Article 7(1) TEU procedure for Hungary. The Commission remains available to participate in hearings and state of play points in the Council and provide updates as relevant. It remains of the view that the procedure should be maintained as long as the issues that triggered it are not solved. It is for the Council to decide on next steps in the Article 7(1) TEU procedure, acting by a majority of four fifths of its members and after the consent of the European Parliament. A determination under Article 7(2) TEU that a serious and persistent breach exists would require unanimity in the European Council and the consent of the European Parliament.