

## Mission project 1: Reforming rule of law instruments

### What is the problem?

Some Member States no longer operate under the rule of law. The Polish and Hungarian governments, for instance, have already undermined the independence of their judiciaries and civil rights. The EU has tried to put pressure on these countries to reverse their policies with sanctions and by withholding EU funds. Such instruments are not effective enough, however. We need to reinforce these instruments and make them more effective, but also to find new ways to protect the rule of law in Europe.

### What is the solution?

Making the existing rule of law instruments more effective is the first step. The following recommendations should help with this:

- The recommendations of the European Commission's **Rule of Law Report** should be given teeth.
- The *Citizenship Report*, as it now is, should be expanded into a **Citizenship and Democracy Report** and serve as the basis for implementing sanctions for unacceptable breaches, such as putting parts of the judiciary under direct government control.
- Discussion of both these reports should be made mandatory and the yet to be established **Copenhagen Commission** shall ensure Member States' uninterrupted compliance with the Copenhagen Criteria.

These three recommendations are crucial in order to increase public scrutiny of rule-of-law breaches and to make sure that everyone adequately heeds the state of the rule of law in Europe. Such scrutiny is key to raising the political stakes in fighting for the rule of law. Tackling this issue successfully is not merely a technical matter of finding the right legal tool.

The European Commission should put forward a proposal to extend the *Citizenship and Democracy Report*. MEPs running for election should promote these ideas in the 2024 European Parliament election campaign. In discussions with citizens, voters should be asked who they want to monitor the state of the rule of law and democracy in Europe. The findings should be used in setting up the Copenhagen Commission, which will represent the European public and provide expertise.

### How does it affect Europeans?

The European Union can deliver on its promises to citizens only if everyone – including the powerful – plays by the same rules and respects fundamental rights. More and more European citizens are disengaging from politics and democracy because they feel that rules apply only to them but not to those in power. Credibility is key to people's trust in democracy and its institutions. As we have seen, the rule of law is fragile in the hands of illiberal governments. Therefore, we need decision-makers to openly support improvements in the relevant instruments and to show the political will to protect the rule of law.

### What does it cost?

The cost of these recommendations is small. The extension of the Citizenship report is an easy fix that uses existing structures and does not add much additional cost beyond research. Besides the creation of a head office, the newly formed Copenhagen Commission could work with the infrastructure its members from the Commission, Parliament and other bodies already have at their disposal.

**Would you like more detailed information about this policy?**

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