



Motion

Proposer: PC1 (decided on: 03/26/2026)

Title: Regarding the Protection of the Rule of Law

Motion text

1 Resolution submitted by: JEF Political Commission 1 – Institutions and
2 Governance

3 Adopted by the Federal Committee in London on 23 March 2019. Re-adopted and
4 amended by the European Congress in Liège on 21 November 2021. Re-adopted and
5 amended by the European Federal Committee in Tartu, Estonia on 14 April 2024.
6 Re-adopted and amended by the European Federal Committee in Belgrade, Serbia on
7 19 April 2026.

8 ● Defining rule of law as a principle of governance where all entities are held
9 accountable to laws that ensure the separation of powers, prevent systematic
10 violations through universal legal consequences, and uphold the core values of
11 democracy, human dignity, and fundamental rights;

12 ● Strongly emphasising the rule of law as one of the core principles which the
13 European Union is built upon, as outlined in the Treaty on European Union (TEU),
14 the Treaty on the Functioning of the European Union (TFEU), the Charter of
15 Fundamental Rights of the European Union;

16 ● Alarmed by the increase in violations of the rule of law especially in the
17 area of fundamental civil rights and political freedoms in EU Member States
18 which has been seen leading to cases of growing authoritarianism such as in
19 Hungary;

20 ● Concerned about how governments and political parties instil and exploit

citizens' fears and uncertainties in order to justify measures which undermine the basic principles of democracy and limit civil liberties;

- Observing a gap between the Copenhagen Criteria and the Rule of Law Framework, that fails to prevent a decline in those same standards once a country is admitted as a member state;

- Stressing that when judicial questions are not addressed by an independent court, they become vulnerable to political pressure and the dynamics of consensus; ● Considering that the EU's legal framework still remains ill-equipped to deal with the violation of the rule of law in Member States; in particular, the Rule of Law procedure, outlined in Art. 7 of the TEU, whereby the EU is practically unable to sanction gross violations of EU fundamental values in the Member States, requiring a unanimous vote in the Council for sanctions to be activated;

- Recognising that the European Court of Justice (ECJ) is responsible for matters concerning state and European law to ensure uniform application across the Union, whereas the European Court of Human Rights (ECHR) serves as a court of last appeal for citizens whose fundamental human rights have been violated;

- Further recognising that the ECJ acts as the final arbiter for the interpretation and uniform application of EU law, thereby driving European integration and reinforcing the supranational character of the Union;

- Alarmed by the insufficient application of the conditionality regime that has been put in place since 2021, between European funds paid out to certain Member States and the state of the rule of law in these respective Member States;

- Further alarmed by the possibility of blackmail due to the unanimity principle when Member States breaking the rule of law condition their support on ending an Art. 7 procedure or unfreezing funds, such as Hungary blocking the EU's Ukraine aid packages;

- Noting with concern that permanent or long-term damage to a Member State's democratic framework may occur even during short periods of rule of law breaches and regretting that the EU process of assessing rule of law violations takes too much time;

- Reaffirming how a Federal Europe should exist only on the basis of the rule of law and solid democratic structures.

1) The Copenhagen Criteria are the requirements for joining the EU. The Rule of Law Framework is the mechanism intended to maintain these standards after membership, but it lacks the effective enforcement power seen in the pre-accession phase

JEF Europe therefore,

1. Calls on the governments of the Member States for Treaty changes to the procedure set out in Article 7 TEU with the goal of empowering the Council, the European Parliament, and the Commission to bring actions concerning a Member State's violations directly before the

Court of Justice, thereby shifting the decisive role from a strictly political process to an impartial judicial body;

2. Further calls on the governments of the Member States to eliminate the unanimity requirement within the Article 7 procedures and to instead establish a requirement for a qualified majority in the Council and a majority of members in the European Parliament²;

3. Calls upon the European commission to limit the dialogue procedure of the Rule of Law Framework with national governments who violate the rule of law to a strict timeframe;

4. Calls on all the European political parties and families and their representatives to take responsibility for the respective national parties being committed to European values and the rule of law;

5. Demands that Member States implement the decisions of the European Court of Human Rights as swiftly as possible;

6. Demands that all Member States formally acknowledge the primacy of EU law, while ensuring that ECJ judgments are directly applicable and binding.

2) Points 1 and 2 are inspired by the EP resolution of 22 November 2023. Amendment 11 proposes that the Council, acting by qualified majority, the Parliament, or the Commission may submit an application to the Court of Justice regarding serious and persistent breaches of Article 2 values Source: European Parliament resolution of 22 November 2023 (2022/2051(INL))