



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 encompassing legality, legal certainty,
9 prevention of abuse of powers, equality, non-discrimination, and access to
10 justice; 1a highlighting the mutual indispensability of rule of law, democracy,
11 and fundamental rights; [Annex I]

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

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

23 ● Observing a gap between the Copenhagen Criteria and the Rule of Law Framework,
24 that fails to prevent a decline in those same standards once a country is
25 admitted as a member state; [Annex II]

26 ● Stressing that when judicial questions are not addressed by an independent
27 court, they become vulnerable to political pressure and the dynamics of
28 consensus;

29 ● Considering that the EU's legal framework still remains ill-equipped to deal
30 with the violation of the rule of law in Member States; in particular, the Rule
31 of Law procedure, outlined in Art. 7 of the TEU, whereby the EU is practically
32 unable to sanction gross violations of EU fundamental values in the Member
33 States, requiring a unanimous vote in the Council for sanctions to be activated;
34

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

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

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

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

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

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

55 JEF Europe therefore,

56 1. Calls on the governments of the Member States for Treaty changes to the
57 procedure set out in Article 7 TEU with the goal of empowering the Council, the
58 European Parliament, and the Commission to bring actions concerning a Member
59 State's violations directly before the Court of Justice, thereby shifting the
60 decisive role from a strictly political process to an impartial judicial
61 process;

62 2. Further calls on the governments of the Member States to eliminate the
63 unanimity requirement within the new Article 7 procedures and to instead
64 establish a requirement for a qualified majority in the Council and a majority
65 of members in the European Parliament; [Annex III]

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

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

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

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

76 **Annex I**

77 **Based on the Rule of Law Checklist of the Venice Commission of the Council of**
78 **Europe;**

79 **Annex II**

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

83 **accession phase**

84 **Annex III**

85 **Points 1 and 2 are inspired by the EP resolution of 22 November 2023. Amendment**
86 **11 proposes that the Council, acting by qualified majority, the Parliament, or**
87 **the Commission may submit an application to the Court of Justice regarding**
88 **serious and persistent breaches of Article 2 values Source: European Parliament**
89 **resolution of 22 November 2023 (2022/2051(INL))**