

Upholding and Expanding the Rule of Law in the EU: Joint Recommendations Towards a Stronger and More Effective 2025 Rule of Law Report

April 2025

The undersigned 32 civil society, human rights, journalist and media support organisations call on the European Commission to strengthen the rule of law dialogue, improve the impact of the Rule of Law Report's recommendations and take decisive action against systematic human rights violations in EU Member States.

In 2025, the European Commission will publish its sixth annual Rule of Law Report - the first after the new Commission took office. The European Commission President, Ursula Von der Leyen - in her political guidelines and in the mission letter to the Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection, Michael McGrath - reaffirmed the Commission's commitment to upholding the rule of law, as a priority for the new College. Furthermore, one of the new additions was the explicit link of the rule of law recommendations to the access of EU funds as well as the extension of the Rule of Law Report to also cover the Single Market dimension.

The profound political shifts witnessed in 2024, a year marked by electoral upheavals and changing political landscapes across Europe and the world, are testing the resilience of democratic institutions, highlighting the need for continued and coordinated action in protecting the rule of law, democracy and fundamental rights in the EU. Upholding the rule of law is a top priority, and strengthening the Rule of Law Report is essential to this effort. Making it more effective requires closer collaboration with all key actors committed to the rule of law in the EU, including civil society organisations (CSOs), journalists, and academics.

While there have been notable improvements in the reporting process, particularly with more engagement on stakeholder consultations and extended reporting in some areas, concerns remain regarding the quality and effectiveness of the recommendations in its national chapters as well as their concrete follow-up.

The upcoming report will be a key test of the new Commission's ability to address these challenges and ensure that its recommendations translate into tangible action to uphold the rule of law standards across the EU Member States and the EU institutions. The following recommendations aim to strengthen the connection between the Rule of Law Report and

other relevant mechanisms and to address, among others, issues related to the implementation of court rulings, the protection of civic space and media freedom.

Our main recommendations to the Commission are:

1. Rule of law, democracy and fundamental rights must be key priorities in the new Commission's policies.
2. Improve the link between the Rule of Law Report and an enhanced rule of law toolbox.
3. Strengthen the link between the rule of law and the EU budget.
4. Continue the Rule of Law Report and improve its qualitative assessment analysis.
5. Take firm and systematic action against the non-implementation of court rulings.
6. Address continuing concerns regarding civic space and human rights.
7. Protect freedom of expression, freedom of information and media freedom.
8. Improve the visibility and awareness of the Rule of Law Report.
9. Ensure the EU's own actions do not undermine the rule of law.

1. Rule of law, democracy and fundamental rights must be key priorities in the new Commission's policies.

We welcome that the rule of law is a central priority in the new Commission's programme. This includes a commitment to improve its monitoring and reporting process with a tracking mechanism on the report's recommendations, and to step up enforcement through infringement proceedings and the reinforced application of Article 7 TEU. It also proposes new initiatives, particularly to strengthen the link between the rule of law recommendations and the EU's financial support to Member States. At the same time, democracy, fundamental rights and the fight against discrimination must also remain at the heart of these efforts, ensuring that the EU's response to the rule of law backsliding, with its existing and new initiatives, upholds these values.

At a time when democratic values face mounting pressures from both internal and external threats, the EU must critically assess and reinforce its rule of law toolbox. Ensuring that all Member States uphold the rule of law, democracy, and fundamental rights, enshrined in Article 2 TEU, requires not only robust mechanisms but also the political will to enforce them effectively. While existing tools such as the Rule of Law Report and the Conditionality Regulation provide a solid foundation, their success ultimately depends on continuous monitoring and rigorous implementation, free from political expediency considerations. To ensure this meaningful impact, the Commission must, under its rule of law framework, also engage in structured and consistent dialogue with any Member State concerned and other stakeholders, including civil society.

2. Improve the link between the Rule of Law Report and an enhanced rule of law toolbox.

To enhance the effectiveness of the Rule of Law Report, it is crucial to better integrate its findings with the broader rule of law toolbox, ensuring that monitoring efforts in the report translate into concrete enforcement actions by using complementary tools in the rule of law toolbox. The report should serve as a warning mechanism that identifies key challenges and triggers appropriate legal and financial responses when rule of law breaches are identified. For example, in cases of non-compliance, the Commission must move beyond reporting and take decisive enforcement action, with infringement procedures and financial penalties. The Conditionality Regulation should be used when rule of law breaches impact the EU budget, even before tangible damage occurs. For systemic rule of law violations, the Commission should consistently use its rule of law framework to open targeted dialogue with Member States, following up with Article 7 TEU proceedings when necessary. The rule of law toolbox should be applied consistently across all Member States, ensuring that responses are proportionate and effective.

As current EU responses to restrictions have often been reactive and fragmented, interventions occur only after the rule of law deterioration reaches critical levels, leaving limited scope for meaningful dialogue or reform. A shift to a preventive approach would aim to address early warning signs of rule of law deterioration, intervening before they produce negative impacts. This [requires](#) a proactive role by the Justice Commissioner as well as developing a mechanism for early action when the rule of law situation in Member States undergoes fast deterioration.

3. Strengthen the link between the rule of law and the EU budget.

As negotiations for the next Multi-Annual Financial Framework (MFF) take shape, the EU must seize this opportunity to further reinforce the link between financial instruments and rule of law compliance. While existing tools, such as the conditionality mechanism, allow for the suspension of funds in cases of serious rule of law violations, their scope remains narrowly tied to financial risks. Expanding the Conditionality Regulation beyond its current budgetary focus to encompass broader democratic backsliding would create a more robust enforcement framework for the rule of law.

Given the unprecedented restrictions and pressure on funding for civic space at the international and EU level and in several Member States, the MFF must prioritise direct, flexible and sustainable financial support for CSOs and independent media at national, regional, and local levels. These actors play a key role in monitoring the rule of law developments, exposing violations and safeguarding democratic values. Yet they often operate under financial and political constraints. The Commission must ensure that any initiatives aimed at strengthening transparency and accountability, including when EU funding is involved, do not undermine but rather enhance the capacity of CSOs and independent media to play their critical role in upholding democracy and the rule of law.

4. Continue the Rule of Law Report and improve its qualitative assessment analysis.

Over the years, the Rule of Law Report has become a key instrument for monitoring the rule of law developments across the 27 Member States, and it is essential to continue this effort. However, to enhance its credibility, the report must be recognised for its rigorous, transparent and consistent approach. As it stands, the report fails to have a meaningful impact beyond documentation. To strengthen its impact, the report must follow a clear and measurable methodology that tracks developments in each Member State and reflects the interconnectedness between the Article 2 TEU values. In order to become an effective tool to counteract rule of law breaches in EU Member States, the report should include specific, concrete, time-bound recommendations with measurable benchmarks to ensure visibility and accountability.

The Commission should also consider extending the rule of law cycle to better integrate follow-up mechanisms and ensure that implementation efforts are adequately monitored. The extended cycle should include updates on interim progress and structured dialogue between the Commission and stakeholders at national level, to assess challenges and successes in real time. When evaluating progress in implementing recommendations, the Commission should not solely depend on the information provided by Member States, especially regarding ongoing or planned reforms. Instead, it should assess the actual effectiveness and impact of these reforms to ensure an accurate and comprehensive evaluation. If Member States fail to implement the Commission's recommendations, this should automatically prompt further enforcement actions (from the rule of law toolbox) to maintain accountability and prevent any claims of politicisation.

5. Take firm and systematic action against the non-implementation of court rulings.

Member States have a persistent record of failing to fully implement rulings from the two European courts, the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR), resulting in inconsistencies between national laws and the requirements set by these courts. Specifically, as highlighted in this [report](#), 624 ECtHR decisions remain unimplemented in 2024. The same study showed that out of 201 CJEU's rule of law related rulings, only around half were fully complied with.

To address this, we urge the Commission to set up a dedicated unit to systematically monitor the non-implementation of the two European courts' rulings across all pillars of the Rule of Law Report. [Moreover](#), the Commission should issue targeted recommendations when instances of non-compliance arise, in cases of recurring or persistent failure to comply. The report should also have a dedicated section assessing each Member State's record on implementing CJEU and ECtHR rulings, highlighting persistent shortcomings and good practices.

6. Address continuing concerns regarding civic space and human rights.

Reporting on the rule of law violations is essentially connected to the capacity of CSOs and human rights defenders (HRDs) to operate freely and report democratic backsliding and human rights abuse at national level. For that, the Rule of Law Reports must provide a more systematic and in-depth assessment of civic space, ensuring that restrictions on CSOs and HRDs are thoroughly monitored and addressed. To achieve this, the report should include the tracking of specific indicators, including funding and operational restrictions, strategic lawsuits against public participation (SLAPPs), and burdensome reporting requirements.

At the same time, recurring violations of human rights that remain unaddressed, such as the right to protest and the freedom of expression, have been a concerning trend over the past years. The report must also follow an in-depth analysis of human rights issues across all pillars. A mechanism within the EU enabling civil society, journalists and media freedom organisations, and HRDs to report unlawful restrictions or attacks and ensure accountability for such violations must be established. The results of such a mechanism should feed into the Rule of Law Report recommendations in order to prioritise prevention rather than a reactive response from the EU.

To make the reporting cycle more transparent and participatory, we call on the Commission to strengthen its cooperation with civil society, independent experts and National Human Rights Institutions (NHRIs) to reduce the privileged position that Member States still hold in reporting. Particular attention should be paid to marginalised groups (e.g., women, LGBTQIA+ people, asylum seekers) whose access to rights is most difficult or even denied. This would enable a more consistent approach to addressing checks and balances concerning the rule of law, as well as the intersection between the rule of law, equality and fundamental rights, such as access to justice. In its assessment, the Commission should also build on the findings gathered by the EU Agency for Fundamental Rights (FRA) in its annual [report](#) on civic space and the findings of other international organisations.

Lastly, while integrating the Single Market perspective brings added value to the report, it should complement rather than overshadow fundamental areas such as civic space, compliance with human rights and media freedom, which should be recognised as key pillars in the report.

7. Protect freedom of expression, freedom of information and media freedom.

The media freedom environment in Europe continues to face significant [challenges](#), with growing concerns over political interference in editorial policies, especially in public service media, the use of spyware technology, and threats against journalists. Independent media outlets are increasingly targeted through restrictive laws and abusive lawsuits, and face economic barriers to financial sustainability, undermining pluralism and the freedom of information. These trends pose a serious risk to democratic accountability and the rule of law.

To address some of these issues, the European Media Freedom Act (EMFA), adopted last year, has been a crucial step towards improving the media environment, which remains a key point of concern in the report. However, serious concerns exist over the ability and willingness of Member States to adequately implement EMFA for it to achieve what it set out to do, namely to protect media pluralism and editorial independence in the EU. 2024 also saw the adoption of the Anti-SLAPP Directive, an important step towards protecting civil society and media, among others, from strategic litigation efforts aimed at silencing legitimate reporting. Although of considerable value, the caveat remains that the anti-SLAPP Directive only covers cross-border civil cases.

For these reasons, we propose that the Commission continues to closely monitor and report on the state of media freedom in the Member States within the framework of the Rule of Law Report - complementing other monitoring mechanisms on the implementation of media-related legislation - recognising that media freedom and pluralism are key contributing factors to the rule of law. The Commission should issue targeted recommendations, to mitigate risks to media freedom and pluralism, ensuring a comprehensive and transparent approach to protecting journalism and journalists across the EU. Such recommendations should also be made with reference to the implementation of the 2021 Recommendation on the safety of journalists, and should be - where necessary - critical of existing measures established by Member States, with proposals for technical, legislative and financial solutions that could be taken.

8. Improve the visibility and awareness of the Rule of Law Report.

The report should be accompanied by online country pages with user-friendly factsheets and all the necessary information on consultations, country missions and the implementation or non-implementation of recommendations by Member States. This would facilitate access to the process and understanding of rule of law issues for individuals and civil society alike.

To maximise the report's impact, communication efforts should include regular public outreach initiatives, such as awareness campaigns. Engaging with independent experts, journalists and their representative organisations and CSOs, especially those operating at the national and local level, could help disseminate key findings and encourage broader participation of citizens and stakeholders in discussions on rule of law issues. Furthermore, the publication of the report should be strategically timed to ensure maximum visibility and impact.

9. Ensure the EU's own actions do not undermine the rule of law.

To ensure the integrity of the Rule of Law Report, it is essential that the EU upholds the highest [standards](#) of the rule of law itself. Recent developments suggest a troubling trend of actions that weaken these standards, including the failure to conduct necessary impact assessments prior to legislative proposals, the introduction of legislation that risks violating

fundamental rights, and actions that undermine legal certainty in the legislative process, as seen recently with the Corporate Sustainability Due Diligence Directive.

To strengthen its commitment to upholding the rule of law, the EU should implement a mandatory human rights impact assessment for all legislative proposals put forward by the European Commission. Additionally, the EU must adopt a transparent approach in applying its rule of law instruments across Member States, establishing a rigorous self-assessment process and an independent oversight mechanism.

Signatories:

1. ACAT Belgium
2. Amnesty International
3. Association of European Journalists in Belgium
4. ARTICLE19
5. Civil Liberties Union for Europe
6. Committee to Protect Journalists
7. Demo Finland - Political Parties of Finland for Democracy
8. Democracy Reporting International
9. European Civic Forum
10. European Federation of Journalists
11. European Exchange / Europäischer Austausch
12. European Network Against Racism (ENAR)
13. European Partnership for Democracy
14. FIDH (International Federation for Human Rights)
15. Free Press Unlimited
16. Global Forum for Media Development (GFMD)
17. Human Rights League (Belgium)
18. Hungarian Helsinki Committee
19. IFEX
20. ILGA-Europe
21. International Press Institute (IPI)
22. Institute for Regional Media and Information (IRMI)
23. Irish Council for Civil Liberties
24. Kofi Annan Foundation
25. League for the Defence of Human Rights Romania
26. Ligue française des droits de l'Homme (LDH)
27. Media Diversity Institute (MDI)
28. Netherlands Helsinki Committee
29. Osservatorio Balcani Caucaso Transeuropa (OBCT)
30. Protection International
31. Reporters Without Borders (RSF)
32. RNW Media
33. Transparency International EU