



Council of the  
European Union

Brussels, 21 September 2023  
(OR. en)

13058/23

LIMITE

AG 102  
INST 342  
PE 114  
FREMP 252  
JAI 1182

#### NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	EP letter on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights - Examination of a draft Council reply

Delegations will find in annex a draft reply from the Council (see Annex I) to a letter from the President of the European Parliament to the Presidency on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights (see Annex II) to be discussed at the General Affairs Group at its meeting on 25 September 2023.

*Draft reply to the letter of 19 July 2023 from EP President Roberta Metsola.*

Brussels,

Dear President,

I wish to thank you for your letter of 19 July 2023 addressed to the Council Presidency.

The Council takes note of your suggestion for an interinstitutional pilot project on Democracy, the Rule of Law and Fundamental Rights which would be launched following a public endorsement by the Commission, the Parliament and the Council at the highest level.

As you know, the annual Council's Rule of Law Dialogue, already established in 2014, is conducted among all Member States within the Council to promote and safeguard the rule of law in the framework of the Treaties. The dialogue currently comprises every year a horizontal discussion, covering the general EU-wide trends in the field, and every semester a country-specific discussion, focusing each time on developments in five Member States. The goal of this tool is for Member States to learn about and from each other, to exchange best practices and to reach a common understanding of rule of law principles.

An evaluation of the annual Council's Rule of Law Dialogue is currently ongoing, with the objective of reaching consensus on Council conclusions by the end of the year: your suggestion will be discussed in the framework of this exercise.

I look forward to continuing our exchanges on our common objective, shared with all Union institutions and the Member States, which is to protect democracy, the rule of law and fundamental rights.

Yours faithfully,

Chairman of the Permanent Representatives Committee



**The President**

Mr Pascual Navarro Ríos  
President-in-Office  
Council of the European Union

D 308559 19.07.2023

Dear President-in-Office,

I am writing to you regarding the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights, and the possible ways forward.

Further to the European Parliament's report adopted on 7 October 2020 calling for the establishment of an Interinstitutional Agreement on Democracy, the Rule of Law and Fundamental Rights, the European Commission proposed to set up an interinstitutional contact group. The European Parliament particularly welcomes the Commission's proposal, along the lines of a closer cooperation between our three Institutions. With this in mind, the Coordinators of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) have endorsed an initiative to launch an interinstitutional pilot project on Democracy, the Rule of Law and Fundamental Rights.

The pilot project would be based on the annual Rule of Law report and other relevant EU reports. The initiative would be launched following a public endorsement by the Commission, the Parliament and the Council Presidency at the highest political level, at the beginning of this autumn. This meeting would show the continued commitment to uphold Union values. An in camera monitoring session would follow, organised by the LIBE Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG) with the Member States concerned (for instance during October II plenary session) as well as a hearing in the LIBE Committee with the participation of the Spanish Presidency. This Hearing would include a horizontal discussion on the state of democracy, the rule of law and respect for fundamental rights in both the EU and the specific five countries under monitoring.

Against the background of increasing challenges to the rule of law, democracy and fundamental rights across EU, this pilot project could foster a better cooperation between the Commission, the Parliament and the Council in view of a future interinstitutional agreement on this issue.

I would like to underline that this initiative does not mean, in any way, a change in Parliament's position with regard to its request to initiate the aforementioned interinstitutional agreement on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights in full respect of the principles of subsidiarity and proportionality.

Promoting and strengthening the respect for Union values can only be achieved together, through an open and frank dialogue. I am glad that our Institutions share that same view and I look forward to our ever-closer cooperation.

A similar letter has been sent to Ms Ursula von der Leyen, President of the European Commission.

I look forward to discussing the matter further with you.

Yours sincerely,



Roberta Metsola

Copy: Ms Vera Jourovà, Vice-President for Values and transparency  
Mr Didier Reynders, Commissioner for Justice  
Mr Bernd Lange, Chair of the Conference of Committee Chairs  
Mr Juan Fernando López Aguilar, Chair of the Committee on Civil Liberties, Justice and Home Affairs  
Mr Salvatore De Meo, Chair of the Committee on Constitutional Affairs