

(English version)

**Question for written answer E-002358/24
to the Commission
Nikolaos Anadiotis (NI)
(30 October 2024)**

Subject: Judiciaries at loggerheads with the civil governments of EU countries

Direct clashes have recently become apparent between the judiciaries and political systems of Member States (see the case of Salvini in Italy). ⁽¹⁾ ⁽²⁾

Bound by the European legal framework on issues such as immigration, judges are obstructing democratically elected governments that enjoy popular support and preventing them from enacting their policies by assuming political power and thus completely defying the will of the people.

In view of this:

What measures does the Commission intend to put forward in order to resolve this diversion of powers away from the government and the usurpation of popular sovereignty?

Submitted: 30.10.2024

**Answer given by Mr McGrath on behalf of the European Commission
(9 January 2025)**

The rule of law, democracy and human rights are the founding values of the European Union set out in Article 2 of the Treaty on European Union (TEU).

Under the rule of law, all public powers must always act within the constraints set out by national and EU law, in accordance with the values of democracy and respect for fundamental rights, and under the control of independent and impartial courts, irrespective of who holds political power.

The judiciary is at the heart of the rule of law and judicial independence, which is integral to the task of judicial decision-making, is a requirement in EU law stemming from the principle of effective judicial protection referred to in Article 19 TEU, and from the right to an effective remedy before a court or tribunal enshrined in Article 47 of the Charter of Fundamental Rights of the EU.

Since 2020, the Commission has been monitoring the respect of the rule of law in all Member States, including Italy, in the context of the annual rule of law report.

This includes the independence, efficiency and quality of the justice system, as well as a well-functioning system of institutional checks and balances.

¹ <https://www.cnn.gr/kosmos/story/439205/eisaggeliki-protasi-gia-eksaeti-fylakisi-ston-salvini-dilono-enoxos-gia-tin-yperaspisi-tis-italias>

² <https://left.gr/news/italia-antisyntagmatika-ta-teleytaia-metra-tis-kyvernisis-meloni-gia-metanasteytiko-amfisvitei>