

Rule of Law Backsliding in EU Institutions 2026

REPORT ON THE RULE OF LAW SITUATION IN
THE EUROPEAN PARLIAMENT,
EUROPEAN COMMISSION AND
THE COURT OF JUSTICE OF THE EUROPEAN UNION

The production of this report was supported by the Nézőpont Intézet Alapítvány

Executive Summary

EU Member States have a shared interest in a strong, effective and successful European Union. For this to happen, it is essential that its institutions themselves operate according to the principles of the rule of law, in accordance with the Treaty on European Union (TEU) and on the Functioning of the European Union (TFEU), using transparent and accountable procedures, respecting institutional competences, and ensuring fair and equitable judicial procedures.

However, there are risks of serious breaches of the rule of law in the European Parliament (EP), the European Commission (EC) and the Court of Justice of the European Union (CJEU). These risks are related to the existence of identifiable practices in the functioning of the EU institutions which are in contravention of the Treaties, arbitrary, covert and illegitimate expansion of powers (i.e., competence creep), and widespread corruption within the institutions. In many cases the foregoing is facilitated by the opaque functioning of the institutions, inadequate internal rules, and a lack of accountability. The primary findings of the 2026 report, the backsliding rule of law in the institutions of the European Union, are illustrated by the following four key pillars:

● **Abuses of power are becoming increasingly frequent on the part of the institutions of the European Union**

In the parliamentary term that began in 2024, a setback can be observed in the compliance of immunity decisions with rule of law expectations. The EP has decided in numerous cases to maintain the immunity of MEPs accused of corruption and violent acts. Suspicion arises that political backroom deals, rather than the protection of the EP's integrity, determine the fate of immunity requests.

Over the past year, the unanimous decision-making rights of member states have been infringed upon in several areas. The abolition of the votes repeated every six months to confirm the freezing of Russian assets, as well as the sanction on Russian gas voted on as a trade policy measure, erodes the foundations of the joint European decision-making system mandated by the treaties.

The provisional application of international agreements, which is not bound by any deadline, as in the case of the Mercosur agreement, jeopardizes legal certainty. Furthermore, the EC decided on the provisional application without the consent of the EP.

● **The proceeding against the Europe of Sovereign Nations is an attempt to discriminate a European political party**

A procedure is taking shape against Europe of Sovereign Nations on the grounds that the party allegedly fails to respect the values of the Union; the procedure may result in the deregistration of the party. During the procedure,

the opinion of a six-member committee of independent eminent persons must be sought and taken into account, despite the fact that the impartiality of certain members of the committee is questionable. One member of the committee is a member of the scientific council of the Foundation for European Progressive Studies (FEPS) linked to the Party of European Socialists; another member authored a study at the request of Die Linke in Berlin; and a third member of the committee ran in the 2019 EP elections under the banner of a member party of the Greens/European Free Alliance. Threatening the existence of a party enjoying the support of more than 10 million European voters across Europe is an attempt to restrict freedom of expression and party competition through administrative means.

● **The EU's funding of NGOs compromises transparency requirements and conflict-of-interest principles**

Accredited persons from interest groups lobbying in the EP can participate as external experts in the evaluation, monitoring, and management of EU funding programs, which leads to conflicts of interest.

Numerous civil society organizations are vocal in opposing the investigation or reduction of NGO resources, while themselves are beneficiaries of Europe's current NGO funding system. Among others, Transparency International (TI) too opposes the investigation into NGO funding, despite receiving over 44 million euros in nearly ten years in support from the European Commission, officially for the "fight against corruption". In the fight against making NGO funding more transparent, Transparency International's work is aided by MEP Daniel Freund, a former employee and accredited lobbyist of the organization, who routinely advocates during his parliamentary work for the financial interests of his former employer—namely, that Europe should increase rather than decrease funding for NGOs. The opaque distribution of public funds, as well as biased lobbying aimed at maintaining it, is incompatible with rule of law principles.

● **The excessive power of the European Court of Justice, as well as the questionable impartiality of several of its Judges and Advocates General**

Maria Berger was president of the youth wing of the Social Democratic Party of Austria (SPÖ) from 1984 to 1987, and an MEP between 1996 and 2009, during which she also served as head of the SPÖ's EP delegation. In 2009, the Austrian Werner Faymann government (SPÖ) appointed Berger as Austria's judge in Luxembourg, where she served until 2019. Despite her background in party-politics, Maria Berger is today a member of the panel provided for in Article 255, which can assess the suitability of candidates for Judge and Advocate General nominated by Member States to the Court of Justice of the European Union.

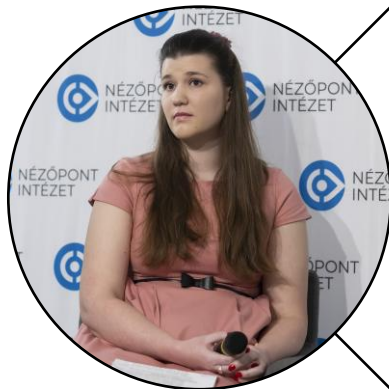
During a 2013 Croatian referendum, Tamara Čapeta advocated that marriage should not be defined as a union between a man and a woman. In 2018, also in an open letter, she expressed her disappointment regarding the EU's failure to sanction Hungary for its alleged steps violating the rule of law and called the Article 7 procedure a positive development. These public political stances raise questions as to whether later, as Advocate General, she formulated her opinions in cases concerning LGBTQ issues and the rule of law in Hungary impartially or based on her prior personal views. These examples can serve to create reasonable doubt as to the independence and impartiality of the judges and advocates general of the European Union.

Methodology

The frequently quoted Article 2 of the TEU emphasises that “*The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.*”¹ Recently the issue of the rule of law – one of the founding values of the European Union, with importance equal to the others – has been the subject of increased attention, especially in relation to Member States. So far less has been said about the fact that the rule of law must also be the basis for the institutional system and the functioning of the Union itself, even though throughout the historical development of the European Union the very purpose of the inclusion of the rule of law criteria in the Treaties has been to ensure that fundamental legal guarantees could also be applied in the functioning of the Union’s institutions.² Just as the Commission – as Guardian of the Treaties – acts as a monitor of the rule of law in the Member States³, (which originally meant treaty-compliant legislation) the Member States and civil society have a responsibility to raise awareness of the situation related to the rule of law in the Union, thus contributing to the EU remaining a community based on the rule of law.⁴

In recent years European political discourse has been dominated by the debate on the situation related to the rule of law in the Member States. This has become a topic that is liable to be revived at any time, due to the lack of a universally accepted definition of the concept of “rule of law”. The Venice Commission’s much quoted 2011 study also acknowledged that the rule of law is indefinable.⁵ Therefore, instead of giving a precise definition, that study sought to identify the fundamental pillars of the rule of law: legality, legal certainty, prevention of the abuse of power, equality before the law and non-discrimination, and access to justice. The Venice Commission added constitutional review and checks and balances to its existing pillars in May 2026.⁶ Although in recent years certain political actors have made great efforts to shape the concept of the rule of law according to their own values, at least the examination of the rule of law should reveal reality through honest fact-based findings. The report names several specific individuals; to avoid potential misunderstandings caused by matching names, the author of the report contacted them directly in order to confirm the information concerning them.

The project, implemented with the support of Nézőpont Intézet Alapítvány and authored by Lili Naómi Zemplényi has undertaken, for the third consecutive year, the analysis of the EU’s institutions from the perspective of the application of rule of law principles, bearing these requirements in mind. The objective of the research is to call attention to the risk of severe and persistent violations of rule of law principles in certain institutions of the EU. This year’s report examines the period between May 2025 and September 2026 in the institutional activities of the EC, EP, and the CJEU.



About the Author

Lili Naómi Zemplényi is preparing this Rule of Law Report analyzing the institutions of the European Union for the third time this year. The European Union expert completed her studies at University College London. She is an analyst at the Nézőpont Institute, and previously a guest contributor for the online public affairs magazine the Hungarian Conservative.

1. Abuses of power are becoming increasingly frequent on the part of the institutions of the European Union

1.1. Bypassing the rules of unanimity violates the rights of Member States

The equality of Member States is enshrined in Article 4(2) TEU, according to which "*the Union shall respect the equality of Member States before the Treaties*". It follows from this clause that (in matters enshrined in the Treaties) the voice of every Member State counts equally. Irrespective of the size, economic, or military power of the Member State, during discussions on accession or, for instance, common foreign and security policy matters, all Member States possess the exact same right to halt European decision-making.

Previous Rule of Law Reports⁷ have already drew attention to several measures that undermine the unanimity of Member States. These include, for example, the Anti-Coercion Instrument, which provides the possibility to reframe matters principally negotiated unanimously under the aegis of the Common Foreign and Security Policy into commercial issues (where a qualified majority is sufficient to adopt proposals). Among the cases already discussed is how the Union, citing Hungary's previous constructive abstention, disregarded the Member State's opinion in a later vote in 2024. During the migration crisis the decision to vote on the Union's new immigration rules at the ministerial level rather than at the level of heads of state and government similarly served to bypass the Member State veto.

1.1.1. Perpetual freeze of Russian assets

Similarly serving to disrupt the institution of unanimity was the decision made in December 2025, which permanently froze nearly 210 billion euros worth of Russian assets seized by the European Union.⁸ Before the Council's decision froze the assets of the Russian central bank for an indefinite period (this being a sanction measure), the unanimous approval of the governments of the 27 Member States, repeated every six months, was required for the Russian assets to remain frozen. The decision on the permanent freeze was adopted by qualified majority with reference to Article 122 of the TFEU. According to this, "*in a spirit of solidarity between Member States,*" if a Member State is in difficulties or seriously threatened with severe difficulties caused by exceptional occurrences, the Council may decide by qualified majority to grant assistance.⁹ In other words, citing that the potential unfreezing of Russian assets would expose Belgium (where the largest portion of the frozen Russian assets is located) to extraordinary danger, the Council, acting on a proposal from the European Commission, decided by qualified majority to make the asset freeze permanent.¹⁰ It is important to highlight that between early 2022 (when the assets were frozen) and December 2025, the Member States were always able to agree

jointly, by unanimity every six months, to maintain the freeze on Russian assets—yet in 2025, more than three years after the original asset freeze, the Commission decided to use an article essentially intended for "emergencies" to remove the possibility of mutual agreement from the hands of the Member States. It is clear that after the Member States were able to agree in 2022, 2023, and 2024, no special emergency threatened Belgium at the end of 2025. The fact that, on the proposal of the European Commission, they nevertheless switched to qualified majority voting shows how the institution of unanimity was weakened in a manner contrary to the rule of law within the institutions of the European Union.

1.1.2. Banning Russian gas from the Union

The total ban on Russian gas was also adopted by the EU through the circumvention of unanimity rules regarding Union sanctions. Since the beginning of the Russo-Ukrainian war, the European Union has adopted several measures intended to restrict the purchase of Russian energy (see, for example, the agreement on the level of the oil price cap¹¹). All these measures were clearly adopted by the Union with the aim of punishing and sanctioning Russia for its invasion of Ukraine. However, when the necessary unanimity was not available in the Council for the sanctions policy, as Hungary and partly Slovakia also opposed the decision¹², the Commission had its proposal on banning Russian gas adopted by a qualified majority under the veil of commercial policy.

Although the vote concerned a "trade policy" proposal, in terms of its content the provision can be considered a sanctions policy, since the primary effect it intends to trigger is the punishment of Russia and the weakening of its economy. Two factors demonstrate that this is not a trade policy move, but a sanction. On the one hand, the sanctioning nature of the move is shown by the fact that the Commission's proposal is directed solely against Russia. On the other hand, it is not a trade policy decision, but a sanctions decision, because it orders the total ban of Russian gas, whereas under Article 215(1) TFEU a sanction is what provides for "*the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries*". Citing the incorrect choice of legal basis as well as additional grounds¹³ Hungary brought an action for annulment before the Court of Justice of the European Union against the ban on Russian gas (C-46/26).¹⁴

1.1.3. Ukraine's accelerated EU accession process

There were also numerous examples of the violation of the veto power of Member States during Ukraine's accession process as well. In December 2025, it was reported that the Commission would advance Ukraine's accession negotiations on a "technical" level¹⁵ as Hungary's veto had blocked the opening of accession clusters and chapters. In other words, to circumvent the Member State veto, the

Commission did not officially open the next sections of accession negotiations for Ukraine, but *de facto* Ukraine nevertheless embarked under the Commission's guidance on the necessary series of reforms required by the (officially unopened) clusters and chapters. After Ukraine received extraordinary support regarding three clusters in December, the European Commission did the same with three additional clusters in March – all without the Member States having granted official authorization at the moment the decision was made for the Union to do so.¹⁶

1.2. The European Parliament systematically protects the immunity of MEPs accused of violence and corruption

The 2025 Rule of Law Report had already drawn attention to the rule of law deficit in the EP's immunity proceedings. According to its findings at the time, „the risk of political considerations influencing the duration of immunity proceedings undermines the stipulation that immunity is a guarantee of independence and not a personal privilege [of MEPs].”¹⁷ Lately, however, even more severe rule-of-law anomalies have come to light: political considerations influence not only the length of immunity proceedings, but also their final outcome.

According to Article 5(2) of the Rules of Procedure of the European Parliament¹⁸ „in exercising its powers on privileges and immunities, Parliament shall act to uphold its integrity as a democratic legislative assembly and to ensure the independence of its Members in the performance of their duties. Parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole, and of its Members.” From a rule-of-law perspective, questions may arise as to how the parliamentary mandates of Members accused of violent crimes or corruption are compatible with the "integrity" of the European Parliament, and how to reconcile with this „integrity” the EP's systematic refusal to waive the parliamentary immunity of politicians accused of such offenses. The EP's conduct during the term beginning in 2024 has in several instances suggested that the outcome of immunity cases was determined by political considerations rather than the defence of the EP's "integrity”.

1.2.1. In the case of certain MEPs, the EP abuses parliamentary immunity

In the past year, the European Parliament refused to waive the immunity of several MEPs in cases that triggered substantial political reverberations. This is true about the immunity cases of Ilaria Salis (The Left), Angelika Niebler (EPP), Ilhan Kyuchyuk¹⁹ (Renew), Péter Magyar²⁰ (EPP), Salvatore De Meo²¹ (EPP), Nikola Minchev²² (Renew) and Elisabetta Gualmini²³ (S&D, later Renew). In the cases of Ilaria Salis and Péter Magyar, the EP's immunity decision sparked particular outrage because both MEPs were accused of violent acts. Ilaria Salis was charged with participation in a series of street assaults committed as a member of an extremist organization, while Péter Magyar was accused of taking the

phone of a man filming him and throwing it into the Danube. The cases of Angelika Niebler and Ilhan Kyuchyuk, accused of improperly employing their parliamentary assistants, along with Salvatore De Meo²⁴, Nikola Minchev²⁵ and Elisabetta Gualmini²⁶ who were accused in connection with the Huawei and Katargate scandals, provide further grounds to assume that immunity decisions are determined by political backroom deals rather than the protection of the EP's integrity.

1.2.2. *The selective application of *fumus persecutionis* in the EP*

In the case of all seven MEPs listed, the EP refused to waive their privileges by citing *fumus persecutionis* – that is, essentially pointing to political motivation underlying the request. Regarding the application of *fumus persecutionis*, the General Court emphasized that the EP enjoys broad discretionary power.²⁷ It highlighted that proceedings based on anonymous reports, or initiated by political opponents (e.g., defamation charges), as well as requests brought during election campaigns, can all support the finding of *fumus persecutionis*. A political motivation behind the proceedings can also legitimately be assumed if a long period has elapsed between the alleged offense and the submission of the request, or if the sole purpose of the proceeding is to harm the political activity and reputation of the person in question. The EP may also justifiably point to the presence of *fumus persecutionis* if criminal proceedings are initiated in a matter that, for an average citizen, would only result in an administrative procedure. Although all these indicators can support the rejection of an immunity request by referencing *fumus persecutionis*²⁸, it is crucial that the objection must be factually supported and clearly well-founded.²⁹

On the one hand, it is true that *fumus persecutionis* is an important legal instrument that can provide genuine protection for MEPs against politically motivated criminal proceedings.³⁰ Nevertheless, it is essential to draw attention to the fact that during this EP mandate, criticisms regarding the application and exploitation of *fumus persecutionis* may legitimately arise. The politically motivated or selective application of *fumus persecutionis* can violate the principle of equality before the law. Therefore, it is important to emphasize that in immunity matters – since the European Parliament is not a court – it must refrain from examining the substance of the charges formulated in a request to waive immunity. The waiver of parliamentary immunity, or a request to that effect, does not mean that the Member is guilty of a crime, nor does it mean that the proceedings are justified in the first place.³¹ The European Parliament decides not on the guilt or innocence of the Member, but on their parliamentary immunity. This decision cannot be based on political backroom deals; alongside a consistent application of procedures, the European Parliament must also strive to ensure that the fundamental principles of equality before the law and legitimate expectations are not violated. The fact that the EP has in recent times

systematically refused to waive the parliamentary immunity of Members accused of violent crimes or corruption—as the following subsections demonstrate—casts doubt on whether the EP's immunity practice truly still serves its integrity, or whether political backroom deals now play a role in these decisions.

1.2.3. *The parliamentary immunity of Ilaria Salis*

Between February 9 and 11, 2023, five attacks occurred on the streets of Budapest, resulting in injuries to nine people in total.³² Among the injured were three Polish citizens, two of whom suffered injuries requiring more than eight days to heal.³³ Members of the extremist group responsible for the attacks testified that "the ideological battle against far-right sympathizers must be fought with violence".³⁴ The radical left-wing group, which had arrived in Budapest on the 'Day of Honor,' selected its victims on the street based on their attire. According to press reports, the attacks were thoroughly planned in advance and aimed to intentionally inflict "severe, potentially life-threatening injuries"³⁵ in order to intimidate representatives of far-right movements. Several foreign nationals, including the Italian Ilaria Salis and the German-born Maja T., were brought to trial on charges of participating in these attacks.

According to an analysis published on the website of the Combating Terrorism Center at West Point³⁶ the group responsible for the Budapest attack can be linked to the German "Engel-Guntermann" group (also referred to by other sources as Antifa Ost or the Hammerbande), which was responsible for numerous—at least six—attacks in the Leipzig area and whose co-leader, Lina Engel, was sentenced to more than five years in prison³⁷, before being released from custody prior to serving her full sentence in May 2026.³⁸ Following the assassination of Charlie Kirk, Antifa Ost was designated as a terrorist organization by both the United States and Hungary.

The Budapest case quickly attracted international media attention—however, the media amplified the statements of the defendants rather than the grievances of the victims. During their defence, the defendants criticized Hungarian prison conditions. According to their claims, there were cockroaches and rats in their Budapest cells, while their personal contact with their families was subject to restrictions. In rebuttal to the information circulating in the press, the Hungarian National Headquarters of the Prison Service published a video of Ilaria Salis's cell, demonstrating that tidy and clean conditions were provided for the Italian detainee.³⁹ They also made it clear that the Italian suspect was not isolated, having initiated 323 phone calls and receiving permission for 13 video calls over the course of a single year.⁴⁰ Images of Ilaria Salis entering the courtroom in handcuffs and shackles also received major media coverage. According

to opinions expressed in the Hungarian public, the violent nature of the crime justified the restraints.⁴¹

In addition to the allegedly inhumane prison conditions, the international press also reported on the defendants' claims that the proceedings against them in Hungary were being conducted due to their political views. This narrative openly ignored the fact that the crime committed by the Antifa group left physically injured victims behind. The victims' legitimate expectation is to have the perpetrators tracked down, identified, and judged after an impartial procedure – and all of this is entirely independent of the perpetrators' political views. It was not the procedure that was politically motivated, but the violent crime itself. Thus, although the event received extensive media coverage, the reports lacked the perspective of the victims. All of this resulted in courts in certain EU Member States – on the grounds that there was a risk the defendants would be subjected to inhumane treatment – refusing to extradite other perpetrators to Hungary.⁴²

The Italian defendant, Ilaria Salis successfully turned the international media coverage to her advantage. Riding the wave of public interest in the final stretch of the 2024 EP elections, the Italian *Alleanza Verdi e Sinistra* (AVS) – a left-wing and green party affiliated with The Left group in the EP – placed Ilaria Salis on its party list. Under the banner of the AVS, Ilaria Salis successfully secured a mandate in the European Parliament. As an MEP, she obtained parliamentary immunity, leading Hungarian authorities to release her from house arrest in June 2024 – a status that the court had previously granted her in May 2024.⁴³ Following her election, Hungarian authorities requested to waive the Italian MEP's immunity so that the administration of justice could resume its course.

Ilaria Salis's case was decided after a lengthy procedure – in October 2025, the European Parliament voted by 306 to 305 in favour of maintaining her immunity. Although a member of the European People's Party, Markus Ferber, indicated that his voting machine had not functioned properly during the vote and requested a repeat vote, the President of the European Parliament, Roberta Metsola, denied the EPP Member's request.⁴⁴ The Left's statement, released after the EP defended Ilaria Salis's immunity, interpreted the decision as a victory of political opposition against the "Orbán regime" and made no mention whatsoever of the victims of the crime in question.⁴⁵

The report on the basis of which Ilaria Salis was able to retain her parliamentary immunity recounted very superficially the physical injuries suffered by the victims of the Budapest Antifa attacks.⁴⁶ However, citing that the proceedings may have aimed at "silencing" Ilaria Salis, the EP deemed the reference to *fumus persecutionis* well-founded. Although the report itself admits that the Budapest Metropolitan Court had no knowledge of any unlawful acts committed by

participants of the Day of Honor, the report also grounded *fumus persecutionis* on the fact that proceedings were initiated only against the Antifa attackers and not against the participants of the Day of Honor.

The fact that the Member in question acquired her parliamentary immunity with the intention of securing release from prison is incompatible with the fundamentals of the rule of law and the "integrity" of the European Parliament – as this turned immunity into an instrument for obstructing justice.⁴⁷ Ilaria Salis allegedly committed the violent crime with which Hungarian authorities charge her prior to obtaining her mandate, and thus before the start of her immunity; nevertheless, her immunity (and the refusal to waive it) protected her from prosecution. The European Parliament played an active role in this exploitation of immunity – refusing to waive her immunity by citing *fumus persecutionis* (i.e., political motivation behind the request), despite the fact that the crime with which Ilaria Salis was charged with was in no way connected to her mandate or votes cast during her parliamentary work, given that she did not even hold a mandate at the time of the alleged offense.

1.2.4. Maintaining the parliamentary immunity of Angelika Niebler

German European People's Party (EPP) MEP Angelika Niebler was accused of improperly employing her parliamentary assistants, but the European Parliament refused to waive her parliamentary immunity. The role of Accredited Parliamentary Assistants is limited to providing "*direct assistance to Members of the European Parliament in the exercise of their functions as Members of the European Parliament*,"⁴⁸, meaning that parliamentary assistants can only perform activities related to European Parliamentary work. They may not carry out national political activities or manage the personal affairs of the MEP, nor may they assist the Member in doing so. Allegations against Niebler claimed that, despite the rules, she used her parliamentary assistant as a driver during her trips between her Munich home and the EP (Brussels or Strasbourg), and she also used the help of assistants employed and paid by the EP to facilitate her personal and business meetings.⁴⁹ It is also suspected that she employed one of her (local) assistants to support the work of a former MEP colleague from her party.⁵⁰ Because these activities cannot be linked to her European parliamentary work, Angelika Niebler should not have instructed her parliamentary assistants to perform these tasks. According to the report of the relevant committee, the alleged offenses may have been committed by the MEP between 2017 and 2025.⁵¹

Although the exact nature of the personal or external matters in which her parliamentary assistants may have assisted Angelika Niebler (or whether they assisted her at all) is not known at this stage of the proceedings, it is important to emphasize that the MEP has numerous external or business activities from which she derives income. Among all MEPs, Niebler receives the fifth-highest

external income in addition to her parliamentary salary.⁵² She earns up to €177,000 per year in supplementary income. She receives €5,250 per month from the law firm Gibson, Dunn & Crutcher LLP for her 'freelance work as counsel,' and €4,583 per month from the TÜV SÜD Foundation.⁵³ Her external income-generating activities had already embroiled Niebler in a scandal back in 2016, when she worked as a consultant (alongside her parliamentary duties) for law firms that were not registered in the EU Transparency Register.⁵⁴

Citing inaccuracies and the anonymity of the complaint, Niebler's immunity report⁵⁵ stated that „ *the intention behind the proceedings may have been to damage the reputation of Angelika Niebler*”, and therefore, by referencing *fumus persecutionis*, the EP did not waive the Member's immunity. Maintaining Niebler's immunity raises the possibility of a double standard, particularly in light of the fact that Marine Le Pen of France was convicted in a very similar case. The court initially sentenced Marine Le Pen to four years in prison and a fine of \$108,000, in addition to banning her from holding public office for five years, thereby depriving the politician of the opportunity to run in the 2027 French presidential election.⁵⁶ The latter penalty was later reduced, giving the politician the opportunity to compete in next year's election. One of the fundamentals of the rule of law is equality before the law, meaning that rules must apply to everyone equally. The substantive similarity of cases concerning the definition of the duties of parliamentary assistants, contrasted with the radical divergence in their outcomes, seriously raises the suspicion that a double standard is applied to certain Members, and that during immunity proceedings, the EP refrains from waiving the privileges of certain Members due to political considerations.

1.2.5. Immunity cases of MEPs involved in the Huawei scandal

In early 2025, when the Huawei bribery scandal broke out, police conducted searches across twenty locations in two Member States. According to the allegations, the MEPs involved may have influenced the work of the EP and the development of EU policies in line with Huawei's interests. In exchange, the company provided high-value gifts, such as tickets to sporting events, to certain politicians. In this case, the waiver of immunity for several MEPs was initiated. In the summer of 2026, the EP, on the one hand, suspended the immunity of Fulvio Martusciello (EPP), and on the other hand, protected Salvatore De Meo⁵⁷ (EPP) and Nikola Minchev⁵⁸ (Renew).

In the case of Salvatore De Meo, the report⁵⁹ specifically mentions that he attended a dinner that may have been organized and paid for by Huawei. According to the report, the Member may have accepted a gift from the company at that time, which likely also invested in his constituency. Allegedly, in exchange, Salvatore De Meo may have undertaken to advocate for Huawei's technological solutions; Salvatore De Meo indeed appears in a promotional video⁶⁰,

produced for Huawei, in which he praises the company's achievements. In the case of Nikola Minchev⁶¹ the report similarly mentions attendance at a dinner, as well as the Member's attendance at a football match in a box allegedly rented by Huawei through an intermediary for €45,000 (per season) with the purpose of 'facilitating contact with certain Members of the European Parliament.' Nevertheless, citing the "*flagrant scarcity of concrete elements*" supporting the requests for the waiver of immunity, the EP considered that *fumus persecutionis* might exist, and thus did not waive the immunity of either Member.

Unlike in the reports on De Meo and Minchev, the European Parliament did not cite a lack of information when waiving Fulvio Martusciello's parliamentary immunity. In fact, although his immunity was ultimately the only one waived in the Huawei scandal among these cases, the report justified the approval of the request in part by stating: "*the investigation concerned many individuals, not only Fulvio Martusciello; whereas the request for the waiver of the immunity of Fulvio Martusciello appears to stem from a wider investigation into alleged corrupt practices and does not appear to target his political activity*".⁶² Thus, while in the cases of De Meo and Minchev the European Parliament rejected the requests due to suspicions of politically motivated attacks against them, Martusciello's immunity was waived precisely because of a „wider“ investigation concerning „many individuals.“ The incoherence among these three immunity reports suggests that – rather than protecting the integrity of the European Parliament – political considerations may have driven the decisions behind the immunity cases of these three Members.

As a pretext for the decisions reached in the immunity cases of Huawei-gate, several individuals cited serious errors committed by the Belgian authorities during the proceedings. In uncovering the case, authorities incorrectly submitted immunity requests for two MEPs. MEP Daniel Attard was confused with a Maltese businessman of the same name⁶³ while the authority withdrew the request to waive Giusi Princi's immunity after just one day, as it was quickly clarified that Princi was not yet an MEP during the period under investigation.⁶⁴ However, the severity of the errors committed still does not give the EP the opportunity to conduct a substantive examination of the formulated charges, as that is the duty of the court. The European Parliament's own notice to members also emphasizes that "*alleged deficiencies in national judicial systems cannot serve to justify a decision not to waive (...) the immunity of a Member*".⁶⁵

The situation is further exacerbated by reports from Politico suggesting that behind the scenes, political parties made an explicit deal to jointly prevent the lifting of each other's members' immunity.⁶⁶ This highlights the risk that the European Parliament may have put *fumus persecutionis* at the service of political deals, meaning immunity decisions serve political objectives rather than the integrity of the EP.

1.2.6. *Immunity case of Elisabetta Gualmini, involved in the Qatargate scandal*

Similar allegations could be made in the case of Elisabetta Gualmini ⁶⁷ (S&D, later Renew), whose immunity case traces back to the Qatargate scandal that erupted in December 2022. During the Qatargate scandal, several former and sitting MEPs were accused of using their political influence in the interest of certain third countries in exchange for financial benefits. According to press reports⁶⁸ Gualmini may have been linked to a group within the S&D parliamentary group that pushed for resolutions and voted in ways that aligned with the interests of a third country. According to the allegations, after securing the post of vice-president of her political group she „*reportedly thanked the presumed leading member of the alleged criminal organisation*” for his support and advice during her appointment.⁶⁹ Citing the lack of sufficient evidence and inconsistencies in the request, the EP also rejected the request to waive Gualmini's immunity. As a counterargument, however, it can be stated that all the facts of the case could only be gathered at the conclusion of the very proceedings that the Member's parliamentary immunity prevents from taking place.

1.3. Provisional application of international agreements violates the principle of institutional balance expected under the Treaties

The provisional application of international agreements can undermine several rule-of-law principles. So-called mixed agreements, which also include matters falling under Member State competence, must be signed and ratified by all Member States. Finalizing mixed, multilateral agreements can thus take years. Citing this, it has become common practice in the life of the Union to provisionally apply agreements that have been signed but are still awaiting ratification by all Member States. In accordance with Article 218(5) TFEU, the Council decides on provisional application, and while the consent of the European Parliament is required for the final conclusion and entry into force of mixed agreements (Article 218(6) TFEU), this is not required for provisional application.⁷⁰ Thus, the essential difference between the final conclusion of agreements and their provisional application is that while the former requires it, the latter requires neither the consent of the EP nor ratification via Member State parliaments (in the case of mixed agreements).

The provisional application of international agreements thus allows them to be in force and for their effects to be realized prior to their final approval by the European and/or national parliaments (and thus prior to their entry into force). Provisional application typically extends not to the entire agreement, but to certain parts of it. Within reasonable bounds, it is naturally understandable that the Union strives to apply signed treaties as soon as possible. However, the provisional application of agreements has become so widespread that we can now speak of the risk of systemic exploitation of this mechanism. According to a 2020 study, the EU has signed a total of 269 international treaties since the

Treaty of Lisbon – and 117 of these contained provisions regarding provisional application.⁷¹

1.3.1. *Mercosur Agreement*

The European Union negotiated a trade agreement, the so-called EU-Mercosur Agreement, for 25 years with four South American countries: Brazil, Argentina, Uruguay, and Paraguay. With EU Member States and Mercosur countries, the Agreement would create one of the world's largest free-trade areas. However, the Agreement is disputed due to its impact on agriculture, as the agricultural, health, and environmental standards of Mercosur countries are lower than those of European countries. On the one hand, this has led to concerns regarding the quality of food products that could arrive in Europe under the Agreement.⁷² On the other hand, European farmers fear that stricter European regulations could place them at a competitive disadvantage against products imported from Mercosur countries. Giving voice to their resentment, farmers organized numerous protests across Europe, which affected Strasbourg, Paris, and Athlone in Ireland, among other locations.

In addition to its content sparking public resistance, the provisional application of Mercosur serves as an example of bypassing Member States. The Mercosur agreement essentially consists of two parts: the EU-Mercosur Partnership Agreement (EMPA), a mixed agreement covering both Member State and EU competences, and the Interim Trade Agreement (ITA), which falls under exclusive EU competence. Since the ITA covers economic issues that fall exclusively within EU competence, it is concluded by the Union with the consent of the EP, without the need for individual ratification by Member States. The EMPA, containing provisions that fall within Member State competence, must be ratified individually by all Member States, and the EP must also give its consent. At the end of the process, the EMPA will entirely replace the ITA.⁷³ In itself, the splitting of Mercosur into two parts served to minimize the say of Member States⁷⁴, as it avoids the need to wait for the approval of Member State parliaments for the provisional application of Mercosur's economic measures (or even for the final conclusion of the ITA once the consent of the EP is obtained).

Seeing the public and Member State resistance to the Mercosur Agreement, in January 2026 the European Parliament turned to the Court of Justice of the European Union to issue an opinion on the agreement's compatibility with EU law. Until the Court of Justice of the European Union issues an opinion on Mercosur, the EP will not vote on the agreement, meaning that the final conclusion of the agreement cannot take place⁷⁵ (for neither the ITA nor the EMPA). However, by the time the EP decided to request the opinion of the Court of Justice of the European Union, the Council had already adopted the provisional application of the ITA by qualified majority.⁷⁶ Five Member States – France, Poland,

Ireland, Austria, and Hungary – opposed the agreement, while Belgium chose to abstain.⁷⁷ According to the Treaties, the consent of the European Parliament is required for the finalization of international agreements, but not for their provisional application. Nevertheless, it is unusual for the provisional application of agreements falling within exclusive EU competence to take place without the consent of the European Parliament. The provisional application of Mercosur as of May 1, 2026, which occurred without the consent of the European Parliament, created in many the sense of bypassing democratic, parliamentary oversight and institutional balance.⁷⁸

1.3.2. *Provisional application of agreements concluded with Ukraine*

Provisional application can easily serve to bypass Member State, European Parliamentary, or public will – and there were numerous examples of this even prior to the Mercosur agreement. By the time a referendum was held in the Netherlands on the EU-Ukraine Association Agreement in April 2016, the provisional application of its parts falling under EU competence⁷⁹ had already been underway since 2014.⁸⁰ With a voter turnout of 32 percent, 61 percent rejected the agreement (representing 19.5 percent of Dutch citizens of voting age).⁸¹ Although the Dutch government subsequently paused the ratification of the agreement, this had no impact on its provisional application. Ultimately, in December 2016, the Netherlands received political assurances from the Union and subsequently ratified the agreement in February 2017. In other words, despite public and Member State opposition to the agreement, the EU did not wait and provisionally applied certain parts of the agreement, which severely constrained the Member State's ability to resist ratifying the agreement.

1.3.3. *Prolonged provisional application of the agreement concluded with Canada*

The same can be said regarding the Comprehensive Economic and Trade Agreement (CETA) concluded with Canada. Regarding CETA, serious objections were raised by Belgium and Cyprus, among others – the former due to the expected impacts on its agriculture, and the latter to protect Halloumi cheese. Belgium questioned the agreement's compatibility with EU law and requested a legal opinion from the Court of Justice of the European Union.⁸² Furthermore, the plenary session of the Cypriot parliament voted down the proposal to ratify the agreement.⁸³ Despite Cyprus refusing to ratify CETA in 2020 (although the vote was non-binding, a new vote in the Cypriot parliament is needed for the country to ever ratify the agreement⁸⁴), CETA continues to be applied provisionally. CETA has been applied "provisionally" since 2017, even though 10 EU Member States have still not ratified the agreement to this day⁸⁵, and without ratification by all Member States, the conclusion of the treaty cannot be definitively finalized. The fact that during the applicability of these agreements the EU considers it a secondary issue whether Member States wish to ratify these agreements at all testifies to the lack of Member State and democratic control.

CETA has been applied "provisionally" since 2017 – pointing to a further rule-of-law problem. Specifically, the provisional application of agreements is not bound by a deadline, meaning they can remain in effect indefinitely (even despite Member State or public resistance). This contradicts the Treaties, which actually intended a truly "provisional" role for this legal mechanism. Currently, there are at least 8 agreements with 36 countries that remain „pending” and applied „provisionally.” The European Union has been applying relevant agreements – or parts of them – "provisionally" with Caribbean countries since 2008⁸⁶, with Pacific countries since 2009⁸⁷, with Eastern and Southern African countries since 2012⁸⁸, with Cameroon since 2014⁸⁹, with certain SADC (Southern African Development Community) countries⁹⁰ and West African countries since 2016^{91 92}, with Canada since 2017⁹³, and with Mercosur countries since 2026. Regarding the actual length of „provisional” application, the question arises whether this legal instrument remains a *provisional* solution as originally envisioned, or whether it has now become a tool for bypassing the institutional oversight expected under the Treaties (EP approval and/or national ratification).

Council decisions on provisional application usually do not include the procedure for its suspension, which also leads to uncertainty that is open to criticism from a rule-of-law perspective. In the case of mixed agreements, it is not clear beyond all doubt whether only the EU or also the Member States have the option to terminate the provisional application of the agreement. This leads to a lack of legal certainty in relations between the EU, Member States, and their international partners.⁹⁴ To avoid legal uncertainty, Member States may be even more inclined to refrain from taking official steps against the provisional application of (mixed) agreements. All of this further reduces Member State control over the Union's international agreements.

1.4. The European Democracy Shield violates both fundamental rights and exclusive Member State competences

Ursula von der Leyen raised the idea of the European Democracy Shield in 2024, presenting it as one of her main campaign promises as she sought re-election. The objective of the initiative is the protection of European democracy from foreign interference attempts occurring in the online space⁹⁵, particularly during election periods. Alongside countering manipulation attempts, the initiative also seeks to strengthen the integrity of elections and the independence of the media. To this end, as part of the shield, the European Commission is establishing the so-called European Centre for Democratic Resilience, with the aim of analysing attacks against European democracies and coordinating the response given to them. The initiative, in line with and reinforcing earlier EU regulations, such as the Digital Services Act, builds upon "civil society" in identifying threats spreading in the digital space. In accordance with this, already in the initial

phase of creating the Democracy Shield, the European Commission expanded the amount of EU funding available to civil fact-checkers by 5 million euros.⁹⁶

1.4.1. *Infringement of the principle of freedom of speech*

The European Democracy Shield and the regulations on which it builds (such as the Digital Services Act) have been most heavily criticized for their efforts to restrict freedom of speech.⁹⁷ According to allegations, over the past ten years, the European Commission has established a highly centralized control over digital companies through a series of provisions, using this control to compel social media platforms to remove right-wing content. The European Commission's activities of this nature are detailed most comprehensively in a report by the Committee on the Judiciary of the U.S. House of Representatives⁹⁸ which makes clear the severity of the Commission-led censorship network and emphasizes that even if compliance with the Commission's guidelines regarding content restriction is presented as "voluntary," major digital companies in fact never had a choice.

Similar to the findings of the Committee, research by MCC⁹⁹ highlights that the Commission's censorship is executed through the mediation of fact-checkers, civil society organizations, and "trusted flaggers" that are presented as "independent." Trusted flaggers, for example, are organizations that participate in the "investigation" of online content and in "flagging" content deemed harmful to digital platforms. Under the Digital Services Act, major social media platforms must prioritize notices received from "trusted flaggers" and take them into account in their content moderation. MCC adds that the "independence" of these organizations is merely a façade, as the ecosystem consists of a multitude of organizations funded by the Commission.¹⁰⁰ At the time of MCC's research, out of the 37 "trusted flaggers" recognized by the Commission¹⁰¹, at least 13 had received EU funding. Thus, 35 percent of the "trusted" entities listed by the Commission were financed in part by the Commission's resources. The extent of the support they received – 45,762,198 euros – illustrates that these flaggers can by no means be considered "independent" from the Commission.

1.4.2. *The Union's 'competence creep' with the Democracy Shield*

However, from a rule-of-law perspective, it is not only the centralizing and freedom-of-speech-infringing nature of the Democracy Shield and its underlying provisions (e.g., the Digital Services Act) that can be criticized, but also the fact that the European Union actually lacks competence to protect democracy against foreign interference attempts in the digital space. The main goal of the Democracy Shield is to curb foreign interference during election campaigns, which quite clearly covers two areas that fall under Member State competence. Protection against foreign interference attempts can be considered a national security issue falling under Member State competence, while the organization

and conduct of elections are likewise Member State competences. That the European Union has no competence regarding the latter is acknowledged by the European Commission itself¹⁰² in its reports on the Democracy Shield. The fact that the European Commission seeks to intervene through the Democracy Shield in two exclusively national competences can be considered a serious overreach of competence.

As previous Rule of Law reports have already discussed¹⁰³, foreign interference is a national security matter that falls under exclusive Member State competence. Member States have also explicitly linked the threat and investigation of foreign influence to national security in their legislation (see, for example, the French Intelligence Act). Under Article 4(2) TEU, national security is clearly defined as an exclusive national competence, a position further reinforced by Article 346(1) TFEU. Consequently, it represents an overreach of competence that the European Commission – following several previous regulations (such as the Defense of Democracy package) – seeks to expand its powers once again into this Member State competence with the help of the Democracy Shield.

The organization of elections and the protection of their integrity are Member State competences, an area in which the Union has no basis under the Treaties to act as a coordinator or advisor. Nevertheless, in 2019, the Union established the European Cooperation Network on Elections (ECNE¹⁰⁴), officially with the aim of facilitating the sharing of best election practices among Member States. Since its establishment, the network has, among other things, issued a checklist related to election integrity, a guidance document on promoting the electoral participation of persons with disabilities, and an analysis of various e-voting solutions. All this illustrates that the ECNE, operating under the auspices of the Commission, actively provides Member States with recommendations regarding the conduct of their elections. Thus, the question of the legal basis for the network's operation may legitimately be raised. The European Commission envisaged the setup of the ECNE in a 2018 communication¹⁰⁵, a document that does not address the legal basis for creating the network at all. In the absence of any legal basis or explanation, it can be clearly stated that the Commission's attempt to oversee and intervene in the conduct of Member States' elections through the ECNE constitutes a serious overreach of competence.

The overreach of competence is compounded by the fact that the significance of the network would be further increased by the European Democracy Shield. According to the objectives of the shield, the ECNE will have to develop even more „common tools“ in the future to become a "repository" of common electoral standards.¹⁰⁶ Under the shield, the network would also play a role in creating an AI guide, based on which the Commission would encourage Member States to formulate "voluntary" commitments regarding the ethical use of AI during elections. Since many Member States do not have rules regarding the

1. Abuses of power are becoming increasingly frequent on the part of the institutions of the European Union

use of AI during election campaigns, the network established by the Commission clearly serves the purpose of developing EU proposals before national regulations take shape, which Member States can later apply "voluntarily" in the absence of their own solutions. Since the conduct of elections is a Member State competence, the network operating under the direction of the Commission has no legal basis whatsoever to "pre-empt" Member States in developing standards concerning new challenges affecting elections.

2. The proceeding against the Europe of Sovereign Nations is an attempt to discriminate a European political party

2. The proceeding against the Europe of Sovereign Nations is an attempt to discriminate a European political party

The 2025 Rule of Law Report¹⁰⁷ has already drew attention to the rule-of-law issues stemming from the possibility to ban European political parties and European political foundations. Not only have these rule-of-law problems not been rectified over the past year, but they have further worsened. The array of grounds on which European political parties and foundations can be deregistered has expanded, which violates the rule-of-law principle of non-discrimination. Furthermore, additional signs suggesting serious conflicts of interest have come to light regarding the members of the committee of independent eminent persons, which provides opinions on the deregistration of parties and foundations.

2.1. Assessment of the compliance of European political parties and political foundations with European values may form a basis for discrimination

According to Article 10(4) of the TEU “*political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union*”, making them an integral part of the principle laid down in paragraph (1), which states that the functioning of the Union is founded on representative democracy. In addition, it is important to highlight Article 21(1) of the Charter of Fundamental Rights of the European Union, which prohibits discrimination based on, among other grounds, “*religion or belief, political or any other opinion*.” Taking these principles into account, the dissolution of European political parties or political foundations would not only violate the principle of non-discrimination enshrined in the Charter and restrict political competition but would also undermine the Treaty's objective of allowing the will of European citizens to be expressed through European political parties.

2.1.1. In 2025 the conditions for the registration of European political parties were modified

The regulation on the statute and funding of European political parties and European political foundations has been in force since 2014 and was recast in 2025.¹⁰⁸ The regulation outlines the conditions of registering political alliances as European political parties. From the perspective of the rule of law, two such conditions can be subject to strong criticism. Regarding the conditions for registration of European political parties Article 3 of Regulation (2025/2445) says, among other things, the following:

(1) d) “*it observes, in particular in its programme and in its activities, the values on which the Union is founded, set out in Article 2 TEU, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights,*

2. The proceeding against the Europe of Sovereign Nations is an attempt to discriminate a European political party

including the rights of persons belonging to minorities, and it provides a standard formal declaration to that effect using the template set out in Annex I of this Regulation;

(1) e) it ensures that its member parties observe, in particular in their programmes and activities, the values on which the Union is founded, set out in Article 2 TEU, and it provides a standard formal declaration to that effect using the template set out in Annex I of this Regulation”

In other words, one of the conditions for registering European political parties is that both the party itself and its member parties respect the values of the Union. Regarding the conditions for the registration of European political foundations, the Regulation formulates similar requirements in Article 3(2)(c) and (d).

Compared to the conditions criticized in the 2025 Rule of Law Report, the Regulation has thus been expanded to include this requirement concerning member parties. Since the entry into force of the revised Regulation on 28 December 2025, it is not only the duty of European political parties to respect the values of the Union, but they must also ensure that their member parties likewise respect these principles. In and of themselves, these requirements violate the rule of law, as assessing compliance with the values of the Union cannot be tied to an objective benchmark.

2.1.2. Assessment of the compliance of European political parties with Union values

The rule-of-law concerns surrounding the regulation are further exacerbated by the fact that not only can the registration of certain European political parties be refused, but a party's registration can also be cancelled at any time if the party (or its member party) fails to respect the values of the Union. Parties and foundations (as well as their member organizations and member parties) must respect EU values not only at the time of registration, but continuously throughout their operations. Monitoring compliance with these values falls under the purview of the Authority for European Political Parties and European Political Foundations (hereinafter: the Authority or APPF) (see Article 8(2) of the Regulation). Article 13 of the Regulation details how the “*verification of the registration conditions relating to the values upon which the Union is founded*” must be conducted. Such an investigation may be initiated by the EP, the Council, or the Commission (see paragraph 1), or the Authority itself may inform these three institutions (with the intent of triggering an investigation) if, to its knowledge, a political party or foundation fails to respect the values of the Union (see paragraph 4).

After the initiation of the investigation, the political party may also submit its observations, and the Authority must request the opinion of the committee of independent eminent persons on whether the party in question respects the values of the Union. The committee of independent eminent persons consists of six

members (two appointed by the European Parliament, two by the Council, and two by the Commission). At the request of the Authority, one of the tasks of this committee is to issue an opinion on whether the European political party or foundation under investigation (as well as its member parties and member organizations) respects the values of the Union. Whilst formulating its opinion, the committee *“may request any relevant document or evidence from the Authority, the European Parliament, the European political party or European political foundation concerned, other political parties, political foundations or other stakeholders, and it may request to hear their representatives”* (see Article 16(3)).

2.1.3. *The removal of European political parties from the Register*

Following the formulation of the opinion by the committee of independent eminent persons, and taking that opinion into account, *“the Authority shall decide whether to remove the European political party or European political foundation concerned from the Register”* (see Article 13(6)). A party or foundation may be deregistered if the breach of the Union's values is „manifest and serious” (see paragraph 7). The European Parliament and the Council may object to the decision. If they do not object, the party is removed from the register (see paragraph 8). In light of all this, it can be concluded that at the end of an arbitrarily defined, opinion-based verification mechanism, European political parties representing certain political views can be banned – which clearly violates the principle of non-discrimination enshrined in the Charter.

In itself, the fact that the regulation on the statute and funding of European political parties and European political foundations¹⁰⁹ allows for the deregistration of European political parties and foundations on the grounds that they do not respect the Union's values enshrined in Article 2 of the TEU is incompatible with the rule of law. On the one hand, it is incompatible with the prohibition of discrimination, and on the other hand, it is incompatible with the principle of the prohibition of arbitrariness, as respect for the Union's values cannot be assessed objectively in every case. The potential banning of parties would restrict political competition and would also violate the Treaty provision that European political parties represent the views of citizens in a system based on representative democracy.

2.2. Several members of the committee of independent eminent persons can be accused of conflict of interest, which violates the principles of independence and impartiality

The rule-of-law issues described above are further compounded by conflicts of interest among members of the committee of independent eminent persons. According to Article 16(1) of the regulation in question ((EU, Euratom) 2025/2445), the members of the committee of independent eminent persons *“shall neither be members of the European Parliament, the Council or the Commission, nor hold any*

2. The proceeding against the Europe of Sovereign Nations is an attempt to discriminate a European political party

electoral mandate, be officials or other servants of the European Union or be current or former employees of a European political party or a European political foundation." These provisions of the regulation clearly aim to ensure that the independent eminent persons have no ties to European political parties and foundations, thereby enabling them to issue opinions independently of these organizations and without any personal interest. However, a review of the curriculum vitae of the independent eminent persons makes it clear that several members of the committee can by no means be considered independent from European political parties and political foundations.

2.2.1. Doubts regarding the independence and impartiality of Anna Paczesniak

The 2025 Rule of Law Report has already drew attention to the fact that the independence of Anna Paczeński, one of the European Parliament's nominees to the committee of independent eminent persons, is questionable due to her being a member of the Scientific Council of the Foundation for European Progressive Studies (FEPS), a political foundation affiliated with the Party of European Socialists.¹¹⁰ The disputed situation has remained unchanged since the closing of last year's report.¹¹¹ In last year's report, we detailed that on the pages of FEPS, Paczesniak not only argued that the Polish Law and Justice Party and the Hungarian Fidesz question the values of the EU, but also wrote that new and more serious sanctions should be introduced against these and similar parties. Membership at the committee of independent eminent persons is incompatible with publicly discussing, in publications of a foundation of a European political party, that the member parties of the Patriots and the European Conservatives and Reformists do not respect the values of the Union.

2.2.2. Doubts regarding the independence and impartiality of Pia Lange

Compared to last year's report, the Council has also named its delegates to the committee of independent eminent persons. Reviewing the two appointees, it can be established that alongside Anna Paczesniak, the committee has been expanded with two additional persons possessing serious political biases, despite the condition of appointment being a declaration that no conflict of interest exists. The decision of the Council in 2025¹¹² named two persons, Linas Kontrimas and Pia Lange, as delegates of the Council to the committee of independent eminent persons. Pia Lange is a professor at the University of Bremen.¹¹³ Pia Anika Lange can be considered a university professor close to the German left. In 2024, the Die Linke group in Berlin worked with Lange to prepare a study on the legal background of the capital's housing problems.¹¹⁴ Lange lent her image to promotional materials¹¹⁵ and an online campaign¹¹⁶ about Die Linke's housing plan.

2. The proceeding against the Europe of Sovereign Nations is an attempt to discriminate a European political party

2.2.3. *Doubts regarding the independence and impartiality of Linas Kontrimas*

The other person named by the Council, Linas Kontrimas, may also possess serious political bias. In 2019, Linas Kontrimas ran unsuccessfully in the EP elections under the banner of the Lithuanian Farmers and Greens Union.¹¹⁷ At that time, the party was a member party of the Greens/European Free Alliance (since 2024, the party belongs to the European Conservatives and Reformists group). It can be said that in his person, an expert who cannot be considered fully independent of a political party can deliver an opinion on the banning of European political parties and foundations. This stands in contrast with the principles set out in the regulation in force.

It can therefore be concluded that alongside the rule-of-law concern that party registrations can be cancelled, it leads to further concerns that strong doubts exist regarding the independence of the committee providing opinions on the deregistration of parties. It is incompatible with the spirit of the regulation that members of European political foundations, former candidates, and individuals working for political parties serve as members of the "committee of independent eminent persons." Their conflict of interest, lack of impartiality, and lack of independence violate the regulation as well as the rule of law.

2.3. **There is a risk that the principle of impartiality may be compromised during the proceedings against the ESN**

At the end of May 2026, the Authority for European Political Parties and European Political Foundations (APPF) handed over documents to the European Parliament, Commission, and Council indicating that the Europe of Sovereign Nations (ESN) violates the values of the European Union.¹¹⁸ The APPF clearly did so with the aim of encouraging European institutions to initiate an investigative procedure against the ESN political party (not the group). In early July 2026, the European Parliament adopted a proposal for a decision that would authorize the APPF to investigate the ESN case.¹¹⁹ This procedure could even end with the deregistration of the ESN party. The APPF's action may be suitable for restricting political competition, which is incompatible with the rule of law.

The largest member party of the ESN is the German Alternative für Deutschland (AfD). In the most recent German elections, the AfD won the trust of a fifth of the voters, that is, 10 million citizens. Together with its member parties from Bulgaria, Poland, France, Hungary, and other Member States, the ESN represents well over 10 million European citizens. As the demonstrated procedure shows, it is enough to consult the opinion of a six-member committee lacking democratic legitimacy in order for the party to be banned.

Furthermore, it is questionable that the process surrounding the banning of the ESN – whose largest member party is the AfD – creates the impression of being aimed at restricting German political competition. In recent years, the AfD has

grown into one of Germany's largest political parties, thus becoming a rival to the Christian Democratic Union (CDU), which leads the European People's Party (EPP). The CDU, in turn, may exert significant influence within the APPF authority urging the investigation into the ESN. Since 2021, the director of the APPF has been Pascal Schonard, who previously worked in the EP's Secretariat-General. As last year's report also detailed¹²⁰ Schonard's boss at the Secretariat-General at the time was Klaus Welle, who has since joined the EPP's registered party foundation, the Wilfried Martens Centre for European Studies (WMCES), as Chair of the Academic Council. The Director of the APPF was selected in 2021 based on a proposal by a committee composed of the Secretaries-General of the European Parliament, the Council, and the Commission; thus, Schonard's boss at the time, Welle, contributed strongly to his appointment to head the APPF. Because he owes his appointment in part to Klaus Welle, who is linked to the CDU-led EPP, the proceedings against the ESN strongly create the impression that the CDU is leveraging its influence in Brussels to gain an advantage over the AfD in domestic German political competition.

Similar doubts were expressed regarding another official of the APPF. According to press reports¹²¹ Stephanie Kaiser, a team leader at the Authority (and formerly the Director's Head of Cabinet), liked a post on social media stating that *"anyone voting for the AfD is giving a mandate to people who want to abolish democracy"*. Kaiser's personal political convictions likewise raise the question of whether the Authority acts impartially toward the ESN.

3. The EU's funding of NGOs compromises transparency requirements and conflict-of-interest principles

3.1. EU funded organisations campaigning against transparency

Following the inauguration of Donald Trump, the U.S. administration decided to halt the funding of global non-governmental organizations. The elimination of USAID, which was frequently accused of serving covert political goals, sent shockwaves worldwide. Following the American model, right-wing parties in the European Union also raised the necessity to review the justification and motivation behind funding intended for NGOs. After intense political battles, the EP ultimately set up a committee of inquiry to investigate EU funds provided to civil society actors. As a previous Rule of Law Report has already outlined¹²² among the European Commission's funding frameworks, the CERV and LIFE programs came under primary fire. The LIFE program faced serious criticism mainly because it enabled EU funding to be spent on lobbying activities. In other words, certain organizations used EU funding to lobby EU institutions and national legislatures. Meanwhile, numerous organizations that encourage deeper integration and combat Euroscepticism receive support from CERV. This was interpreted by many critics as the European Commission essentially using non-governmental organizations as proxies to carry out covert propaganda and influence public opinion according to its own interests.¹²³

At the same time as criticisms of the EU NGO funding system emerged, non-governmental organizations organized themselves to protect their interests, acting as vocal critics of both increasing the transparency of funding and reducing available resources. A few months after the shutdown of USAID – that is, following the loss of their American sponsor – they took collective action demanding that the EU increase the funds allocated to them from the next seven-year budget.¹²⁴ They demanded that the EU expand the funds available to NGOs from 0.2 percent to 0.5 percent of the upcoming Multiannual Financial Framework (MFF). Out of the 25 „European and international organizations” that signed the petition, 19 received EU funding.

Since their existence fundamentally depends on EU funding, several organizations protested in multiple open letters against initiatives demanding the investigation of NGO resources. One such open letter was signed by over 570 civil society organizations.¹²⁵ The NGOs protested that right-wing politicians were spreading „disinformation” regarding how they utilize their funds. They called upon "democratic forces" to oppose "false narratives" about NGO funding and to ensure that resources for civil society in Europe remain secured. All this was done despite 61 of the 87 "European organizations" among the signatories¹²⁶ benefited from financial support from the European Union. The signatory NGOs thus stood up against making the funding of civil society organizations

more transparent without emphasizing that they themselves depend on the EU subsidy system.

It is particularly important to highlight the role of Transparency International (TI)—which officially receives EU funding to "fight against corruption"—among the NGOs that oppose increasing the transparency of their EU funds and demand the expansion of their subsidies. In public life, TI is known as an organization established to encourage the transparent use of public funds. Between 2014 and 2023, Transparency International e.V. received no less than 44 million euros in support from the European Commission for this purpose.¹²⁷ Yet, the "anti-corruption" organization vehemently criticized efforts to make NGO funding more transparent. TI deemed it important to reject the report of the European Court of Auditors (ECA), which drew attention to transparency issues regarding funding granted to NGOs, arguing that EU funds allocated to companies and consultants, rather than NGOs, should be investigated instead.¹²⁸

Transparency International attacked the idea of establishing an EP committee aimed at examining NGO funding (the CONT Scrutiny Working Group or SWG) in an open letter, calling on the Conference of Presidents to "categorically reject" the proposal for a committee of inquiry.¹²⁹ Following the creation of the working group, Transparency International—alongside several other civil society actors—called on the President and Vice-Presidents of the EP to stage a "political boycott" of the working group's activities.¹³⁰ Meanwhile, Dutch MEP Dirk Gotink, who co-authored the report serving as the basis for the SWG, reported that Transparency International wrote to the leadership of his party (EPP) behind his back, demanding his removal from the working group.¹³¹

Right-wing MEPs demanded not only a general investigation into non-governmental organizations, but specifically the transparency of EU funds allocated to Transparency International. In January 2025, the Chair of the EP's Committee on Budgetary Control, specifically naming Transparency International, demanded access to the contracts concluded between the organization and the Commission.¹³² In this context, Transparency International even threatened legal action against right-wing MEPs who "leak" sensitive information about NGOs.¹³³ Thus, the organization that received millions of euros to demand transparency from *others* is engaging in serious lobbying activities to prevent the investigation of *its own* EU funding.

3.2. The principle of conflict of interest is violated during lobbying and the allocation of Union funds

3.2.1. Personal ties between Transparency International and EU institutions

Transparency International's self-interested lobbying for resources is greatly aided by its (personnel) intertwinement with EU institutions, which can even be characterized by the term revolving door effect. This risk exists, for example, in the case of their former employee, German MEP Daniel Freund. Daniel Freund was an employee of Transparency International between 2014 and 2019, as Head of Advocacy EU Integrity¹³⁴. Freund was elected to the EP in 2019 as an MEP for the Greens. Since the beginning of 2025 (that is, since the withdrawal of USAID funds), Daniel Freund has consulted with his former employer, Transparency International's Brussels office, a total of 27 times (not counting his consultations with the Hungarian, German, and Ukrainian Transparency offices)¹³⁵. In 10 cases, the main topic of the meeting was NGOs, including the issue of their funding and the work of the EP committee of inquiry set up to review their resources. Throughout his parliamentary work, Daniel Freund stood up on numerous occasions for the financial interests of his former employer¹³⁶, that is, for Europe not to decrease, but to increase the funding of NGOs, and he also stood up against the operation of the EP committee of inquiry investigating NGO resources¹³⁷.

In addition to Daniel Freund, the career paths of almost all TI staff members also point to personal intertwinements and the risk of the revolving door effect. Nicholas Aiossa, director of Transparency International's Brussels office, also worked in the European Parliament¹³⁸ before moving to the NGO receiving EU funding. In this position, Aiossa worked for, among others, MEPs Adina Ioana Vălean (EPP), Marietje Schaake (ALDE), and Baroness Sarah Ludford (ALDE). Carolina Ferreira Gil worked at the EP Directorate-General for External Policies of the Union before joining TI.¹³⁹ Giulia Cantalupi previously worked at the EP Staff Committee¹⁴⁰, Ilaria Schmoland participated in conducting European citizens' panels organized by the European Commission¹⁴¹, and Raphaël Kergueno also took on work at the Commission¹⁴² before becoming a staff member at TI. Transparency International's intertwinement with the institutions of the Union, which provides an opportunity for undue influence, as well as the steps it has taken against the investigation of the use of public funds, undermine the pursuit of transparency.

The case of Transparency International also underscores that the most vocal opponents of investigating and increasing the transparency of NGO funding have been those organizations that themselves depend financially on or receive financial support from the European Union. Organizations funded by EU resources are exerting pressure to resist the investigation of funds intended for

civil society and to push for an increase in money allocated to NGOs. All of this poses a serious risk to the success of measures taken to ensure the more transparent use of EU funds.

3.2.2. EU external experts lobby as accredited individuals of interest groups for funding

In the evaluation and monitoring of submitted applications, certain EU funding programs (e.g., CERV or LIFE) utilize the assistance of external experts – that is, experts who do not work within EU institutions. A previous Rule of Law Report has already noted¹⁴³ that the rules governing conflicts of interest for these external experts are so permissive that, in certain cases, external experts may even participate in evaluating applications submitted by the organizations that employ them. The Code of Conduct for Experts¹⁴⁴ permits external experts, in exceptional cases, to take part in handling applications from their own organization or employer, provided that the expert does not work in the exact same department applying for EU funding, the departments within the organization operate with a high degree of autonomy, and the expert's expertise is necessary for the evaluation. Last year's report also presented evidence that there are examples where certain organizations (see the case of the Bulgarian Helsinki Committee) received EU funding from the CERV program in the same year that their staff member served as an external expert for the CERV program (meaning they could have potentially participated in evaluating the project submitted by their own organization).

In addition to the presence of conflicts of interest, last year's report also drew attention to transparency issues regarding the activities of external experts. The database of external experts does not specify which projects the experts participated in evaluating, nor does it detail the nature of their work (whether they served as evaluators, monitors, or other expert roles for the applications). Furthermore, the database does not indicate which experts are employed in organizations that themselves receive EU funding. All of this points to serious shortcomings in the regulation of EU programs, which creates room for the biased allocation of EU funds.

In addition to the presence of conflicts of interest, the regulation exhibits another serious weakness: accredited persons representing interest groups that lobby in the European Parliament can also participate in evaluating EU funding programs as external experts. In other words, under current regulations, it is possible for an accredited lobbyist of an organization that is funded by EU resources and engages in advocacy work to take part – as an external expert – in decisions regarding which organizations receive EU support. The direct involvement of accredited lobbyists in decisions concerning the distribution of public funds creates an unequivocal conflict of interest.

The issue can also be illustrated with concrete examples. Isabela Mihalache¹⁴⁵ appears among the CERV (2024) external experts, while simultaneously serving as an accredited lobbyist to the EP for the European Roma Grassroots Organisations Network since 2020¹⁴⁶. For instance, the European Roma Grassroots Organisations Network held discussions regarding the AgoraEU program with MEP Alice Kuhnke¹⁴⁷ who is one of the rapporteurs for the AgoraEU initiative¹⁴⁸. AgoraEU will be the civil society funding program for the upcoming EU budget.¹⁴⁹ This demonstrates that the European Roma Grassroots Organisations Network actively engages in lobbying specifically in the field of NGO financing, while one of its employees participates as an external expert in handling EU grant applications for NGOs.

It must also be mentioned that the European Roma Grassroots Organisations Network itself received EU funding during the same years that one of its staff members simultaneously acted as a lobbyist in the EP and as an external expert—a role in which she could influence who benefits from EU funds. Since 2022, the European Roma Grassroots Organisations Network has received a total of more than 3.5 million euros in support, while in 2024 (when their staff member, Isabela Mihalache, served as a CERV expert), it won 5 projects from CERV, valued at nearly 3 million euros. It must be noted, however, that these examples do not prove beyond a reasonable doubt that the named expert specifically participated in evaluating her own organization's applications—yet due to the EU's weak anti-corruption regulations, this possibility cannot be ruled out.

The same can be said about Pascaline Gaborit, who appears among the external experts for both CERV (2024)¹⁵⁰, and Horizon (2023)¹⁵¹ thereby participating in the review of projects receiving funding from CERV and Horizon in those years. Concurrently, Gaborit holds active lobbyist accreditation to the European Parliament as a member of PILOT4DEV.¹⁵² Pascaline Gaborit is the founder and director of PILOT4DEV¹⁵³, an organization that has received a total of more than half a million euros in EU funding across 4 EU programs since 2019 (see Financial Transparency System). In 2023, PILOT4DEV received over 400,000 euros in funding from the Horizon Europe program¹⁵⁴, while its director, Pascaline Gaborit, as an external expert for Horizon, also had a say in the allocation (or monitoring) of those funds.

Thirdly, the case of Emma Achilli can also be brought up, who likewise appeared among the CERV external experts in 2024. During this same period, Emma Achilli also worked as an accredited lobbyist for the International Dalit Solidarity Network.¹⁵⁵ Concurrently, since early 2024, Emma Achilli has also served as an advisor to the European Partnership for Democracy¹⁵⁶ is. While the International Dalit Solidarity Network did not receive EU funds, the European Partnership for Democracy relies heavily on EU funding for its operations;

according to information voluntarily uploaded by the organization to the Transparency Register, it received over 9 million euros in support in 2025, which constituted nearly 97 percent of the organization's annual budget.¹⁵⁷ Thus, in the case of the European Partnership for Democracy and Emma Achilli who works for it, a questionable situation regarding conflict of interest also arises: according to rule of law principles, is it acceptable for an accredited lobbyist, who is an employee/contributor to an EU-funded organizations, to directly participate in decisions regarding the distribution of EU public funds?

Regarding the European Partnership for Democracy, where Achilli serves as an advisor, it can also be said that it is one of the NGOs that (as detailed in the previous chapter) denied the validity of criticisms directed at the EU's civil society funding, and called for civil society resources in Europe to remain secured and even increased in an open letter.¹⁵⁸ The stance of the European Partnership for Democracy – advocating for the increase of NGO funding while opposing its investigation – must be interpreted with the knowledge that the organization does not abstain from the conflicted situation of operating predominantly on EU funding while working with lobbyists who themselves participate in shaping decisions regarding the allocation of EU funds. There is a risk that EU funds are distributed in a biased or even corrupt manner, which can be considered a serious rule of law issue.

4. The excessive power of the European Court of Justice, as well as the questionable impartiality of several of its Judges and Advocates General

According to Article 19(2) TEU „ *The Judges and the Advocates-General of the Court of Justice and the Judges of the General Court shall be chosen from persons whose independence is beyond doubt*”. The importance of the court's impartiality is also emphasized by the Code of Conduct for Members and former Members of the Court of Justice of the European Union. The Code of Conduct highlights (see Article 3(4)) that „*Members shall not act or express themselves, through whatever medium, in a manner which adversely affects the public perception of their independence, their integrity or the dignity of their office*”.¹⁵⁹ In accordance with this, the case law of the Court of Justice of the European Union also stresses that, in order to protect public trust in the administration of justice, even situations that „*serve to create in the minds of individuals reasonable doubt as to the independence and impartiality of the judges*” must be avoided (see C-562/21 and C-448/23). However, the process of appointing members of the court and the views expressed by certain members, for example in open letters, reveal conduct that results in a serious detriment to the public perception of their independence.

4.1. Political affiliations of certain members of the panel involved in the appointment of judges and advocates-general

Judges and Advocates General to the Court of Justice of the European Union are nominated by the Member States; however, the suitability of the candidates and the appointments are assessed by a committee whose duties are set out in Article 255 TFEU. Following consultation with the panel, final appointments may be made by mutual agreement by the governments of the Member States. As the 2024 Rule of Law Report has already shown¹⁶⁰ this panel can also issue a negative opinion on candidates, in which case the Member States have so far always withdrew their nomination. The operation of the committee referred to in Article 255 is non-transparent, having last published a report on its activities in 2022.¹⁶¹ According to the data at that time, it expressed a negative opinion regarding 21.5 percent of the candidates – however, since 2022, due to the lack of reports, it is unknown whether this proportion has changed and, if so, in which direction. The non-transparent functioning of the committee criticizing the nominations of Member States in itself raises rule of law questions.

Moreover, several members of the panel, holding a monopoly on reviewing Member State candidates for judges and Advocates General, have significant political backgrounds. Since March 1, 2026, the committee consists of the following seven members¹⁶²: Vassilios Skouris (President), Maria Berger, Inken Gallner, Barbara Pořízková, Silvana Sciarra, Christophe Soulard and Vesna Tomljenović. Among the seven members of the committee, Vassilios Skouris

and Maria Berger can be accused of having a political past or other conflicts of interest.

4.1.1. *Political background of Maria Berger*

Maria Berger, who was appointed as a member of the 255 Committee at the end of 2025, can "boast" a significant political past. Maria Berger served as a Member of the European Parliament from 1996 to 2009 (with a brief interruption between 2007 and 2008 when she served as Minister of Justice). From her seat in the European Parliament, she was nominated to Luxembourg by the Austrian government of Werner Faymann (SPÖ), where she served as a judge at the Court of Justice of the European Union from 2009 to 2019. During her political career, she was the head of the EP delegation for the Social Democratic Party of Austria (SPÖ), and earlier, between 1984 and 1987, she served as the president of the SPÖ's youth wing.¹⁶³ Since she was connected to the SPÖ from her youth, the Social Democratic Party has not forgotten its loyal member to this day: on the occasion of her appointment to the 255 Committee, the local branch of the party congratulated her¹⁶⁴, and certain members of the party expressed their joy that a true "progressive"¹⁶⁵ could thus participate in the process of appointing judges and advocates general. The participation of a politician-judge with social democratic ties in 255 Committee raises serious concerns regarding the panel's operation and the potential political intentions lurking behind their opinions.

4.1.2. *Incompatible positions of Vassilios Skouris*

Besides Maria Berger the activities of the 255 Committee President's, Vassilios Skouris can also be questioned. Skouris served as President of the Court of Justice of the European Union between 2003 and 2015, while also serving as a minister in three Greek caretaker governments. He was Minister of Interior in Greece in both 1989 and 1996, and later in 2023, he briefly served as Minister of State in the caretaker government led by Ioannis Sarvas.¹⁶⁶ The latter is particularly significant, as at that time Skouris was already a member of the 255 Committee that assesses the nominations of judges and Advocates General (he became its president in 2026). Thus, whilst an active member of a caretaker government, he was able to pass judgment on candidates for Advocates General and judges nominated by other Member States as a sitting member of the 255 Committee. This gives rise to a serious suspicion of a conflict of interest.

Suspicion of a conflict of interest was also raised by the fact that, starting in 2017, Vassilios Skouris served as president of the FIFA Ethics Committee too (as of 2026, his name is no longer listed as a member of the committee¹⁶⁷). At the end of 2024, Politico also criticized him for his dual membership on the FIFA Ethics Committee — where his annual earnings reached 200,000 dollars —¹⁶⁸, and the 255 Committee. FIFA is frequently involved in litigation before the Court of Justice of the European Union, so the fact that a former judge on its payroll had

an influence on CJEU appointments served as a strong indication of a conflict of interest. According to the search engine of the Court of Justice of the European Union, FIFA was a party to proceedings in a total of 10 cases (while other CJEU decisions related to football could also have affected the organization); meanwhile, the Politico article mentions three specific ongoing cases relevant to FIFA at the time when Skouris was simultaneously a member of the FIFA Ethics Committee and the 255 Committee. Overall, the concerns regarding the members of the panel give cause for serious criticism regarding the rule of law, as they "create reasonable doubt" about the impartiality of appointments to the Court of Justice of the European Union.

4.1.3. *Political statement of Advocate General Tamara Čapeta*

Tamara Čapeta serves as Advocate General in two cases before the ECJ that are of significant importance for Hungary. On the one hand, she is the Advocate General in the case concerning the Hungarian Child Protection Act (C-769/22), in which Hungary was found in breach of EU law; on the other hand, she is the Advocate General in the dispute between the European Parliament and the Commission regarding the transfer of 10 billion euros in previously frozen EU funds to Hungary (C-225/24). In connection with the Child Protection Act, the CJEU (upon the recommendation of the Advocate General) established that the Member State violated the values of the Union, while the dispute between the EP and the Commission can likewise be linked to EU values, given that the EP contests whether Hungary met certain rule of law requirements when the Commission granted Budapest access to the previously frozen funds. The participation of Croatian Advocate General Tamara Čapeta in proceedings concerning EU values raises questions regarding the impartiality and independence of the procedure, as Čapeta had already committed herself prior to her appointment as Advocate General in an open letter to the view that Hungary violates the values of the Union.

Tamara Čapeta joined the Court of Justice of the European Union in 2021, having previously served as a professor at the University of Zagreb. Her academic work was also recognized by the European Commission, which awarded her a Jean Monnet Professorship for her accomplishments in EU law.¹⁶⁹ In 2018, she was one of the co-founders of her university's Jean Monnet Centre of Excellence, which received 100,000 euros in support from the European Commission between 2018 and 2023.¹⁷⁰ The project, to whose implementation the Commission contributed a significant sum, was named "EU Global Leadership in the Rule of Law".¹⁷¹ In 2019, Commissioner Věra Jourová also visited one of the initiative's events.¹⁷²

Tamara Čapeta already held a sharp opinion in 2018 regarding Hungary's alleged violation of EU values. At that time, she signed an open letter addressed

to Jean-Claude Juncker (President of the Commission), Antonio Tajani (President of the European Parliament), and Donald Tusk (President of the European Council), condemning Hungary.¹⁷³ Prompted by political debates surrounding the Central European University (CEU) in Hungary, the letter's signatories, including Tamara Čapeta, turned to the EU institutions to express their „*profound disappointment and outrage about the EU's failure to respond more robustly to recent developments in Hungary*”. In the letter, they condemned the EU's failure to sanction Hungary for its attack on academic freedom, while viewing the Article 7 procedure as a step in the right direction. The letter signed by Tamara Čapeta also explicitly stated the signatories' view that Fidesz breaches EU values on an „*industrial scale*” putting the freedom of all European citizens at risk.

The issue of the Child Protection Act also touched upon the situation of LGBTQ+ individuals in Hungary, a question on which Tamara Čapeta's stance was likewise predictable. In 2013, a referendum was held in Croatia regarding the definition of marriage, and during the referendum campaign, Tamara Čapeta considered it important to express her opinion through an open letter.¹⁷⁴ In the open letter, together with other Jean Monnet Professors – including her colleague working with her on the Commission-funded rule-of-law project, Tamara Perišin¹⁷⁵, who today serves as a judge at the General Court – Čapeta called attention to the view that marriage cannot be defined as a union between a man and a woman. In her view, this definition is not only discriminatory but also has a harmful effect on the protection of fundamental and minority rights (contrary to her opinion, the referendum ultimately confirmed the definition of marriage as a union between a man and a woman). Taking all this into account, it comes as no surprise at all that in her opinion regarding the Hungarian law, she also rose to the defence of the LGBTQ+ community. Thus, even prior to the issuance of her opinion as Advocate General, it was well known that she did not consider the Hungarian government's work compatible with EU values, and on the other hand, it was also predictable what stance she would take regarding the LGBTQ+ aspects of the Child Protection Act.

One should expect independence and impartiality from courts. Yet, in two Hungarian court cases before the CJEU related to Union values, an Advocate General was appointed who, even prior to her appointment, firmly believed that Hungary was violating these values. Indeed, her civil activism led her to speak out in an open letter against the Hungarian right-wing government. The question legitimately arises as to whether she can be considered impartial as an Advocate General of the Court, and whether the proceedings against Hungary met fundamental rule-of-law expectations. The suspicion may arise that the core of the opinion cloaked in legal form by Advocate General Tamara Čapeta (which was essentially accepted by the CJEU in the case of the Child Protection Act)

was formed long before the lawsuit was initiated; this fundamentally impairs the impartiality of the court.

4.2. Overreach of the European Court of Justice

There is broad consensus on the necessity of limiting executive power and maintaining a system of checks and balances; however, far less attention is paid to the need for placing constraints on the judiciary and judicial power. Regarding the rules governing the appointment of judges, case assignment, and the renewability of judicial mandates, the importance of reducing political influence is universally emphasized. At the Court of Justice of the European Union, the true risk to impartial justice – as opposed to external political interference – stems from the unchecked overreach of its President from within. The mandate of the President of the Court of Justice of the European Union is infinitely renewable, while he holds the power to decide on case allocation and can initiate the appointment of members to the committee referred to in Article 255, which issues opinions on candidates for judges and advocates general. The excessive power of the President of the Court in terms of case allocation and appointments, coupled with the knowledge that his mandate can be renewed indefinitely, clearly demonstrates the absence of limits on the powers of the Court's President.

Judges are appointed for six years at the Court of Justice of the European Union, and their mandates can be renewed any number of times. The appointment of Advocates General is likewise for six years, and there is also no limit on the renewal of the mandate for the Advocates General from the five largest Member States (Spain, Germany, France, Italy, and Poland). The remaining 22 Member States may only appoint an Advocate General for a single six-year mandate, after which they must pass this opportunity to the next Member State in alphabetical order.

4.2.1. Long terms of office at the Court of Justice of the European Union

Although the connection between the length of judicial (or Advocate General) mandates and the rule-of-law functioning of a court is open to debate, certain high-ranking members of the ECJ hold such long mandates that concerns regarding unchecked, excessive power can be legitimately raised. particularly long mandates can lead to a decrease in judicial accountability and a strengthening of the power of certain judges within the court, while a judge serving a long mandate can also leave a disproportionately large mark on the future trajectory of the Union.¹⁷⁶ The current President of the Court, Koen Lenaerts, first worked (as a legal assistant) at the Court of Justice of the European Union between 1984–85, and then, after a brief interruption, has been continuously and without interruption a member of the body since 1989 (until 2003 he worked at the Court of First Instance, which since the Treaty of Lisbon is called the General

Court). He has been President of the Court since 2015. This amounts to 37 years of uninterrupted judicial work at the Court of Justice of the European Union (or its predecessors), of which he has served 11 years as President. Koen Lenaerts's long judicial tenure and presidency legitimately raise the question of whether an unprecedented concentration of power has accumulated in his hands.

Based on the information compiled from data on the Court of Justice of the European Union (CJEU)'s website¹⁷⁷ an average judge or Advocate General currently serves on the Court for nearly 10 years – making the current President's tenure almost four times as long. Alongside Lenaerts, an exceptionally long tenure is held by Juliane Kokott, the German Advocate General, who has been at the Court since 2003; Küllike Jürimäe, who joined the (as called today) General Court in 2004 and the Court of Justice in 2013; Thomas von Danwitz, who has been a judge at the Court of Justice since 2006; and Dimitrios Gratsias, who joined the General Court in 2010 before serving on the Court of Justice since 2021. François Biltgen, Maciej Szpunar (First Advocate General), and Siniša Rodin have been continuously at the Court of Justice since 2013, while Stéphane Gervasoni served first on the General Court since 2013, moving to the Court of Justice in 2024. Thus, the appointment of the current President has lasted 14 years longer than even the second-longest continuous tenure currently held by Juliane Kokott (23 years).

4.2.2. *Unprecedented powers of the President of the European Court of Justice*

In addition to the length of his tenure, numerous other factors point to his excessive power. The members of the panel referred to in Article 255 are appointed by the Council at the initiative of the President of the Court of Justice¹⁷⁸ – as discussed in a previous chapter, this panel issues opinions on the candidates for judges and Advocates General nominated by Member States. Three of the seven members of this committee were previously Lenaerts's colleagues at the Court of Justice. He worked alongside Vassilios Skouris, who is currently the president of the panel in question and preceded Lenaerts as President of the Court of Justice, for 16 years; with Vesna Tomljenović for 12 years; and with Maria Berger for 10 years. Through his initiative to appoint the members of the 255 Committee, the President of the Court of Justice may exert informal influence over or gain insight into the selection of judges and Advocates General. In contrast to the Court President's opportunities for wide-ranging, non-transparent influence lacking checks and balances, the Venice Commission emphasizes that during the judicial appointment process, situations that risk creating the appearance of judicial self-interest or cronyism must be avoided.¹⁷⁹

It also reinforces the President's power that, in the absence of an automatic case allocation system at the Court of Justice, the President determines who will serve as the judge-rapporteur for individual cases. Although the judges

4. The excessive power of the European Court of Justice, as well as the questionable impartiality of several of its Judges and Advocates General

collectively decide on the size of the chamber to which a case is assigned (a 3-judge panel, 5-judge panel, or the 15-judge Grand Chamber), because the judge-rapporteur must be a member of the selected chamber, the President effectively restricts the choice among chambers through the selection of the judge-rapporteur.¹⁸⁰ This allows for biased case allocation – an issue brought to light in a previous Rule of Law Report.¹⁸¹ Under current practice, cases of major significance (as well as cases where a Member State specifically requests it) are assigned to the Grand Chamber. The Grand Chamber is presided over by Lenaerts, which can further increase his influence over the work of the judge-rapporteur, who must examine the case and draft a judgment before his superior, the President.

Contents

Executive Summary	1
Methodology	4
1. Abuses of power are becoming increasingly frequent on the part of the institutions of the European Union.....	6
1.1. Bypassing the rules of unanimity violates the rights of Member States	6
1.1.1. Perpetual freeze of Russian assets	6
1.1.2. Banning Russian gas from the Union.....	7
1.1.3. Ukraine's accelerated EU accession process.....	7
1.2. The European Parliament systematically protects the immunity of MEPs accused of violence and corruption.....	8
1.2.1. In the case of certain MEPs, the EP abuses parliamentary immunity	8
1.2.2. The selective application of <i>fumus persecutionis</i> in the EP	9
1.2.3. The parliamentary immunity of Ilaria Salis	10
1.2.4. Maintaining the parliamentary immunity of Angelika Niebler.....	12
1.2.5. Immunity cases of MEPs involved in the Huawei scandal.....	13
1.2.6. Immunity case of Elisabetta Gualmini, involved in the Qatargate scandal.....	15
1.3. Provisional application of international agreements violates the principle of institutional balance expected under the Treaties	15
1.3.1. Mercosur Agreement.....	16
1.3.2. Provisional application of agreements concluded with Ukraine	17
1.3.3. Prolonged provisional application of the agreement concluded with Canada	17
1.4. The European Democracy Shield violates both fundamental rights and exclusive Member State competences	18
1.4.1. Infringement of the principle of freedom of speech.....	19
1.4.2. The Union's 'competence creep' with the Democracy Shield	19
2. The proceeding against the Europe of Sovereign Nations is an attempt to discriminate a European political party	22
2.1. Assessment of the compliance of European political parties and political foundations with European values may form a basis for discrimination.....	22
2.1.1. In 2025 the conditions for the registration of European political parties were modified	22
2.1.2. Assessment of the compliance of European political parties with Union values	23
2.1.3. The removal of European political parties from the Register	24
2.2. Several members of the committee of independent eminent persons can be accused of conflict of interest, which violates the principles of independence and impartiality	24
2.2.1. Doubts regarding the independence and impartiality of Anna Paczesniak.....	25
2.2.2. Doubts regarding the independence and impartiality of Pia Lange	25
2.2.3. Doubts regarding the independence and impartiality of Linas Kontrimas.....	26
2.3. There is a risk that the principle of impartiality may be compromised during the proceedings against the ESN.....	26

3.	The EU's funding of NGOs compromises transparency requirements and conflict-of-interest principles.....	28
3.1.	EU funded organisations campaigning against transparency	28
3.2.	The principle of conflict of interest is violated during lobbying and the allocation of Union funds	30
3.2.1.	Personal ties between Transparency International and EU institutions	30
3.2.2.	EU external experts lobby as accredited individuals of interest groups for funding.....	31
4.	The excessive power of the European Court of Justice, as well as the questionable impartiality of several of its Judges and Advocates General ..	34
4.1.	Political affiliations of certain members of the panel involved in the appointment of judges and advocates-general	34
4.1.1.	Political background of Maria Berger	35
4.1.2.	Incompatible positions of Vassilios Skouris	35
4.1.3.	Political statement of Advocate General Tamara Čapeta	36
4.2.	Overreach of the European Court of Justice	38
4.2.1.	Long terms of office at the Court of Justice of the European Union	38
4.2.2.	Unprecedented powers of the President of the European Court of Justice.....	39
	Contents.....	41
	Abbreviations	43
	Notes	44

Abbreviations

AfD – Alternative für Deutschland
ALDE – Alliance of Liberals and Democrats for Europe Party
APPF – Authority for European Political Parties and European Political Foundations
AVS – Alleanza Verdi e Sinistra
CDU – Christian Democratic Union of Germany
CERV – Citizens, Equality, Rights and Values programme
CETA – Comprehensive Economic and Trade Agreement
CEU – Central European University
CJEU – Court of Justice of the European Union
CONT – Committee on Budgetary Control
EC – European Commission
ECA – European Court of Auditors
ECNE – European Cooperation Network on Elections
ECR – European Conservatives and Reformists
EMPA – EU-Mercosur Partnership Agreement
EP – European Parliament
EPP – European People's Party
ESN – Europe of Sovereign Nations
EU – European Union
FEPS – Foundation for European Progressive Studies
FIFA – International Federation of Association Football
Greens/EFA – Greens/European Free Alliance
GUE/NGL – The Left or The Left in the European Parliament
IGLYO – The International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex (LGBTQI) Youth & Student Organisation
ITA – Interim Trade Agreement
LGBTQ – Lesbian, Gay, Bisexual, Transgender, and Queer
LIFE – Programme for the Environment and Climate Action
MCC – Mathias Corvinus Collegium
MEP – member of the European Parliament
MFF – Multiannual Financial Framework
NI – Non-attached Members
Pfe or Patriots – Patriots for Europe
PiS – Law and Justice
S&D – Progressive Alliance of Socialists and Democrats
SADC – Southern African Development Community
SEPA – Single Euro Payments Area
SPD – Social Democratic Party of Germany
SPÖ – Social Democratic Party of Austria
SWG – CONT Scrutiny Working Group
TEU – Treaty on European Union
TFEU – Treaty on the Functioning of the European Union
TI – Transparency International
USAID – United States Agency for International Development
WMCES – Wilfried Martens Centre for European Studies

Notes

-
- ¹ TEU: [Article 2](#)
- ² Gát Ákos Bence: [Napirendre kerülhet az EU intézményei feletti jogállamisági ellenőrzés](#)
- ³ ECA: [Special report 03/2024: The rule of law in the EU – An improved framework to protect the EU’s financial interests, but risks remain](#)
- ⁴ ECJ: [C-50/00 P, Judgement](#)
- ⁵ Venice Commission: [Venice Commission’s “Rule of Law Checklist”](#)
- ⁶ Venice Commission: [The Updated Rule of Law Checklist](#)
- ⁷ Nézőpont: [2019-2024 Jogállamisági jelentés](#)
- ⁸ Hungary Today: [EU Has “Crossed the Rubicon” by Bypassing Hungary’s Veto, Says Viktor Orbán](#)
- ⁹ EP: [Legal bases in Article 122 TFEU – Tackling emergencies through executive acts](#), 7. o.
- ¹⁰ Aljazeera: [EU indefinitely freezes hundreds of billions in Russian funds](#)
- ¹¹ European Council: [Orosz olaj: az EU megállapodott az árplafon szintjéről](#)
- ¹² The two landlocked countries opposed the plan because they rely on energy arriving from Russia to Europe via pipelines.
- ¹³ In its application, Hungary also drew attention to the rule-of-law issue that banning Russian energy violated Article 194(2) TFEU, as under this provision the Union has no say in determining the energy mix of Member States.
- ¹⁴ ECJ: [2026. február 2-án benyújtott kereset – Magyarország kontra Európai Parlament, az Európai Unió Tanácsa](#)
- ¹⁵ DW: [EU to move Ukraine membership forward despite Hungary veto](#)
- ¹⁶ Politico: [EU hands Ukraine and Moldova next steps toward membership despite Orbán block](#)
- ¹⁷ Nézőpont: [2025 Jelentés a jogállamiság helyzetéről az eu intézményeiben](#), 7. o.
- ¹⁸ EP: [Az Európai Parlament eljárási szabályzata 5. cikk \(2\)](#)
- ¹⁹ EP: [Request for the waiver of the immunity of Ilhan Kyuchyuk](#)
- ²⁰ EP: [Request for the waiver of the immunity of Péter Magyar](#)
- ²¹ EP: [European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Salvatore De Meo](#)
- ²² [European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Nikola Minchev](#)
- ²³ EP: [Request for the waiver of the immunity of Elisabetta Gualmini](#)
- ²⁴ EP: [European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Salvatore De Meo](#)
- ²⁵ [European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Nikola Minchev](#)
- ²⁶ EP: [Request for the waiver of the immunity of Elisabetta Gualmini](#)
- ²⁷ CJEU: [T-346/11 and T-347/11](#)
- ²⁸ EP Directorate General for Internal Policies: [The Immunity of Members of the European Parliament](#), 26.o.
- ²⁹ The Tirana Examiner: [Parliamentary Immunity in Europe: A Comparative Legal Reference](#)
- ³⁰ dr. Petri Bernadett: [Képviselői immunitás az Európai Parlamentben - A mentelmi jog alkalmazásának aktualitásai](#)
- ³¹ CJEU: [T-214/18](#)
- ³² Rendőrség: [Budapesti támadások](#)
- ³³ Hirado.hu: [Az ügyészség 14 év fegyházát kért beismerés esetére az antifa támadások német vádlottjára](#)
- ³⁴ Index: [Vádat emelt az ügyészség a budapesti antifa támadások ügyében](#)

-
- ³⁵ Mandiner: [Brutális részletek derültek ki a februári antifa támadásokról: előre kitervelt, pontos, begyakorlott támadások voltak](#)
- ³⁶ Combating Terrorism Centre at West Point: [Is Left-Wing Terrorism Making a Comeback in Germany? Analyzing the “Engel – Guntermann Network”](#)
- ³⁷ Pesti Srácok: [Végre: hosszú időre börtönbe megy a hírhedt antifa rohamosztag, a Hammer-bande egykori vezetője, Lina Engel](#)
- ³⁸ Brussels Signal: [Convicted German left-wing extremist Lina E. released early](#)
- ³⁹ Magyar Nemzet: [Megint hazudott Ilaria Salis a fogva tartásának körülményeiről + videó](#)
- ⁴⁰ Euronews: [Miért sokkolta Olaszországot a Budapesten rabláncon vezetett Ilaria Salis esete?](#)
- ⁴¹ Origo: [Antifa bilincs és mosoly](#)
- ⁴² HVG: [A budapesti antifa-támadás elkövetőit bíróság elé állítottak Németországban](#)
- ⁴³ The Guardian: [This article is more than 1 year old Italian activist freed from Budapest house arrest after being elected MEP](#)
- ⁴⁴ Politico: [European Parliament shields left-wing lawmaker from prosecution in Orbán’s Hungary](#)
- ⁴⁵ The Left: [Ilaria Salis: a Victory for Democracy](#)
- ⁴⁶ EP: [Report on the request for the waiver of the immunity of Ilaria Salis](#)
- ⁴⁷ EP: [Handbook on the Incompatibilities and Immunity of the Members of the European Parliament](#), 27. o.
- ⁴⁸ EUR LEX: [Az Európai Közösségek egyéb alkalmazottaira vonatkozó alkalmazási feltételek módosításáról](#)
- ⁴⁹ Politico: [EU Parliament accused of overreach after shielding top lawmakers from prosecutors](#)
- ⁵⁰ Politico: [German center-right chief in European Parliament investigated for fraud](#)
- ⁵¹ EP: [Jelentés az Angelika Niebler mentelmi jogának felfüggesztésére irányuló kérelemről](#)
- ⁵² Integrity Watch: [MEP Incomes](#)
- ⁵³ Hungarian Conservative: [Double Standards? German EPP MEP’s Immunity Upheld in Case Similar to Le Pen’s](#)
- ⁵⁴ Corporate Europe Observatory: [Schulz urged to investigate MEP Niebler over possible conflicts of interest](#)
- ⁵⁵ EP: [Jelentés az Angelika Niebler mentelmi jogának felfüggesztésére irányuló kérelemről](#)
- ⁵⁶ Courthouse News Service: [Paris judge presses Marine Le Pen’s former assistant in embezzlement appeal](#)
- ⁵⁷ EP: [European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Salvatore De Meo](#)
- ⁵⁸ [European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Nikola Minchev](#)
- ⁵⁹ EP: [European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Salvatore De Meo](#)
- ⁶⁰ Huawei: [Connecting villages in Europe’s countryside](#)
- ⁶¹ [European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Nikola Minchev](#)
- ⁶² EP: [Az Európai Parlament 2026. június 16-i határozata a Fulvio Martusciello mentelmi jogának felfüggesztésére irányuló kérelemről](#)
- ⁶³ EP: [European Parliament decision of 16 June 2026 on the request for the waiver of the immunity of Daniel Attard](#)
- ⁶⁴ Politico: [Huawei scandal: Belgium backtracks on MEP immunity request](#)
- ⁶⁵ EP: [Committee on Legal Affairs Notice to Members](#)
- ⁶⁶ Politico: [EU lawmakers vote to shield peers from Huawei scandal probe](#)
- ⁶⁷ EP: [Request for the waiver of the immunity of Elisabetta Gualmini](#)
- ⁶⁸ Politico: [2 MEPs suspended from Socialist group over Qatargate probe](#)
- ⁶⁹ EP: [Request for the waiver of the immunity of Elisabetta Gualmini](#)
- ⁷⁰ EP: [Judicial review of international agreements by the Court of Justice of the EU](#), 5 o.

-
- ⁷¹ Merijn Chamon: [Provisional Application of Treaties: The EU's Contribution to the Development of International Law](#), 889. o.
- ⁷² Brussels Signal: [MEPs send Mercosur deal to EU court, possibly postponing it](#)
- ⁷³ European Council: [EU-Mercosur agreements explained](#)
- ⁷⁴ Institute Veblen: [Key Insights into the Final EU-Mercosur Agreement](#)
- ⁷⁵ Verfassungsblog: [Has the European Parliament Shot Itself in the Foot?](#)
- ⁷⁶ Verfassungsblog: [Has the European Parliament Shot Itself in the Foot?](#)
- ⁷⁷ White & Case: [EU to provisionally apply EU-Mercosur Interim Trade Agreement pending CJEU opinion](#)
- ⁷⁸ Friends of the Earth: [EU-Mercosur: provisional application, undemocratic precedent](#)
- ⁷⁹ EUR LEX: [2014/691/EU: Council Decision of 29 September 2014 amending Decision 2014/668/EU on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards Title III \(with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other Party\) and Titles IV, V, VI and VII thereof, as well as the related Annexes and Protocols](#)
- ⁸⁰ EUR LEX: [2014/668/EU: Council Decision of 23 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards Title III \(with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other Party\) and Titles IV, V, VI and VII thereof, as well as the related Annexes and Protocols](#)
- ⁸¹ Paola Conconi, Cristina Herghelegiu, Laura Puccioeu: [Trade Agreements: To Mix or Not to Mix, That Is the Question](#), 244. o.
- ⁸² Court of Justice of the European Union: [Press Release No 52/19: The mechanism for the resolution of disputes between investors and States provided for by the free trade agreement between the EU and Canada \(CETA\) is compatible with EU law](#)
- ⁸³ Paola Conconi, Cristina Herghelegiu, Laura Puccioeu: [Trade Agreements: To Mix or Not to Mix, That Is the Question](#), 244. o.
- ⁸⁴ Policy Magazine: [Canada and the EU: The Imperatives of CETA Ratification](#)
- ⁸⁵ EC: [EU-Canada Comprehensive Economic and Trade Agreement \(CETA\) and Digital Trade Agreement](#)
- ⁸⁶ European Council: [Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part](#)
- ⁸⁷ European Council: [Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part](#)
- ⁸⁸ European Council: [Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part](#)
- ⁸⁹ European Council: [Interim agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part](#)
- ⁹⁰ European Council: [Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part](#)
- ⁹¹ European Council: [Stepping Stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part](#)
- ⁹² European Council: [Stepping Stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part](#)
- ⁹³ European Council: [Comprehensive Economic and Trade Agreement \(CETA\) between Canada, of the one part, and the European Union and its Member States, of the other part](#)

-
- ⁹⁴ Mauro Gatti: [Provisional Application of EU Trade and Investment Agreements: A Pragmatic Solution to Mixity Issues](#), 54. o.
- ⁹⁵ EP: [Briefing European Commission initiative in preparation: European democracy shield](#), 2.o.
- ⁹⁶ EC: [Commission Launches €5 Million Call to Strengthen European Fact-Checking Network](#)
- ⁹⁷ XXI. Század Intézet: [Brüsszeli véleményrendőrség – Európai Demokráciapajzs a szólásszabadság ellen](#)
- ⁹⁸ Interim Staff Report of the Committee on the Judiciary of the U.S. House of Representatives: [The Foreign Censorship Threat, Part II: Europe’s Decade-Long Campaign to Censor the Global Internet and How it Harms American Speech in the United States](#)
- ⁹⁹ MCC Brussels: [A shield against democracy](#)
- ¹⁰⁰ MCC Brussels: [A shield against democracy](#), 6.o.
- ¹⁰¹ EC: [Trusted flaggers under the Digital Services Act \(DSA\)](#)
- ¹⁰² EC: [JOIN\(2025\) 791 final European Democracy Shield: Empowering Strong and Resilient Democracies](#), 10.o.
- ¹⁰³ Nézőpont: [2025 Jelentés a jogállamiság helyzetéről az EU intézményeiben](#)
- ¹⁰⁴ EC: [European cooperation network on elections](#)
- ¹⁰⁵ EC: [COM\(2018\) 637 final](#)
- ¹⁰⁶ EC: [JOIN\(2025\) 791 final European Democracy Shield: Empowering Strong and Resilient Democracies](#), 11.o.
- ¹⁰⁷ Nézőpont: [2025 Jelentés a jogállamiság helyzetéről az EU intézményeiben](#), 4. fejezet
- ¹⁰⁸ EUR LEX: [2025/2445 az európai politikai pártok és az európai politikai alapítványok jogállásáról és finanszírozásáról](#)
- ¹⁰⁹ EUR LEX: [2025/2445 az európai politikai pártok és az európai politikai alapítványok jogállásáról és finanszírozásáról](#)
- ¹¹⁰ FEPS: [Scientific Council](#)
- ¹¹¹ Nézőpont: [2025 Jelentés a jogállamiság helyzetéről az EU intézményeiben](#), 18.o.
- ¹¹² EUR LEX: [C/2025/3139 az európai politikai pártok és az európai politikai alapítványok jogállásáról és finanszírozásáról szóló 1141/2014/EU, Euratom európai parlamenti és tanácsi rendelet 11. cikkének \(1\) bekezdése szerinti független kiemelkedő személyek bizottsága két tagjának kinevezéséről](#)
- ¹¹³ University of Bremen: Prof. Dr. Pia Annika Lange, LL.M. (UCT)
- ¹¹⁴ Die Linke Fraktion Berlin: [Studie der Linksfraktion zeigt: Mietenwahnsinn auf dem Berliner Wohnungsmarkt kann durch landesrechtliche Regelungen zurückgedrängt werden](#)
- ¹¹⁵ Die Linke Fraktion Berlin: [Sicher Wohnen. Per Gesetz](#)
- ¹¹⁶ Die Linke Fraktion Berlin: [Sicheres Wohnen. Per Gesetz](#)
- ¹¹⁷ Central Electoral Commission of the Republic of Lithuania: [Linas Kontrimas és Forest: Rinkimai į Europos Parlamentą 2019: kandidatas Linas Kontrimas](#)
- ¹¹⁸ Politico: [Brussels watchdog moves to ban Alternative for Germany’s EU party](#)
- ¹¹⁹ EP: [Proposal for a decision requesting the Authority for European Political Parties and European Political Foundations to verify whether Europe of Sovereign Nations Party complies with the conditions laid down in Article 3\(1\), points \(d\) and \(e\), of Regulation \(EU, Euratom\) 2025/2445](#)
- ¹²⁰ Nézőpont: [2025 Jelentés a jogállamiság helyzetéről az EU intézményeiben](#), 18.o.
- ¹²¹ Hungarian Conservative: [Brussels Targets Patriots for Europe: A Fight Against Political Double Standards](#)
- ¹²² Nézőpont: [2025 Jelentés a jogállamiság helyzetéről az EU intézményeiben](#), 26.o.
- ¹²³ MCC Brussels: [The EU’s propaganda machine](#)
- ¹²⁴ Transparency International EU: [Urgent call to strengthen and shield European democracy in the upcoming MFF](#)
- ¹²⁵ Transparency International EU: [570+ Organisations Join Forces to Defend Civil Society és Open letter to EU Parliament Conference of Presidents opposing establishment of Committee of Inquiry on NGO funding](#)

-
- ¹²⁶ Civil Society Europe: [Unprecedented Attacks on NGOs in the EU - We Call on All Democratic Forces To Act for a Strong and Independent Civil Society](#)
- ¹²⁷ Szuverenitásvédelmi Hivatal: [A Transparency International Magyarország tevékenységének hatása a magyar szuverenitásra](#), 11. o.
- ¹²⁸ Transparency International: [Setting the record straight: addressing the opaque scope of the ECA report on NGO funding](#)
- ¹²⁹ Transparency International EU: [Open letter to EU Parliament Conference of Presidents opposing establishment of Committee of Inquiry on NGO funding](#)
- ¹³⁰ Corporate Europe Observatory: [Open Letter Scrutiny Working Group on NGOs](#)
- ¹³¹ Brussels Signal: [Transparency International 'pressured party to remove MEP demanding transparency on EC contracts'](#)
- ¹³² Politico: [BUDG-SEC/CONT-COMMITTEE D \(2025\) 2018: Letter](#)
- ¹³³ Euronews: [Battle over NGO financing heats up again in Brussels as MEPs seek investigation](#)
- ¹³⁴ Nézőpont: [2025 Jelentés a jogállamiság helyzetéről az EU intézményeiben](#), 13-16.o.
- ¹³⁵ EP: [Daniel Freund Past Meetings](#) (last update 14.07.2026.)
- ¹³⁶ Daniel Freund: [Europe Calling NGO Funding](#)
- ¹³⁷ Daniel Freund: [Attack on climate organisations: Greens expose sham investigation into NGOs](#)
- ¹³⁸ LinkedIn: [Nicholas Aiossa](#)
- ¹³⁹ Transparency International: [Carolina Ferreira Gil](#)
- ¹⁴⁰ Transparency International: [Giulia Cantalupi](#)
- ¹⁴¹ Transparency International: [Ilaria Schmoland](#)
- ¹⁴² Transparency International: [Raphaël Kergueno](#)
- ¹⁴³ Nézőpont: [2025 Jelentés a jogállamiság helyzetéről az EU intézményeiben](#), 31. o.
- ¹⁴⁴ EC: [EU Experts Expert Code of Conduct](#)
- ¹⁴⁵ EC: EU [Funding and Tenders Portal: Programme for the Environment and Climate Action \(LIFE\)](#)
- ¹⁴⁶ Lobbyfacts.eu: [European Roma Grassroots Organisations Network](#)
- ¹⁴⁷ Transparency Register: [European Roma Grassroots Organisations Network](#)
- ¹⁴⁸ Legislative Observatory: [2025/0550\(COD\) 'AgoraEU' programme 2028–2034](#)
- ¹⁴⁹ European Council: [AgoraEU: Council agrees partial mandate on new programme to support culture, media and democratic values](#)
- ¹⁵⁰ EC: EU [Funding and Tenders Portal: Programme for the Environment and Climate Action \(LIFE\)](#)
- ¹⁵¹ EC: EU [Funding and Tenders Portal: Programme for the Environment and Climate Action \(LIFE\)](#)
- ¹⁵² Lobbyfacts.eu: [PILOT4DEV](#)
- ¹⁵³ PILOT4DEV: [Dr. Pascaline Gaborit](#)
- ¹⁵⁴ EC: [EU Funding and Tenders Portal: Participative Assistive AI-powered Tools for Supporting Trustworthy Online Activity of Citizens and Debunking Disinformation](#)
- ¹⁵⁵ EC: [International Dalit Solidarity Network](#)
- ¹⁵⁶ European Partnership for Democracy: [Emma Achilli](#)
- ¹⁵⁷ Transparency Register: [European Partnership for Democracy](#)
- ¹⁵⁸ Transparency International EU: [570+ Organisations Join Forces to Defend Civil Society és Open letter to EU Parliament Conference of Presidents opposing establishment of Committee of Inquiry on NGO funding](#)
- ¹⁵⁹ EUR LEX: [Az Európai Unió Bírósága tagjainak és korábbi tagjainak etikai kódexe](#)
- ¹⁶⁰ Nézőpont: [2019-2024 Jogállamisági jelentés](#), 33-34. o.
- ¹⁶¹ Comite 255: [Work](#)
- ¹⁶² EUR LEX: [2025/2644 appointing the members of the panel provided for in Article 255 of the Treaty on the Functioning of the European Union](#)
- ¹⁶³ Parlament Österreich: [Dr. Maria-Margarethe Berger](#)

-
- ¹⁶⁴ Facebook: [SPÖ Oberösterreich: Post](#)
- ¹⁶⁵ Evelyn Regner: [SPÖ-Regner gratuliert Maria Berger zur neuen Aufgabe](#)
- ¹⁶⁶ The National Herald: [Caretaker Government Sworn in at the Presidential Mansion](#)
- ¹⁶⁷ FIFA: [Judicial Bodies](#)
- ¹⁶⁸ Politico: [Secretive EU court panel includes highly paid FIFA official](#)
- ¹⁶⁹ University of Zagreb: [Conference Series](#)
- ¹⁷⁰ EC: [Erasmus+ EU Global Leadership in the Rule of Law](#)
- ¹⁷¹ University of Zagreb: [Conference Series](#)
- ¹⁷² EC: [Citizens' Dialogue in Zagreb with Commissioner Věra Jourová](#)
- ¹⁷³ Verfassungsblog: [Europe's Shameful Silence – An Open Letter to EU Leaders from Jean Monnet Chairs](#)
- ¹⁷⁴ Tportal: ['Jedina svrha ovog referenduma jest isključivanje manjine'](#)
- ¹⁷⁵ University of Zagreb Faculty of Law: [Tamara Perišin](#)
- ¹⁷⁶ Brennan Centre: [Supreme Court Term Limits](#)
- ¹⁷⁷ ECJ: [The Members Court of Justice](#)
- ¹⁷⁸ Comite 255: [The current members of the panel](#)
- ¹⁷⁹ Velencei Bizottság: [The Rule of Law Checklist](#), 36. o.
- ¹⁸⁰ Joshua C. Fjellstul: [How the Chamber System at the CJEU Undermines the Consistency of the Court's Application of EU Law](#), 4. o.
- ¹⁸¹ Nézőpont: [2019-2024 Jogállamisági Jelentés 3.2. fejezet](#)