

Policy Brief

A new European Democracy Agenda – The Commission's security focus and what it misses

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[#EuropeanDemocracy](#)
[#DemocraticBacksliding](#)
[#ForeignInterference](#)

Ursula von der Leyen's political guidelines cite security, prosperity, and democracy as overarching priorities for the next five years. This emphasis appears appropriate, considering that the quality of democracy has been declining significantly across Europe in the past decade. But while democracy is named as a priority, von der Leyen's proposed action in this area for the next legislative period is limited: democracy is framed mostly as a security issue, with threats stemming from hostile foreign actors in the online information space. This approach risks disproportionately occupying attention that leave other, internal threats to democracy in the EU unaddressed or deprioritised. This paper proposes four areas for action over the next legislative period to more effectively and comprehensively address the risks that European democracy currently faces. First, the Commission should re-evaluate its current legislative agenda for fostering democracy. Second, it should support civil society organisations, human rights defenders and independent journalists, including through funding. Third, it should make use of the available financial tools to protect the EU budget. Fourth, it should contribute to devising and protecting minimum standards for democracy.

Ursula von der Leyen's political [guidelines](#) cite security, prosperity, and democracy as overarching priorities for the next five years. Prioritising democracy on a par with security and prosperity seems appropriate, considering the quality of democracy in Europe has [been consistently declining](#) over the past decade. Since 2013, eight member states have been downgraded from liberal to electoral democracy according to the V-Dem institute's independent democracy [index](#). Freedom of expression and media freedoms have been particular targets of [attack](#).

But even though she named democracy as a priority, von der Leyen's proposed action in this area for the next legislative period is limited. Democracy is framed mostly as a security issue and the focus is largely on the online information space, with threats described as stemming from hostile regimes like Russia. The new Justice Commissioner Michael McGrath echoed this focus on the manipulation of online information by foreign actors in his confirmation [hearing](#), where he set out his view of current challenges such as disinformation and a lack of media literacy. In line with this threat assessment, the main policy tool proposed for the next legislative period (2024-2029) is a '[Democracy Shield](#)' against foreign interference online. That those are not the only existing threats was conceded by Michael McGrath in his hearing, when he said, "if we were to be honest with each other", not every threat to democracy is external. The Commission's focus in the next legislative period, however, remains primarily on foreign interference online.

The EU's approach of viewing democracy through a security lens, focusing on external and online threats, risks overlooking or deprioritising those democracy issues that do not fit this framing. Domestic political elites remain the key actors in democratic decline in Europe. To more effectively and comprehensively address the risks that European democracy currently faces, this paper proposes four areas for action for the next legislative period. First, the Commission should re-evaluate its current legislative democracy agenda. Second, it should support civil society organisations, human rights defenders and independent journalists, including through funding. Third, it should make use of the available financial tools to protect the EU budget. Fourth, it should contribute to devising and protecting minimum standards for democracy.

Examining EU action on democracy

The issue of democracy has only recently made its way onto the EU's policy agenda. The Commission presidents' political guidelines over the last 15 years give some insight into how the issue and its framing has evolved. While José Manuel [Barroso](#) merely made a passing reference to democracy by describing stable democracy as one of the EU's strengths in 2009, Jean-Claude Juncker in his [2014 political guidelines](#) prioritised the need to strengthen democratic processes and legitimacy at the European level. He also emphasised the Commission's prerogative to uphold shared values, fundamental rights and the rule of law.

With the quality of democracy deteriorating in several member states, this cautious rhetoric on upholding shared values became noticeably more muscular: von der Leyen's first [political guidelines](#), which she set out in 2019, stated that there could be "no compromise when it comes to defending our core values", referring specifically to upholding the rule of law. With regard to democracy, she focused on democracy at the European level, as did Juncker, saying Europeans should have a stronger role in the EU's decision-making and she would "go further than ever before to make it happen". Her priorities were citizen participation, relations to the European Parliament, the lead candidate (or *Spitzenkandidat*) system and greater transparency.

In addition to these plans for democracy at the European level, von der Leyen also in 2019 argued that democratic systems and institutions have been "increasingly under attack in recent years". This is the first time any political guidelines have mentioned threats to national democratic institutions, aside from rule of law concerns. More specifically, von der Leyen said that there is a "need to do more to protect ourselves from external interference", including on digital platforms, and to develop joint approaches to tackling disinformation and online hate. To address these external threats, she promised to put forward a 'European Democracy Action Plan' (EDAP). In her [State of the Union speech](#) in 2022, von der Leyen

followed up in the same vein, announcing she would present a Defence of Democracy package to shield the Union more effectively from malign foreign interference.

This framing of current threats to European democracies as stemming from malign external actors, whose interventions play out in the online information space, is further emphasised in the [2024 political guidelines](#), which declare that “our democratic systems and institutions are under attack” from foreign actors such as hostile governments. While von der Leyen also acknowledges the rise of threats from internal actors, the latest measure presented – a new ‘[European Democracy Shield](#)’ – still focuses mainly on external and online threats. In the 2024 guidelines, references to democracy at the EU level make up only a small part of this section of the report compared to the 2019 guidelines.

The Democracy Action Plan (2019)

At the core of the proposed action on democracy in von der Leyen’s [2019 political guidelines](#) was the ‘European Democracy Action Plan’, designed to address “threats of external intervention in our European elections”. This focus had shifted slightly by the time the [EDAP](#) was presented in December 2020, where it included a broader range of measures to [strengthen democratic resilience](#) in three main areas:

1) promoting free and fair elections and strong democratic participation;

This included a regulation on the [transparency and targeting of political advertising](#), adopted in March 2024, which introduced new transparency rules for political advertising and prohibits targeting based on certain categories of personal data online. It also bans advertisements from third countries three months before an election.

Other initiatives included a [revision](#) of the rules on the funding of European political parties and foundations which has not yet been adopted, and a strengthening of the [European Cooperation Network on Elections](#) which brings together member states’ election authorities. There was also a [planned revision](#) of legislation on the rights of mobile EU citizens to vote in municipal and European elections, which again is yet to be adopted.

2) supporting free and independent media;

This included a [recommendation](#) on the safety of journalists, an anti-SLAPP [recommendation](#), a [directive](#) to protect journalists and human rights defenders against abusive litigation, a new [Media Ownership Monitor](#) and the funding of projects such as the ‘[Media Freedom Rapid Response](#)’.

3) countering disinformation.

This included developing a [toolbox](#) to counter foreign interference and so-called ‘influence operations’, strengthening the [Code of Practice](#) on disinformation, and allocating resources to counter foreign information manipulation and interference (FIMI), including disinformation.

While novel online threats were a focus across these areas, the initiatives under the EDAP umbrella addressed a much broader set of issues than von der Leyen's political guidelines initially suggested. The document also included links to related initiatives such as the European Media Freedom Act and the Digital Services Act. The EDAP was generally [well-received](#) by civil society organisations (CSOs), especially given that it was the first attempt to produce a set of measures specifically targeting threats to democracy in member states.

Ursula von der Leyen followed up on the EDAP by announcing a 'Defence of Democracy package' in her 2022 [State of the Union](#) address, saying, "We need to better shield ourselves from malign interference". She was speaking of course just after Russia's invasion of Ukraine in February of that year. The [package](#) aimed to build on the EDAP and ensure transparency of foreign interest representation in the EU. The centrepiece of the package was the proposal for a [Directive establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries](#) (the 'Foreign Funding Directive') which aimed to "[protect the EU democratic sphere from covert foreign influence](#)". The Commission also adopted a Recommendation to promote citizen and civil society engagement in policymaking processes. The Foreign Funding Directive has been criticised by civil society organisations as a potentially harmful '[foreign agent law](#)' that could be [abused](#) by some member state governments. There were concerns that the law could stigmatise the work of some civil society bodies. The proposal is currently [tabled](#).

There were other noteworthy initiatives by the Commission alongside these democracy 'packages'. The [European Media Freedom Act](#) was adopted in April 2024 and will be fully applicable from August 2025. The Digital Services Act is a significant piece of legislation as, among other stipulations, it requires very large platforms to [mitigate systemic online risks to elections](#), democratic processes and civic discourse. In the area of rule of law, the Commission has also introduced [annual rule of law reports](#) and the [rule of law conditionality mechanism](#).

All in all, while the Commission's rhetoric on its democracy initiatives focuses on external and online threats, in practice it actually addresses a much broader range of issues, including the need to safeguard journalistic freedoms, civil society and elections, all of which tackle many aspects of potential democratic backsliding. How effective the initiatives will be in reality remains to be seen, however, because many of these new frameworks will only become fully applicable in 2025.¹

Planned action for the next legislative period: The Democracy Shield (2024)

After adopting a raft of new laws during the last legislative period, the Commission's focus from 2024 onwards seems to be on enforcing these fresh legal frameworks. There is one other democracy initiative planned: von der Leyen announced a new 'Democracy Shield' in her [political guidelines](#). The shape of this shield and what precisely it has been designed to protect is as yet unclear, but the initiative appears to focus on countering foreign information manipulation and interference online (FIMI). This will probably build on the work the [European External Action Service](#) has already done on FIMI. Measures could include increasing digital media literacy, building up a Europe-wide network of fact-checkers and countering deepfakes.

The implementation of the EU's democracy agenda will also be influenced by who the appointed commissioners will be and how portfolios will be allocated within the executive. In the last Commission, Vera Jourová was the Vice President for Values and Transparency (responsible for the democracy packages and rule of law measures) and Dubravka Šuica

¹ For example, the [European Media Freedom Act](#) will only come into full effect from 5 August 2025. The regulation on the transparency and targeting of political advertising will start to apply in [autumn 2025](#).

for Democracy and Demography (tasked with organising the Conference on the Future of Europe). As the Commissioner for Justice, Didier Reynders held the consumer protection and rule of law portfolio.

This division of portfolios has now been reshuffled. Ireland's Michael McGrath is the new Commissioner for Justice, with Democracy, Rule of Law and Consumer Protection all added to his title. He reports to the Executive Vice President, Finland's Henna Virkkunen, who is responsible for tech sovereignty, security and democracy. This new combining of the democracy theme with tech and security seems to be a natural progression, considering the Commission's recent focus on security and online threats. This could help to ensure that democracy issues are taken into account in initiatives relating to tech regulation and security. Virkkunen underlined this approach in her confirmation [hearing](#) before the European Parliament. She said that she plans on working at the "intersection between democracy, technology and security". On the flip side, Virkkunen might end up paying less attention to other democracy issues such as transparency that were higher on Vera Jourová's list. Turning to McGrath, the policy initiatives set out in his [mission letter](#) promised basically a continuation of existing measures as well as new initiatives to protect the safety of political candidates and to help build a 'Civil Society Platform'.

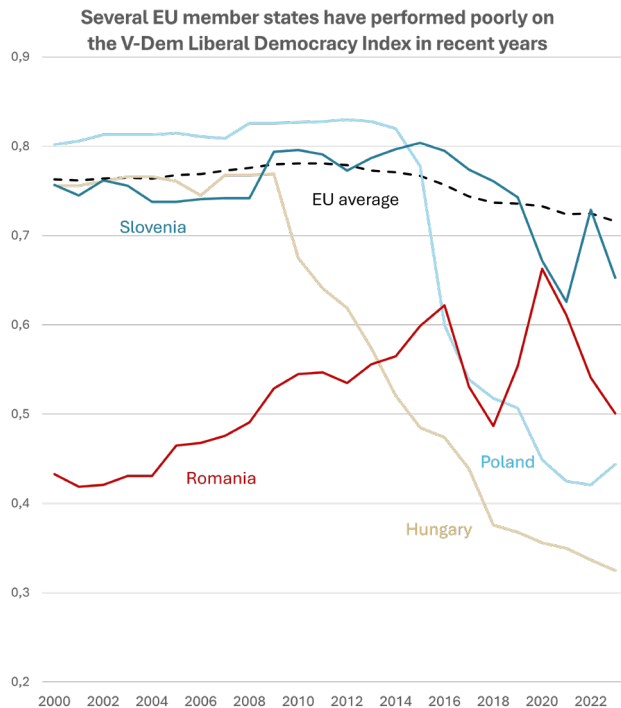
Piotr Serafin, Poland's new Budget Commissioner, will also play a leading role in the negotiations over the [EU's next budget](#) and in the enforcing of anti-fraud and rule of law rules. Raffaele Fitto, the Italian Commissioner for Cohesion, will oversee the Cohesion Funds that make up a large part of the EU's budget.

Overall, the Commission is continuing its approach of presenting its actions around the theme of democracy as safeguarding the bloc mainly from malign external interference. The European Democracy Action Plan in 2019 had included a range of issues beyond disinformation but, since Russia's invasion of Ukraine, the focus on shielding European democracies from hostile influences appears ever more urgent. While other initiatives such as improving dialogue with civil society actors are planned for the next five years, they are likely to take a back seat as the Commission continues to strengthen its focus on democratic security.

Gaps in the EU's current approach

From a security perspective, the openness of democratic societies is a vulnerability that can be exploited by foreign influence operations. The recent Russian attempts to influence elections in [Romania](#) and [Moldova](#) have shown that this is a very real risk and absolutely needs to be tackled. But from a democracy perspective, not all existing challenges can reasonably be subsumed under the security agenda. The EU's approach of viewing democracy through a security lens, focusing on external and online threats, risks overlooking or deprioritising those democracy issues that do not fit this framing.

There is no doubt that the EU is facing serious challenges to its democratic ideals. Since the 2010s, there has been a steady [trend of democratic decline](#) in Europe, especially in its eastern regions. Several member states have been [downgraded](#) by the V-Dem Institute from liberal democracy to electoral democracy: Austria, Cyprus, Greece, Portugal, Poland, Lithuania, Slovakia, and Slovenia. Hungary has gone from being a liberal democracy to an electoral autocracy, though Bulgaria, Romania and Croatia are still electoral democracies. What drives democratic backsliding is often not an abrupt change to the political system but rather a gradual chipping away at democratic institutions. In particular, freedom of expression and [media freedom](#) have declined, and the environment for civil society organisations has become noticeably [less favourable](#) in many countries.



Source: [V-Dem Dataset v14](#) Varieties of Democracy (V-Dem) Project; own illustration.

But the source of this trend is hardly external. The key actors in democratic decline are usually domestic political elites. For an established democracy to significantly decline, it requires political actors to deliberately [disassemble](#) them. This focus on political elites is shared by many [researchers](#) and both the process and the actors have been clearly observable in the past decade in the EU. While foreign “[authoritarian regimes](#)” can support those political actors that seek to de-stabilise and undermine democratic processes, domestic politicians still remain the key actors. Trends such as polarisation may contribute but are in themselves not a [sufficient condition](#) for regime collapse.

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With regard to the effect of the increasingly online environment of democratic discourse: [Research suggests](#) that it is not clear whether there is a causal relation between increased use of digital media and democratic decline. While it can have positive impact in some instances, for example on voter turnout, there is [indication](#) that digital media may be associated, or even cause, declining political trust and rising populism and polarisation. Those are of course worrying trends that should be addressed – but as contributing factors rather than the source of democratic backsliding.

Overall, the influencing tactics of malign foreign actors can exacerbate existing risks to democracy as a result of adversaries’ attempts to exploit vulnerabilities and instability. This should be recognised and addressed, but there should also be a re-evaluation of how this risk relates to other challenges to democracy and whether it should have the priority it currently enjoys on the Commission’s agenda. Otherwise, this focus on one aspect of democracy risks drawing resources and attention away from other pressing issues. What those issues could be will be explored in the next section.

A new agenda for democracy beyond security: What the EU should do

The rule of law, fundamental rights and democracy are the EU’s foundational values laid down in Article 2 of the Treaty on European Union (TEU). These foundational values, however, come with very limited legislative competence, which restricts EU policymakers’

capacity to address democracy issues in member states. At the same time, these states are obliged to adhere to EU law, including the foundational values enshrined in Article 2, and the Commission is responsible for making sure members apply laws properly.

At the time of the drafting of the Treaties, when this legal framework was created, Member States foresaw neither the widespread, and in some cases drastic, breakdown of democratic institutions, nor the digital landscape that now makes it easier for malign external actors to exert influence. Confronted with this new reality, and its consequences, it is clear that the EU needs to act: The breakdown of democratic principles in one Member State is not contained, it affects people across the bloc because national and European political systems are intertwined – through unfairly elected Members of the European Parliament, governments in the Council that can evade public scrutiny and Commissioners that may not represent shared European interests in the Commission. In addition, inaction by the EU [helps sustain](#) illiberal regimes and could prove costly for the EU. In 2020, the European Parliament published a [study](#) estimating that violations to the principles of democracy, rule of law and fundamental rights could cost the EU around 9 percent of the EU's GDP.

In arguing that the EU should rethink its approach to safeguarding European democracy, this policy paper suggests action in four areas: Re-evaluate the legislative democracy agenda for the Commission; Support civil society organisations, human rights defenders and independent journalists; Use the available financial tools; Devise and protect minimum standards of democracy.

Re-evaluate the legislative democracy agenda for the Commission

The Commission's current framing and focus of democracy as a security issue should be re-evaluated so that time and resources are spent effectively. External interference in the online world should be considered as one threat amongst several.

Given the Commission's relatively limited scope of action, and member states' reluctance to regulate in a field which some may view as infringing on national sovereignty, focusing on external threats may be a good way to gather support for certain measures. But initiatives that focus on external threats should not come at the expense of other programmes. In terms specifically of external interference and undue influence, policymakers should consider the extent to which conflating democracy and security issues represents the best approach to tackling these, and to what extent additional legislative action is necessary. In some cases, foreign influence might be dealt with more effectively by security and intelligence agencies, perhaps in concert with the European External Action Service at the European level.

Democracy and democratic resilience are horizontal issues that are impacted by many other policy areas. That is why democracy should be mainstreamed across relevant policy fields. This could also help avoid creating unnecessary new legislation or duplication, or counterproductive initiatives. With the new division of portfolios, the Commission has already woven connections between tech regulation, security, and democracy. Other areas relevant for policy integration could include competition law, especially in the media sector and financial regulation to curb corruption which undermines democratic institutions. The flow of illegal money also enables influence peddling. Moreover, democracy, the rule of law and fundamental rights should be seen as linked policy areas, mutually reinforcing and sometimes overlapping. This calls for more coordination of priorities and resources across related policy areas.

Another aspect to consider in the Commission's democracy agenda is the reality that not all member state governments have an interest in strengthening democratic institutions. This should be taken into account in the design of new initiatives by giving national-level

policymakers limited leeway in deciding how new EU laws are integrated into member states' regulatory frameworks, as well as ensuring that the Commission can monitor how these laws are enforced.

Support civil society organisations, human rights defenders and independent journalists

Beyond resilient institutions, an active civil society is vital for strong democratic governance. Civil society organisations and human rights defenders play a key role in upholding fundamental rights and holding governments to account. This often makes them a target when anti-democratic leaders come into power. The space for civil society in the EU has been shrinking for years. This has been well documented by [civil society](#) bodies, the [Fundamental Rights Agency](#) and the [European Parliament](#). Reasons for this shrinking space include new legal and administrative hurdles introduced by [member states](#), as well as lack of inclusion in policymaking processes and insufficient funding.

The Commission has [acknowledged](#) this and included measures on protecting civic space in its democracy packages. The European Democracy Action Plan [recognises](#) that “a vibrant civil society” is “vital to guarantee the resilience of our democracies”. As part of the Defence of Democracy package, the Commission has issued a [Recommendation](#) “on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes”.

The Commission should continue to prioritise this focus of action. There are three areas where the Commission could consider action: legislation, engagement, and funding.

The Commission should explore avenues for protecting the legal environment for civil society organisations, human rights defenders and journalists. While it has limited legislative competence in this area, the [directive](#) against “strategic lawsuits against public participation” (or SLAPPs) is an example of where the Commission successfully proposed legal action during its previous mandate. The law aims to protect people from abusive lawsuits that are designed to silence them. While the directive only lays down new rules for cross-border cases, it has also prompted some member states to consider it as a minimum standard, adopting it for their own domestic regulations. The directive took effect in May 2024 and looks to have promise as a guide for member states. [Ireland](#), [Malta](#) and [Poland](#) for example are preparing amendments to domestic legislation to align with this directive.

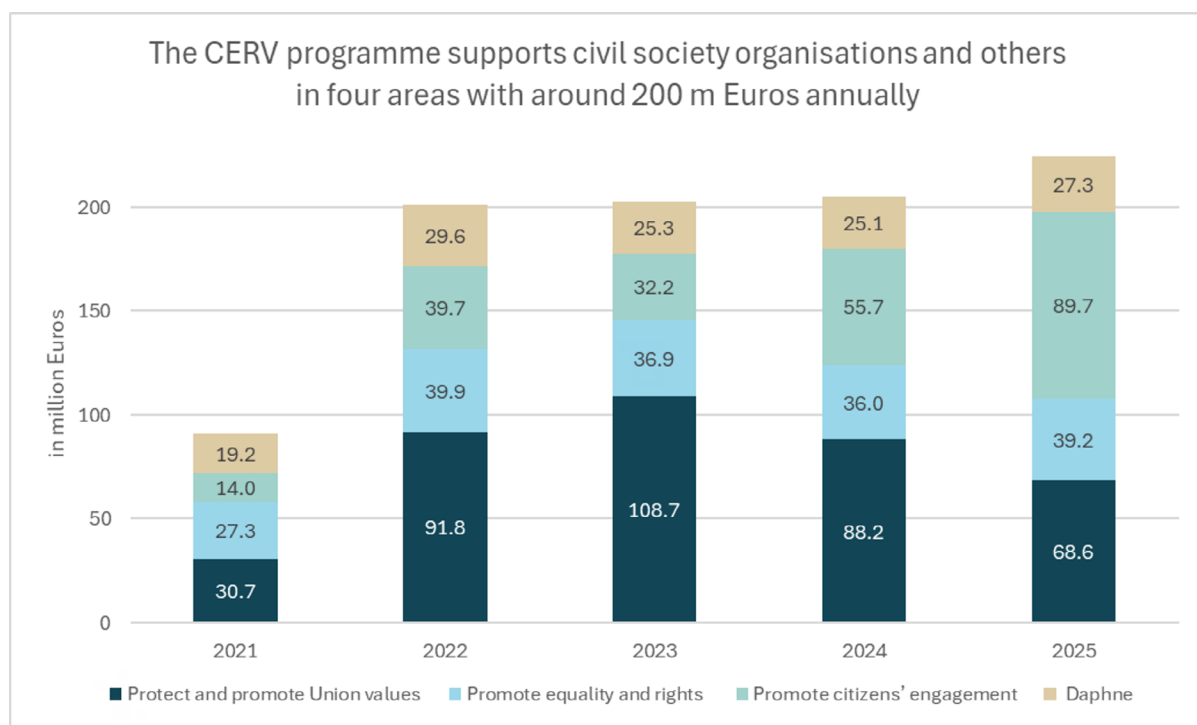
Another viable avenue for the EU to improve the legal environment for civil society is the creation of ‘European cross-border associations’. At the behest of the European Parliament, which adopted a resolution on the subject in February 2022, the Commission [published](#) a proposal for a [directive](#) in September 2023, though the legislative process has since stalled. The Parliament has [repeatedly called](#) for an initiative in this area and published an [added value assessment](#) on the subject in 2017. The initiative could make the work of organisations working across member states easier and offer [legal protection](#). The Council has [not yet started](#) to examine the proposal, which the Commission and Parliament should continue to push for.

Civil society organisations often [criticise](#) the lack of structured engagement with them among EU decision-makers. The European Parliament has also [called on](#) EU institutions, and in particular the Commission, to review their terms of engagement with civil society. CSOs can serve as experts, intermediaries to citizens, and stakeholders that help to ensure public and private interests are represented in a balanced way. Ursula von der Leyen’s [mission letter](#) to Michael McGrath seems to address this in its proposal for creating a Civil Society Platform for “more systematic civil dialogue”. This would be a step forward and could build on the Fundamental Rights Agency’s similar [Fundamental Rights Platform](#), which is

a vehicle for policymakers to work with civil society representatives. The platform allows for the exchange of information, welcomes input from civil society entities, and provides networking opportunities and policymaking tools for organisations.

Long-term, consistent and flexible funding is a [valuable](#) way for the EU to support the work of civil society organisations in upholding fundamental rights and enabling people to participate in democratic governance.

In 2021, the Commission launched the [Citizens, Equality, Rights and Values \(CERV\)](#) programme, which will continue until 2027. Its [€1.55 billion](#) budget is split into [four programme areas](#): 1. defending Union values, 2. fostering equality, rights and gender equality, 3. promoting citizens’ engagement with and participation in the democratic work of the Union, and 4. tackling gender-based violence and violence against children (the ‘Daphne’ initiative). In 2023, the “Union values” strand had a [budget](#) of around €108m and in 2024 roughly €88m.



Sources: 2021 and 2022: [C\(2021\) 2583 final](#); 2023 and 2024: [C\(2022\) 8588 final](#); 2025: [C\(2024\) 4922 final](#).

While it places greater emphasis on values compared to the previous [Rights, Equality and Citizenship \(REC\) programme](#), one issue with the CERV programme is that it may not be reaching those CSOs operating in member states where democracy is most under pressure. A [slight majority](#) of funds appears to go to CSOs from western Europe, perhaps due to their representatives having more experience in applying for EU funds. A similar pattern was visible in the REC programme, where a [small number of countries](#) – especially Italy, Belgium, Greece and Spain – profited most.

Moreover, some representatives of civil society organisations [argue](#) that the current funding programmes need to be more easily accessible for smaller organisations, to be more flexible in their content and to impose less of an administrative burden. With regard to activities funded to promote the values enshrined in Article 2 TEU, the CERV programme should not focus too heavily on issues in the digital sphere such as hate speech and disinformation.

The nonprofit sector in central and eastern European countries, which are especially at risk of democratic backsliding, is [markedly underfunded](#). In addition, two historically important foreign donors, [USAID](#) and the [Open Society Foundations](#), are reducing their efforts to

strengthen democracy in the region. So it is especially important that funding for the promotion of Union values is not reduced in the Union's next long-term budget. In a 2023 report, Parliament even called for an increase to [€2.6bn](#) in the next Multiannual Financial Framework. Adequate funding for related initiatives such as an effective roll-out of the European Media Freedom Act should also be made [available](#).

Protect the EU budget where democracy standards are breached

Another card the Commission can play in protecting democracy standards is to withhold EU funds from member states where Union values or fundamental rights are deemed to have been breached. There are two reasons the European Commission should use financial tools as much as possible to address violations against the Union's values, including democracy and fundamental rights. First, freezing EU funds has proven relatively [effective](#) in persuading representatives of some member states to row back on their positions and remedy policies that undermine democratic values or the rule of law or face the withholding of EU funds. Second, these funds should not themselves be used to fuel democratic backsliding. There is ample [research](#) suggesting how EU funds in the past have helped support Orbán's illiberal government in Hungary and lined the pockets of his closest supporters.

The current rules in place to protect the EU budget from misuse focus on rule of law breaches: while the [Conditionality Regulation](#) defines the rule of law as including democratic and pluralist lawmaking processes, separation of powers and non-discrimination, its application is more limited because breaches need to demonstrate a [sufficiently close link](#) with the Union budget or the Union's financial interests. Because of this, it is unlikely that it could be applied to a broad range of infringements of democratic principles.

There is, however, also the [Common Provisions Regulation \(CPR\)](#). This sets out general conditions governing the disbursement of the EU's Cohesion Funds, a major part of the Union budget ([€392bn](#) between 2021 and 2027). One condition is that member states need to comply with the Charter of Fundamental Rights when spending EU funds. The Commission has already relied on this in [a number of cases](#). While most appear to be based on judicial independence, other rights such as the right to [academic freedom](#) where also relied on. It is thus conceivable that other fundamental rights such as freedom of expression and media pluralism, crucial for a resilient democracy, could also be invoked. An advantage of relying on the CPR is also that the Commission can decide for itself whether the conditions for granting funds have been met. This instrument should be used systematically in the next five years, even if the new Cohesion Commissioner Fitto's track record is not the most promising on [rule of law and democracy](#).

In terms of safeguards for democratic values in the next EU budget, Ursula von der Leyen announced in her [political guidelines](#) that there will be a closer link between recommendations in the Commission's Rule of Law Reports and financial support. While it is not yet clear what form this link might take, the relevant recommendations should not be restricted to only those related to the judiciary, an area that is already mostly covered by the rule of law conditionality, but also in the report's areas of anti-corruption, media pluralism and freedom, and institutional checks and balances.

The Commission should use the available tools to protect EU funds where democracy standards have been breached to the extent legally possible. In the coming budget negotiations, standards of protection should by no means be lowered, and the Commission should push to include safeguards for democratic values.

Protect democracy through infringement action

If there is a rule of law breach by a member state, the European Commission can enforce that value through infringement action by relying on Article 19 TEU, which gives concrete expression to the Article 2 value of the rule of law. This has been established by the Court of Justice in a series of [rulings](#). The Commission has been able to bring a number of infringement cases against [Poland](#) on this basis.

The Court could take a similar approach with regard to the value of democracy and establish minimum democracy standards for the EU's member states. There has been debate around the extent to which the values set out in Article 2 TEU (other than the rule of law) are justiciable, but [academics](#) have suggested that a similar legal argument can be applied to democracy, a value enshrined in Article 10 TEU. Article 10 asserts that the functioning of the Union is founded on representative democracy and that representatives of member states must be democratically accountable. In 2023, the Commission launched just such an [infringement case](#), based on Articles 2 and 10 TEU, over a Polish law “for the examination of Russian influence”, irreverently termed the [Lex Tusk](#), which the Commission decided could unduly interfere with democratic processes. The Court of Justice appears open to considering violations of the [principle of democracy](#) in possible infringement-based proceedings in future. This could [include](#) areas such as media and journalistic independence, academic freedom, and free and fair elections.

Devising and protecting minimum standards of democracy, or “[essential democratic requirements](#)”, through legal action to address possible infringements would serve several purposes. It would signal to member states’ political representatives what those minimum democratic standards are. Established breaches of them could also entail financial sanctions. Member states and the Commission can support the development of jurisprudence in this area by intervening in appropriate cases before the European Court of Justice, as they did recently in a [case against Hungary](#) over its laws stigmatising LGBTQ+ people.

Conclusion

Over the last five years, the European Commission has taken major strides in addressing the growing threats to democracy in Europe, moving beyond a narrow focus on EU-level processes to include challenges at the member-state level. The European Democracy Action Plan and subsequent initiatives have provided a solid foundation, introducing measures to tackle external interference, support media freedoms, and enhance civic engagement. However, the EU's democracy agenda remains overly concentrated on external and online threats, while internal risks, often driven by domestic political actors, are in danger of being deprioritised.

To safeguard and strengthen democracy across the Union, the Commission should adopt a more comprehensive approach. It should re-evaluate its democracy agenda and re-examine if conflating security and democracy issues is the best course of action. In terms of democracy action, it should recognise the interdependence of democracy, the rule of law, and fundamental rights, and mainstream democratic resilience across all relevant policy areas. Supporting civil society, journalists and human rights defenders is essential for fostering societal resilience in the face of possible democratic backsliding. In addition, financial tools should be strictly applied to ensure compliance with EU values, and the Commission should push for the development of enforceable minimum standards of democracy.

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