

Rule of Law: Parliament prepares to sue Commission for failure to act

- Growing risk of member states misusing EU funds
- MEPs urge the Commission to act swiftly in the application of the conditionality regulation
- Parliament shall immediately start the necessary preparations for potential court proceedings

MEPs instruct EP President Sassoli to call on the Commission, within two weeks at the latest, to “fulfil its obligations” under the Rule of Law Conditionality Regulation.

In a resolution adopted on Thursday with 506 votes in favour, 150 against and 28 abstentions, MEPs note that the new conditionality instrument to protect the EU budget has been in force since 1 January 2021 and also applies to the Recovery funds. Despite this, the Commission has not proposed any measures under the new rules and has not respected the deadline of 1 June given by Parliament in its [25 March resolution](#) to finalise the guidelines on the application of the Regulation. This “constitutes a sufficient basis for taking legal actions under Article 265 of the TFEU against the Commission”, they say.

The risk of the EU budget being misused in EU countries has grown and rule of law is deteriorating, MEPs stress, and they instruct President Sassoli to call on the Commission, within two weeks at the latest, to “fulfil its obligations” under the new regulation. To be ready, “the Parliament shall in the meantime immediately start the necessary preparations for potential court proceedings under Article 265 of TFEU against the Commission”.

MEPs urge the Commission to swiftly address the severe violations of the principle of rule of law in some member states that are seriously jeopardising the fair, legal and impartial distribution of EU funds. It should use all tools necessary, including the procedure foreseen in [Article 7 of the EU Treaty](#), the EU rule of law framework and the infringement procedures, to address the persistent violations of democracy and fundamental rights in the EU, including attacks on media freedom, journalists, as well as freedom of association and assembly.

Background

The [rule of law conditionality regulation](#), designed to protect EU funds against their possible misuse by EU governments, entered into force on 1 January 2021. However, no measures have been proposed under the new rules. The European Council [asked the Commission](#) to delay their application so member states could challenge it in the EU Court of Justice (Poland and Hungary did so on 11 March 2021), and until the Commission had developed specific application guidelines.

In a [resolution adopted in March 2021](#), Parliament reiterated that the European Council's conclusions on this matter carry no legal effect, and that application of the new regulation cannot be subject to any guidelines. If the Commission deemed such guidelines necessary, they should be adopted no later than 1 June. MEPs also asked the Commission to consult the Parliament before their adoption. In a [committee meeting on 26 May](#), the Commission indicated it intends to consult the Parliament in the first half of June.

Further information

[The adopted text will be available here \(10.06.2021\)](#)

[Video of the debate \(9.06.2021\)](#)

[Steps of the procedure](#)

[Article 265 of TFEU \('failure to act'\)](#)


[Committee on Budgetary Control](#)


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