Resolution on the application of Regulation (EU, Euratom) 2020/2092, the rule-of-law conditionality mechanism

2021/2582(RSP) - 25/03/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 529 votes to 148, with 10 abstentions, a resolution on the application of Regulation (EU, Euratom) 2020/2092, the rule-of-law conditionality mechanism.

The text adopted in plenary was tabled by the EPP, S&D, Renew, Greens/EFA, the Left groups.

As a reminder, Regulation (EU, Euratom) 2020/2092 on a general regime of conditionality for the protection of the EU budget entered into force on 1 January 2021 and has been applicable since then.

Parliament stressed that the Rule of Law Conditionality Regulation is binding in its entirety for all commitment appropriations and payment appropriations in all Member States and for the EU institutions. It underlined the importance of the direct applicability of the Regulation since 1 January 2021, particularly in the context of the disbursement of the NextGenerationEU funds which will occur early in the budget cycle.

Breaches

Parliament noted that the breaches which occurred before the entry into force of the Regulation may also trigger the adoption of measures under the Regulation as long as they continue to exist and to affect or seriously risk affecting the sound financial management of the EU budget or the protection of the Union's financial interests in a sufficiently direct way.

The resolution highlighted that the situation as regards respect for the principles of the rule of law in some Member States warrants immediate consideration. It urged the Commission to make full use of its powers of investigation for each case of a potential breach of the principles of the rule of law by a Member State, which could affect or seriously risk affecting the sound financial management of the Union budget in a sufficiently direct way.

Investigations

Parliament recalled that the revised OLAF Regulation establishes cooperation with the European Public Prosecutor's Office and strengthens OLAF's means to conduct its own investigations, notably by reinforcing the rules on the anti-fraud coordination services in the Member States and on the cooperation between OLAF and national competent authorities before, during and after an investigation.

Parliament should be regularly informed about all ongoing investigations into breaches of the principles of the rule of law.

Parliament's involvement

The Commission is obliged to inform the European Parliament and the Council without delay of any notification sent to Member States in case it has reasonable grounds to consider that the conditions for the adoption of measures set out in the Regulation are fulfilled.

Parliament stressed that the existing rules on the rule of law must be applied and should not be subject to the adoption of guidelines which the Commission is currently drafting. In case the Commission does not fulfil its obligations under this Regulation and does not provide Parliament with information as mentioned above by 1 June 2021, Parliament will consider this to constitute a failure to act and subsequently shall take against the Commission under Article 265 TFEU.

The Commission should avoid any further delay in the application of the rule of law conditionality Regulation.