Resolution on the rule of law situation in the European Union and the application of the Conditionality Regulation (EU, Euratom) 2020 /2092

2021/2711(RSP) - 10/06/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 506 votes to 150, with 28 abstentions, a resolution on the rule of law situation in the European Union and the application of the Conditionality Regulation (EU, Euratom) 2020 /2092.

Parliament reiterated its position on the Rule of Law Conditionality Regulation, which entered into force on 1 January 2021 and is directly applicable in its entirety in the European Union and all its Member States for all funds of the EU budget.

The Commission must act swiftly to enforce the cross-compliance regulation

Members believe that the situation regarding respect for the principles of the rule of law in some Member States warrants immediate recourse to the rule of law conditionality regulation. They urged the Commission to react swiftly to the continuing serious violations of the rule of law in these Member States and to analyse the need to trigger the procedure provided for in the conditionality regulation without delay.

According to Article 5 of the conditionality regulation, ‘the Commission must verify whether the applicable law has been respected and, where necessary, take all appropriate measures to protect the Union budget’. Members called on the Commission to immediately fulfil its obligation under the regulation to inform Parliament of any written notification to the Member States concerned, setting out the facts and specific grounds for breaches of the rule of law or any ongoing investigations. To date, however, Parliament has not received any such information regarding a notification.

Parliament regretted the absence of any written notification from the Commission to the Member States since the entry into force of the regulation, despite the many concerns about breaches of the rule of law identified in the Commission's 2020 Rule of Law Report, as well as the existence of two ongoing Article 7 procedures, which have an impact on the sound financial management of the EU budget and remain unresolved by the Member States.

Towards possible legal proceedings against the Commission

Members recalled that in its resolution of 25 March 2021, Parliament gave the Commission a concrete deadline. Regretting that the Commission had not responded to Parliament's requests by 1 June 2021 and had not activated the procedure provided for in the rule of law conditionality regulation in the most obvious cases of violation of the rule of law in the Union, Members considered that this was a sufficient basis for legal action against the Commission under Article 265 TFEU.

Parliament called on its **President to call on the Commission within two weeks to ‘fulfil its obligations’** regarding the rule of law conditionality regulation. In the meantime, Parliament should immediately start the ‘necessary preparations for potential court proceedings’ under Article 265 TFEU against the Commission.

Making use of all instruments

Parliament regretted that the Council was unable to make meaningful progress in enforcing the EU's values in ongoing Article 7 procedures in response to the threats to common European values in Poland and Hungary. It recommended that the Council address concrete recommendations to the Member States in question and set deadlines for the implementation of these recommendations.

The Commission is called upon to use all tools at its disposal, including the regulation, to also combat persistent violations of democracy and fundamental rights throughout the Union, including attacks on media freedom and journalists, migrants, women's rights, LGBTIQ rights, and freedom of association and assembly.

Members recalled that Parliament had the right to vote on a motion of censure on the Commission and that it has the possibility to react to the Council's lack of cooperation. They called on the other institutions to cooperate rather than obstruct efforts to resolve the current crisis.