Mr Johan Van Overtveldt  
Chair  
Committee on Budgets  
BRUSSELS

Ms Monika Hohlmeier  
Chair  
Committee on Budgetary Control  
BRUSSELS

Subject: Opinion on the creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget (2021/2071(INI))

22.6.2021

Dear Chairs,

Under the procedure referred to above, the Committee on Constitutional Affairs is submitting an opinion to your committees. At its meeting of 15 June 2021, the committee decided to send the opinion in the form of a letter.

The Committee on Constitutional Affairs considered the matter at its meeting of 22 June 2021. At that meeting, it decided to call on the Committee on Budgets and the Committee on Budgetary Control (CJ13), as the committees responsible, to incorporate the following suggestions into their motion for a resolution.

Yours sincerely,

Antonio Tajani

1 The following participated in the final vote: Gabriele Bischoff (1st Vice-Chair), Charles Goerens (2nd Vice-Chair), Giuliano Pisapia (3rd Vice-Chair), Loránt Vincze (4th Vice-Chair), Gerolf Annemans, Damian Boeselager, Fabio Massimo Castaldo, Leila Chaibi, Włodzimierz Cimoszewicz, Gwendoline Delbos-Corfield, Pascal Durand, Angel Dzhambazki (for Geert Bourgeois), Daniel Freund, Esteban González Pons, Sandro Gozi, Brice Hortefeux, Laura Huhtasaari, Seán Kelly (for Antonio Tajani), Paulo Rangel, Antonio Maria Rinaldi, Domènec Ruiz Devesa, Jacek Saryusz-Wolski, Helmut Scholz, Pedro Silva Pereira, Sven Simon, Mihai Tudose, Guy Verhofstadt, Rainer Wieland.
SUGGESTIONS

1. Welcomes the entry into force, as of 1 January 2021, of the Regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States (Regulation) and recalls that it is binding in its entirety for all commitment appropriations and payment appropriations in all Member States and on the EU institutions, including Next Generation EU; considers, therefore, that Guidelines for the application of the general regime of conditionality for the protection of the Union budget are redundant, and moreover risk narrowing the scope of the Regulation;

2. Regrets that the Commission has not yet made use of this tool, despite the many breaches of the rule of law identified in the first ever Commission’s 2020 Rule of Law Report, which have an impact on the sound financial management of the budget; recalls that the Commission is bound by the Treaties to ensure proper application of the EU law; consequently, asks the Commission to fully and proactively enforce the Regulation without delay with regard to all EU funds and programmes;

3. Recalls that in accordance with Article 15(1) TEU, the European Council shall not exercise legislative functions; considers, therefore, that any political declaration of the European Council cannot be deemed to represent an interpretation of legislation as interpretation is vested with the European Court of Justice;

4. While recalling that the annual rule of law report is a separate tool complementary to the Rule of Law Conditionality Regulation, calls on the Commission to use the findings of the annual report in its assessment for the purposes of the regulation;

5. Welcomes the fact that ‘European rights and values including the Rule of Law’ are one of the topics of discussion at the Conference on the Future of Europe; invites the Conference to engage in a thorough discussion and reflection on the effectiveness of the EU’s existing tools to monitor, prevent and tackle violations of EU values and to present concrete proposals to strengthen the EU’s toolbox.