



Plenary sitting

B9-0317/2021

4.6.2021

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission
pursuant to Rule 132(2) of the Rules of Procedure

on the rule of law situation in the European Union and the application of the
Conditionality Regulation 2020/2092
(2021/2711(RSP))

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on behalf of the ID Group

B9-0317/2021

European Parliament resolution on the rule of law situation in the European Union and the application of the Conditionality Regulation 2020/2092 (2021/2711(RSP))

The European Parliament,

- having regard to Articles 2, 4, 5, 7 and 15 of the Treaty on European Union (TEU),
 - having regard to the statements by the Council and the Commission of 8 June 2021 on the rule of law situation in the European Union and the application of the conditionality regulation 2020/2092,
 - having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget¹,
 - having regard to the Opinion of the Court of Auditors of the European Union No 1/2018 concerning the proposal of 2 May 2018 for a regulation of the European Parliament and of the Council on the protection of the Union budget in case of generalised deficiencies as regards the rule of law in the Member States,
 - having regard to the conclusions of the European Council adopted on 11 December 2020,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights; whereas it must also respect the equality of the Member States under the Treaties as well as their national identities and their own legal, constitutional and cultural traditions;
- B. whereas the Member States share a common but not unitary vision, and whereas their cooperation is based primarily on the principle of subsidiarity and mutual trust, but also takes account of divergent national specificities;
- C. whereas the requirements of the rule of law relating, inter alia, to the limits set by the law, the control of independent and impartial courts, transparent, accountable, democratic and pluralist law-making, and legal certainty must apply equally to the European institutions and to the authorities of the Member States;
- D. whereas the independence of the judiciary presupposes, inter alia, that the judicial body concerned is able to exercise its judicial functions with complete autonomy, both under the applicable rules and in practice, without being subject to any hierarchical relationship or subordination to any person, and without receiving orders or instructions

¹ OJ L 433I, 22.12.2020, p. 1.

from any source whatsoever;

1. Stresses that the Regulation of the European Parliament and of the Council on a general regime of conditionality for the protection of the EU budget is currently the subject of a case before the Court of Justice of the European Union, and is therefore neither definitive nor legally binding, as recalled by the European Council in its conclusions of 11 December 2020;
2. Recalls the need for an objective and impartial, rather than politically-oriented, application of legislation, which must apply equally to all Member States; notes that there are many examples in Member States of political interference in the appointment of judges, including those sitting on supreme courts or their equivalent, and of a lack of independence of part of the judiciary;
3. Is concerned about the Commission's desire to establish a single definition of the concept of the rule of law, disregarding the different constitutional traditions of the Member States; considers that this desire reflects a political instrumentalisation of the rule of law with the aim of undermining democratically elected governments and imposing standardisation of ways of life through law within the European Union;
4. Stresses that the procedure provided for in Article 7(1) of the TEU is the only legitimate procedure for dealing with allegations of breaches of the rule of law; recalls that the Council alone is currently empowered to act in the procedures currently under way;
5. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.