Motion for a resolution

Recital D a (new)

Da. whereas Article 5(3) TEU states that ‘under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States’; whereas there is no EU-wide legal definition of what the concept of ‘rule of law’ entails; whereas the Commission, on the one hand, seeks to bind the Member States to EU law, putting the Union hierarchically above the Member States, while, on the other hand, it seeks to replace the traditional content of the rule of law by constructing a subjective set of values and principles; whereas the EU has used the process of alleging rule of law violations for political purposes in the past;
Amendment 3
Jaak Madison, Gerolf Annemans, Gunnar Beck, Nicolaus Fest, Jean-Paul Garraud
on behalf of the ID Group

Motion for a resolution
PPE, S&D, Renew, Verts/ALE, The Left
Rule of law and the consequences of the ECJ ruling

Motion for a resolution
Recital N a (new)

Motion for a resolution
Amendment

Na. whereas there is a real risk that the Commission is instrumentalising the Rule of Law Conditionality Regulation against Poland, Hungary, and other states that insist on the supremacy of their traditional values and their own, equally legitimate legal interpretation of the rule of law; whereas this regulation is a powerful political coercion tool that potentially threatens all Member States; whereas the Commission demonstrates different approaches when it comes to other Member States, such as Malta;

Or. en
Amendment 4
Jaak Madison, Gerolf Annemans, Gunnar Beck, Nicolaus Fest, Jean-Paul Garraud
on behalf of the ID Group

Motion for a resolution
PPE, S&D, Renew, Verts/ALE, The Left
Rule of law and the consequences of the ECJ ruling

Motion for a resolution
Paragraph 1

1. **Welcomes** the judgements of the ECJ of 16 February 2022\(^\text{12}\) and its conclusions that the Rule of Law Conditionality Mechanism is in line with EU law, confirming the appropriateness of the legal basis, the regime’s compatibility with Article 7 TEU and the principle of legal certainty, as well as the EU’s competences regarding the rule of law in the Member States, and the conclusion that the actions brought by Hungary and Poland against the Rule of Law Conditionality Regulation should be dismissed;

\(^{12}\) In cases C-156/21 and C-157/21, as referenced above.

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Amendment

1. **Regrets** the judgements of the ECJ of 16 February 2022\(^\text{12}\) and its conclusions that the Rule of Law Conditionality Mechanism is in line with EU law, confirming the appropriateness of the legal basis, the regime’s compatibility with Article 7 TEU and the principle of legal certainty, as well as the EU’s competences regarding the rule of law in the Member States, and the conclusion that the actions brought by Hungary and Poland against the Rule of Law Conditionality Regulation should be dismissed;

\(^{12}\) In cases C-156/21 and C-157/21, as referenced above.

Or. en
Amendment 5
Jaak Madison, Gerolf Annemans, Gunnar Beck, Nicolaus Fest, Jean-Paul Garraud
on behalf of the ID Group

Motion for a resolution
PPE, S&D, Renew, Verts/ALE, The Left
Rule of law and the consequences of the ECJ ruling

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

1a. Expresses its concern about the ECJ’s judicial activism and legal gymnastics to conclude that the Rule of Law Conditionality Regulation is not intended to punish Member States; further expresses concern about the ECJ’s federalist approach, which will inevitably lead to the further erosion of the national sovereignty of the Member States; calls on the ECJ to observe Articles 31 and 32 of the Vienna Convention on the Law of Treaties;

Or. en
Amendment 6
Jaak Madison, Gerolf Annemans, Gunnar Beck, Nicolaus Fest, Jean-Paul Garraud
on behalf of the ID Group

Motion for a resolution
PPE, S&D, Renew, Verts/ALE, The Left
Rule of law and the consequences of the ECJ ruling

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Underlines that the agreement on the budget cannot be misused for political pressure and to blackmail Member States; considers that any suspension of payments from the Union budget to a Member State, as provided for by the Rule of Law Conditionality Regulation, would amount to unjust enrichment, since Member States contribute to the EU budget with the understanding that they will receive payments from the EU in return; further considers that any suspension of payments by the EU should result in an unfair enrichment claim being brought before a court of law;

Or. en
Amendment 7
Jaak Madison, Gerolf Annemans, Gunnar Beck, Nicolaus Fest, Jean-Paul Garraud
on behalf of the ID Group

Motion for a resolution
PPE, S&D, Renew, Verts/ALE, The Left
Rule of law and the consequences of the ECJ ruling

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

11a. Expresses its grave concern that, as is the case with Article 7 TEU proceedings, measures under the Rule of Law Conditionality Regulation will be implemented to further political ideals and delegitimise certain Member States; notes that the EU is targeting the sovereign governments of Poland and Hungary in particular because of their opposition to the EU’s migration policy and to policies advocating societal liberalism; reiterates that the Member States are, and remain, the masters of the Treaties; calls for a reform of the EU towards a Europe that upholds the sovereignty and identity of our European nations and peoples;

Or. en