Question for written answer E-007008/2020
to the Commission
Rule 138
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Subject: Temporal and material applicability of the rule of law conditionality mechanism

The co-legislators have adopted the Regulation on a general regime of conditionality for the protection of the Union budget and have agreed that it will apply from 1 January 2021 to all commitments and payments.

According to the Treaties, of which the Commission is the guardian:

the Commission shall be completely independent (Article 17 of the Treaty on European Union (TEU));

the European Council shall not exercise legislative functions (Article 15 of the TEU);

a regulation shall have general application and shall be binding in its entirety and directly applicable in all Member States (Article 288 of the Treaty on the Functioning of the European Union (TFEU)).

Given the above, can the Commission confirm that:

1. the applicability of this regulation cannot be subject to the prior adoption of any guidelines or to any additional procedure not provided for in said regulation, and that it will be directly applicable from the date agreed by the co-legislators;

2. neither European Council conclusions nor unilateral declarations of the Commission can prevail over the regulation or limit its objective, scope and effect, including its temporal application, and that the Commission will fully apply the regulation from 1 January 2021;

3. in the event that a Member State seeks the annulment of the regulation, the Commission will intervene in support of Parliament to defend its validity and to protect the application of EU law and of the Treaties?