Priority question for written answer P-004325/2020/rev.1
to the Council
Rule 138
Leszek Miller (S&D)

Subject: Role of the European Council under the proposed mechanism for the protection of the EU’s financial interests and respect for the rule of law (conditionality regime)

We welcomed the fact that the European Council had succeeded in reaching a compromise on the Union budget for 2021-27 and on the plan to rebuild Europe. The magnitude of the resources the Union intends to devote to tackling the consequences of the pandemic and the recession in Europe is unprecedented. It is all the more welcome since the summit’s conclusions explicitly recognise that the EU's financial interests must be properly protected and stress the particular importance of respecting the rule of law.

However, the public is being faced with contradictory opinions expressed, on the one hand, by the Presidents of the European Council and the Commission and, on the other, by representatives of the governments of certain Member States, such as Poland and Hungary.

Controversy surrounds the interpretation of the conclusions (point 23) to the extent that they provide for the establishment of a conditionality regime and for measures (sanctions) to be proposed by the Commission and subsequently adopted by the Council by qualified majority.

According to the Polish Government, the statement set out in the second paragraph of point 23 of the conclusions that the European Council would quickly return to this matter means that the Council's decision (by QMV) will require additional approval by the European Council (unanimity) on each occasion.

Such rhetoric seems to contradict not only the principles of the interpretation of the text, but also the pragmatism of the decision-making process within the EU.

With this in mind, will a Council decision taken by qualified majority be final, or will it need to be confirmed unanimously each time by the European Council?