

**Priority question for written answer P-004585/2021  
to the Commission**

Rule 138

**Othmar Karas** (PPE)

Subject: Application of the new regime of conditionality for the protection of the Union budget

The new regime of conditionality for the protection of the Union budget and the recovery instrument has been in force since 1 January 2021<sup>1</sup>. This allows for the disbursement of Union funds to be suspended, reduced or interrupted by the Council on the initiative of the Commission if Member States breach the rule of law. Four out of five EU citizens are in favour of this initiative<sup>2</sup>. To date, the Commission has not enforced this regime. If the Commission defaults on this, Parliament has until 2 November 2021 to refer the Commission to the Court of Justice for failure to act (Article 265 TFEU). At the same time, the Commission has not yet approved the national recovery plans submitted by Poland and Hungary in May 2021 due to concerns over the rule of law. Recent media reports suggest that Hungary's recovery plan could be approved by the Commission in exchange for future assurances regarding the rule of law. It has also been reported that pre-financing amounting to 13 per cent of the total sum could be disbursed<sup>3,4</sup>.

1. Will the Commission rule out that it will disburse EU funds, including pre-financing, to Member States where there is a risk of funds flowing into the wrong channels before the conditionality regime is enforced?
2. Does the Commission intend to apply the conditionality regime in good time before the deadline for bringing proceedings on 2 November 2021 by sending warning letters to the Member States concerned?
3. Will the Commission rule out applying the conditionality regime only after the Court of Justice has ruled on the cases of Hungary and Poland regarding the rule-of-law conditionality mechanism<sup>5</sup>?

**Supporters<sup>6</sup>**

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<sup>1</sup> 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 budget.

<sup>2</sup> <https://www.europarl.europa.eu/at-your-service/en/be-heard/eurobarometer/soteu-flash-survey>

<sup>3</sup> [www.reuters.com/article/eu-recovery-poland-hungary-idUSKBN2GR3JJ](http://www.reuters.com/article/eu-recovery-poland-hungary-idUSKBN2GR3JJ)

<sup>4</sup> [www.politico.eu/article/hungary-eu-recovery-fund-limbo-viktor-orban/](http://www.politico.eu/article/hungary-eu-recovery-fund-limbo-viktor-orban/)

<sup>5</sup> C-156/21 – Hungary v Parliament and Council; C-157/21 – Poland v Parliament and Council.

<sup>6</sup> This question is supported by Members other than the author: Róza Thun und Hohenstein (PPE), Katarina Barley (S&D), Klára Dobrev (S&D), Attila Ara-Kovács (S&D), Csaba Molnár (S&D), Sándor Rónai (S&D), Moritz Körner (Renew), Sergey Lagodinsky (Verts/ALE), Reinhard Bütikofer (Verts/ALE)