

EN

P-004644/2021

Answer given by Mr Sinkevičius
on behalf of the European Commission
(9.12.2021)

1. As regards penalty payments imposed by the Court of Justice of the EU in the order of 20 September 2021¹, the Commission follows the procedure laid down in the Financial Regulation². The Commission has asked the Polish authorities how they intend to comply with the Court orders. As Poland has failed to provide evidence of cessation of lignite mining activities at the Turów mine, the Commission sent the first call for payment in line with the provisions of the Financial Regulation.
2. The non-respect of the deadline for the payment by Poland would have the following consequences: (a) the application of late payment interest based on Article 99(4)(b) of the Financial Regulation; and (b) the amounts due plus default interest would be offset under Articles 101(1) and 102 of the Financial Regulation.
3. The penalty payments are a mechanism to ensure compliance with the order. In view also of the possibility to recover the unpaid penalties through offsetting as provided in the Financial Regulation, the Commission does not see a need to consider other measures at this stage.

¹ Order of the Vice-President of the Court of Justice of the European Union in Case C-121/21 R, *Czech Republic v Republic of Poland*, EU:C:2021:752.

² Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30 July 2018, p. 1–222.