

Question for written answer E-001383/2026
to the Commission
Rule 144
Michał Dworczyk (ECR)

Subject: Questionable rules governing the application of the politicised EU rule of law conditionality mechanism under the SAFE instrument

The Regulation establishing the SAFE instrument¹ stipulates that it should be implemented in accordance with, among other things, Regulation 2020/2092 of the European Parliament and of the Council on a general regime of conditionality for the protection of the Union budget (including the rule of law conditionality mechanism)².

At the same time, Article 12 of the SAFE Regulation concerning payments makes the disbursement of funds contingent upon the Member State's 'fulfilment of the conditions set out in this Regulation'³, without clearly specifying their scope.

This approach raises questions regarding the limits of the Commission's discretion and the scope of application of the conditionality mechanism, which has in the past been used as a tool to exert political and institutional pressure on Member States. This is particularly objectionable in the area of security and defence, which should be explicitly excluded from any political disputes.

In the light of the foregoing:

1. Can Regulation 2020/2092 serve as a basis for suspending, limiting or withholding payments under the SAFE instrument if the Commission maintains that there has been an alleged breach of the 'principles of the rule of law'?
2. If so, at what stage will the Commission assess and apply the rule of law conditionality mechanism – during the approval of the plan, the conclusion of the operational agreement, the disbursement of the advance, or the payment request?
3. Can operational agreements include additional conditions or monitoring mechanisms – beyond those set out in the SAFE Regulation's eligibility rules⁴ – that, if they are not complied with, will result in the suspension of payments, and if so, can they refer to Regulation 2020/2092?

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¹ Recital 35 of Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument.

² 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.

³ Article 12 of Council Regulation (EU) 2025/1106 of 27 May 2025 establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument.

⁴ Ibid., Article 16.