

EN

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Answer given by Mr Serafin
on behalf of the European Commission
(2.7.2025)

The Conditionality Regulation¹ is based on objective conditions and criteria for its application and implementation to ensure equal and fair treatment of all Member States. Member States' procedural rights are fully safeguarded. In the formal procedure provided by the Conditionality Regulation, Member States can present their views on the Commission's preliminary findings and on the intention to propose measures. Before the Council's vote on measures, a Member State may request the referral of the matters to the European Council if it considers that there are serious breaches of the principles of objectivity, non-discrimination or equal treatment. The Council has to approve measures by qualified majority. Moreover, final decisions adopted under the Regulation are subject to full judicial review by the European Court of Justice.

The Conditionality Regulation is not a mechanism for sanctioning breaches of the principle of rule of law and even less diverging views. It is there to protect the EU budget.

The applicable rules² do not foresee the possibility for the Commission to unilaterally decide to take over funds delegated to Member States under shared management and implement them in direct/indirect management.

The Own Resources legal framework³ does not foresee or support a conditionality mechanism that would allow Member States to suspend their contributions to the EU budget. Member States are legally obliged, in accordance with Own Resources Legislation⁴, to ensure timely contributions to the EU budget and any delay gives rise to payment of late interest with a view to ensuring equal treatment between all Member States as contributors to the EU budget.

Last but not least, the Treaty on the Functioning of the European Union⁵ establishes in its Article 310(1), second subparagraph, that the revenue and expenditure shall be in balance. Any conditionality mechanism regarding the payment of Member States contributions would therefore put the principle of budgetary balance at risk. It would also endanger the implementation of expenditure that has been agreed and budgeted.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R2092>.

² Common Provisions Regulation (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1060>) and the Financial Regulation (https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202402509).

³ https://commission.europa.eu/publications/own-resources-legal-texts_en.

⁴ https://commission.europa.eu/publications/own-resources-legal-texts_en.

⁵ https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_2&format=PDF.