

(English version)

**Question for written answer E-005042/25
to the Commission
Christine Anderson (ESN), Marieke Ehlers (PfE)
(21 December 2025)**

Subject: Legal status of the proposed European Centre for Democratic Resilience (ECDR): incompatibility with Meroni/ESMA case-law

The Commission recently claimed that the ECDR ‘does not require a legal base’. Yet its joint communication describes the role of the ECDR as reinforcing ‘situational awareness’, helping to ‘anticipate, detect and respond to threats’, supporting ‘operational cooperation and capacity building’, ‘developing joint methodologies and protocols’ and ‘strengthening early warning systems’ related to elections and information manipulation ⁽¹⁾.

EU law is clear:

- Article 292 of the TFEU permits only non-binding recommendations;
- Article 4(2) of the TEU reserves national security, elections and information-space protection to the Member States;
- Under Meroni (Case 9/56) ⁽²⁾ and ESMA (C-270/12) ⁽³⁾, bodies exercising public authority functions or discretionary influence must be created by the legislator, on a specific Treaty basis, with powers precisely circumscribed and subject to judicial review.

Either the ECDR has no operational, coordinative or methodological authority over Member States — meaning it is merely an internal Commission workspace, or the ECDR exercises real influence in areas touching national security, elections and platform governance — meaning it cannot legally exist without a proper legal basis and secondary legislation.

1. Which of these two interpretations reflects the Commission’s intentions?
2. If the ECDR is more than an internal network, which Treaty article authorises its creation and functions?
3. Of the described tasks, will the Commission specify those the ECDR cannot legally perform without legislation?

Supporters ⁽⁴⁾

Submitted: 21.12.2025

**Answer given by Mr McGrath on behalf of the European Commission
(12 March 2026)**

In the Joint Communication on the European Democracy Shield ⁽¹⁾, presented on 12 November 2025, the Commission announced the creation of a European Centre for Democratic Resilience.

The importance of strengthening Europe’s democratic resilience was recalled by the European Council once again in December 2025 ⁽²⁾.

The Centre fully respects the Member States’ competence, including with regard to national security and the organisation and conduct of elections, as well as the independence of existing structures at national and EU level.

It will act as a framework to strengthen coordination and information sharing between participating Member States and EU institutions, bodies, offices and agencies, and support practical cooperation and capacity building.

Its development will be rolled out progressively, based on Member States’ voluntary participation and input, as well as on their needs for support and cooperation. This will ensure that the Centre delivers the best support to national authorities.

¹ Joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 12 November 2025 entitled ‘European Democracy Shield: Empowering Strong and Resilient Democracies’ (JOIN(2025)0791).

² Judgment of the Court of 13 June 1958, *Meroni & Co., Industrie Metallurgiche, SpA v High Authority of the European Coal and Steel Community*, Case 9-56, ECLI:EU:C:1958:7.

³ Judgment of the Court of 22 January 2014, *United Kingdom of Great Britain and Northern Ireland v European Parliament and Council of the European Union on Regulation (EU) No 236/2012 — Short selling and certain aspects of credit default swaps — Article 28 — Validity — Legal basis — Powers of intervention conferred on the European Securities and Markets Authority in exceptional circumstances*, Case C-270/12, ECLI:EU:C:2014:18.

⁴ This question is supported by Members other than the authors: Fabrice Leggeri (PfE), António Tänger Corrêa (PfE).

⁽¹⁾ https://commission.europa.eu/document/2539eb53-9485-4199-bfdc-97166893ff45_en.

⁽²⁾ <https://www.consilium.europa.eu/media/wqmknoh4/en-20251218-european-council-conclusions.pdf>.

The Commission does not see the relevance of the case-law referred to by the Honourable Members in this case. The cooperation with Member States under the Centre will be organised in the framework of a Special Group and the Centre will be supported by a secretariat managed by the Commission with the participation of the European External Action Service.
