

(English version)

**Question for written answer E-001383/26
to the Commission
Michał Dworczyk (ECR)
(7 April 2026)**

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

The regulation establishing the SAFE instrument ⁽¹⁾ 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 rules ⁽⁴⁾ — that, if they are not complied with, will result in the suspension of payments, and if so, can they refer to Regulation 2020/2092?

Submitted: 7.4.2026

**Answer given by Mr Serafin on behalf of the European Commission
(15 June 2026)**

Regulation (EU, Euratom) 2020/2092 on a general regime of conditionality for the protection of the Union budget ('the Conditionality Regulation') ⁽¹⁾ applies to all EU funds, including Security Action for Europe (SAFE) funds ⁽²⁾.

It sets the conditions for its application and the measures that can be adopted. Its purpose is to ensure the protection of the EU budget and the sound financial management of EU funds.

The Commission continuously evaluates the situation in all Member States and stands ready to trigger the Conditionality Regulation as well as any other instrument under EU law, when all relevant conditions are fulfilled.

Article 4 of the Conditionality Regulation makes clear that measures may only be adopted where breaches of the principles of the rule of law directly affect or seriously risk affecting the sound financial management of the EU budget or the protection of the EU's financial interests, including in cases related to fraud, tax evasion, corruption or other serious irregularities.

Any decision to apply measures under the Conditionality Regulation is taken by the Council, acting by qualified majority, on the basis of a proposal from the Commission.

The SAFE operational arrangements set out the relationship between the implementation of the European defence industry investment plan and the corresponding financial assistance, including a tentative schedule for the disbursement of the loan instalments.

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.

⁽¹⁾ <https://eur-lex.europa.eu/eli/reg/2020/2092/oj/eng>.

⁽²⁾ <https://eur-lex.europa.eu/eli/reg/2025/1106/oj/eng>.

They form a package with the related loan agreement that governs the implementation of the SAFE loan and should be read together.

The provisions of the operational arrangement set out, *inter alia*, the types of documentary evidence and control rules related to the fulfilment of the specific eligibility rules applied by the Member States in accordance with Article 16, and the detailed elements referred to in Article 14 of the SAFE Regulation.
