

Conditionality Mechanism: MEPs Dissatisfied – Commission Takes Action against Hungary

Thomas Wahl

In a [resolution adopted on 10 March 2022](#), the European Parliament (EP) again criticised the Commission for not having adequately responded to the CJEU rulings on the Conditionality Regulation of 16 February 2022 (→ [related link](#)). In this ruling, the Court confirmed the legality of the new EU rules that allow financial sanctioning of Member States in cases of rule-of-law breaches (→ [eucrim 3/2020, 174-176](#)).

MEPs called on the Commission “to take urgent action” and immediately apply the Rule of Law Conditionality Mechanism by sending a written notification under Art. 6(1) of Regulation 2020/2092 to Member States which continue severe violations of the rule-of-law principles.

The resolution also “regrets the inability of the Council to make meaningful progress in enforcing the Union’s values in ongoing Article 7 procedures in response to the threats to common European values in Poland and Hungary”. The French Council Presidency is called on to fulfil its commitment to “a humane Europe”, i.e. to stand up for strengthening the rule of law and protecting fundamental rights.

The resolution ultimately stressed that any risks of misuse of EU funds or rule-of-law breaches must be excluded before approving national plans under the Recovery and Resilience Facility.

The EP has been at odds with the Commission and the Council for some time over how quickly the novel rules linking rule-of-law breaches with the protection of the EU’s budget (concluded at the end of 2020) should be applied. In October 2021, the Parliament launched an action against the Commission over its failure to apply the regulation and for its attempt to “play for time” (→ [eucrim 4/2021, 215](#)).

The [Commission explained](#) that it has been applying the regulation since January 2021 and requested information from Poland and Hungary. On 5 April 2022 – two days after the general elections in Hungary – Commission President [Ursula von der Leyen told MEPs](#) that the next step in the procedure against Hungary will be taken and a formal letter will be sent to the Hungarian government triggering the conditionality procedure.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

Published in
2022, Vol. 17(1) eucrim pp 23 –
24

ISSN: 1862-6947
<https://eucrim.eu>



About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and “criministrative” law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the **Union Anti-Fraud Programme (UAFP)**, managed by the **European Anti-Fraud Office (OLAF)**.



**Co-funded by
the European Union**