

ECA Criticizes Commission Plans on Loss of EU Money if Rule of Law is not Respected



News

Thomas Wahl

In its [Opinion 1/2018 of 12 July 2018](#), the European Court of Auditors (ECA) assessed the Commission's plans to link the future multiannual financial framework with a EU Member State's respect for the rule of law. According to the proposed Regulation, the European Union may suspend, reduce, or restrict a Member State's access to EU funding in the case of generalized deficiencies as regards the rule of law (see [eucrim 1/2018](#), pp. 12-13).

The ECA supports the aims of the proposal and the introduction of a mechanism to protect the EU budget against the described contingencies, but strongly recommend the Commission introducing better criteria to define what constitutes "generalizes deficiencies as regards the rule of law." Furthermore, the legislative bodies should set clearer safeguards for the beneficiaries of EU programmes.

Other recommendations by the ECA include:

- Setting time limits for the Commission if measures against a Member States can be lifted;
- The Commission should assess the possible budgetary implications of a reduction in EU funding for the national budget of the Member State affected before proposing appropriate sanctioning measures;
- Clarifying the applicability of provisions relating to the European Public Prosecutor's Office.

In particular, the ECA stresses the importance of the specification of clear guidance criteria for the Commission – in the process of making assessments within the new financing mechanism – because this would lead to improved transparency, traceability, and auditability of the proposed mechanism.

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ISSN: 1862-6947

<https://eucrim.eu>



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



Co-funded by
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