

D 201402 20.10.2021

The President

Mr Freddy DREXLER  
Jurisconsult of the European Parliament  
MOY 06 T 034

Dear Jurisconsult,

By letter of 15 October 2021, Mr Vázquez Lázara, Chair of the Committee on Legal Affairs, informed me that the said Committee recommended, by vote taken on 14 October 2021, that Parliament bring an action for failure to act against the Commission for failing to apply the Conditionality Regulation inasmuch as the Commission does not trigger the application of Article 6(1) of the Conditionality Regulation before 2 November 2021, in due regard to the deadline for bringing the action before the Court of Justice.

This action against the Commission concerns a failure to act regarding its obligations in the application of the 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 (the "Conditionality Regulation").

Whereas due account shall be taken of the highly political circumstances surrounding the present case, and in the context of an evolved situation, notably with regard to the pending Court's judgments in the actions for annulment of the Conditionality Regulation brought by Hungary and Poland, but also in light of the announced actions to be taken by the Commission, it is proposed for Parliament's action to be withheld or withdrawn, only insofar as the Commission formally triggers the procedure under the Conditionality Regulation by sending a written notification to one or more Member State(s) under Article 6(1) of that Regulation before the deadline to bring an action or thereafter, as appropriate. In this regard, Rule 149(5) of the Rules of Procedure shall be applied mutatis mutandis.

Following the recommendation by Mr Vázquez Lázara on behalf of the Committee on Legal Affairs, I should be grateful if you could take the necessary steps for the Parliament before the Court of Justice.

Sincerely yours,



David Maria SASSOLI