

Brussels, 30/06/2023

Subject: Rule of law and conditionality in the EU enlargement process

Dear President Von der Leyen,

Dear Commissioner Várhelyi,

Dear Commissioner Reynders,

In light of the speech by Commission President von der Leyen in Bratislava on a new four-pillar policy on the Western Balkans, which we welcome and strongly support, we would like to raise some points relevant to the success of the whole EU policy towards the Western Balkans, Eastern Partnership and EU enlargement policy in the future. We strongly believe our enlargement policy is at an important crossroads, not only for candidate countries, but for the EU and its Member States as well.

As we are witnessing in today's political landscape, democratic backpedalling and regression can occur not only among candidate countries, as these negative trends are evident in some EU Member States too. We are facing a political environment marked by growing authoritarianism and hostility to basic democratic principles and standards, which weakens the Rule of law and limits media freedom and democratic values.

In the above-mentioned context and in light of developments on the ground, especially the geopolitical changes brought by Russia's illegal aggression on Ukraine, we need to strengthen our fight for the Rule of law and abidance to democratic values in candidate countries.

Within the EU, we were politically wise enough to develop conditionality mechanisms for Member States' access to EU funds and we enhanced tools to fight the misuse of these funds by establishing the EPPO and strengthening cross-border cooperation of prosecutors.

Democratic regression or stagnation is a challenge to our political goals as well as a growing obstacle to much-needed reforms in Western Balkan countries. In order not to face the same challenges in the cases of Ukraine, Moldova and Georgia **we need to establish a credible**

conditionality mechanism that prevents democratic backsliding and enhances reform processes in candidate countries. This is necessary to ensure the credibility of EU policies and of the enlargement process, as well as to strengthen the EU's position in such tense geopolitical circumstances, especially in relation to non-democratic and authoritarian competitors.

In this context, and considering the recent conclusions of the Court of Auditors, **we ask the Commission to issue publicly available draft guidelines on implementing a conditionality mechanism linked with EU external aid mechanisms** (IPA3, NDICI, MFA and EU sectoral budget support etc.). These guidelines should be the basis for a structured consideration by the co-legislators on the application of Rule of law conditionality. This fundamental question should be a priority for this College, and for the next Commission as well.

We propose to extend the authority of the EPPO to all EU funds devoted to enlargement policies. We believe that the EPPO's authority can prevent the misuse of EU funds in candidate countries just as it does in Member States, while at the same time strengthening the Rule of law and ensuring the independence of investigations and prosecutions of criminal acts related to EU funds. This should be done in the framework of the third pillar proposed by the Commission President and in the framework of a phased integration of candidate countries. **The EPPO's activities would constitute a step within the gradual integration process as part of the cluster related to the Rule of law and enhanced conditionality for access to EU funds by candidate countries.**

To conclude, we believe that a conditionality mechanism that regulates candidate countries' access to EU funds should be strengthened in order to ensure the implementation and continuation of reforms in the field of Rule of law, media freedom and democratic standards.

Sincerely,

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