

Complaint – Breach of the principles of the rule of law affecting the Union budget or financial interests

Regulation 2020/2092 on a general regime of conditionality for the protection of the Union budget (“Conditionality Regulation”)

This complaint form serves to notify the European Commission of breaches of the principles of the rule of law in a Member State that specifically affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way.

To notify the European Commission of any other complaint related to the rule of law, please use instead the complaint form available at https://ec.europa.eu/assets/sg/report-a-breach/complaints_en/

All fields marked with * are mandatory. Please be concise and if necessary continue on a separate page.

1. Identity & contact details

	Complainant*	Your representative (<i>if applicable</i>)
Title* Mr/Ms/Mrs		
First name*		
Surname*		
Organisation:		
Address*		
Town/City *		
Postcode*		
Country*		
Telephone		
E-mail		
Language*		
Should we send correspondence to you or your representative*:	<input type="checkbox"/>	<input type="checkbox"/>

2. What is the breach of the principles of the rule of law complained about?*

endangering the independence of the judiciary	<input type="checkbox"/>
failing to prevent, correct or sanction arbitrary or unlawful decisions by public authorities, including by law- enforcement authorities, and including by withholding financial and human resources affecting their proper functioning	<input type="checkbox"/>
failing to ensure the absence of conflicts of interest	<input type="checkbox"/>
limiting the availability and effectiveness of legal remedies, including through restrictive procedural rules and lack of implementation of judgments	<input type="checkbox"/>
limiting the effective investigation, prosecution or sanctioning of breaches of law	<input type="checkbox"/>
others	Please specify.

3. What does the alleged breach of the principles of the rule of law indicated in point 2 above affect in your view?*

(more than one answer possible)

the proper functioning of the authorities implementing the Union budget, including loans and other instruments guaranteed by the Union budget, in particular in the context of public procurement or grant procedures	<input type="checkbox"/>
the proper functioning of the authorities carrying out financial control, monitoring and audit, and the proper functioning of effective and transparent financial management and accountability systems	<input type="checkbox"/>
the proper functioning of investigation and public prosecution services in relation to the investigation and prosecution of fraud, including tax fraud, corruption or other breaches of Union law relating to the implementation of the Union budget or to the protection of the financial interests of the Union	<input type="checkbox"/>
the effective judicial review by independent courts of actions or omissions by the authorities referred to above	<input type="checkbox"/>
the prevention and sanctioning of fraud, including tax fraud, corruption or other breaches of Union law relating to the implementation of the Union budget or to the protection of the financial interests of the Union, and the imposition of effective and dissuasive penalties on recipients by national courts or by administrative authorities	<input type="checkbox"/>
the recovery of funds unduly paid	<input type="checkbox"/>

effective and timely cooperation with OLAF in its investigations or prosecutions pursuant to the applicable Union acts in accordance with the principle of sincere cooperation	<input type="checkbox"/>
[subject to the participation of the Member State concerned,] effective and timely cooperation with EPPO in its investigations or prosecutions pursuant to the applicable Union acts in accordance with the principle of sincere cooperation	<input type="checkbox"/>
other situations or conduct of authorities that are relevant to the sound financial management of the Union budget or the protection of the financial interests of the Union	<input type="checkbox"/>

4. Which national measure(s) or practice(s) do you think amount to a breach of the principles of the rule of law under the Conditionality Regulation and why?*

5. Describe the problem, providing facts and reasons for your complaint* (max. 10000 characters):

6. How does the alleged breach of the principles of the rule of law affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way?

6.1 How does the breach affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union?

6.2 Is the breach an individual or a systemic one? Please specify.

6.3 Has the effect on the sound financial management of the Union budget or the protection of the financial interests of the Union already materialised?

If yes, please explain how:

If no, please explain why there would be a serious risk for the sound financial management of the Union budget or the protection of the financial interests of the Union:

Please identify a sufficiently direct link between the alleged breach or breaches and the effects or risks for the sound financial management of the Union budget or the protection of the financial interests of the Union

7. Previous action taken to solve the problem*

Have you already taken any action in the Country in question to solve the problem?*

IF YES, was it: Administrative Legal/Judicial ?

7.1 Please describe: (a) the body/authority/court that was involved and the type of decision that resulted; (b) any other action you are aware of.

7.2 Was your complaint settled by the body/authority/court or is it still pending? If pending, when can a decision be expected?*

IF NOT please specify below as appropriate

- Another case on the same issue is pending before a national or EU Court
- No remedy is available for the problem
- A remedy exists, but is too costly or its use would be too lengthy
- Time limit for action has expired
- No legal standing (not legally entitled to bring an action before the Court) please indicate why:

- No legal aid/no lawyer
- I do not know which remedies are available for the problem
- Other - specify

8. If you have already contacted any of the EU institutions dealing with problems of this type, please give the reference for your file/correspondence:

- Petition to the European Parliament - Ref:..... .
- European Commission - Ref:..... .
- European Ombudsman - Ref:..... .
- Other - name the institution or body you contacted and the reference for your complaint (e.g. SOLVIT, FIN-Net, European Consumer Centres)


9. List any additional supporting documents/evidence which you could – if requested – send to the Commission.

 Don't enclose any documents at this stage.

10. Personal data*

Do you authorise the Commission to disclose your identity in its contacts with the authorities you are lodging a complaint against?

Yes No

 *Your answer will not affect the way your complaint is handled. However, in some cases, disclosing your identity may make it easier for us to deal with your complaint.]*