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# Lawsuit within the family – a healing impact of the European Parliament's lawsuit against the European Commission



The European Parliament's **lawsuit** against the European Commission erupted like a first-class political bomb, with the consequences expected 3 months later amid new European elections.

The dispute between 2 of the EU's 3 highest bodies before the European Court of Justice will happen at a delicate political moment for the EU - immediately before the elections that will shape the Union's policy for the next 4 years.

The subject of the dispute is political, despite certain actors' attempts to portray it as "ordinary" legal compliance. When the chief legislative body sues the highest executive body, the nature of the dispute must be strictly political.

All political factions in the European Parliament support the case against the European Commission. The Committee on Legal Affairs has reached a crucial decision with only one vote against (a far-right MEP).

In this way, the long-established consensus on the inadmissibility of political trade with Hungarian Prime Minister Viktor Orbán, which is at the centre of the lawsuit, was verified in the parliament.

## Contested decision of the Commission

Last December, the Commission **decided to unfreeze** €10.2 billion to Hungary, which was controversial in many ways according to the consensus of the European Parliament. The decision followed the pressure of the Hungarian government, which put conditions on (blackmailed?) the blocking of the European €50 billion aid package to Ukraine.

This decision is controversial because the Commission went beyond its discretionary powers in spending budget funds and decided (without appropriate proof) that Hungary had achieved progress towards the rule of law.

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The EU Court of Justice will rule long after the forthcoming European Parliament elections. Processes before the ECJ take an average of a year and a half, but this litigation involving European heavyweights is expected to last significantly longer, possibly 2 to 3 years.

This means that numerous current actors in the dispute - members of the European Parliament and members of the European Commission - will have new employment when the court issues its decision.

However, currently, they are less interested in that. Both expect to make an electoral profit in 3 months from this historical political-legal situation.

## Pre-election expectations of the lawsuit

Regardless of the individual motives of the groups within the European Parliament, it made a bold and far-reaching political move by filing a lawsuit against the European Commission.

The essence of the lawsuit is the Parliament's political decision that political blackmail should not be allowed at the top of the EU, particularly payments to blackmailers.

Whatever the ECJ's ruling, the outgoing European Parliament will be able to rightfully claim that it protected its core principles at a critical time for the Union's functioning.

## Orbán and his Eurosceptic conservatives have plenty to be concerned about, as the European Parliament has agreed that Hungarian policies are no longer acceptable

Here lies the motive of all parliamentary groups to support the lawsuit. They will be able to appear before their voters with proof that they constantly warned about the unacceptable behaviour of Orbán's government and that, in the end, they were ready to sue their own European government because of it.

This initiative, launched by socialist and liberal parliamentary factions, is expected to be regarded in Budapest as pressure from the ideological opponent and its parliamentary majority in Brussels.

However, Orbán and his Eurosceptic conservatives have plenty to be concerned about, as the European Parliament has agreed that Hungarian policies are no longer acceptable.

## Which of the conservatives stands to profit?

The support given to the lawsuit by the largest parliamentary group, the conservatives from the European People's Party (EPP), to which Commission President Ursula von der Leyen and Parliament Speaker Roberta Metsola belong, is particularly significant.

Both politicians have ambitions to remain in these high positions for another term.

European conservatives estimated that the confrontation over the lawsuit against the Commission would be counterproductive in the pre-election period, difficult to explain to the voters and interpreted as an expression of support for the Hungarian Prime Minister.

## Roberta Metsola will profit from the EPP's partial distancing from Ursula von der Leyen in her bid to retain the presidency of the European Parliament

Agreeing with the Parliament's decision was assessed as a lower risk than standing firmly in support of the president of the European Commission, Ursula von der Leyen.

Launching court proceedings would damage her candidacy to remain as head of the EU executive. However, the EPP will regard it more as her personal problem than the problem of the European centre-right group.

Roberta Metsola will profit from the EPP's partial distancing from Ursula von der Leyen in her bid to retain the presidency of the European Parliament, for which she has been campaigning extensively in European capitals for some time.

Metsola will stand behind the decision on the lawsuit she signed, given that it will boost her campaign.

## Policy framework for the future Commission

Mrs Metsola and most European conservatives expect political advantage from the lawsuit against the EU Commission in the ongoing election battle with Europe's extreme right, which has been steadily rising and poses the greatest threat to the moderate conservatives united in the EPP.

Their decision to sue the Commission is a sharp and full-blooded European political position attempting to safeguard the rule of law as a fundamental European value while resisting Eurosceptic blackmail. Today, it is Orbán, tomorrow probably more if nothing gets in their way.



*Roberta Metsola and most European conservatives expect political advantage from the lawsuit against the EU Commission*

Regardless of electoral calculations, which are undoubtedly part of the decision to initiate a lawsuit against the European Commission, the outcome of this procedure will be long-term beneficial to the consolidation of EU institutions.

The future Commission, regardless of who leads it, will be warned from the start that proceedings are being conducted against it before the ECJ, with a clear political position that quid pro quo deals with the governments of individual member states are not permitted.

As a result, the Parliament's lawsuit will serve as a crucial watchdog for the future Commission's policies. At the same time, it will serve as a signal to Orbán and other European leaders with similar impulses to think twice before attempting to block decisions with a veto and demanding financial concessions in return.