



Plenary sitting

B[____ _ ____]

[_. __. ____]

MOTION OF CENSURE ON THE COMMISSION

pursuant to Rule 131 of the Rules of Procedure
([2024/2897](RSP))

[Gheorghe Piperea, ...]

PE000.000v00-00

B[____. ____]

Motion of censure on the Commission by the European Parliament
([2024/2897](RSP))

The European Parliament,

- having regard to Article 17(8) of the Treaty on European Union, Article 234 of the Treaty on the Functioning of the European Union and Article 106a of the Euratom Treaty,
 - having regard to Rule 131 of its Rules of Procedure,
 - having regard to the request submitted under the Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to documents by Matina Stevi, a journalist employed by *The New York Times*, seeking access to all text messages exchanged between President Ursula von der Leyen and Pfizer CEO Albert Bourla between 1 January 2021 and 11 May 2022,
 - having regard to the Commission’s refusal of this request on the grounds that it does not possess the requested documents,
 - having regard to the judgment delivered by the Court of Justice of the European Union finding that the Commission “has not given a plausible explanation to justify the non-possession of the requested documents” concerning its dealings with Pfizer/BioNTech in the procurement of COVID-19 vaccines,
 - having regard to the judgments of the Court of Justice of the European Union on 25 May 2025, in cases Stevi - The New York Times/ Commission, which clarified that the Commission’s duty of transparency is fundamental and that refusal to disclose documents must be strictly justified with compelling reasons,
 - having regard to Article 10(3) of the Treaty on European Union (TEU), which guarantees the right of citizens to participate in the democratic life of the Union and calls for decisions to be taken openly and as closely as possible to the citizen,
- A. Whereas, the European Public Prosecutor’s Office (EPPO) opened an investigation in 2022 into the European Commission’s conduct in the negotiation and conclusion of COVID-19 vaccine procurement contracts with Pfizer, which remains ongoing as of 2025 and raises credible concerns regarding potential legal and ethical breaches, as well as potential irregularities in the management of Union financial resources;
- B. Whereas, the General Court of the European Union, in its order of 5 October 2023 in Case T-36/23, Stevi and The New York Times/ Commission, ruled that the Commission failed to provide legally sufficient justification for its refusal to disclose the requested documents related to the Pfizer vaccine negotiations,
- C. Whereas, the Commission contravened its obligations under Regulation (EC) No 1049/2001 on public access to documents and violated the principles of transparency, good administration, and institutional accountability stipulated in the Treaties;
- D. whereas the Commission allocated €35 billion in public funds for COVID-19 vaccines, yet failed to ensure transparency and accountability, especially as €4 billion worth of doses remained unused, raising serious concerns over financial oversight and administrative failure;

- E. Whereas, the European Court of Justice, in its judgment of 14 May 2025, annulled the European Commission's decision to deny access to text messages between Commission President Ursula von der Leyen and Pfizer CEO Albert Bourla, exchanged between 1 January 2021 and 11 May 2022, concerning the procurement of COVID-19 vaccines ;
 - F. Whereas the European Court of Auditors, in its Special Report No. 22/2024 published on 10 October 2024, identified serious shortcomings in the implementation of the Recovery and Resilience Facility (RRF), including insufficient linkages between disbursed funds and actual costs, weak verification mechanisms, risks of double funding, and delays in achieving investment targets — raising significant concerns over the Commission's oversight of one of the largest post-COVID financial instruments;
 - G. Whereas the ECA has pointed out that the lack of robust controls and the reliance on self-reporting by member states increase the risk of double funding, where the same actions may be financed multiple times, leading to inefficiencies and potential misuse of funds ;
 - H. Whereas, transparency and accountability sets fundamental principles of the Union's democratic legitimacy, as as per Article 10(3) of the TFUE, ensuring public trust in the institutions of the European Union, particularly in contexts involving major public health challenges and substantial financial commitments;
 - I. Whereas, the European Parliament's Committee on Legal Affairs (JURI), on 23 April 2025, unanimously adopted a non-binding opinion rejecting the European Commission's use of Article 122 of the Treaty on the Functioning of the European Union (TFEU) as the legal basis for the "Rearm Europe" program, a €150 billion defence financing initiative.
 - J. Whereas the JURI Committee's legal opinion asserts that the Commission's invocation of Article 122 TFEU lacks a valid emergency justification, as the provision is intended for short-term measures addressing immediate crises, not for long-term defence investments.
 - K. Whereas serious concerns have been raised regarding the Commission's unlawful interference in elections in Member States such as Romania and Germany, through a distorted application of the Digital Services Act (DSA), which is intended to protect consumers but has been misused to justify vote restrictions and election annulments;
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- 1. Concludes that the Commission led by President Ursula von der Leyen no longer commands the confidence of Parliament to uphold the principles of transparency, accountability, and good governance essential to a democratic Union;
 - 2. Concludes that the European Commission's unlawful interference in Member States' elections, via a misapplication of the Digital Services Act (DSA), represents a serious breach of its mandate to uphold democratic principles and respect national sovereignty;
 - 3. Notes that the European Commission's abusive use of Article 122 of the Treaty on the Functioning of the European Union (TFEU) as the legal basis for the "Rearm Europe" program, a €150 billion defence financing initiative, constitutes a serious breach of competence and a distortion of the article's intended purpose, which is reserved for economic emergency situations;
 - 4. Considers that this procedural abuse undermines trust in the Union's institutions and threatens the integrity of the EU's legal framework;
 - 5. Calls on the European Commission to resign due to repeated failures to ensure transparency, persistent disregard for democratic oversight and the rule of law within the Union;
 - 6. Instructs its President to forward this motion of censure to the President of the Council and the President of the Commission and to notify them of the result of the vote on it in plenary.