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Answer given by Mr Gentiloni
on behalf of the European Commission
(8.4.2021)

The Treaty on Stability, Coordination and Governance (TSCG) is an intergovernmental treaty. Therefore, it is not part of EU law and the Commission has no role in its enforcement. Article 8(1) TSCG contains an invitation to the Commission to prepare – once – a report on the measures adopted by the Contracting Parties in order to ensure the transposition into national law of the budgetary rules set out in the Treaty, as required by Article 3(2). The Commission delivered this report on 22 February 2017¹. It concluded that, although modes of transposition varied significantly, no contracting party had failed to comply with the requirements of Article 3(2). Article 8(1) of the TSCG further stipulates, if a party considers that, irrespective of the Commission report, another party has failed to comply with the requirements of Article 3(2), it may also bring the matter to the Court of Justice of the European Union². No such case has been brought to the Court of Justice.

¹ See Report from the Commission C(2017) 1201 final of 22 February 2017, https://ec.europa.eu/info/publications/fiscal-compact-taking-stock_en

² The Treaty on the Stability, Coordination and Governance in the European and Economic Union is available at [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:42012A0302\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:42012A0302(01)&from=EN)