

THREATS TO EU VALUES

Relevant for: International Relations | Topic: European Union (EU)

European Union members enjoy impunity even when their own domestic laws seem incompatible with the bloc's core values, as Poland and Hungary show. The latest infringement proceedings against the two countries underscore the EU's limits in enforcing compliance with common democratic standards, given the bloc's stringent requirement of unanimity among all member states to punish offending members.

There have been several cases of infringement of EU norms by the two countries. In December 2017, the EU referred Poland and Hungary, besides others, to the European Court of Justice for non-compliance with the decision to admit refugees as a part of the 2015 relocation plan. In June, both countries were brought under the scanner of the European Parliament, again for flouting democratic values. A relevant committee voted, in only a first step, to launch a rule of law procedure against Hungary, while Poland's Prime Minister Mateusz Morawiecki was grilled by ministers from national capitals responsible for EU affairs. Last month, the European Commission sent the Hungarian government a letter of formal notice over the "Stop Soros" law, among other things, for breach of the EU's charter of fundamental rights. The law makes it a criminal offence to help asylum seekers, in contravention of international humanitarian laws. It takes aim at the pro-EU stance of the financier George Soros and is also viewed as anti-Semitic. But Prime Minister Viktor Orban has retorted that the law merely echoes popular will, expressed in his re-election in April.

In Poland, the violations relate, among others, to the ruling conservative Law and Justice Party's forced retirement of a swathe of judges in July. The move mirrors a provision in Hungary's 2011 constitution to lower the age of retirement of judges which led to the instant removal of many judges. Budapest and Warsaw have sought to cast their retrograde judicial reforms in terms of completing the post-Communist transition and a return to their conservative roots.

In theory, both states could be stripped of their voting rights in the EU and face financial sanctions. But each also knows that a unanimous decision by the bloc, under Article 7 of the Lisbon Treaty, could be vetoed by the other. In fact, the British member of the centre-right European People's Party in the European Parliament voted in June to oppose the move to launch proceedings against Budapest. The conservative group's refusal so far to act against an errant member is a tacit endorsement of the Eurosceptic position against EU meddling with the internal laws of states.

The most serious threat to the bloc's fundamental values comes from none other than many of the EU's founder member states themselves. The extreme right is in government in Italy, entered Germany's parliament last year, and performed well in France's 2017 presidential poll.

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