



Rogue States: **HUNGARY, POLAND AND SLOVAKIA**

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START PRESENTATION



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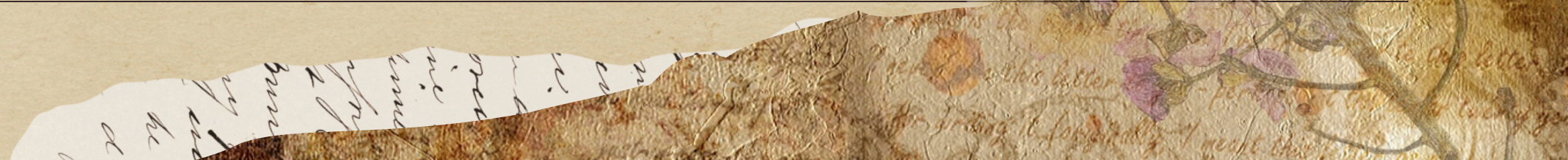
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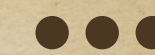
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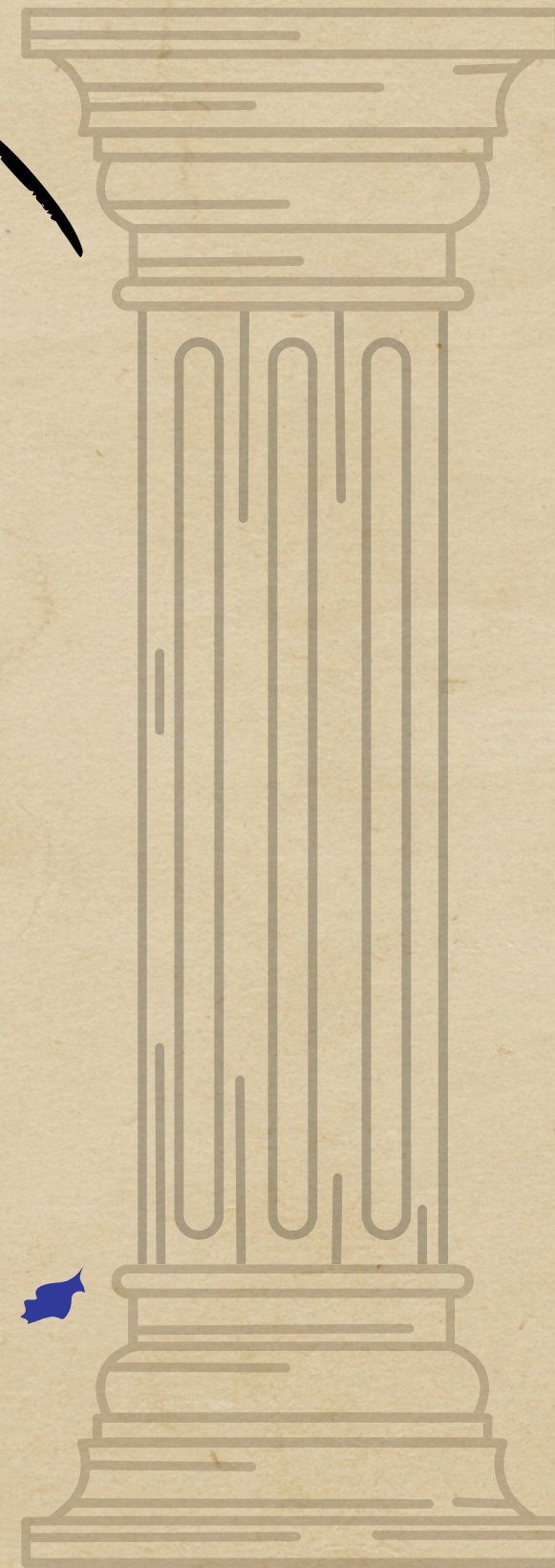




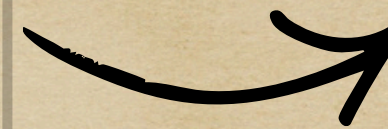
EU Values



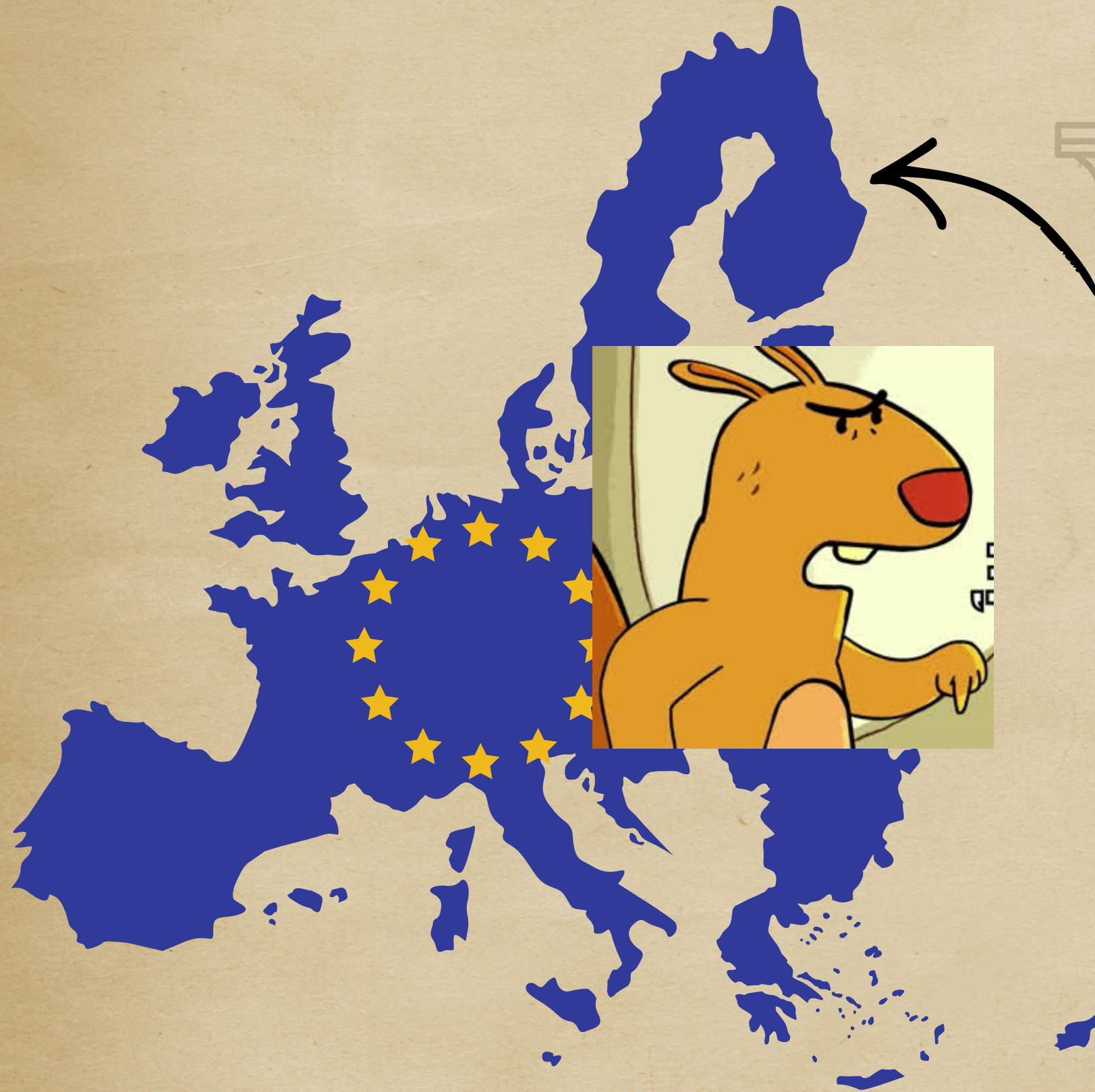
EU Union



Rules



EU Union



Rules



Standard Infringements vs EU values ...



Technical mechanisms used when a member state fails to correctly implement a specific EU directive or regulation

Narrow, policy-focused, and the goal is to restore compliance

Articles 258–260 of the Treaty on the Functioning of the European Union (TFEU)





Standard Infringements vs EU values



The Commission or an EU country indicates that a given EU country may not be meeting its obligations.

Letter of Formal Notice

Commission's Response

Option A: Issue Reasoned Opinion - formal request to comply;

Option B: Close the case

Referral to Court of Justice



Court of Justice Decision

Second Referral

Penalties

Goal:

bring the country into compliance



Standard Infringements vs *EU Values*...



A far deeper kind of transgression

respect for
human
rights

the rule
of law

democracy

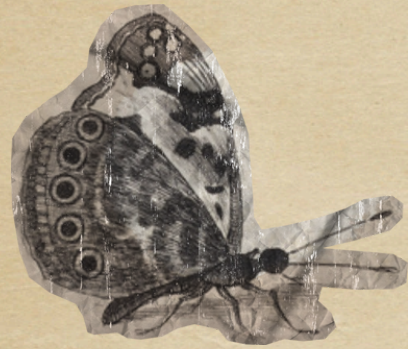
equality

human
dignity

freedom

Article 2 of the Treaty on European Union





Common Values

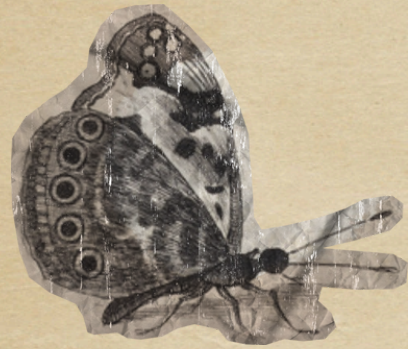
The Amsterdam treaty

The Amsterdam Treaty took the political Copenhagen criteria and turned them into binding constitutional law applicable to both new and existing Member States.

- define what it means to be an EU Member State
- set the baseline for accession (Copenhagen criteria → Article 2 TEU)
- enable enforcement via Article 7 TEU

underpin EU fundamental rights and democratic standards





Common Values

The Amsterdam treaty

The Amsterdam Treaty made EU common values explicit for the first time.

=> Amsterdam (1997) strengthened institutional tools and prepared the EU for enlargement; it also reinforced the EU's focus on common objectives and rights.

Matters: upcoming 2004 Big Bang Enlargement





Why they were introduced explicitly at Amsterdam (1997/1999)?

Copenhagen political criteria

→ EU needed:

- A clear, legally binding set of values for EU membership
- A treaty-level enforcement mechanism (Article 7 TEU)

The Amsterdam Treaty values reflect the political criteria of the Copenhagen accession requirements:

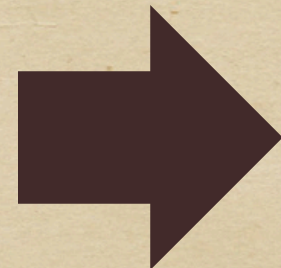
- Stable institutions
- Guaranteeing democracy
- Rule of law
- Human rights
- Protection of minorities

=> The Amsterdam Treaty (1997/99) converted the substance of those political criteria into binding primary law, applicable to all Member States.



MEMBER STATE CONCERNS

- anticipated 2004 enlargement
- worries about integrating Eastern and Central European democracies
- also introducing sanctions in the Amsterdam Treaty



Article 7: the “Nuclear Option”:

1, Preventive measures - risk of breach of EU values

2, Sanctions - a breach that has already occurred

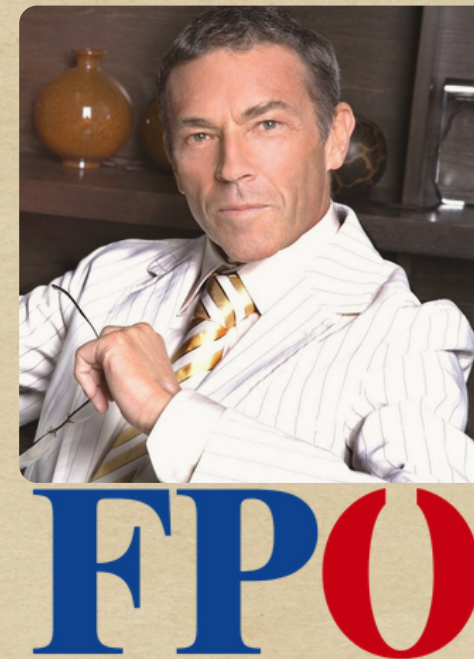
-the most potent potential sanction: the suspension of a MS's voting rights



CASES OF BREACHES OF EU VALUES

-The Austrian Case (2000)

- 2000 Austrian Coalition - Jörg Haider
- FPÖ: extreme right-wing party; xenophobia; democratic character is doubted
- 14 EU MS announced sanctions
- BUT mainly diplomatic and bilateral; not officially on behalf of the EU



conclusions:

- no breach of any binding legal text → Article 7 TEU couldn't be applied
- targeting only the FPÖ ideology, not the government itself
- 2001 / 2003, Nice Treaty
 - introducing the preventive mechanism

CASES OF BREACHES OF EU VALUES

-Other Cases Not Formally “Prosecuted”



2010, FRANCE’S EXPULSION OF ROMA MINORITY:

- possibility of infringement proceedings
- EC decided not to launch formal proceedings

2012, ROMANIAN POLITICAL STRUGGLE:

- President Basescu vs Prime Minister Ponta
- implementation of an 11-point list to restore the rule of law
- threat of applying Article 7 TEU; BUT the procedure was never activated





HUNGARY

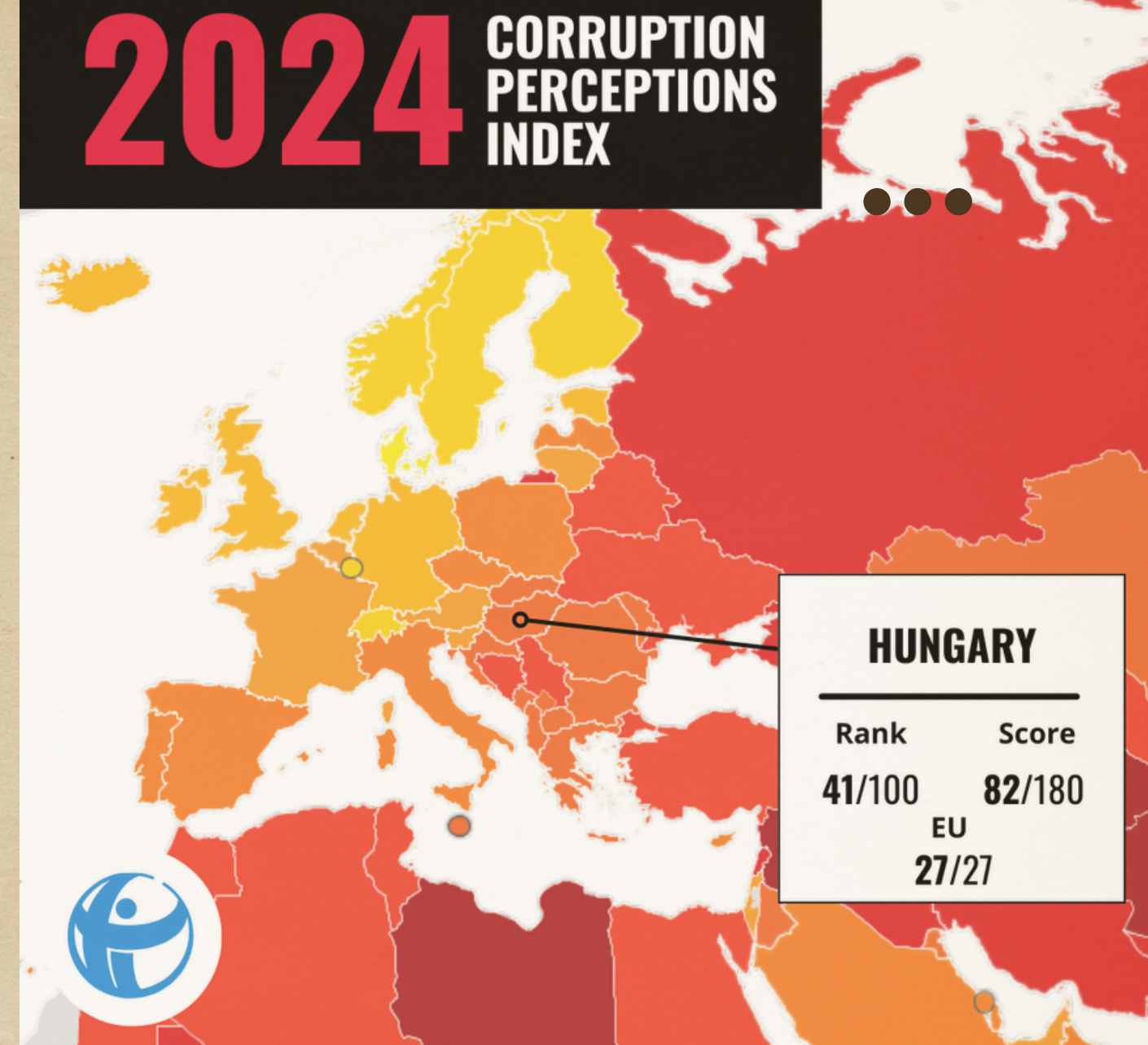
- Prime Minister Viktor Orbán's government in power since 2010 (Fidesz)
 - most comprehensive challenge to the EU's values, trying to systematically undermine them
 - "poster child for democratic backsliding"
 - (until 2010) liberal democracy → (2010-2022) electoral democracy
- (since 2022) electoral autocracy



CORE AREAS OF BREACH

-Rule Of Law

- 2010, super-majority -" constitutional coup "
 - reducing legislative and judicial checks on the executive
- 2011, new Fundamental Law
- limiting the power of the Constitutional Court
 - "packing the Court" - forced early retirement & replacing judges with allies
 - defender and protector of the legislative majority
- elections:
 - changes to electoral districts & rules disadvantaging the opposition
 - corruption & clientelism
 - use of cardinal laws (2/3 majority)



CORE AREAS OF BREACH

-Human Rights & Civil Society Freedom

- LGBTQ+ rights:
 - harassment and stigmatization
 - banning Pride marches
 - wrapping books
- media freedom:
 - restriction on political advertising
 - public media pro-government bias
- NGOs
 - dissolving any organization seen as a threat
 - “Operation Starve and Strangle”





“The puppets of Brussels want to raise taxes.”

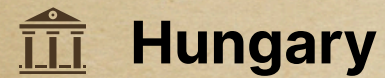


“Together for war!”
 “more weapons”
 “conscription”
 “tax raise”

...

“Vote on Ukraine’s EU membership:
 Don’t let them decide for us!”



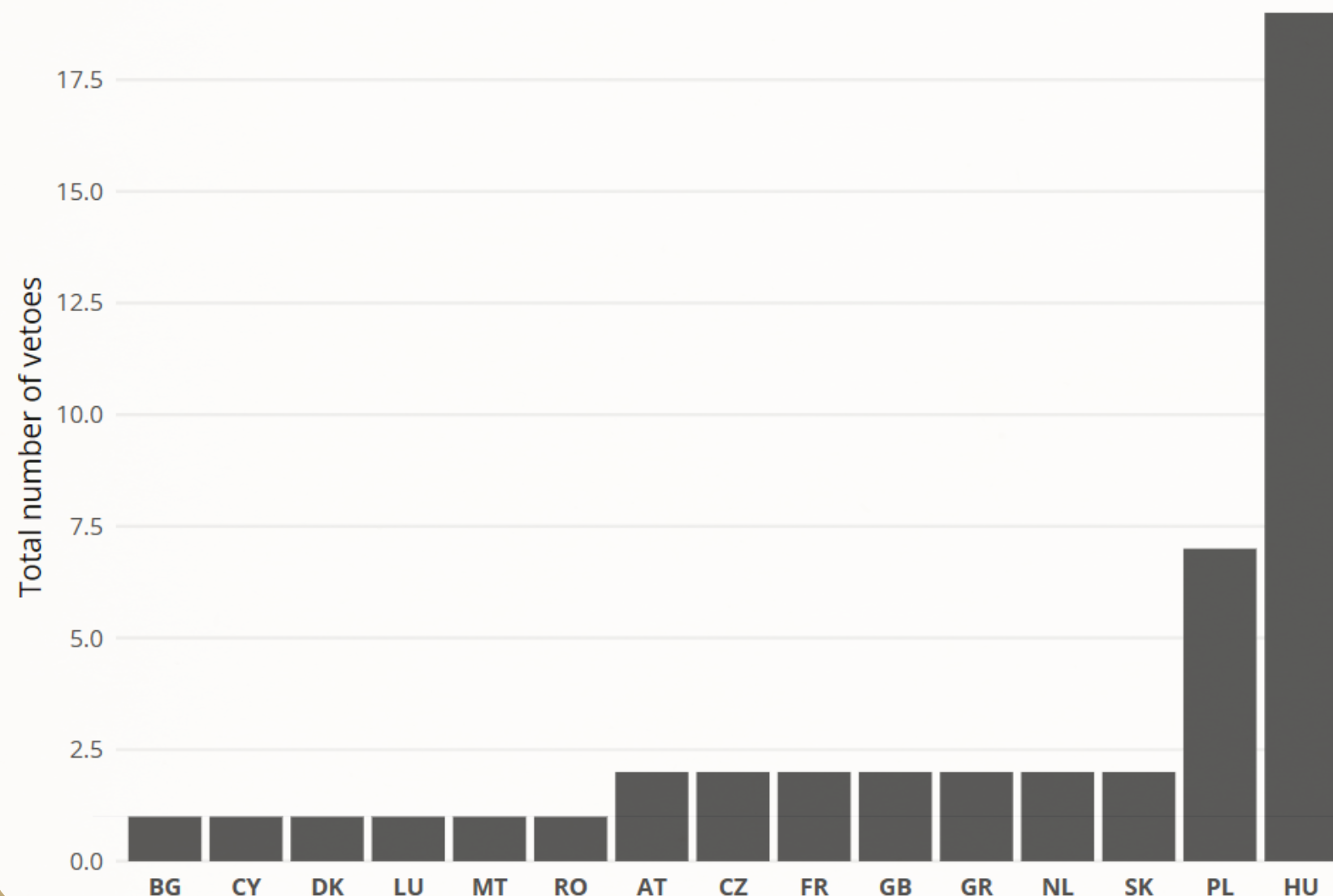


Hungary

CORE AREAS OF BREACH -Foreign Policy Actions

- Orbán is the only EU member of Autocracy Inc.
- Putin's closest ally in the EU & working to become Trump's man in Europe
- close relations with Russia and China
- using its veto power to:
 - hold up aid for Ukraine
 - oppose EU sanctions on Russia
 - delay approval of Sweden's bid to join NATO

Number of vetoes by Member State



EU RESPONSES

- Article 7 TEU
 - activated in 2018, BUT ineffective
 - sanctions require unanimity → Slovakia
- financial conditionality:
 - most effective pressure
 - in 2025, €20 billion of EU funds are frozen
 - political bargaining? releasing funds before important votes



WHAT HUNGARY'S CASE HIGHLIGHTS

- the weakness of EU law in protecting values
 - too abstract concepts
 - incapacity to address institutional capture
 - incapable of intervening when party allies were appointed
 - limits of sanctions
 - Article 7 TEU is too severe
 - traditional infringement procedure fines have no deterrent effect
-

About... **Poland**

Jarosław Kaczyński's government

- 2015–2023
- pursued judicial reforms and strong anti-LGBT rhetoric / local “LGBT-free” motions
->these created repeated conflicts with the EU.





Judicial reform & LGBTQ+ rights

under PiS (2015-2023)

Judicial reform and EU clash

gave political leaders greater control over the courts.
this included changing how judges were appointed, lowering retirement ages to replace judges

Anti-LGBTQ rhetoric and policies

- Many municipalities adopted anti-LGBT resolutions (“LGBT-free zones”)
- These zones and policies, though sometimes symbolic, contributed to marginalization





Judicial reform

→ courts were no longer fully independent from the government.
=> EU law cannot be applied fairly or equally, and citizens cannot rely on fair trials or protection from political pressure.

Breaking "rule of law"



Breaking "rule of law"

LGBTQ+ rights

- EU treaties require all member states to uphold non-discrimination, equality, and protection of minorities.

Poland's policies → violating these principles, by:

- Discrimination on grounds of sexual orientation
- Denying basic human and family rights
- Contradiction with EU human-rights standards and treaties
- Threat to social cohesion and fundamental freedoms



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EU reacts

to both issues

Poland's policies were seen as violating these principles, so the EU launched infringement procedures and threatened financial consequences.



EU reacts

to both issues

- The EU condemned “LGBT-ideology-free zones.”

The EU institutions have treated these discriminatory zones and policies as a breach of EU values and threatened legal consequences (e.g. withholding funds).





Slovakia **Why is it special?**



VS.



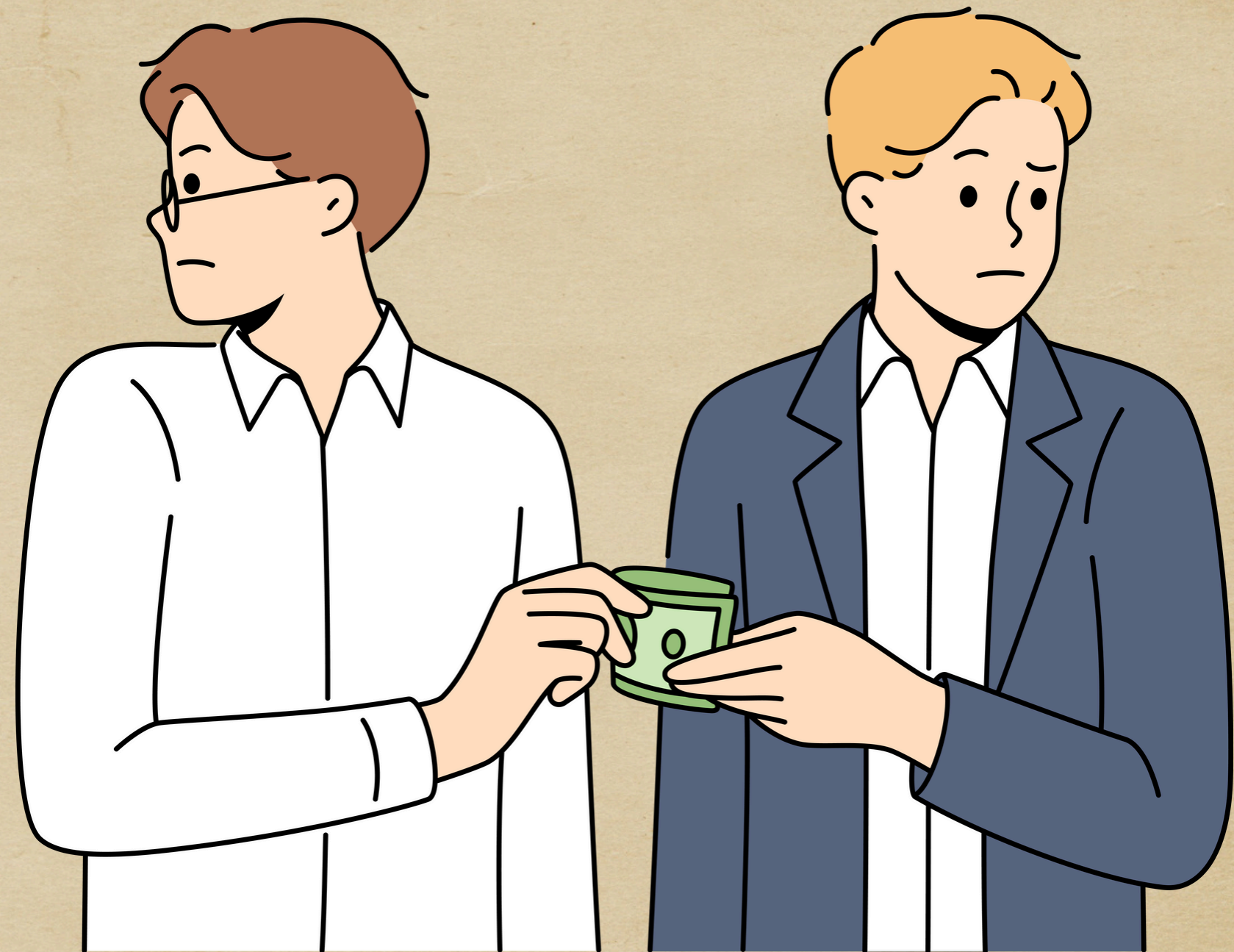


Slovakia

Eroding rule of law

- Abolition of the highly effective Special Prosecutor's Office (SPO)
- Substantially reduces sentence rates

Amendment to Criminal Law





Slovakia **Whistleblowers protection concerns**

- The new structure would allow for politically controlled appointments of its leadership, undermining impartiality.
- The changes challenge protection decisions for current, protected whistleblowers.



Slovakia

Supremacy of national law over European law



- Slovak authorities (including courts) can assess whether and to what extent EU law (including judgments of the Court of Justice) can be applied in Slovakia.
- In conflict with the principle of the primacy of EU law, which is a fundamental element of the EU legal order



Slovakia

Explicit right to marriage between a man and a woman

"I cannot imagine that some international organization should order us how many genders there should be and who can get married and who cannot get married. This is a purely national matter, it is a very strong topic of national identity,"

In economic matters, we follow EU law;
in moral matters, we override it.



QUESTIONS TO DEBATE:

- **SHOULD THE EU BE ALLOWED TO SUSPEND OR DOWNGRADE THE MEMBERSHIP RIGHTS OF STATES THAT BREACH FUNDAMENTAL VALUES, OR EVEN “KICK MEMBER STATES OUT”?**
 - **IS THE EU EVEN FUNCTIONING IF NATIONAL GOVERNMENTS CAN OPENLY REJECT THE PRIMACY OF EU LAW?**
-



THANK YOU.

*For Your
Attention*



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