

POSITION PAPER REVIEW



**European
Commission**



- 1 Common Grounds
- 2 Remarks
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Further to the presented statements of each of the interest groups, we were able to observe **strong existing divergences**. Particularly the **question about immigration** generates a clear division between Hungary and Poland and the other member states. In the light of this, we must acknowledge that our position **differs drastically** to the one of the European Commission.



We share the same concept of a **strong and united Europe**. As the European Commission puts it: “This (cooperation) can only be achieved by increasing the level of cooperation between the different parties”.

- We strongly agree with the statement that **more cooperation is needed**.
- However, we believe that the **cooperation should be conveyed on a national level** and respect national differences.
- In an unstable and uncertain global political environment, we are conscious that **we need a strong and a constructive Europe**.
- Furthermore, we believe that a disjoint Europe is of none benefit to any of the members.
- Though, it is important to stress that due to the national differences in opinions, **Europe should function as a bundle of empowered national states rather than a single entity**. From this perspective, **European Commission should function only as a mediator**.



We agree with the statement that **it is important to make progress in adopting new reforms and finding agreements on stronger partnership, better-organized external borders and protection of the EU.**

- However, we stress that **European Commission should play mainly a role of a facilitator** that will set a general direction for the discourse.
- We believe that only flexible policies with **certain discretions** for the member states will **be truly acceptable.**
- Pelkmans & Renda (2014) - find that more flexible **EU regulation lead to better outcomes** in certain areas.
- Toshkov (2017) formulates a similar idea that in order to achieve a cooperating and functioning European Union, the EC should focus on prioritizing legislative acts that **leave more discretion** to the member states.
- This flexibility should be of interest to the European Commission if we are to achieve true satisfaction among the EU members.



Poland and Hungary regret the fact that they are the **sole focus of this paper**. Both countries are mentioned and **criticized directly three times** whereas there is no explicit commentary on the rest of the debated group.

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- European Commission should not forget that its **main duty is to be a nonpartisan** and politically independent institution.
 - This **systematic positioning** in favour of some countries and against others is deplorable and further supports our view that the current system in the **EU decision-making is heavily politicized** and monopolized by the ideologies of the big member states.
 - Poland and Hungary stress the point that **some member states seem to be more protected** and less criticized by the EU institutions despite several actions which are not in accordance with the European values.
 - **Salvini decree** - In harmony with the human rights mentioned in the Treaty on European Union (Article 2)?
 - Poland and Hungary – We regret to be seen as a scapegoat by the EU institutions.



Hungary and Poland **question the eligibility of the European Commission** to decide on the matters concerning migration politics.

- The European Commission shows a massive **democratic deficit**.
- EC is an unelected body and, above all, EU policies do not reach European citizens.
- It is important to note that most **people feel Polish or Hungarian before they feel European** → therefore, it appears necessary to safeguard the interests of national peoples (European Commission, 2014).
- Poland and Hungary **doubt the validity of extending the already extensive powers** of a barely democratic and ineffective body. Moreover, a body that does not really represent the European populations who place their national identity before their identity as European citizens.
- The European Commission, by its very nature, must constantly manage the conflict between omnipresent political interests and the rigidities of the *acquis communautaire* (Christiansen, 1997) and this **makes it an ineffective institution**.



It became evident that **core values of the European Union**, which all Member states agreed on in Article 2 of the Treaty on European Union (The Member States of the European Union 26/10/2012), are **currently at risk** and an appropriate measures to ensure them are missing. One fundamental value of these treaties is the **respect for the rule of law**.

- The EU's fundamental values, such as the rule of law, are only **vaguely mentioned** in the treaties. Furthermore, there is **no specific EU directive** on constitutional courts or the independence of judges.
- On 26 July 2017, the EC announced that it was going to explore, in parallel to the Rule of Law Framework, the classic infringement procedure (European Commission 2017) against Poland.
- The assessment of the status of rule-of-law in Poland and Hungary is highly subjective. Furthermore, it interferes with domestic politics. However, Poland and Hungary **respect the objective ruling** of European Court of Justice, as Poland did in December 2018, when it temporarily reversed its Supreme Court Law that lowered the retirement age, until a final ruling is made.
- Issues like **rule-of-law cannot be tied** to the Multiannual Financial Framework.



“The failure of the quotas system and the overburden of some countries compared to others is diminishing the principle of solidarity which is one of the EU bedrocks. Some **countries did not feel responsible** at all for the migration crisis, leaving the border countries high and dry.”

- **Solidarity** is demanded now that many refugees have already entered the EU. If Germany have not opened its borders unilaterally in clear contradiction to the Dublin agreement, **far less asylum seekers** would come to the EU / be here already. If the external borders have been protected and existing rules have been implemented, **we would not be in this situation today.**
- The extremely slow and insufficient response to the Greek financial crisis, **particularly by Germany**, in combination with drastic austerity measures hit the Greek population directly. Hospitals could barely afford to provide basic care, wages fell dramatically and pensions were decreased dozen times since 2010. As we can see, the **concept of „solidarity“ is rather flexible within the EU.**
- Likewise, France’s, Portugal’s, Italy’s and Spain’s refusal to comply with the Maastricht criteria **did not and does not lead to any consequences.** For example: **EU gives budget leeway to France** „because it is France“ – Juncker (Reuters, 31.5.2016). **The European Commission is clearly biased towards those countries.**



Poland and Hungary **are surprised** to see the “EU-Turkey deal” is mentioned as “**great success**”.

- It is important to note that deal is seen by numerous reliable sources or associations as a huge failure.

Angela Merkel

“Unfortunately, it’s not working properly ... As it is not working, we have this pressurized situation on the Greek islands.”

- It is important to note that according to the European Commission, **more than 3 billion dollars** have already flowed into Turkey and **more than 3 billion dollars** more are ready to be distributed in the future.
- Return procedures in Greece are slow, only **1,564 Syrians** were sent back to Turkey between 2016 - 2018.
- The European Commission regards the deal **as its success**. However, the deal **was agreed** by the **European Council**. This effectively means that the deal was approved by the heads of the European Union.



Poland and Hungary **agree with the fundamental line of argumentation** that the European Commission is proposing.

- We respect the fact that the European Commission is trying to bring all of the member together and stresses that there are common interests.
- However, if the European Commission wants Hungary and Poland to see it as a respectable stakeholder in the discourse, **it needs to apply the same standards** to all of the examined countries.
- The European Commission **should base its decisions** and argumentation on a **more factual basis**. Some of the claims of the European Commission do not possess the required analytical and factual background.

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