

A union of values

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Valorisation addendum

Societal relevance

Of the many crises the EU has faced in the last decade, the phenomenon of ‘constitutional backsliding’ in Member States of the Union represents one of the most fundamental threats to the European integration process. The Hungarian and Polish developments affect the very foundations of the European Union: the values of democracy, the rule of law, and human rights. This is not simply a matter of specific deviations from technical EU law requirements; at the basis of the reforms introduced in the two countries, there is the attempt to construct a different constitutional model to exercise public authority in the continent. If this attempt would prove successful, the impact on European political systems and societies would be extremely significant, and the phenomenon could easily spread in other Member States of the Union. The EU thus needs to find effective instruments in order to fight against constitutional backsliding and other threats to the common values of the European project.

It is to this debate that this research has contributed, by raising a relatively simple yet crucial research question: ‘How can the EU protect its founding values in the Member States?’. Evidently, the debate has relevance well beyond academic circles and immediately concerns European societies and citizens: as noted in Chapter 3 of the book, national threats to EU values may affect EU citizens directly, as well as the functioning of EU law and policies and even economic cooperation between EU Member States, companies, and citizens. The research thus set out to address questions that can be of immediate significance for policy makers and the public debate, such as clarifying the functioning of current procedures and explaining what exactly the EU can do and what, on the other hand, is not possible. For example, the research has tackled the misconception that Article 7 TEU is a ‘nuclear option’ and thus should never be used, if not in the most extreme cases. It then seemed necessary to analyse what the EU has done so far, to assess whether EU intervention has worked or not, and to suggest possible new strategies. By answering these questions, the dissertation aimed also to give a contribution to the debate on the future of the Union, which has yet again become prominent in recent times, especially after the Commission’s ‘White Paper on the Future of Europe’, delivered in occasion of the Rome Treaty’s 60th anniversary, and the initiatives of French President Emmanuel Macron. Whether the EU will be able to effectively safeguard democracy, the rule of law and human rights in its Member States, or on the contrary constitutional backsliding will continue, will certainly affect the future of the integration process and the possible choice for a two or multi-speed Europe.

Audience

The first and main addressees of the book are academics, and, considering that the research was written by a lawyer, adopting the legal method and perspective, primarily legal academics: EU law scholars, as well as constitutional and comparative lawyers. Considering however that the topic of the research evidently lies at the border between law and politics (as clarified in the Introduction), the book is also addressed to political

scientists and other researchers in the social sciences, especially those interested in European integration and European studies, but also those reflecting on the difficulties of democracy in the XXI century, the rise of populism, and other connected phenomena.

The last two chapters of the book in particular have then also more directly practical implications. By analysing whether and when EU intervention has succeeded, assessing current institutional and academic proposals to improve the EU toolkit, and proposing new strategies and alternative mechanisms, the dissertation targets also policy makers in the EU institutions, national governments, NGOs, and other similar platform. The importance of academic contributions to the public debate has been underlined quite recently by a Commission's Communication opening a public consultation on the topic of the rule of law, and more specifically meant to reflect on how to improve the 'Rule of Law Framework' designed by the Commission in 2013 as well as other rule of law instruments. Further opportunities to contribute to the EU institutional debate on how to best endow the EU with effective instruments to tackle national crises could arise after the European Parliament elections in May 2019, depending also on the new political equilibrium in Brussels and Strasbourg. A 'pro-values' majority in the Parliament could foreseeably attempt to further develop the EP's Proposal for a monitoring mechanism on democracy, the rule of law and human rights, which itself was largely based from academic studies and initiatives. The practical recommendations contained in the final chapter of the book will thus be disseminated in academic networks and with relevant stakeholders in order to contribute to this on-going debate.

Innovation

Admittedly, there are already many academics contributions concentrating on the topic discussed in this research. In particular, the focus of most commentators, as described in Chapter 6 of the research, was to propose new mechanisms or strategies that could make EU intervention more effective. This book took however a broader perspective. It aimed at bringing together the different questions (identified in the Introduction) that had emerged in the debate, but mostly answered separately. Here lies the main innovative character of the contribution: offering a comprehensive approach that did not simply suggest yet another mechanism to protect EU values, but explained *what values* the EU strives to safeguard, *why* it is called to do so, and *how* these questions will influence the future of the EU constitutional framework. Furthermore, this research better distinguishes between strategies for the short term and institutional models to be pursued in the longer run. Then, in terms of concrete proposals, an innovative suggestion to be underlined is the idea to draft 'Guidelines for Democracy and the Rule of Law', which could contribute to define more precise standards for each of the two values and to improve coherence in Union's internal and external policies.

Implementation

In the first place, the findings will be disseminated in the traditional manners: publishing a commercial edition of the book, conference presentations, academic articles, but also engaging with new media such as blogs and social networks, which better allows to reach policy makers and the general public. Furthermore, in the immediate term, I intend to contribute to the already mentioned Commission's public consultation on the rule of law instruments, which offers a timely and welcome opportunity to participate to the institutional debate and reach EU policy-makers. In view of the urgency of finding solutions to current crises, it is then extremely likely that other dissemination opportunities will emerge in the near future, especially after the EP elections, thus I will maintain close contact with relevant stakeholders at the EU and national level.