

EU MONITOR

European Sovereignty in Central Europe Ahead of the Conference on the Future of Europe

Piotr Maciej Kaczyński

- **“Is Europe sovereign?” is one of the main questions in the current political debate in the EU. In Central Europe the issue remains divisive and thus poorly understood. It is highly relevant for the 2020 Conference on the Future of Europe announced by the incoming new European Commission President. This paper aims to offer a new look at the very concept of sovereignty, describing the European Union as double-edged political construction with a double source of legitimacy: a Union of States and a Union of Citizens. The European sovereignty is related to the added value otherwise not obtainable by the European Union citizens and states, in terms of public goods, rights and values.**



European Sovereignty in Central Europe

Ever since President Emmanuel Macron of France delivered his speech about the European sovereignty in 2017¹, the pan-European discourse on the topic has shifted. Many leaders have been using the term, including President Jean-Claude Juncker and Frederica Mogherini, the EU's High Representative for Foreign and Security Policy. Still, in Central Europe the term "European sovereignty" is often met with misunderstanding, apprehension and confusion.

Emmanuel Macron's vision of a European sovereignty is that it complements the national one. The Macron argument stems from a deeper understanding on what the nation state is and what purposes it serves in the modern world. "Only Europe can [...] guarantee genuine sovereignty or our ability to exist in today's world to defend our values and interests". Macron complements that European sovereignty "requires constructing" and outlines the areas where Europe can claim its sovereignty: security, migration, cooperation with Africa, sustainable development, the digital revolution and the EU's economic and monetary clout in the world.

Central Europeans reactions to European sovereignty

In Poland the discussion is one-sided. The EU is a union of states and only states can be sovereign. Most constitutional lawyers argue sovereignty belongs purely to the states and no other subject of international relations can claim sovereignty. The debate can be best summed up by a popular public figure and a scholar, professor Marek Cichocki, who wrote in his commentary to the President Macron idea in 2018: "For many, maybe apart from a few

*old-fashioned federalists who have survived to our times, the combination of Europe and sovereignty causes a great embarrassment. Especially in the case of the EU, the idea of a sovereign Europe is absurd*².

Jacek Czaputowicz, Poland's foreign affairs minister and a scholar, authored a book on sovereignty of the state³. As a minister, he has commented the French initiative: "Sovereignty is the ability of the state to decide its fate" and contemporary Poland is fully sovereign. On the one hand, to the allegations that the EU membership corrupts the national sovereignty the minister replied: "If we define sovereignty as the state's ability to act in order to fulfil its national interest, then membership in the EU or NATO does not have to mean a limitation of sovereignty; it is about execution of sovereignty". On the other hand, referring to the statement by president Macron about "a sovereign Europe", minister Czaputowicz concluded "since sovereignty is the supreme authority that has no other authority over itself, then the effect of a sovereignty of Europe would be, for example, no sovereignty of France"⁴.

For the populist politicians in Central Europe, and wider, in the whole of the EU, the "defence of national sovereignty" argument is frequently used. For example, the Hungarian Prime Minister Viktor Orbán frequently talks of "losing national sovereignty" and how successful his government is in preventing the loss of national sovereignty from happening. The former Czech President Vaclav Klaus has been arguing that member states have already lost their national sovereignty when the Treaty of Lisbon was adopted in 2009. Mr. Klaus says that the treaties of Maastricht and Lisbon "transformed the original concept of integration, which means better and deeper cooperation of sovereign states, into something else, into transnational unification. They pushed the heterogeneous community of sovereign

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¹ Emmanuel Macron, *Initiative pour l'Europe. Discours pour une Europe Souveraine, Unie, Démocratique*, Paris, 26 September 2017, <https://www.elysee.fr/emmanuel-macron/2017/09/26/initiative-pour-l-europe-discours-d->

[emmanuel-macron-pour-une-europe-souveraine-unie-democratique.](https://www.elysee.fr/emmanuel-macron/2017/09/26/initiative-pour-l-europe-discours-d-)

² Marek Cichocki, *Cichocki: Suwerenna Europa Macrona*, Rzeczpospolita, 22 April 2018.

³ Jacek Czaputowicz, *Suwerenność*, PISM, Warsaw 2018.

⁴ Jacek Czaputowicz, *Jacek Czaputowicz: Jesteśmy w stu procentach suwerenni*, Polska The Times, 26 March 2018, <https://polskatimes.pl/jacek-czaputowicz-jestesmy-w-stu-procentach-suwerenni/ar/13040092>.

European states into a union of subordinated regions and provinces."⁵ Mr. Klaus' criticism against the EU is largely ungrounded in reality. It is not EU's objective to unify its members. Quite to the contrary, "united in diversity", is the European official motto, and the principle of subsidiarity defines its *modus apparatus*.

A third approach is represented by those, who slowly converge with a Western European acceptance of the term European sovereignty. For example, the Czech Prime Minister Andrej Babiš's approach is more nuanced. His initial reaction was critical of the French leader, telling him in 2017 to fix France before taking on Europe⁶. A year later, when ANO (Czech party of Mr. Babiš) and En Marche (French party of Mr. Macron) started to develop closer ties ahead of the European elections, Mr. Babiš started to see positives in the approach of the French leader. One observer noticed, "*president Macron's flagship idea of the European sovereignty – designed as an extension of national sovereignty, rather than their replacement – might also resonate well with M. Babiš' worldview*"⁷.

Finally, there are those who are fully aligned with the Macron's understanding of European sovereignty. For example, Zuzana Čaputová, the president of Slovakia as of 2019, does not see any contradiction between national sovereignty and the European integration: "*[Slovak] membership of the European Union is not just about our prosperity; it is also a key factor in our national sovereignty*"⁸.

The populism's risk

It is not only Mr. Klaus who thinks that national sovereignty is already over. Mr. Orbán, who tries his best to defend it, or the rulers in Warsaw, who seem to believe their state's sovereignty is undivided and sacred at the same time, perceive it as being existentially threatened by European

integration. There are many other political parties across the European continent, who present themselves as defenders of national sovereignty: Matteo Salvini in Italy, Theo Baudet and Geert Wilders in the Netherlands, the politicians of the French National Rally or the Alternative for Germany, the Spanish VOX party, the Swedish Democrats, to name a few. In the United Kingdom, the national sovereignty defenders led to a referendum on Brexit and won it in 2016.

The national sovereignty defenders usually claim that the national sovereignty is under fire and in need of defence, while in reality they could not be more wrong. The national sovereignty is not only strengthened and multiplied (see cases on Ireland and Cyprus below), the European sovereignty complements the national one, without replacing it. Still, the perspective remains largely popular. Hence, in better understanding the concept of European sovereignty, it may be worth applying the famous Jean Monnet's recommendation: "If a problem seems insoluble, widen the context".

We need a new understanding of what the EU is

To understand properly the contemporary perception of sovereignty, one needs to ask a question: what is the European Union today? In some cases, many lawyers, politicians and public commentators present it solely as a union of nation states. By applying this logic to the EU, one could speak of national member states, whose national sovereignty could be "overwritten" by the Union. In this logic, the notions of "recovery" or "defence" of lost sovereignty can be argued.

However, such a logic is over-simplistic. In a highly globalized world, no one nation state has full sovereignty understood as a "*political, economic and social*

⁵ Václav Klaus, *Notes for Hillsdale Cruise Talk, Hillsdale Cruise, Great Britain*, National Sovereignty and the Unsolvable Problem of the EU, 10 June 2019, <https://www.klaus.cz/clanky/4411>.

⁶ Bloomberg, *Macron Should Fix France Before EU, Czech Election Favorite Says*, 27 September 2017,

<https://www.bloomberg.com/news/articles/2017-09-26/macron-should-fix-france-before-eu-czech-election-favorite-says>.

⁷ Kafkadesk, *Czexit would be a catastrophe, says PM Andrej Babiš during civic consultations*, 14 May 2018, <https://kafkadesk.org/2018/05/14/czexit-would-be-a-catastrophe-says-pm-andrej-babis-during-civic-consultations/>.

⁸ Zuzana Čaputová, *Inauguration speech of 19 June 2019*, <https://www.prezident.sk/en/article/inauguration-speech-of-president-zuzana-caputova/>.

*independence of the state, independence from other states in internal affairs and international relations*⁹. This is one of many definitions, all of which include the issues such as relations with other nations and internal exclusive control over the local populace. However, those definitions confronted with the modern world do not stand the test of time. Growing interdependencies between nations are causing disappearance (or, irrelevance) of social and economic borders. Globalization contributes to the world's economic growth, although simultaneously inequalities between the richest and poorest are increasing¹⁰. The emergence of powerful and wealthy international corporations and other non-state actors undermines the traditional approach to international relations understood only as relations between equal (in legal terms) nation states.

The European Sovereignty

The Roots and the Core of the European Union

The European Union and the symbolic unification of Europe is nothing short of a miracle rising from the ashes of the horrors of World War II. The European Union has its mythology, founding fathers, and Robert Schuman is even in the waiting room to be considered a saint by the Catholic Church. In 1992, the Archbishop of Augsburg considered three events as miracles and attributed them to Schuman's intercession: the unexpected fall of the Iron Curtain, the peaceful reunification of Germany, and the final collapse of communism in Europe¹¹.

Within the EU, there are states who have a history of 1,000 years co-existence and the same 1,000 years of perpetual war with incidental peace among them. Amongst

them are the states who have given the world the very concept of a modern state, the Westphalian state, when the concept of sovereignty was born. Those states are European nations, each rich with its distinct history, culture and heritage, who, in the face of dehumanization of the Second World War, did not decide to give up their statehoods and national sovereignty, but to look at them differently. Traditionally, the European states were suspicious vis-à-vis one another. This was replaced with a cooperation, a cooperation needed to survive. This time, unlike in the case of the League of Nations or the United Nations, it was not based on a logic of international cooperation, but a transnational one.

The European supranationalism was invented by the generation of Jean Monnet and Robert Schuman. Since their time, it has been redefined and developed further by every successive generation of Europeans. The Schuman Declaration says that "*Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity*".¹² It talks about building Europe in stages, and according to the declaration, the ultimate foreseen goal was the European Federation. Whether this happens is an open question, as there is no convergence of views on the finalité politique of the European Union¹³. What seemed natural and obvious to the founding fathers was not so for the following generations of Europeans. However, the other elements of the initial Schuman Declaration puzzles remain; building and developing Europe step by step, forging solidarity between European nations and European citizens, and the transnational nature of its organization.

So much has happened in the construction of the EU over the past seven decades that today, we can safely claim that the European Union stands on two equal but separate legs: on a union of states and a union of citizens.

⁹ Dictionary of the Polish Language edited by W. Doroszewski, PWN, Warsaw 1996.

¹⁰ World Inequality Report 2018, Berlin 2018, <https://wir2018.wid.world/files/download/wir2018-summary-english.pdf>.

¹¹ Giuseppe Audisio, Alberto Chiara, *I fondatori dell'Europa unita*, Cantalupa 1999.

¹² The Schuman Declaration, 1950, https://europa.eu/european-union/about-eu/symbols/europe-day/schuman-declaration_en.

¹³ See for example the debate about the White Paper on the Future of Europe of 1 March 2017, https://ec.europa.eu/commission/sites/beta-political/files/white_paper_on_the_future_of_europe_en.pdf.

Two Unions

We need to start with the obvious: the Union of States is a union in which sovereign nation states play a key role. They are at the centre of attention as parties to the treaties, which can only be changed by unanimity. It is the countries' governments who nominate the commissioners and hold the European elections. The Union of States is manifested at the summits of national leaders that attract media attention. The European Council is the arena of the Union of States where the game of national interests is organized. This union is essentially an external issue, a matter of foreign policy. That is why frequently the ministries responsible for foreign affairs are dealing with EU issues, and the national leaders of member states attend the international summits in Brussels.

The Union of Citizens is less visible as it is less mediatic, but it is equally powerful and real. It is a union in which the people are equal as they have the same rights and obligations. In this union, all the citizens enjoy the same standards of goods and services, the citizens cannot be discriminated against, there is freedom of movement and establishment. It is a union of laws adopted by and applicable to the EU citizens, entrepreneurs, central and local government administration and the courts. It is a union with institutions independent from the national governments, like the European Commission and the Court of Justice. It is a union in which the members of the European Parliament represent not the countries they were elected from but the people, and they organize themselves in political groups, not national delegations. It is also a union of values such as dignity, freedom, democracy,

equality, the rule of law, and the human rights catalogued in the Charter of Fundamental Rights.

Neither of the two unions is complete. Both depend on each other and are interdependent. The Council takes decisions by a majority, not a consensus. The Parliament is elected in elections with national rather than European parties competing for votes.

On sovereignty: national and European

This Union, from the perspective of states, has no sovereignty on its own, but scholars and politicians talk about *shared* sovereignty, or *transferred* sovereignty for a more effective management at EU level. According to this logic, in the best case the EU does not limit the national sovereignty, but it enhances it and creates added value for the national sovereignty of the member states. However, within the same logic it is possible to argue that in fact the EU is replacing nation states by stripping them of the remnants of their national sovereignty.

Meanwhile, from the citizens' perspective, there is a European sovereignty, as evidenced by the existence of independent European institutions whose authority reaches out beyond the borders of the member states. This is not just about law-making, but the Commission decisions and Court judgments can be directly applicable. Without the citizens' union, what chances would a citizen have in his complaint against their state authorities?

The dualism of the two unions is important, even if in fact they are intertwined so that it is often difficult to distinguish one from the other. However, in the public debates in countries ruled by populists, it is far too often heard that in European elections, we elect representatives who represent our country in the Union¹⁴. This is not the

¹⁴ For example in Poland it is common to present in the right wing media the rule of law debate (and the application of Article 7 of the Treaties) as a fight for the Polish interest. Hence the Polish MEPs who have voted against the position of the Polish government in 2017 (European Parliament resolution on Poland, 2017/2931(RSP)) were accused of voting "against Poland". Certain radicals have organised a protest in Katowice against 6 MEPs

showing their photos as hanging on the gallows. Since 2017 the perpetrators have not been sentenced and are protected by the populist Law and Justice government. Yet the language in which the job of MEP is to defend the national interest is present in the public discourse.

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case: member states naturally are represented in the Council by their governments. The EU citizens elect their representatives to the Parliament. MEPs are the people who, on behalf of the citizens, negotiate with governments' directives and regulations on matters of EU competence.

Ultimately, the nation is the sovereign and if one day the nation was to decide to leave the European Union, they could. Theory becomes reality as the Brexit drama unveils before our eyes. In 2016, the British people took a sovereign decision to leave the EU. Whether the United Kingdom leaves the Union or stays in it, the final decision is with the nation; hence, one side of the Brexit debate considers the 2016 referendum sacred, and the other side calls for a new referendum on the negotiated final agreement¹⁵.

Internal sovereignty: the added value

Internal sovereignty means that the national authorities fully control the scope of their authority over the country's territory and population. By joining the EU in 2004, the four Visegrad countries have agreed to the transfer of parts of their national competences to the EU level, as their exercise would be simply more effective (with the application of the subsidiarity principle). That is why the Polish minister can interpret that the execution of certain aspects of national sovereignty at the European level are always reversible.

Former Czech president Klaus' allegations that the EU is killing (or, has killed) the national sovereignty have their source in the dynamic reading of EU competences. The competences are fixed and listed in the treaties¹⁶, but their execution is dynamic. The catalogue of competences is substantial, and the general rule is that member states can only adopt laws if the EU has not adopted any law on the issue or has decided not to legislate despite having a competence.

Each time a new law is drafted, the European Commission must explain itself why it believes that the proposed new law adds value to what already exists. With no "added value", the draft EU law would fail. Even in the process of standard setting, there needs to be an added value. For example, the frequently ridiculed "banana curvature" regulation was about establishing the same quality of goods throughout the common market¹⁷. Often the same people who complain about the EU standardization of one product (say, the light bulbs) at the same time are outraged at double standards elsewhere (say, "the German washing powder"). Naturally, the quality of the same washing powders should be the same throughout the EU and the light bulbs should be energetically effective everywhere.

Much more often, the European added value means simply lowering the costs of operating on the common market, increasing the quality of products and services, adapting to the international agreements concluded on behalf of the Union and its Member States, or limiting threats to the quality of life. The latter applies to food safety, climate change and security-related public threats. When Mr. Macron spoke of European sovereignty, he meant precisely the European added value. Are Member States individually able to provide protection for their citizens, digital security, counteract against illegal migration and stop climate change? It is the effectiveness that determines the topics which are on the European Union agenda.

External sovereignty: the added value

The state's external sovereignty lies in the principle of legal international equality: Czechia is equal to Brunei, Hungary to Madagascar, Slovakia to Brazil and Poland to the United States. All nearly 200 countries are equal in the lights of international law. The EU membership has a potentially limiting effect in so far as within the competences that the EU manages on behalf of its members; it is the EU that signs many international agreements. The United Kingdom currently leaving the EU is bound by 285 international

¹⁵ See The People's Vote campaign: www.peoples-vote.uk

¹⁶ Articles 3-6 of the Treaty on the Functioning of the European Union.

¹⁷ Commission Regulation (EC) No 2257/94 of 16 September 1994 laying down quality standards for bananas.

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agreements that were concluded on its behalf: these are trade agreements, but also on climate, transport (e.g. air traffic), research cooperation or other topics.

The EU's added value in exercising external sovereignty lies in its leverage. As a bigger partner, it has a stronger bargaining power with third partners. At the same time, nothing happens without the involvement of the national governments. The governments are fully involved in the process: governments are present at the stage of negotiating mandates for negotiators representing the EU; and the governments accept the final agreement. In recent years, there have been many problematic situations with international agreements. For example, in the Netherlands there was a referendum rejecting the free trade agreement with Ukraine, and one of the Belgian regions did not want to allow the prime minister to grant his consent to accept the EU agreement with Canada. This proves that EU countries have full control over the process of negotiating and adopting international agreements and nothing is done at the expense of national sovereignty.

Quite the opposite can be argued when the national interests are truly concerned. Ireland defends the Good Friday Agreement in the Brexit negotiations as it is its national interest to preserve peace on the island. Alone, the Irish leverage would be limited. Yet the EU has recognised this vital national interest as the interest of the entire Union; thus, the 4-million nation's leverage has been multiplied in the Brexit negotiations. The same situation applies to the Cyprus' national interest related to the settlement of disputes with Turkey: the EU line to take is the Cypriot national interest. Here, we cannot talk of limiting a national sovereignty, but of multiplication of national sovereignty beyond imagination of a national context.

The perfect summary of the same argument is in the words of Federica Mogherini, the EU's High Representative for Foreign Affairs and Security Policy: *"When we join forces as Europeans and take part in global negotiations, we are not giving up on our sovereignty, on the contrary, we are*

*exerting our sovereignty more fully, more powerfully on the global stage"*¹⁸.

The Union is a space of 513 million Europeans¹⁹, citizens of the same community, who are equal in their rights and obligations. If we assume that sovereignty is an attribute of a state, then we know that the EU is not a state. But the state discourse belongs to the second face of our union, the union of states. In the citizens' union, we shall examine other elements of the definition of sovereignty: political, economic and social independence as well as the independence in internal affairs and international relations.

The EU is sovereign

As for the political independence of the Union, the EU has a legal personality and a political system, which includes the supranational institutions such as the European Commission, the Parliament and the Court of Justice, as well as the intergovernmental institutions such as the Council of Ministers and the European Council. There are political actors such as European political parties and a pan-European political debate on interests and values.

As for the economic independence of the Union, one of the objectives of the EU is the economic convergence between states; the EU has its own currency (the euro); a budget, of which one part is spent on assisting the economically disadvantaged regions, another part on investment, and yet another on redistributive policies such as agriculture. The EU is committed to the principles of the common market for goods and services, capital and the movement of people, as well as the principles of non-discrimination and competitiveness. We can therefore talk about economic self-rule, even if the economic policies of each state remain largely subject to domestic affairs.

As far as the social independence is concerned, the catalogue of rights of citizens who live outside their home country is wide. Yet the social policies are weak as the EU largely lacks competences in this domain. Still, one can take up studies, work, or run a business in another EU country

¹⁸ Speech by High Representative/Vice-President Federica Mogherini at the European Parliament on the reports on CFSP and on CSDP, 11 December 2018, European Parliament, Strasbourg.

¹⁹ 447 million without the UK.

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under the anti-discrimination approach. Currently, there are some 17.6 million people, including 3.5 million Visegrad nations' citizens, living in another EU country than their own, and 383.000 EU citizens living in Visegrad countries rather than their nation. Within the V4 group, the only noticeable group are the Slovaks in Czechia, in the number of over 110.000. All of them have the same political rights as the local citizens (with the exception of voting in national elections)²⁰. Most of EU action focuses on facilitating the crossing of the internal border and on trade facilitation between member states. More and more citizens make use of those rights, albeit to varying degrees. Still, around 37 percent Europeans, including 52 percent Poles and 59 percent of Hungarians, have never crossed the border of their country²¹.

Political and economic independence is guaranteed by the Union's supranational institutions. The Commission represents the European interest, not the national one. It is a delicate task to seek out not only a balance between sometimes contradictory interests of member states but to genuinely construct a true European interest that is acceptable for the Europeans. The task, however difficult, is relevant, as the Commission normally proposes laws that create the added value. The Parliament exercises political control over the Commission and, together with the EU Council, adopts laws and budgets. The Court settles disputes between institutions, states and issues of fundamental rights of EU citizens.

The Union's internal independence from external entities is a matter of fundamental importance. Size matters. The small and weak states do not have the same control in their internal affairs as large and strong states. In the era of strongly interconnected economies and empowered large international corporations, we could measure the level of

true sovereignty of states and other entities (say, the European Union) by measuring their power of influence on the most powerful companies²². In recent years, the regulatory control over the entities present on the internet market (such large corporations as Google, Apple, Facebook, Samsung, Amazon, Huawei and others) has been preserved only by the European Union, and to some extent by the United States and China. This game of interest is not always successful. There are many sceptics who point to the European Commission failures in its dealings with the Russian Gazprom. Even so, this does not change the fact that currently, the EU is the only place where the argument can be sought with market giants by the governments of smaller nations. One of the tasks for the new European Commission is to look to reform the EU competition rulebook in such a way to improve the European companies' chances when confronted with those global entities.

There is no state sovereignty that has been transferred to the Union level in these matters. If the EU (Commission, Court) takes action, e.g. on Apple's non-payment of taxes in Ireland, this shows that the Irish state has not been able to deal with this problem. To return such power to Ireland would not re-instate the national sovereignty in the area; it would be an illusion of sovereignty. Therefore, since there are cases when there is no transfer of sovereignty from the national to the European level, since there is material added value that cannot be reproduced at the national level, in all those cases we can argue in favour of existence of such "European sovereignty".

²⁰ Data: Eurostat, January 2018.

²¹ Data: Special Eurobarometer 414, March 2014. Also, 23% of Czechs and 26% of Slovaks were never abroad.

²² In a case Philip Morris versus Uruguay (2010-16) of the International Centre for Settlement of Investment Disputes (ICSID) the government of Uruguay had to defend itself over a change in policy (anti-smoking legislation) against a private company. The

arbitration lasted six years. The very fact that a company can sue a state over a policy is an important signal of the limitation of a national sovereignty. More on this case: <https://www.iisd.org/itn/2016/08/10/philip-morris-brands-sarl-philip-morris-products-s-a-and-abal-hermanos-s-a-v-oriental-republic-of-uruguay-icsid-case-no-arb-10-7/>.

Conclusion

The European Union is a unique system on a global scale. It does not claim the right to replace nation states because it cannot and should not act against its own members. To be effective, the EU must seek synergies with the states that form it. The end-goal of integration is undefined, and will be debated, again, during the 2020 Conference on the Future of Europe. It may well be that the Westphalian system that was once created in Europe, and which introduced contemporary understanding of state sovereignty, is being redefined right before our eyes.

Strengthening of the countries by more effectively managing competences by the Brussels institutions rather than by the member states, has also led to the empowerment of the European citizens. This was best manifested by the massive participation in the 2019 European elections, when some 202 million Europeans voted for the new European Parliament to deal with issues that fall outside of the powers of member states, like climate change, digitalization and the digital revolution.

Seeking synergies between states is not always easy. One of the most divisive issues in recent years was the idea for the mandatory refugee relocation. Slovakia, Hungary, Czechia and Romania were outvoted in 2015; Poland joined the camp soon afterwards. Despite being on the losing side, the countries never accepted the defeat and took it to the Court of Justice²³. As four years later the issue of how to organise the European refugee management policy is far from settled, the idea of mandatory relocation is “politically finished”, as once Robert Fico, the Slovak prime minister at the time, described it²⁴.

The situation shows that the Union officials probably became too focused on delivering the results (a law) or on solving the objective problems in Greece, Malta and Italy at

the time, disregarding certain various national sensitivities (hence the Council vote in the first place). In short, it might have been they were too detached from the political reality on the ground of the particular member states (V4) and were brutally reminded of their disconnect.

Still, whenever the Union representatives defend the fundamental European values enshrined in the treaties and the member states response is not to respect the values, another conflict arises with important sovereignty argument: that of the application of the European values. The sovereignty argument has been widely used by regressive populist politicians is to gain domestic political capital and to fan the flames of Euroscepticism. Usually in those debates, the European values are largely forgotten and EU is framed as a scapegoat and in opposition to national interests and sovereignty.

The list of EU values has been written in such a way that no one has ever thought that they could be violated: human dignity, freedom, democracy, the rule of law, human rights, including those belonging to minorities, as well as pluralism, non-discrimination, tolerance, justice, solidarity and gender equality (Article 2 TEU). These values were and are a precondition of EU accession. Without complying with these principles, no country can join the European Union. The national sovereignty of an EU member state should not be concerned by the EU values at all for there should be no contradiction between the EU values and the national values.

The 2020 conference that Ursula von der Leyen announced in July will address a number of issues²⁵. Among them the Union values and its core interests will be prominent in defining the next steps of the European project. The agenda of the gathering is not yet agreed, but re-writing of the treaties should not be excluded. Historically the European integration was about enlargement and deepening; over the last decade it became about stalled consolidation and increasing fragmentation. What will be

²³ At the time of writing the case is pending. However, in her opinion, the Advocate General Sharpston wrote that the three countries “failed to fulfil their obligations” (Advocate General’s Opinion in Cases C-715/17 Commission v Poland, C-718/17 Commission v Hungary and C-719/17 Commission v Czech Republic), Luxembourg, 31 October 2019.

²⁴ Slovak presidency proposes ‘effective solidarity’ on migration, EU Observer, 18 November 2016, <https://euobserver.com/migration/135960>.

²⁵ Von der Leyen: Suica to Lead Team for Conference on the Future of Europe, 10 September 2019, <https://www.total-croatia-news.com/politics/38366-suica>.

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the input of the Central European governments, still caught up in a traditional definitions of sovereignty and national interests? Will the populist governments of Europe be able to be constructive? And, will they adapt to the changing understanding of sovereignty and widen their perspectives?

On the other end is the reality check for the European sovereignty. As Donald Tusk, the most prominent Central European politician in the EU remarked, "I share his [Macron's] dream of a truly sovereign Europe. I am convinced that we are capable of it, on condition that we will act as a sovereign"²⁶.

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²⁶ Donald Tusk, Keynote speech at the opening ceremony of the 2019/2020 academic year at the College of Europe, Brugge, 13 November 2019, [https://www.consilium.europa.eu/en/press/press-](https://www.consilium.europa.eu/en/press/press-releases/2019/11/13/keynote-speech-by-president-donal-tusk-at-the-opening-ceremony-of-the-2019-2020-academic-year-at-the-college-of-europe/)

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