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COMMISSION PRIORITY 5: PROMOTING OUR EUROPEAN WAY OF LIFE

SUBSTANTIAL PROGRESS IN VARIOUS RESPECTS, RAISING EXPECTATIONS FOR A FULL DELIVERY

Goals and Key Players

We are nearing the finish line of the von der Leyen Commission's term of office. That spot on the horizon means the heat is on to fulfil the objectives sketched in 2019 under the heading of 'Promoting our European way of life'. In the previous editions of this Observer, serious doubts were expressed on the (coherence of the) particular targets identified, which will not be repeated here. Worthy of note is nonetheless how, over the course of the last year, the war in Ukraine cast the ambitions into a novel light – as one may well argue that the assistance rendered to Ukrainians, and the plethora of measures adopted, constitute a separate means to pursue the central goals in the relevant portfolio: after all, coming to the neighbouring country's defence and striving to maintain its integrity are superb methods to underline the importance of the rule of law; the financial and military aid that has been provided, combined with the revival of plans for an integrated EU defence, ultimately reinforces the security of the Union's citizens; additionally, the generous reception of Ukrainian refugees demonstrates the keen solidarity characterising the European continent.

With regard to the key players, it would appear that the Commissioner for Promoting our European Way of Life, Mr. Margaritis Schinas has voluntarily or involuntarily been pushed somewhat to the background, clearly to the benefit of his colleagues entrusted with 'Values', 'Justice', 'Home Affairs' and 'Health and Food Safety' – respectively Mr. Reynders, Ms. Jourová, Ms. Johansson and Ms. Kyriakides. The momentum is credibly attributable to the substantial progress made in specifically these fields, ranging from the adoption of legal instruments and the issuing of soft law, to the modification of the mandates of several pivotal agencies. As before, the current brief offers merely a snapshot, highlighting the most salient developments from the past twelve months.

Progress in 2022

Unsurprisingly, the primary matter that merits our attention is how the safeguarding of the rule of law has remained an autonomous subject of interest. On the internal front, for several years now, two prominent 'problem dossiers' have been the status quo in Hungary and Poland, in view of the incremental dismantling of judicial independence there, the

erosion of civil and political liberties, exacerbated by rampant corruption practices. The situation sparked the adoption of the so-called Conditionality Regulation at the end of 2021, a framework allowing the EU to suspend funding to a member state that displays serious deficiencies in the aforementioned areas. Subsequent to the release of non-binding guidance for its operationalisation at the beginning of the year, the mechanism was finally deployed against Hungary at the end of 2022. The Commission had proposed to freeze 65 per cent of the allocated regional funds for the 2021-2027 period, amounting to 7.5 billion euro. A qualified majority vote in the Council resulted in a lowering of the suspension to 55 per cent or 6.3 billion euro. Simultaneously, the foreseen payments from the Recovery and Resilience Fund established during the corona pandemic were approved, yet subjected to a 'milestones approach' that was also adhered to earlier vis-à-vis Poland, demanding genuine reforms before actual disbursement might occur. While the strong stance taken by the EU, following on protracted wrangling and prevarication, certainly deserves to be praised, only the future can tell whether the strategies are truly able to deliver – inducing the Hungarian/Polish governments to cave in, act up, and start behaving with greater decency.

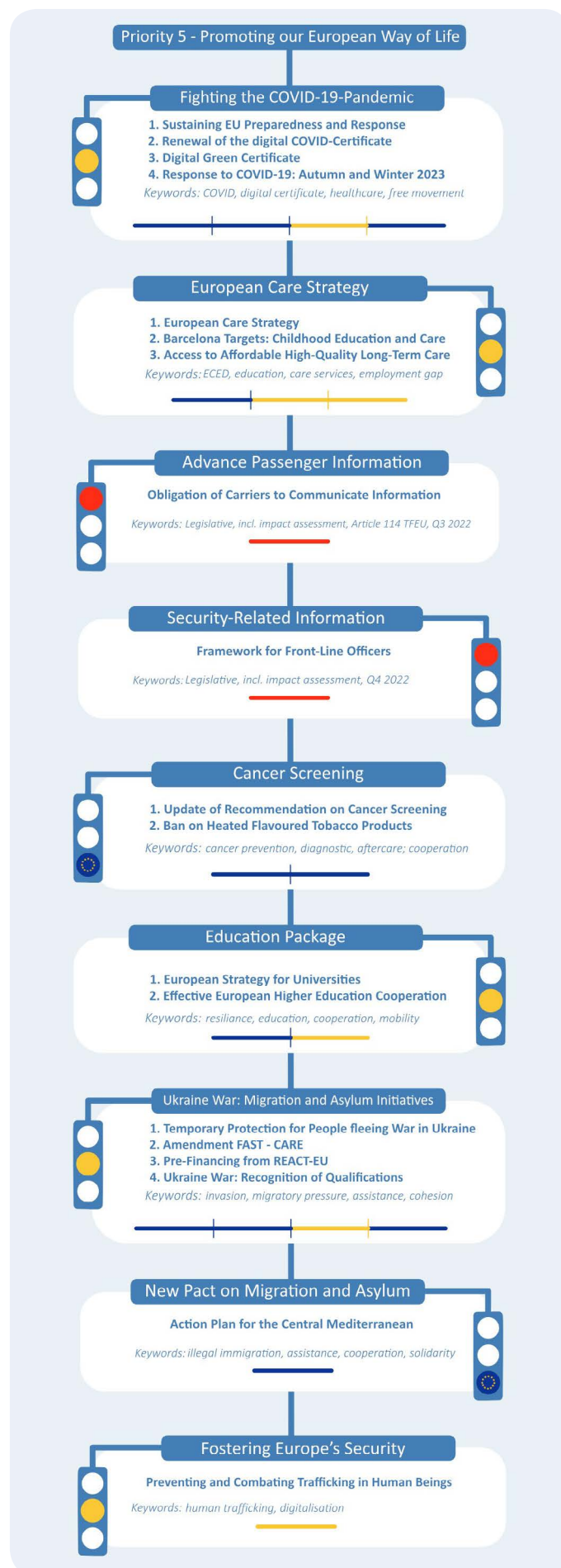
The EU's legal and policy structures related to migrants and migration have equally featured on the 'European way of life' agenda from the very start. Unfortunately, the grand pact launched in 2020, flagged in a previous issue of the ZEI Observer, continued to find itself stuck in the institutional machinery. If the Swedish and Spanish Presidencies do not manage to overcome the prevailing discord, it looks highly unlikely that great strides will be made here in 2023. In the margins, the European Commission did proceed to release an Action Plan for the Central Mediterranean, coupled with a Communication on attracting skills and talent to the EU. At the level of the agencies, apart from the turmoil that saw the director of FRONTEX take his leave, the formal installation of the EU Asylum Agency (EUAA), as the direct successor to the European Asylum Support Office (EASO), represented a rather positive development. Next, as part of the response to the war in Ukraine, we should note the impressively swift activation of the Temporary Protection Directive, handing a special safe status to the affected refugees. In connection, a general communication was published on the welcoming of displaced individuals, alongside a valuable Recommendation on the recognition of the qualifications of the persons fleeing the Russian invasion.

Concerning the themes of providing justice and security to EU citizens, four advancements may be reported. Firstly, in tune with the preparations undertaken last year, the mandate of EUROPOL was reinforced as expected, rendering it

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competent to process large and complex datasets, boosting its role in relation to R & D on law enforcement, as well as introducing measures to facilitate its cooperation with private parties. In close conjunction, in August 2022, a proposal was adopted to allow it to issue a new category of alerts under the Schengen Information System (SIS). Secondly and similarly, the Commission proposed a stronger mandate for the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), preferably transforming it into a European Union Drugs Agency (EUDA). The background idea is to let the body play a more effective role, for instance by alerting to the proliferation of novel dangerous substances, keeping an eye on the potentially addictive use of substances consumed in an ancillary fashion, and developing EU-level awareness campaigns. The third and fourth landmarks are probably less impressive, consisting of proposals still requiring Council and Parliament approval. For starters, there is a draft Regulation that seeks to bring legal certainty for parents in cross-border situations, and to reduce legal costs for families requesting recognition of cross-border rights. Controversially, under the prospective rules, court decisions on parenthood in one EU country (including LGBTQIA+ cases) should be recognised in other member states. A European certificate of parenthood is envisaged to prove the parenthood of a child when moving elsewhere in the Union. An adjacent proposal from the Berlaymont hones in on a completely different topic, aiming to revise the Directive on preventing and combating trafficking in human beings and protecting its victims. The updated rules, to be enacted in 2023, foresee complementary tools for investigating and prosecuting new types of exploitation, putting forward mandatory sanctions against companies for trafficking offences, alongside the creation of a European Referral Mechanism for early identification and support. Misdeeds are to be handled via two distinct regimes, one for standard offences and one for serious offences, requiring member states to collect and relay pertinent data to the Commission on an annual basis. It should moreover lead to a better tracing, freezing, managing and confiscating of proceeds, together with a streamlining of the functioning of the involved national bodies.

Perhaps the healthcare scene is the one where, over the course of 2022, we have been able to perceive a maximum of innovation. In the tentative aftermath of the COVID-19 pandemic, the EU believes to have laid down the main building blocks of a veritable Health Union, based on a design presented way back in 2020. To begin with, agreement was reached on extending the mandate of the European Centres for Disease Control (ECDC), buttressing its capacity to prevent, prepare for and address any outbreaks, identify gaps and provide science-based recommendations. Following the extension, it will also coordinate the standard-



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The Evolution of the EU's Perception towards Ukraine - Kateryna Khalabuzar

Getting an EU perspective and a candidate status took Ukraine through a long, complex, and controversial integration path. Since the declaration of its independence in 1991, Ukraine has undergone tremendous changes in terms of political and nation-building processes that could not go unnoticed by the EU. From being 'terra malecognita' on the periphery of Europe, Ukraine has become a symbol of defending European values. Thus, to get a better insight of how the EU's perception of Ukraine has developed over time, it is also crucial to shed light on key turning moments and political developments in Ukraine, which brought fundamental changes to the EU's understanding of Ukraine.



isation of data collection procedures, validation, analysis, and dissemination at the supranational level, next to hosting a new excellence network of reference laboratories and a Health Task Force for rapid interventions in the event of major calamities. The mandate of the European Medicines Agency (EMA) underwent changes too, upgrading its crisis readiness, handing it the resources to manage a stockpiling of medicinal products and devices. Henceforth, it is specifically to cope with shortages, clarifying and smoothening procedures for joint procurement, including the possibility to limit parallel negotiation and purchasing activities of participating countries. In addition, a dedicated Regulation was adopted allowing the EU to better anticipate and react to serious cross-border health threats, purporting a robust contingency planning, integrated surveillance system, superior capabilities for risk assessment, and the devising of targeted remedies. Consequently, the Commission will be competent to officially recognise a public health emergency at Union level, triggering automatic intra-state cooperation. As icing on the cake, the European Health Emergency Preparedness and Response Authority (HERA), introduced in the previous issue of this Observer, was definitively established. Instead of being turned into an agency in its own right, HERA took the form of a Commission Directorate-General, equipped with a Health Crisis Board monitoring the supply of and access to medical countermeasures. Regarded holistically, the smorgasbord of EU interventions and instruments seems indeed to have construed a powerful foundation for the European Health Union, sizeably improving the EU's prowess in the vital areas of prevention, preparedness, surveillance, risk assessment, early warning, and response. Just to complete the picture for the period described, in order to avoid a sudden resurgence of the coronavirus, the Digital COVID-19 Certificate's validity received one temporary renewal, and the Commission issued a Communication in anticipation for the autumn and winter 2023. To top it all off, a wholly unrelated proposal was put forward for amending a Regulation that guarantees the quality and safety of blood, tissues and cells.

Conclusion

It may be concluded from the above that substantial prog-

ress was achieved in multiple respects: with regard to the rule of law, in the realm of migration, the twin fields of justice and security, but especially in the domain of health. In truth, the developments stretched out even further, with ostensibly even the spare time being found to produce a Communication on a 'European strategy for universities', claimed to constitute an essential component of our way of life. The results obtained within the confines of Priority 5 demonstrate anyhow that, at least in 2022, critical predictions of how the integration process is inevitably doomed to failure (a staple of the debate among Eurosceptics) should be qualified as misconceived, or egregiously myopic.

Outlook 2023

A couple of indications for the last full year of the von der Leyen Commission were given in the foregoing paragraphs already. With a view to unlocking the profitable grants and subsidies, a consistent application of the Conditionality Regulation might realistically see things starting to move in the Hungary/Poland dossiers in 2023. Novel frustrations and circumvention attempts cannot be ruled out though. For the Asylum and Migration Pact, the perspectives for next year seem extra gloomy, in light of the many deadlocks encountered hitherto. While the EMCDDA is likely to morph smoothly into the EUDA, considerably more energy will need to be invested to ameliorate FRONTEX's work practices, embedding human rights protection at its core, bringing an end to the pushback atrocities. Finally, we patiently have to await whether the proposals for improving the position of parents in cross-border situations, respectively the combating of the trafficking in human beings, eventually reach the end of the line; the former is surely bound to kick up a great fuss. Plenty of issues left, then, to return to in the next edition.

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