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JEAN MONNET
CENTRE OF EXCELLENCE
CONSTITUTIONAL VALUES OBSERVATORY

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News Report 2

HIGHLIGHTS ABOUT THE UNION WE LIVE

May 2016 – July 2016

NICE TERRORIST ATTACK ON BASTILLE DAY: TERRORISM ON A TRUCK

Dozens of people have been killed, including children, after a lorry ploughed into a large crowd watching a fireworks display marking the end of the French national holiday for Bastille Day. The Islamic State claimed responsibility in a statement released on Saturday, July 16. It is France's third major terrorist attack in 18 months.

French President Francois Hollande announced that the current state of emergency, which was set to expire on July 26, would be further extended. Now other European Union countries – including Belgium, the UK, Italy, Spain, Germany and the Czech Republic – are taking measures in an attempt to combat the threat of terror.

The Nice attack will also factor into two ongoing debates in the European Union: proposals to increase cooperation on security issues and plans to enhance European military coordination.

Since Euroskeptical sentiments are currently strong, Paris and Berlin decided not to focus on controversial issues, such as enhancing integration in the eurozone. Instead they are working on areas such as improving control of the union's external borders and increasing cooperation on security issues. The Nice attack will probably reinforce the European Union's focus on pushing these efforts instead of the more divisive issues, such as economic integration.



When it comes to military cooperation, after the Paris attacks, France asked its European peers to help the overstretched French military in its operations abroad. France is one of the few EU members with a truly global military reach, and the United Kingdom's withdrawal from the bloc will diminish the union's clout on foreign affairs. This explains why France and Germany have been discussing a greater military role for Berlin. On July 13, Germany's Federal Defense Ministry announced plans to increase military spending during the next decade and to adopt a more active role abroad. For historical reasons, however, France and other EU members will tolerate a more active Germany only if it happens within the EU framework.

Source: <https://www.stratfor.com/analysis/how-france-will-respond-nice-attack>

MILITARY OPPOSITION ATTEMPTS COUP D'ÉTAT IN TURKEY: IMPLICATIONS REMAIN TO BE SEEN

In an event not seen in since 1997, military factions in Turkey tried to seize control of the country on Friday night 15-16 July 2016, setting off a scramble for power and plunging a NATO member into chaos in what is already one of the world's most unstable regions. However, by Saturday morning President Recep Tayyip Erdogan, whose whereabouts were unclear and was rumored to have been on vacation when the coup attempt began, flew to Istanbul Ataturk Airport, signalling that the coup had failed.

Jean-Claude Juncker, Donald Tusk and Federica Mogherini stated on behalf of the EU Member States present at the ASEM Summit that "Turkey is a key partner for the European Union. The EU fully supports the democratically elected government, the institutions of the country and the rule of law. We call for a swift return to Turkey's constitutional order. We continue to follow closely the developments and to coordinate with the 28 EU Member States."

BREXIT: THE CHALLENGE OF DECIDING NEW EU-UK RELATIONS

After a majority of voters in the UK voted in favour of taking their country out of the EU on 23 June, the focus has been on what will happen next. The UK and the EU are now expected to negotiate to determine the terms of their new relationship and the European Parliament will play a key role in determining the outcome. For the UK to leave the EU it has to invoke an agreement called Article 50 of the Lisbon Treaty.

The British referendum is the highest and strongest proof of that process of growing popular disaffection that has hit Europe and its institutions since more than 10 years – Europe has always been considered as a destination to reach, and the perspective of joining Europe has been for many countries in Europe a driving force to reform their economic structure, promote the adoption of the rule of democracy, open up to new freedoms and new, more modern standards.

Europe needs to reform its structures, modernize its proceedings and improve its capacity to act in the interest of the community of countries it represents. But unlike previous announcements of this kind we have to go deeper into the structure. The Europe of 28 has proven its incapacity to tackle the many challenges. Why not go back a few steps and strengthen the core of the EU i.e. the founding countries. If France, Italy and Germany and their immediate neighbors have a common understanding of a new start of the EU, the other countries are invited to and will follow. Because the slowest wagon in the train cannot define its speed. If we rely more on a strong "locomotive" we will all move on. The responsibility to start moving along this path lays with national governments and as national voters we should all demand from our governments to take that responsibility. But as individuals, before than as managers within the companies we work for, we have the duty to instill in the people around us the awareness that there can be no alternative for any of our countries outside Europe, and that only in a renewed unity can be found the necessary strength to face the many challenges that await us.

The decision of the United Kingdom to leave the European Union is definitely not the beginning of the end of the EU, said President Juncker: "It is not more Europe or less Europe that we need. We need a better Europe. We need to learn from the UK referendum."

Source: <http://www.ccc-managers.org/en/a-message-on-brexit-and-the-future-of-europe/>
<http://www.europarl.europa.eu/news/en/news-room/20160628IPR34007/Debate-on-Brexit-and-its-consequences>
<http://www.bbc.com/news/uk-politics-32810887>

COMMISSION ADOPTS RULE OF LAW OPINION ON THE SITUATION IN POLAND

On 1 June 2016, the European Commission adopted an Opinion concerning the rule of law in Poland. The Opinion sets out the concerns of the Commission and serves to focus the ongoing dialogue with the Polish authorities towards finding a solution. The rule of law is one of the common values upon which the European Union is founded. The European Commission, together with the European Parliament and the Council, is responsible under the Treaties for guaranteeing the respect of the rule of law as a fundamental value of our Union and making sure that EU law, values and principles are respected.

Recent events in Poland concerning in particular the Constitutional Court have led the European Commission to open a dialogue with the Polish Government in order to ensure the full respect of the rule of law. The Commission considers it necessary that Poland's Constitutional Tribunal is able to fully ensure an effective constitutional review of legislative acts.

The Polish authorities are now invited to submit their observations on the Opinion. On the basis of these observations, the Commission would continue to pursue the constructive dialogue with the Polish government with a view to finding solutions to the concerns set out. If the concerns have not been satisfactorily resolved within a reasonable time, the Commission may decide to issue a Rule of Law Recommendation. This would mean entering the second phase of the Rule of Law Framework.

Source: http://europa.eu/rapid/press-release_IP-16-2015_en.htm

COMMISSION REPORTS ON STATE OF FUNDAMENTAL RIGHTS IN THE EU

On 19 May 2016 the European Commission has published its Report on the application of the EU Charter of Fundamental Rights in 2015. The report gives an overview of how fundamental rights have been applied across a range of EU policies and in Member States. The report notes that in 2015 a number of legislative projects that promote fundamental rights have been brought forward, including amongst others the Data Protection reform package, the Directive on special safeguards for children in criminal proceedings or the Victims' Rights Directive. It explains how the European Commission has taken into account the Charter in its legislative and policy work in 2015, such as the measures put forward to better manage migration at EU level (European Agenda on Migration) or to reinforce security (European Agenda on Security). Finally, it provides examples of how the Charter was applied by the European Court of Justice and presents the main developments of the case law.

Source: http://europa.eu/rapid/press-release_IP-16-1799_en.htm

STRONGER EU ACTION TO BETTER TACKLE VIOLENT RADICALISATION LEADING TO TERRORISM

Delivering on its European Agenda on Security, the European Commission presented on 14 June 2016 further steps to support Member States in preventing and countering violent radicalisation leading to terrorism. Responsibility for addressing violent radicalisation leading to terrorism lies primarily with Member States and actors at local, regional and national level. However radicalisation, like terrorism, knows no borders. This was evident in the events leading up to the attacks in Paris and Brussels. That is why the European Commission is setting out a number of initiatives to support Member States in their efforts across several policy areas, from promoting inclusive education and common values, to tackling extremist propaganda online and radicalisation in prisons.

Commission First Vice-President Frans Timmermans said: "Recent terrorist attacks have shown how some young Europeans have fallen prey to an ideology of death and destruction, breaking away from their own families and friends and turning against their own societies. This calls for a determined response by society as a whole, to prevent radicalisation and strengthen the ties that bind us together. The EU should help wherever it can."

The Commission outlined actions in seven specific areas where cooperation at EU level can bring added value: 1. Countering terrorist propaganda and illegal hate speech online, 2. Addressing radicalisation in prisons, 3. Promoting inclusive education and EU common values, 4. Strengthening the international cooperation, 5. Boosting research, evidence building, monitoring and networks, 6. Focusing on the security dimension, 7. Promoting an inclusive, open and resilient society and reaching out to young people.

Source: http://europa.eu/rapid/press-release_IP-16-2177_en.htm



Back to Schengen: Commission takes next steps towards lifting of temporary internal border controls

The Commission has proposed a Recommendation, to be decided upon by the Council, to prolong proportionate controls at certain internal Schengen borders, namely in Germany, Austria, Sweden, Denmark and Norway for a maximum period of six months. National measures have already been introduced by these countries to address the threat to public policy and internal security resulting from the secondary movements of irregular migrants. Today's draft Recommendation proposes to extend these measures, in line with the Schengen Borders Code, as, and despite significant progress made by Greece, not all of the serious deficiencies identified could be adequately and comprehensively addressed within the three months' limit.

Police cooperation: Europol new powers to fight terrorism

The EU police agency Europol will soon be able to step up efforts to fight terrorism, cybercrime and other criminal offences and respond faster to threats, thanks to new governance rules approved by Parliament on Wednesday. The new powers come with strong data protection safeguards and democratic oversight tools.

Towards a sustainable and fair Common European Asylum System

On 4 May 2016 the European Commission presented proposals to reform the Common European Asylum System by creating a fairer, more efficient and more sustainable system for allocating asylum applications among Member States. The basic principle will remain the same – asylum seekers should, unless they have family elsewhere, apply for asylum in the first country they enter – but a new fairness mechanism will ensure no Member State is left with a disproportionate pressure on its asylum system. Today's proposals also include transforming the existing European Asylum Support Office (EASO) into a fully-fledged European Union Agency for Asylum to reflect its enhanced role in the new system and reinforcing of the EU's fingerprinting database, Eurodac, in order to better manage the asylum system and to help tackle irregular migration.

Judgment of the Court of Justice in Case C-438/14

A name containing several tokens of nobility and freely chosen by a German in another Member State of which he also holds the nationality does not necessarily have to be recognised in Germany. The refusal, by the authorities of a Member State, to recognise the forenames and surname of a national of that Member State, as determined and registered in another Member State of which he also holds the nationality, constitutes a restriction on the freedoms conferred under Article 21 TFEU on all citizens of the EU. Thus, such a restriction could be justified by public policy considerations.

UNIVERSITY OF MACEDONIA, JEAN MONNET CENTRE OF EXCELLENCE HIGHLIGHTS

ROUNDTABLE DISCUSSION: RACISM AND XENOPHOBIA IN EUROPE

The roundtable was conducted by the University of Macedonia Jean Monnet Centre Of Excellence, under the support of Erasmus+. The discussion focused on the examination of racism either horizontally or vertically. Highly profiled academics, PhD candidates and members of civil society provided a synergy of added value by ensuring a pluralist and comprehensive approach to the issue.



SUMMER SCHOOL IN THE "AREA OF FREEDOM SECURITY AND JUSTICE"

The first International Summer School in the "EU Area of Freedom, Security and Justice" aims to advance understanding of the law, policies, challenges and dynamics in the integration process of the Area of Freedom, Security and Justice (AFSJ). The Summer School offered to all participants a unique opportunity to meet multi-disciplinary faculty from Greek and EU Universities. The Summer School is held in the city of Thessaloniki, Macedonia, Greece. The programme will be structured in 5 cycles, exploring the various challenges in the Area of Freedom Security and Justice: 1. Structure and institutional evolution of the AFSJ, 2. EU Citizenship, Free Movement and Schengen, 3. EU Migration and Asylum Policy, 4. EU Internal and External Security, 5. EU Civil and Criminal Justice.



CONSTITUTIONAL VALUES OBSERVATORY HIGHLIGHTS

RESEARCH NOTE 2: INTEGRITY OF PERSON, THE PROHIBITION OF EUGENICS AND A RIGHT TO HEALTHY CHILD?

The new knowledge about the human genome is bringing about a revolution in the diagnosis of diseases and disorders and possibly an ability to improve people genetically. In recent years, the patenting of human genes has raised a new challenge to human rights, since according to some; it may revitalize the eugenics movement, which flourished during the first-third of the 20th century.

In this respect, the international community faces the challenge of preserving human dignity, rights and freedoms, against the misuse of biological and medical advances.

RESEARCH BRIEF 2: EUROPEAN UNION AND GENDER BASED VIOLENCE: OVERVIEW OF POLICIES AND LEGISLATION

On 4 March 2016, the European Commission has proposed for the European Union to ratify the Council of Europe's Istanbul Convention, a comprehensive international treaty on combating violence against women and domestic violence. To ensure that the new measures of the Victims' Directive bring real change for victims in Europe, the Commission will offer its assistance to Member States to implement the Directive adequately into national legislation within the next two years, in the wider context of measures set out in the Budapest Roadmap on victims.