



UNIVERSITY
OF MACEDONIA

*Research Laboratory
of International Relations
and European Integration*

*JEAN MONNET CENTRE OF EXCELLENCE
Research on Crucial Issues
of European Integration*

*Jean Monnet Chair
New Dimensions on EU Legal Studies*

European Highlights E-magazine Vol. 1/ 2016

Facility for Refugees in Turkey: over €1.4 billion in support of education and health for Syrian refugees

Brussels, 28 July 2016

The EU is delivering on its commitment to speed up the implementation of the Facility for Refugees in Turkey bringing the total amount mobilised to more than €2 billion to finance actions in the field of health, education, socio-economic support as well as humanitarian assistance for Syrian refugees

Today, the European Commission adopted the Special Measure worth over €1.4 billion in support of refugees who fled from the war in Syria and to assist their host communities. With this accelerated implementation under the Facility for Refugees in Turkey, the Commission is delivering on the commitment from the EU-Turkey Statement of 18 March and has since then already mobilised €2.155 billion out of foreseen €3 billion for this and next year.



Special Measure

The Special Measure adopted today provides for three strands of funding to address urgent needs of refugees and host communities in Turkey in the priority areas of education, health, municipal infrastructure and socio-economic support in the ten most affected provinces. The first strand provides for direct grants with the Turkish ministries for education and health to cover operational costs of and access to education and healthcare services for Syrian refugees and their children.

https://europa.eu/rapid/press-release_IP-16-2661_en.htm

Humanitarian aid projects

The EU already has humanitarian aid projects up and running helping refugees in Turkey. The contracting of the latest set of projects worth €79 million brings the total humanitarian assistance delivered under the Facility for Refugees in Turkey in 2016 up to €169 million. The funding will be channelled to humanitarian organisations in partnership with various local non-government organisations and in coordination with government service departments.

Rule of Law: Commission issues recommendation to Poland

Brussels, 27 July 2016

The European Commission has today adopted a Rule of Law Recommendation on the situation in Poland, setting out the Commission's concerns and recommending how these can be addressed.

The Commission believes that there is a systemic threat to the rule of law in Poland. The fact that the Constitutional Tribunal is prevented from fully ensuring an effective constitutional review adversely affects its integrity, stability and proper functioning, which is one of the essential safeguards of the rule of law in Poland. Where a constitutional justice system has been established, its effectiveness is a key component of the rule of law.



The Commission today recommends in particular that Poland:

- respects and fully implements the judgments of the Constitutional Tribunal of 3 and 9 December 2015. These require that the three judges that were lawfully nominated in October 2015 by the previous legislature can take up their function of judge in the Constitutional Tribunal, and that the three judges nominated by the new legislature without a valid legal basis do not take up the post of judge without being validly elected;
- publishes and implements fully the judgment of 9 March 2016 of the Constitutional Tribunal, as well as all subsequent judgments, and ensures that the publication of future judgements is automatic and does not depend on any decision of the executive or legislative powers ;
- ensures that any reform of the Law on the Constitutional Tribunal respects the judgments of the Constitutional Tribunal, including the judgments of 3 and 9 December 2015 and the judgment of 9 March 2016, and takes the Opinion of the Venice Commission fully into account; and ensures that the effectiveness of the Constitutional Tribunal as a guarantor of the Constitution is not undermined by new requirements, whether separately or through their combined effect;
- ensures that the Constitutional Tribunal can review the compatibility of the new law adopted on 22 July 2016 on the Constitutional Tribunal before its entry into force and publish and implement fully the judgment of the Tribunal in that respect.

The Commission remains ready to pursue a constructive dialogue with the Polish Government. If there is no satisfactory follow-up within the time limit set, resort can be had to the 'Article 7 Procedure'.

https://europa.eu/rapid/press-release_IP-16-2643_en.htm

EU-Canada summit, Brussels, 30/10/2016

On 30 October 2016, EU leaders and the Canadian Prime Minister met in Brussels for the 16th EU-Canada summit.

Donald Tusk, President of the European Council, **Jean-Claude Juncker**, President of the European Commission, **Robert Fico**, Prime Minister of Slovakia holding the Council rotating presidency, and **Justin Trudeau**, Prime Minister of Canada signed the EU-Canada Comprehensive Economic and Trade Agreement (CETA) at the summit.

CETA is the most comprehensive and progressive trade agreement between the EU and Canada. It removes over **99% of tariffs** that currently hinder trade between the EU and Canada. It is expected to **increase bilateral trade by €12 billion per year**, and to generate growth and new jobs on both sides of the Atlantic.

<https://www.consilium.europa.eu/en/meetings/international-summit/2016/10/30/>

Commission proposes new tax rules to support e-commerce and online businesses in the EU

Brussels, 1 December 2016

The European Commission has today unveiled a series of measures to improve the Value Added Tax (VAT) environment for e-commerce businesses in the EU. Our proposals will allow consumers and companies, in particular start-ups and SMEs, to buy and sell goods and services more easily online.

By introducing an EU wide portal for online VAT payments (the 'One Stop Shop'), VAT compliance expenses will be significantly reduced, saving businesses across the EU €2.3 billion a year. The new rules will also ensure that VAT is paid in the Member State of the final consumer, leading to a fairer distribution of tax revenues amongst EU countries. Our proposals would help Member States to recoup the current estimated €5 billion of lost VAT on online sales every year. Estimated lost revenues are likely to reach €7 billion by 2020 and it is essential that we act now.

Finally, the Commission is delivering on its pledge to enable Member States to apply the same VAT rate to e-publications such as e-books and online newspapers as for their printed equivalents, removing provisions that excluded e-publications from the favourable tax treatment allowed for traditional printed publications.

https://europa.eu/rapid/press-release_IP-16-4010_en.htm

What is the next step for intercultural dialogue in Europe?

By Gaitenidis Nikolaos

It is not only about the outsiders anymore. It is about European Citizens as well.

Intercultural and interreligious dialogue as a means of eradicating radicalization and terrorist ideology: the need for a common (European) approach. The concept of intercultural dialogue has been a prominent feature of European and international discourse as a tool and solution for the peaceful and tolerant coexistence of persons with diverse cultural, ethnic or religious background. European institutions, for example the Council of Europe and the European Union, promoted intercultural dialogue, as a means and sometimes as a nostrum/panacea that contributes to the core objective of the European institutions, namely preserving and promoting human rights, democracy and the rule of law. Until recently, intercultural and interreligious dialogue has been regarded as a channel favoring the successful integration of third country nationals to European societies. A remarkable reference can be found in the Common Basic Principles of Integration. Since 1995, the Commission has undertaken and supported a variety of initiatives to support intercultural dialogue, including through the Platform for Intercultural Europe and the Culture programme.

However, the latest terrorist attacks in Europe have added another variable in the urgent need to tackle the radicalization leading to violent extremism and terrorism. The majority of the terrorist suspects implicated in those attacks were European citizens, born and raised in Member States, who were radicalized and turned against their fellow citizens to commit atrocities. It has become clear in the EU that the drivers of the recent terrorist acts in Europe are different from, and more complex than, previous radicalization phenomena. Radicalization today has different root causes, operates on the basis of different recruitment and communication techniques, and is marked by globalised and moving targets inside and outside Europe.

Under those circumstances it is evident that intercultural and interfaith dialogue schemes and actions should be adapted in order to accommodate the latest developments. It should be noted that until today, the role of European institutions has only been supporting of Member States' work in this area. The design and implementation of measures countering radicalization takes place mainly on the ground, at local but also regional or national level, and falls primarily within the competence of the Member States. Local actors are usually considered best placed to prevent and detect radicalization both in the short-term and the long-term and to hosts actions of intercultural dialogue. However, the similar nature of the challenges as well as the interconnection of the problem demands for a more coherent role of European institutions as well as transnational and multiparty approaches to intercultural dialogue.

In this respect, the role of the EU should not remain only in the sphere of the "support" of national initiatives regarding the intercultural and interfaith dialogue. The fact that terrorist suspects of the latest attacks were European citizens indicates that a large number of EU citizens have lost confidence on Europe as a community of values and have been alienated by the fundamental principles of human dignity, protection of human rights, democracy and the rule of law. Thus, the need for a more coherent common European approach to intercultural dialogue is claimed on the basis of the conceptual link of intercultural dialogue with the promotion of the common fundamental values of Europe, not only to confront cultural tensions and clashes but also in order to restore citizens' allegiance on the values of the rule of law, equality, dignity and human rights.

More specifically, the focus on the European dimension of intercultural dialogue and on the humanitarian aspects of the European societies will affect positively the efforts to reduce the radicalization of European citizens and terrorist ideology as it will attribute to the intercultural dialogue the conceptual and ideological direction and objective that today's national and transnational initiatives lack. Thus, intercultural dialogue will move beyond the limited deliberation which focuses on the accommodation of cultural and religious differences and will evolve in the dialogue and the quest of common values, ideologies, history and philosophies that promote peaceful coexistence. In this respect, the confrontation of radical sentiments and motives of extremism lies in their compensation by the development of a Habermasian European "Constitutional Patriotism" based on common societal and political values. Furthermore, the reckless expenditure of human and material resources in "light" entertaining events will be reduced. Finally, efforts will be made to counteract the destructive messages of extremists with counter narratives. In this context, the consolidation of European fundamental values is not perceived as condition of intercultural dialogue but as its final objective.

<http://jmcexcellence.uom.gr/wp-content/uploads/2016/11/opinion1.pdf>

Europeans that made history

Louise Weiss

(1893 – 1983)

A life dedicated to European Construction and women's rights

Louise Weiss (25 January 1893 in Arras, Pas-de-Calais – 26 May 1983 in Paris) was a French author, journalist, feminist and European politician.

Louise Weiss was born in Arras (Pas-de-Calais, France) on January 25, 1893, the eldest of six children in an upper middle class family of mixed Protestant-Jewish background. Her father, Paul-Louis Weiss, was a mining engineer and her mother Jeanne, a descendant of the prominent and influential Javal family which hailed from Alsace.

She obtained degrees in literature from both the Universities of Paris and Oxford before the First World War began to dominate her thoughts. Eager to contribute to the war effort, Weiss returned to France to set up a small military hospital in Brittany for wounded French soldiers and establish a home for refugees. As the conflict ended, Louise went to Switzerland to nurse former French prisoners of war and wrote an exposé of their treatment in German prison camps in the newspaper *Le Radical* under the pseudonym Louis Lefranc.

Weiss saw journalism as a means to 'make war on war' and as women were excluded from politics in France at the time, she used her writing as a way of voicing her opinions and promoting the causes dear to her, such as peace and equality.

While she continued to be a strong advocate for peace, her pacifistic tendencies began to waver as Hitler rose to power in Germany in the 1930s. The policy of appeasement pursued by the League of Nations concerned Weiss, who began to support the use of force to guarantee peace and as a result, she relinquished her role with *L'Europe Nouvelle* in 1934. Her focus turned to women's rights and especially women's suffrage, which she believed could help turn the tide against war. She created a new organization, *La Femme Nouvelle*, which was dedicated to securing the vote for women.

When France fell under Nazi occupation in 1940, life for Weiss and her family became increasingly difficult and dangerous. When her brother narrowly avoided arrest in 1943 on suspicion of aiding the resistance, Louise went into hiding and joined the resistance's cause, editing the underground newspaper, *La Nouvelle République*.

After the war, Weiss undertook a period of extensive travel around the globe, which lasted for almost a decade, during which she wrote many articles for prominent French magazines and newspapers on the leading role that the West, and Europe in particular, could take in promoting democratic values around the world. It was this belief that led to her championing Europe as a counterpoint to the United States and the Soviet Union during the Cold War.

With her focus now on Europe, Weiss successfully ran for election to the European Parliament in 1979, and gave the inaugural speech at the Parliament's first session at the age of 86. In her speech she called on all Europeans to unite on the basis of common culture and not merely shared economic interests. Louise Weiss remained a member of the European Parliament and its oldest member until she died in 1983 at the age of 90. After her death, the European Parliament named its main building in Strasbourg after her in recognition of her lifelong support of European values.

Each year, the Louise Weiss Foundation awards a prize to the author or the institution which has contributed the most to the advancement of the science of peace, the improvement of human relations and efforts of benefit to Europe.



https://europa.eu/european-union/sites/europaeu/files/louise_weiss_en.pdf

https://en.wikipedia.org/wiki/Louise_Weiss

<https://www.thenewfederalist.eu/louise-weiss-a-life-dedicated-to-european-construction>

Back to basics about the EU

Goals

The goals of the European Union are:

- promote peace, its values and the well-being of its citizens
- offer freedom, security and justice without internal borders
- sustainable development based on balanced economic growth and price stability, a highly competitive market economy with full employment and social progress, and environmental protection
- combat social exclusion and discrimination
- promote scientific and technological progress
- enhance economic, social and territorial cohesion and solidarity among EU countries
- respect its rich cultural and linguistic diversity
- establish an economic and monetary union whose currency is the euro.

Values

The EU values are common to the EU countries in a society in which inclusion, tolerance, justice, solidarity and non-discrimination prevail. These values are an integral part of our European way of life:

- **Human dignity**
Human dignity is inviolable. It must be respected, protected and constitutes the real basis of fundamental rights.
- **Freedom**
Freedom of movement gives citizens the right to move and reside freely within the Union. Individual freedoms such as respect for private life, freedom of thought, religion, assembly, expression and information are protected by the EU Charter of Fundamental Rights.
- **Democracy**
The functioning of the EU is founded on representative democracy. Being a European citizen also means enjoying political rights. Every adult EU citizen has the right to stand as a candidate and to vote in elections to the European Parliament. EU citizens have the right to stand as candidate and to vote in their country of residence, or in their country of origin.
- **Equality**
Equality is about equal rights for all citizens before the law. The principle of equality between women and men underpins all European policies and is the basis for European integration. It applies in all areas. The principle of equal pay for equal work became part of the Treaty of Rome in 1957. Although inequalities still exist, the EU has made significant progress.
- **Rule of law**
The EU is based on the rule of law. Everything the EU does is founded on treaties, voluntarily and democratically agreed by its EU countries. Law and justice are upheld by an independent judiciary. The EU countries gave final jurisdiction to the European Court of Justice which judgements have to be respected by all.
- **Human rights**
Human rights are protected by the EU Charter of Fundamental Rights. These cover the right to be free from discrimination on the basis of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, the right to the protection of your personal data, and or the right to get access to justice.

These goals and values form the basis of the EU and are laid out in the Lisbon Treaty and the EU Charter of fundamental rights.

In 2012, the EU was awarded the Nobel Peace Prize for advancing the causes of peace, reconciliation, democracy and human rights in Europe.

https://europa.eu/european-union/about-eu/eu-in-brief_en

Brexit

The events that lead to a bitter divorce



On 17 December 2015 The European Union Referendum Act received Royal Assent. This provided for the holding of a referendum in the UK and Gibraltar on whether the UK should remain a member of the EU. Donald Tusk writes to Members of the European Council on his proposal for a new settlement for the UK within the EU. The European Council publishes its Draft Decision concerning a 'New Settlement for the United Kingdom within the European Union' on 2 February 2016. UK's Prime Minister announced the EU referendum date – 23 June 2016 – after securing a deal on Britain's membership of the EU.

On 23 June 2016 UK holds referendum on its membership of the EU, with the majority of voters choosing to leave the EU (51.9% of the vote versus 48.1% voting to remain). The question posed to the electorate: "Should the United Kingdom remain a member of the European Union or leave the European Union?"

The next day Prime Minister David Cameron announces his intention to resign and a month later Theresa May becomes the new UK Prime Minister. David Davis is appointed Secretary of State for Exiting the European Union. In her Party Conference speech, Theresa May announces a 'Great Repeal Bill' and confirms Article 50 will be triggered before the end of March 2017.

On 7 December 2016, the House of Commons vote on respecting the outcome of the referendum is passed by a large majority. MPs also call on the Prime Minister to commit to publishing the Government's plan for leaving the EU before Article 50 is invoked.

Correspondence from the Court

Judgment of the Court of Justice in Joined Cases C-154/15, C-307/15, C-308/15

Gutiérrez Naranjo

Approximation of laws

Spanish case-law placing a temporal limitation on the effects of the invalidity of 'floor clauses' included in mortgage loan contracts in Spain is incompatible with EU law

Judgment of the Court of Justice in Case C-258/15

Salaberria Sorondo

Principles of Community law

The exclusion of candidates more than 35 years of age from a competition for the recruitment of police officers required to perform operational duties is compatible with EU law

Judgment of the Court of Justice in Case C-584/14

Commission v Greece

Law governing the institutions

Since it delayed implementing the EU law relating to waste, Greece is ordered to pay a lump sum of €10 million and a penalty payment of €30 000 per day of delay

Judgment of the Court of Justice in Case C-294/16

JZ

Area of Freedom, Security and Justice

The Member State that issued a European arrest warrant is required to consider, for the purposes of deducting the period of detention served in the executing Member State, whether the measures taken against the person concerned in the executing State have the effect of depriving a person of liberty

Judgment of the General Court in case T-518/13

Future Enterprises v EUIPO - McDonald's International Property (MACCOFFEE)

Intellectual and industrial property

According to the General Court, the repute of McDonald's trade marks makes it possible to prevent the registration, for foods or beverages, of trade marks combining the prefix 'Mac' or 'Mc' with the name of a foodstuff or beverage

Judgment of the Court of Justice in Case C-15/15

New Valmar

Freedom of movement for persons

The obligation to draw up cross-border invoices exclusively in a particular language, failing which they are null and void, infringes EU law

Judgment of the General Court in joined cases T-426/10, T-440/12, T-427/10, T-439/12, T-428/10, T-441/12, T-429/10, T-438/12

Moreda-Riviere Trefilerías v Commission

Competition

The General Court dismisses the actions brought by the four Spanish companies which had participated in the cartel on the European pre-stressing steel market

Judgment of the Court of Justice in Case C-558/14

Khachab

Area of Freedom, Security and Justice

The Member States may refuse an application for family reunification if it is apparent from a prospective assessment that the sponsor will not have stable and regular resources which are sufficient in the year following the date of submission of the application

Judgments of the General Court in Cases T-251/12, T-254/12, T-264/12, T-265/12, T-267/12, T-270/12

EGL and Others v Commission

Competition

The General Court upholds the fines imposed by the Commission on a number of companies for their participation in cartels in the international air freight forwarding services sector

The European Commission's support for the production of this publication does not constitute an endorsement of the contents, which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein



Co-funded by the
Erasmus+ Programme
of the European Union