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Liability of Member States for the Violation of Fundamental Values of the European Union



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Foreword

Article 7 TEU protects the European Union against political development in one or more Member States that undermines values on which the common association stands. We may identify three particular reasons for such provision. First, the level of cooperation achieved within the European Union requires consensus on fundamental values among public officials of the Member States who participate in the EU decision-making. Second, since the European Union is not merely an association of states, but a polity of constitutional quality, diversion from the common values would undermine realization of rights of private persons of other Member States in their cross-border activities. Finally, Article 7 TEU protects citizens and resident legal persons of the violating state against political changes that do not respect liberal values, even if achieved through a democratic process. The last issue, which, as the Polish and Hungarian cases revealed, has been the most controversial, forms in fact the very core of the European integration project.

Article 7 TEU does not state a mere political sanction, but creates a special liability regime. The legal scholarship, however, has not yet undertaken a serious analysis of its particular components. A comprehensive analysis requires bringing together legal experts on European law, constitutional law, law of delict and torts, and experts that can bring comparative perspective about solutions in other jurisdictions. The contributions to this book have been discussed during a conference at the Charles-University Prague 2016.

This book is bringing together legal experts on European law, constitutional law, law of delict and torts, and experts that can bring comparative perspective about solutions in other jurisdictions. We are glad to present the results of a conference, held in November 2016 at the Charles University in Prague, to a broader public. We would especially like to thank Ludmilla Novackova for supporting the organization of the conference and Lili-Marie Iwen for preparing the printed version of the contributions.

Armin Hatje, Hamburg

Luboš Tichý, Prague

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