



MINISTRY OF JUSTICE  
HUNGARY

**SUMMARY REPORT OF THE CONFERENCE**

**ENTITLED “*DIALOGUE ON THE FUTURE OF EUROPE:  
HOW TO BUILD A MORE EFFECTIVE AND GENUINELY STRONG UNION?*”**

*Conclusions after the coronavirus pandemic with regard to the Conference on the Future of  
Europe*

**jointly organised by the Ministry of Justice of Hungary and the Ferenc Mádl Institute of  
Comparative Law**

on 21 September 2020 in Budapest, Hungary

**Introduction**

The Conference on the Future of Europe is envisaged to be launched after the European Parliament, the Council of the European Union and the European Commission agree on the most essential cornerstones concerning the organisation of the Conference. The Conference aims to provide an EU-level forum for an inclusive dialogue on shaping the future of Europe. Accordingly, it is crucial to involve European institutions and Member States on an equal footing, as well as citizens and stakeholders, including members of the civil society and those of the academic sphere.

Based on the lessons learned from continuous crises in the EU over the past decade, and considering the challenges ahead, Member States and EU institutions are jointly responsible for shaping the framework of a more effective and genuinely strong Europe. The Conference on the Future of Europe will give the opportunity to provide a fresh and ambitious impetus through the involvement of all stakeholders in the dialogue on the future of our continent.

Hungary encourages all constructive debate on EU level based on mutual respect, therefore it continues to actively contributing also to the Conference on the Future of Europe which is announced to be an inclusive process open to all citizens, Member States and institutions. Even if the European level process was delayed due to the Covid-19 pandemic, Hungary decided to keep the original agenda it fixed: on 25 June 2020, a conference entitled “*Keynote discussion to the Conference on the Future of Europe: Perspectives for an interinstitutional agreement, expectations of the Member States and the European institutions*” was organised jointly by the Ministry of Justice and the Ferenc Mádl Institute of Comparative Law. Following the success of this first online conference on the matter, on 21 September 2020 the two institutions organised a second conference entitled “*Dialogue on the Future of Europe: How to build a more effective and genuinely strong Union?*”.

The conference of 21 September 2020 took place at the Hungarian National Assembly, which represents the significance of the event. Due to the Covid-19 pandemic speakers from other Member States attended the conference online. The webinar consisted of two panel discussions, each focusing on different fundamental aspects of European democracy. The first panel discussion focused on the effects of the coronavirus pandemic on the institutional system of the

European Union, as well as on how to make the Union more effective and how to strengthen the trust of the citizens in the EU. The second panel discussion centered around the importance of harmony between EU law and Member States' constitutional identity, as well as the principle of subsidiarity and the division of competences.

Speakers from all relevant fields participated in the conference, covering national governments, European Institutions, Academia, research institutes, and other international organizations responsible for enhancing democracy in the European Union. Citizens were provided the opportunity to address their questions to the participants in advance via Twitter and some of the questions received were channelled into the discussion.

**By the organization of this high-level international conference, Hungary has officially launched the discussion related to the expected EU-level Conference on the Future of Europe. As a follow-up to the conference launching the debate on the future of Europe on 25 June 2020, the event confirms that, Hungary remains committed to a constructive dialogue on the future of the Union.**

### Summary report

*Judit VARGA*, Minister of Justice of Hungary and *Dubravka ŠUICA*, Vice-President of the European Commission held the opening speeches of the event.

Minister *Judit Varga* highlighted the emblematic fact that the Commissioner for the Conference on the Future of Europe in the current Commission term (2019-2024) is a national of the "youngest" Member State of the European Union, Croatia. She recalled that the preparations for the Croatian accession took place during the Hungarian Presidency (2011), where **Hungary was the biggest supporter of the Croatian accession process**. Recalling Hungary's accession to the EU, the minister pointed out that the majority of the Hungarian citizens saw the accession as a solution that strengthens Hungary's rebirth after post-communism and enabled institutionalized cooperation. She reminded that over the past fifteen years, the **European continent has been hit by a number of crises**, from the economic crisis through mass migration and Brexit to the Covid-19 pandemic, all of which have shaped the integration process. It has become clear that **Member States and regions play a primary role in crisis management**. We need to learn the right lessons from the crises and start a dialogue on the future of Europe where **national parliaments should play a significant role**. She emphasized the **importance of taking into account the views of citizens** during the conference series also underlining that the last referendums across Europe have shown that the views and opinions of the citizens cannot be ignored. The Hungarian Government is aware of this and regularly conducts national consultations with the Hungarians. The minister expressed that the Hungarians were always ready to reflect together in line with the EU's motto "*united in diversity*". On the grounds of this, **traditional diversity and intellectual sovereignty** are those common values that must be respected in addition to the mutually beneficial areas of cooperation. She emphasized that the **EU cannot be genuinely strong without strong Member States**. **Christian values**, the respect for **Member State sovereignty** and the principle of **subsidiarity** are key elements of a successful Europe. The conference should **avoid falling into the trap of long ideological debates**. The discussion should rather be about **concrete policies**, such as the **enlargement and the integration of the Western Balkan countries** which plays a crucial role in maintaining European stability in the long-term. Accordingly, the minister suggested **inviting Western Balkans candidate countries to express their views at the Conference on the Future of Europe**.

*Dubravka Šuica*, Vice-President of the European Commission, Commissioner for Democracy and Demography welcomed the conference organized by Hungary which she considered to be very timely. She stressed that the planned Union-level Conference on the Future of Europe will be a good opportunity to learn about those **issues that are close to the people's hearts**. Hungary, together with the other Member States, is a link in building the future of Europe. **Democracy and demography are close-cutting and complementary notions**. She explained that her task is to strengthen the links between people and democratic institutions that serve them. People feel left behind and they blame democracy itself, but there is **no better regime than democracy**. The conference on the future of Europe is a sign of **new thinking at the European level**. It aims at reinforcing democracy at EU level and also serves at increasing citizens' trust in the EU. The Vice-President underlined that the Union-level **conference is not about one particular personality, about one institution, about one region or about a Member State**. The conference belongs to all: to citizens, to businesses, to the civil society, youth organizations, decision makers and many others. Predicting the outcome of the Conference would cause more damage to democracy than doing nothing at all. However, it is **necessary to structure the debate and restrict the issues to be discussed**. The **European Parliament, the Council and the Commission** must lay down the ground for the conference jointly and as **equal partners**. The Vice-President also drew attention to the European action plans related to **demography**, especially to the first ever Report on the Impact of Demographic Change in Europe adopted by the Commission in June 2020. She announced that in the coming months the **Commission will present a green paper on aging**, looking at issues such as social protection systems, intergenerational solidarity, the care sector and the impacts on the labour market. A **long-term vision for rural areas** will also be published for which the Commission is looking forward to receiving Hungary's input. The Vice-President underlined the **importance of establishing trust and solidarity** and pointed out that the Commission proposes a clear, structured plan to resolve the crisis and lead the EU into a sustainable long-term growth, based on a green transition and digital transformation. She also emphasized that the Commission is preparing a new, **comprehensive European Union strategy for the rights of the children** as they are the future of the EU.

### **First Panel Discussion: Revelations of the coronavirus crisis: institutional challenges of the European Union**

*Mark SPEICH*, Secretary of State for European and International Affairs of North Rhine-Westphalia, outlined the European and world economic importance of the region he represents as well as its way of managing the local effects of the coronavirus pandemic. According to him, the COVID-19 crisis proves to be one of the most far-reaching, most unpredictable and most deadly challenges in the history of the European integration. He is of the view that it is possible to make two seemingly contrary observations regarding the political procedures and institutional capacities at both the EU and the national level. On the one hand, the **EU was perceived as being weak due to its limited competences** regarding public health and its **apparent inability to coordinate the emergency measures** adopted by the Member States. On the other hand, **centralized regional emergency response measures proved to be the most effective** in managing the direct and indirect consequences of the pandemic. As a solution, he suggested to **relying on a broader interpretation of the notion of subsidiarity** and a more inclusive understanding of **multi-level governance** as a network, rather than a hierarchy. He introduced the notion of **active subsidiarity**, meaning that it is necessary to establish structures that actively feed experiences and information on the ground to the decision making process on the national or the supranational level. Finally, he also underlined the importance to **respect the rule of law criteria** while introducing specific emergency measures.

**François-Xavier BELLAMY**, Member of the European Parliament, President of the French delegation to the European People's Party, pointed out that the pandemic highlighted the EU's weaknesses. He believes that Europe can regain its significance in the eyes of its citizens if it regains its **sovereignty in the global space**. There is currently **too much talk in the EU about legislation and too little about concrete strategies**. The **Conference on the Future of Europe should not be about institutional questions** because Europe cannot be seen as a mere institutional system, it is first of all a **common civilization based on democracy and rule of law**. However, the rule of law does not mean the withdrawal of the decision-making power. **Citizens feel today that Europe is being built against their sovereignty** and that Europe is taking power away from them, which is a serious **democratic problem**. **The European Union cannot consider itself a 'super state'**, it is not its role to decide for Member States, it should not condemn some Member States for what they decide in their own competency. Should this happen, Europe would be in a clear breach of the rule of law and risk undermining the very spirit of European unity.

**József SZÁJER**, Member of the European Parliament, President of the Hungarian Delegation of the European People's Party emphasized that the European Union can only be efficient and well-functioning if it is founded on the **spirit of unity and cooperation, equality of the Member States and mutual respect between them**. Every declaration that aims to **stigmatize some Member States weakens cooperation**. The Covid-19 crisis showed that the Member States with their institutional traditions have been able to protect their citizens more effectively during the pandemic than the European institutions. During the crisis, **national parliaments functioned legitimately, while the functioning of the European Parliament raised serious legal problems**. Basically, in response to the crisis, the EP started to function in **ad hoc way, ignoring even its own rules of procedure**. He mentioned several examples, such as legal problems regarding the introduction of **remote voting**, or the fact that according to current rules, the EP should **sit in Strasbourg twelve times in a year**, which is completely ignored. Going against the established rules means going against the rule of law, which, however all European institutions should respect according to Article 2 TEU. The EU has to be very careful with such kinds of anomaly in order to ensure the validity of its decisions. Having regard to this specific context as well, the MEP suggested **creating a watchdog to look at the legal framework and the legal working of the European institutions**.

**Antonio TAJANI**, former President of the European Parliament, currently chair of the EP's Committee on Constitutional Affairs, said that there was a need for a European response to the crisis. He called for a greater degree of European solidarity and warned that Italy was in a difficult situation. According to him, Europe needs **less bureaucracy and more political action**. The European Union is first of all a Union of values. He considered that **freedom, subsidiarity, and democracy** were the most important values that the European Union had to protect. He also emphasized that there is a need to strengthen European identity. Among European institutions he put emphasis on the importance of the European Parliament. The EU must pursue a pragmatic policy, good relations with the United States and Russia, and the Member States must work together to combat illegal migration.

### **Second Panel Discussion: The role of subsidiarity and Member State constitutional identity in the democratic structure of the European Union**

**László TRÓCSÁNYI**, Honorary President of the Ferenc Mádl Institute of Comparative Law, Member of the European Parliament, drew attention to the need to **accept the values and differences arising from the constitutional traditions and national cultures of the Member**

States, as well as the importance of **dialogue on these differences**. However, he also recalled that the dialogue is significantly hampered by the sense of mistrust between the Member States and, in part, between the Member States and the institutions.

*Bertrand MATHIEU*, professor of the Sorbonne University and member of the Venice Commission, noted that **the mistrust between the Member States and the institutions** is based on the continuous expansion of the Union's competences. At the same time, he believes that the extension of competences is both a natural inherent of the development of the integration project and a consequence of the legal interpretation practice of the EU's judicial forums. According to Mathieu, the influence of European political actors weakened in parallel with the rise of the judiciary, so the European Union drifted into a crisis of power due to the **lack of clarification of competences**. Among other possible solutions, Mathieu suggested strengthening policy-making at EU level (e.g. a bicameral and transnational European Parliament, a more controlled European Commission, a clear definition of the rights of the EU institutions).

The practice of the German Constitutional Court in interpreting constitutional identity was presented by *Sven SIMON*, professor of the University of Marburg and Member of the European Parliament. Under the German Constitution, EU legislative acts are subject to fundamental rights control in comparison with the **inalienable elements of constitutional identity** (democracy, the rule of law, human dignity, fundamental human rights), as the German constitution derives the primacy of EU law from the provisions of the German law authorizing the delegation of powers to the Union. According to the German Constitutional Court, the transfer of powers in supranational direction over criminal substantive and procedural law, the use of state power, fiscal decisions on revenue and expenditure, elements of the welfare state and cultural matters (e.g. family law, rights of religious minorities) is not advisable, although not excluded.

Hungarian Constitutional Judge *Marcel SZABÓ*, professor of the Péter Pázmány Catholic University, described the case law interpreting the provision of the Constitutional Court concerning the joint exercise of powers under Article E) of the Fundamental Law of Hungary. He stated that **the constitutional identity rooted in the historical constitution** - which includes fundamental human rights and the inalienable right of the provision on the territorial unity, population, state form and state system of Hungary - cannot be relinquished by state power. On this basis, the Hungarian Constitutional Court may state excess of competence by the EU legislator (as it did in 2015, in connection with the so-called quota-decision case), possible violation of Hungary's sovereignty or statehood, and declare the EU act inapplicable to Hungary.

*Richárd HÖRCSIK*, Member of the Committee of European Affairs of the Hungarian National Assembly, summarizing the Hungarian experience concerning **the role of national parliaments in the examination of the principle of subsidiarity**, underlined that the most evident deficiency of the subsidiarity examination is on the one hand the **lack of coherent action**, that is national parliaments due to the mainly political and not legal nature of the procedure, represent diverging positions according to their national interests. On the other hand **the European Commission** even in the presence of the necessary number of votes to initiate a yellow card procedure **has so far ignored the subsidiarity concerns** and decided to maintain its proposal. Thirdly, **the eight weeks' timeframe** accorded to national parliaments to consider a draft, without an intensive governmental assistance **does not ensure the effective parliamentary control** of the large number of draft legislative acts.

*Jean de RUYT*, former Permanent Representative of Belgium, and senior researcher of the Egmont Institute, proposed in the frame of the dialogue on the future of Europe to examine the question of **balance of competences** between Member States and the EU institutions and the deepening of the European integration. According to his evaluation, the Union has always enlarged its activity in a direction, which was necessary to accomplish another policy and enjoyed the support of the Member States (ex. the common immigration policy was accepted due the migration crisis), which meant necessarily the withdrawal of the position by the minority countries and the triumph of the superior interests of the Union over national values.

*Tymoteusz ZYCH*, Vice president of the Polish Ordo Iuris, representing the civil society, suggested the **return to the fundamentals of civil action**, that is to the **colourful and inclusive nature of the civil society** regarding its structure, the ideas and values represented by it and also its activity, where **bottom-up initiatives originate from persons feeling responsibility for the community, perceiving their regional or national identity, and independent from lobbyists and great donors**. However, the image of the civil society created by the EU institutions is rather selective and as it does not accept certain issues to be discussed (ex. the most successful initiative so far was the ‘European Citizens’ initiative „One of Us” aimed at the protection of human dignity and unborn life, or the one aimed at the protection of persecuted Christians), and prevents the possibility of a real open dialogue. Zych does not consider viable not even the agora system proposed during the Conference on the Future of Europe to restore the lack of confidence of the citizens in the European Union.

Several speakers identified **the overflow of the EU institutions as the origin of the political crisis of the EU, and for its remedy suggested diverging solutions like the strengthening of the EU institutions (even by converting the European Parliament into a bicameral institution), or the more accentuated control of the national constitutional courts in cases of ultra vires acts of the institutions**. Along with the judicial protection of national sovereignty, **the more effective involvement in the subsidiarity examination of national parliaments**, taking control of the Union legislation procedure, is equally important, whereas the European Commission has not so far responded to the subsidiarity concerns raised by national parliaments. **A similarly selective practice has been adopted by the EU institutions toward civil actions, as the filter of the European Commission does not allow sensitive topics to be included in the agenda.**