

POINTS OF SPEECH

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OF THE EUROPEAN GROUP OF PUBLIC LAW

AND THE CELEBRATION OF THE 30TH ANNIVERSARY SINCE ITS FOUNDATION

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THE EUROPEAN PUBLIC LAW ORGANIZATION

AND THE EUROPEAN UNIFICATION

Those who participate in the European Union, embodying the spirit of a true European Citizen that leads to the common fight towards the accomplishment of the European project, we need to understand, diachronically, that its role transcends its Peoples and is, literally, global. In the sense that this role is essential for the course of Mankind in its entirety, as concerns the accomplishment of its destiny. To be even more specific: That role is not merely economic, since the European Union - always pursuing of course the economic growth of its Peoples, on terms of sound and free competition conducted in accordance with the principles of an open market economy- was not created to reach, at all costs, the global economic summit. Furthermore, again on the basis of the conditions for its creation, the European Union - always defending of course the borders, the territorial integrity and the national sovereignty of its Member States, which are also its own borders, its own territorial integrity and its own sovereignty - is not meant to become the most powerful military force in the world.

I. The goal of the European Unification

The global role of the European Union is that - based on its History, its Culture and the conditions of birth of the vision that leads the steps of its unification - it has to evolve into the force that will defend existential, for the Mankind, principles and values. These are the principles and values of Peace, Democracy – specifically of Representative Democracy - and of Fundamental Human Rights, principally of the Rights which are inextricably linked to the concept of Justice, and in particular Social Justice.

A. At this point, the following clarification is needed: I do not claim that the European Union has a, quasi-hereditary, monopoly in defending the above principles and values. Nevertheless, it is a historically and culturally indisputable fact that a fully integrated European Union is the most suitable to defend at a global level the principles and values previously outlined, with enhanced consistency and efficiency.

B. Extending the ideas abovementioned, it should be clarified that the European Edifice was created by its founders, following the nightmarish experiences of World War II, to reach its final integration, that is, its complete unification in the form of federal governance under institutional terms of Representative Democracy. This finding leads to the, necessary, conclusion that, if the European Unification is not achieved, the resulting stagnation leads, also necessarily, to the risk of dissolution of the European Union, starting in its core, the Eurozone. This is because the survival and, in general, the perspective of the European Union and the Eurozone depend not only on economic and monetary progress, but, above all, on the strength of the institutions of the European Edifice, which, by their nature, are the only ones capable of guaranteeing, in addition to stability, European Unification itself, both as an objective and as a process. It therefore follows that if the European Unification –including monetary and economic unification- is to be feasible then its fundamental institutional buttresses, on which the perspective of a unified Europe was built after World War II, should remain upright.

C. The foregoing analysis leads to the conclusion – actually daily confirmed by the current dire situation in the European Union - that a strong Unified Europe, capable of fulfilling its global

role, requires the necessary institutional and political cohesion of the entirety of the European Edifice, which can only be guaranteed by definitive European Unification. The form that the European Edifice will take after the accomplishment of the European Unification has already, at least broadly speaking, been determined: A federal-type connection of the Member States, based on the, essential for the European Edifice, principle of Solidarity, with a governance based on the respect to the Democratic Principle through the institutional buttresses of Representative Democracy. And the institutional model of Representative Democracy implies, among others, especially the application of the principle of the separation of Powers, the consolidation of the Rule of Law and the consequent Principle of Legality, and, by all means, the respect of the Fundamental Human Rights.

D. The project of the European Unification requires, moreover, for its fruition, the immediate organization and operation of those mechanisms through which can be taken, timely and effectively, those key decisions which enable the European Union to fulfill its mission, both towards Member States and at the level of the international agenda. These decisions are mainly related to Foreign and Security Policy as well as the Economic and Monetary Policy.

E. Without the necessary cohesion and with the perspective of its unification being doubtful - as it, unfortunately, is today - it is clear that the European Union cannot inspire the prestige which, even until its recent past, made it "attractive" for the states of the Old Continent to "struggle", literally, to adhere to it. Brexit must seriously concern all of us who believe in the European Vision. In addition to that, and most importantly: Only the realistic perspective of a strong Unified Europe can neutralize modules of populism and/or neo-fascism, that emerge and unambiguously prey upon the cohesion and the future of the European Union.

F. Finally, only a European Union, which has completed, to a substantial extent, its Unification and has been led to the creation of a European Edifice, based on the foundations of Representative Democracy, is able to defend Democracy on a global scale. And we must not forget that Democracy - and, consequently, Fundamental Human Rights - are threatened throughout the World, to the point that the "Democratic Acquis" tends to be considered, once again, an issue at stake. Such a dramatic attenuation of the Democratic Ideal in our time is

unimaginable and unacceptable. And the European Union must not allow it. Otherwise it will not have performed its original mission.

II. The contribution of the European Public Law Organization

The European Public Law Organization, as an International Organization with a specific mission as concerns the defense of the implementation of Public Law in the wider European area and beyond, can - and should be given the opportunity - to significantly contribute in tackling the aforementioned institutional gaps of the European Edifice, through the normative empowerment of the European Public Law. This is because the European Public Law Organization, according to its aforementioned mission, is able to offer its services towards pursuing and achieving the following four key objectives, which are of utmost importance for the European Unification:

A. First, the aim of fully and consistently implementing the provisions of primary European Law, which concern the structuring of the Rule of Law and, mainly, the Social Rule of Law. Because it is an undisputed fact, which is confirmed in an increasingly highlighted way in the case law of the Court of Justice of the European Union - particularly characteristic are its decisions concerning the organization and functioning of the Eurogroup and the competences of the European Central Bank - that many of the gaps as concerns the European Democratic Principle and the European Rule of Law are not so much due to the lack of appropriate regulation but rather to the incomplete implementation of the regulations, already in force, of primary European Law.

B. Second, the goal of the harmonized convergence of the Public Law of the Member States of the European Union. In order to finally achieve the required harmonized interaction between the Public Law of the European Union and the Public Law of the Member States. This is all the more necessary, as, according to the settled case law of the Court of Justice of the European Union, the source, and indeed of utmost importance, of European law - thus the source of the European Legal Order - can also be found on the general principles deriving from common in the Member States constitutional traditions. Such general principles have so far been deduced from the case law of the Court of Justice of the European Union especially

in the areas of the defense of the Fundamental Human Rights, with an emphasis on Social Rights, and consequently on the Social Rule of Law.

C. Third, the goal of the amendment of the primary European Public Law - when this proves necessary due also to the rapid developments in the fully yet globalized economy and technology - in order to make the defense of the European Democratic Principle and the European Rule of Law effective against new risks, which place obstacles in the course towards the entire European Unification. Risks that are even more corrosive, as long as they are, in principle, manifested subcutaneously, and thus extremely difficult to detect on time.

D. Fourth, the objective of the adequate preparation of those states acceding to the European Union, which primarily concerns the attunement of their legal order - mainly as concerns Public Law - to the entire European Law. In other words, this objective is directly related to the required preparation of the acceding states for their complete "absorption" of the European Acquis, which is *conditio sine qua non* as to the final success of the accession process.

In this context, today's meeting, taking place upon the initiative of the European Public Law Organization, is also a kind of preparation for the positions that we must develop and support at the Meeting of the non-executive Presidents of the Republic of the European Union Member States in Athens, on October 11, 2019. The main theme of the Meeting will be the steps that need to be taken to advance, as quickly as possible, the European Unification and, consequently, the European Integration.