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TWO ASTONISHING ASPECTS OF THE NEW EUROPEAN COMMISSION

On 10th of September, the new European Commission President Ursula Von der Leyen has presented the commissioner designates put forward by the member states. They will go through the scrutiny of the European Parliament through the hearings to start from 30th September on. A negative assessment of the European Parliament by a two-third majority can prompt the withdrawal of a candidate, or a reshuffling of portfolios. Also the entire Commission needs to be approved by the Parliament by a single vote. This final voting will take place in October.

The new Commission is praised for the emphasis on gender balance and climate change/sustainability. The Commission President Von der Leyen is also applauded for outlining a clear strategic vision that the Commission has often lacked in the past. The new President promised to lead a “*geopolitical Commission*” and act as the “*guardian of multilateralism*”. However there have been serious disappointments regarding the new European Commission. Von der Leyen has created a new vice-presidency post dealing with migration and titled it “*protecting our European way of life*”. This has sparked a significant anger in different circles. The other irritating development was the nomination of the Hungarian Laszlo Trocsanyi as the Commissioner in charge of Neighbourhood and Enlargement. As Hungary's former justice minister, his mandate oversaw controversial legal measures challenged by the previous Commission for breaking EU rules.

It is almost impossible to think that the new Commission would be against multiculturalism via having a new portfolio titled “*protecting the European way of life*”. However it is also

¹ <https://www.tepav.org.tr/en/ekibimiz/s/1139/Nilgun+Arisan+Eralp>

possible to evaluate the new development in the following way: *“migration portfolio is linked with safeguarding 'European values'”*. Unfortunately this resonates the discourse of xenophobic far right which is being regarded as a serious threat to the EU by many. This development also reminds us the famous statement of Victor Orban about multiculturalism being an illusion in the EU.

Therefore it is not surprising to observe that this new title has met an outrage especially from the European Parliament. A Dutch MEP Sophie in't Veld from Renew Europe stated that “the very point about the European way of life is the freedom for individuals to choose their own way of life”.... “The implication that Europeans need to be protected from external cultures is grotesque and this narrative should be rejected”². Ska Keller, president of the Greens/EFA group in the European Parliament, said in a statement that putting migration and border protection under a portfolio on protecting the European way of life was "scary". This is especially scary when Von der Leyen is talking about working on a new asylum policy for the EU.

One wonders what “*European way of life*” means. There is a clear need for a sound definition. The new Commission President Von der Leyen tried to describe the it as “*upholding values and the beauty of dignity of every single human being*” noting that everyone has the same rights. However it fell short of alleviating the serious concerns about the title. What is expected from the new Commission is to put together a sensible and humane migration policy that shows the world what true European values look like.

It is even more worrying that this new title also comes against a backdrop of a constant Hungarian and Polish state anti-migrant backlash. It is still not easy to forget what Victor Orban told the German newspaper Bild in 2018: “*We don't see these people as Muslim refugees. We see them as Muslim invaders*”.³

The broad policy direction on migration appears similar to the outgoing commission, but the designation of “*protecting our European way of life*” is open to interpretation that it may be a veiled attempt to appease the far-right in Hungary and Poland.⁴

The other astonishing aspect of the new Commission is the designation of the former justice minister of Hungary - *whose government has been taken to court over its domestic judicial measures in recent years by the Commission* - as the Commissioner in charge of Neighbourhood and Enlargement. The nominated Commissioner for Neighbourhood and Enlargement, Trocsanyi oversaw legislation in the last four years that was challenged by the Juncker Commission at the EU's top court for breaking EU rules. These included measures that criminalise NGOs providing legal assistance to asylum seekers, the amendments to the higher education law that in the end forced out the Central European University from Budapest, and the bill on introducing administrative courts, which would deal with corruption cases and raised concerns that they would be used by the government to weaken the rule of law. The administrative courts' bill has been put on hold as Hungary's ruling Fidesz party was suspended in the European People's Party (EPP).⁵

² <https://www.aljazeera.com/news/2019/09/critics-slam-eu-job-protecting-european-life-190911053551400.html>

³ <https://www.independent.co.uk/news/world/europe/refugees-muslim-invaders-hungary-viktor-orban-racism-islamophobia-eu-a8149251.html>

⁴ <https://euobserver.com/migration/145900>

⁵ <https://euobserver.com/political/145903>

It must be very disappointing for the candidate countries to observe this nomination. The rule of law is a critical benchmark in the enlargement strategy. How can they expect a former justice minister of a country for which the European Parliament has triggered the Article 7 sanctions procedure for disrespect for rule of law can be credible in this respect? How will Trocsanyi, who did not uphold EU standards on rule of law in his own country, check if candidate countries' rule of law is up to EU standards? This obvious inconsistency again raised serious voices from the European Parliament. *"It is very concerning to see the Hungarian nominee, Laszlo Trocsanyi, who as Justice minister played an active role in undermining the rule of law nominated to the body which is charged with protecting the EU treaties and promoting European values"*, Green co-chair Ska Keller said in one of her tweets.

Given all these, it is not difficult to anticipate a failure for the new Commission in the upcoming hearings in the European Parliament at the end of the month. It would be unrealistic to expect a veto for the entire Commission, but some nominees might be withdrawn or some portfolios might be reshuffled. This unfortunate start could have been avoided easily by taking into consideration sensitivities vis-a-vis the xenophobic far right and the violation of rule of law principles in Hungary.

The new Commission President might be keen to relaunch the commission's relationship with central and eastern Europe, including Budapest. However creating a new vice-presidency post dealing with migration and titled it *"protecting our European way of life"* and designating a former justice minister of a member state which violated the rule of law principle during his term should not be a way to do that. She defended her decision at the press conference on Tuesday, saying Hungary's objectives *"are clear regarding the integration of the Western Balkans, which are in line with the those of the new European Commission"*.

There are many in the EU and in the candidate countries who would like to hear the discrepancy between Hungary's and EU's objectives regarding migration. There is also a serious need to learn based on which principles Hungary is keen regarding the integration of Western Balkans. Is rule of law one of these principles? If that's so, why Hungary was challenged by the Juncker Commission at the EU's top court for violating this principle?

We wish we could have witnessed a better start for the promising new Commission.