

GUEST LECTURE

THE EU AND THE RULE OF LAW IN TIMES OF CRISIS

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With regard to the numerous reports in the media over the past years, it appears that both terms - EU and the rule of law - form an almost natural combination with the word crisis. Since decades, the EU has been reported to be in a crisis. Similarly, the rule of law in the EU is frequently combined with problematic situations, particularly, in Poland and Hungary.

What is more, the use of the word “crisis” seems to have multiplied in the past years. The recent list of crises may start with climate change or Covid-19, ranging over the Russian assault on Ukraine but also applies to the increasing political polarisation and the resulting challenges for numerous democracies.

Even though the list does not end here, the presentation will not focus on these crises. Instead, with regard to the 9th May - which may be seen as something like a “birthday-substitute” of the EU - it raises the rather rhetorical question of whether there can be an alternative to the EU and the rule of law in times of crisis. Not surprisingly, it will be argued, that a functioning EU adhering to the rule of law is the only possible approach to deal with these crises. However, acknowledging that the EU’s motto “united in diversity” sometimes amounts to the wish to “square the circle”, it will point at some fields of political disagreement and discuss the resulting dilemma for the rule of law in the EU. At this point, the presentation will eg address the divergence in areas such as migration and LGBT-rights but also lead over to perspectives on common projects that will be dealt with by the following presentations.

With regard to the current crisis - what could the EU realistically contribute? How? The answer appears relatively simple and clear. Standing together and speaking with one strong voice - unity.

United in diversity - diversity may jeopardise unity (and r o law, if diversity also means different laws):

Centrifugal - entropy: Need Centripetalkräfte (keeping/holding the EU together)?: The crisis may have this effect. Current Russia (before, Brexit), also climate - Covid both (...)

Simultaneously, the renaissance/ revitalization of the nation-state.

China (&Russia) striving for a new world order - rather governed by power than the rule of law.

The most drastic scenario regarding the first aspect - a crisis without the EU - reveals that even member states like Germany would dramatically lose importance, influence, and impact in the world. Regarding the second aspect, a lack of rule of law would deprive/seriously affect the governability of the EU as well as it's and the member states credibility. Accordingly, this would deter investments and innovation thus leading to economic and social decline. The combination of both scenarios ...

On the occasion of the 9th May - which may be seen as something like a “birthday-substitute” of the EU, a corresponding benevolent reflection may lead to a somewhat different view/less somber estimate.

ABOUT THE SPEAKER:

Before working at the University of Applied Science in Kiel-Altenholz/Rein-feld (FHVD) and teaching at the Université Catholique in Lille, **Prof. Dr. Christoph Schewe** was the DAAD-Visiting Associate Professor of European and International Economic Law at the Faculty of Law at the University of Latvia from 2011-2017. From 2006 to 2011, he served as the DAAD-Lecturer/Associate Professor at the University of Tartu in Estonia. Dr. Schewe's principal expertise relates to European law, international economic law, and German law. Prof. Dr. Schewe has assisted the Constitutional Court of Latvia on several occasions with legal opinions. He regularly publishes books and articles in international journals in English, German, and Latvian.

