

IN THIS EDITION

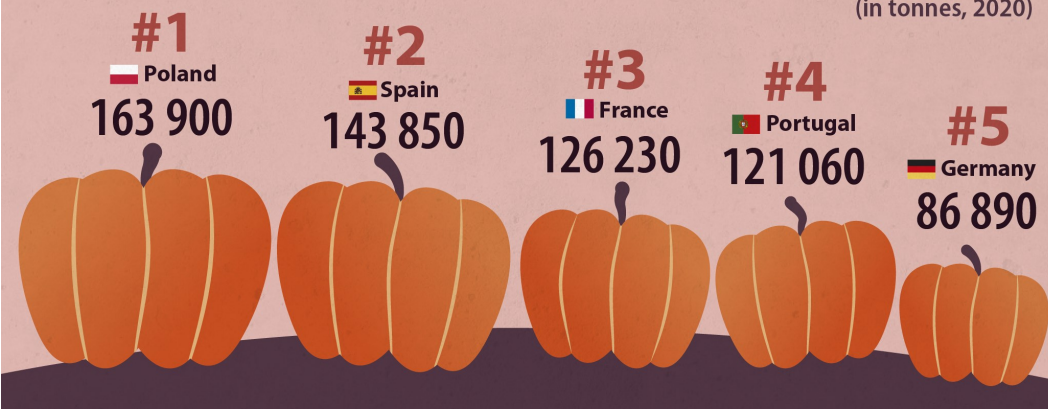
This edition of the Monthly Update casts a spotlight on recent developments regarding the rule of law across the EU, as Poland and the European Council continue to duke it out over the controversial disciplinary chamber for judges.



KEY FIGURE—HALLOWEEN SPECIAL

Main producers of gourds and pumpkins in the EU

(in tonnes, 2020)



In 2020, around 31,000 hectares of land was devoted to cultivating gourds and pumpkins. Across the EU About 85% of all the Union's pumpkins were produced by just five countries—Poland, Spain, France, Portugal and Germany.

SPOTLIGHT ON: DEMOCRACY AND GOVERNANCE

Katrin Hermann—Permanent Author

This past month has been one of changes and challenges for the European Union. The European Council Summit marked departing German Chancellor Angela Merkel's [107th and final Council meeting](#). Amongst discussions on migration and energy prices, the debate that has featured most heavily is on the rule of law in Poland, which has now entered crisis mode. Commission President von der Leyen and Polish Prime Minister Mateusz Morawiecki went [head-to-head in a debate](#) in the European Parliament, whose members have continuously called for stronger enforcement mechanisms, such as cuts to EU budget funds to Warsaw. Since Poland continued to defy the EU's court order on their disciplinary mechanism for judges, the Court of Justice of the European Union has ordered Poland to [pay a fine of one million euros](#), the highest daily penalty in history. Most recently, von der Leyen has presented a ["roadmap"](#) to de-escalating the crisis tied to EU recovery funds.

Referred to by Council President Charles Michel as a ["monument"](#) in a tribute to Chancellor Merkel's final European Council Summit, stating "EUCO without Angela is like Rome without the Vatican or Paris without the Eiffel Tower." Though pleased with the conclusions on migration policy and the Belarusian border, Merkel was dissatisfied with the discussions on Poland and the rule of law, especially regarding enforcement mechanisms. She instead [urged compromise](#), as she "does not want to leave the union divided". French President Macron has [adopted a softer approach](#), hoping to de-escalate the conflict. Northern Member States, however, are pushing for [three specific measures](#): the elimination of the Polish government's problematic "disciplinary chamber", a Commission-backed infringement procedure and the enforcement of the EU's rule of law mechanism.

Following the [debate in the European Parliament](#) Morawiecki asserted that the highest law in the EU is that of its own country, thereby subverting the primacy of EU law. In an effort to bring the conflict to an end, the [European Court of Justice](#) (ECJ) has imposed a daily fine of one million euros, the highest daily penalty any EU Member State has ever received. Though Morawiecki has said that he will [dismantle the disciplinary chamber](#) that is the root cause of the crisis, specific details on how this will play out have not been shared. [Justice Minister Ziobro](#) has stated that Poland will not pay any of this fine, with other Eurosceptics threatening to stop EU payments all together. Considering Poland is [the largest recipient of EU funds](#), this would no doubt prove disastrous. Brussels had already [delayed the approval](#) of €36 billion in pandemic recovery funds.

As it stands, [von der Leyen's new plan](#) to address the conflict and "unlock" Poland's pandemic funds will still require significant compromise on Poland's part. As a precondition to receive these funds, Poland must dismantle the illegal disciplinary chamber for judges and enable a process of reinstation for those judges that were let go. This would unlock only a certain amount of the recovery funding. The process that is to be applied in Warsaw mirrors that of the ECJ, meaning that judges are meant to evaluate the legality of other judges – something ruling party PiS is hoping to avoid. Given that [there is some doubt](#) to how legal the appointments of some of their judges were, this may prove difficult, especially given the position of Justice Minister Ziobro, who is vehemently against making any concessions. Needless to say, the rule of law crisis does not appear to be close to resolution.



ENVIRONMENT—HIGHLIGHTS

Naomi Burchett—Future Hubs Manager

The discourse around environment and climate in October was (understandably) focused on the COP26 Summit which opened on 31 October. Billed as the chance to “keep 1.5 alive”, many are concerned that this is merely rhetoric and that no concrete agreements or actions will surface, a fear made more real by the [limited high level commitments](#) from the G20 Summit that immediately preceded it. That said, in October the EU also announced:

The International Methane Emissions Observatory

(**IMEO**) which will provide an important global reporting mechanism to provide transparency on methane emissions. Cutting these emissions is an [important component](#) of realising the Paris Agreement, and this will enable better tracking and targeted actions toward this goal.

On 12 October the EU issued the first [NexGenerationEU green bond](#), to be used exclusively for sustainable investments across the EU and thereby providing a significant and promising boost to sustainable finance markets.

FOREIGN AFFAIRS AND SECURITY—HIGHLIGHTS

Anette Sonnback- Director

Between 5-6 October, [European leaders gathered in Brdo](#), Slovenia, for the EU-Western Balkan summit to discuss two key strategic issues for the EU, namely EU's security and defence strategy, and the future of the enlargement process. The first discussion took place in the aftermath of the announcement of the AUKUS pact and in the context of the [‘Strategic Compass’ process](#), with EU leaders agreeing to continue deepening defence cooperation. The following meeting with Western Balkan leaders was scrutinised as media had reported internal differences between member states on the inclusion of the word “enlargement” in the Brdo Declaration, drafted ahead of the Summit. In the [final version](#), the EU however reconfirmed its commitment to the enlargement process, and while the Summit did

not result in a timeline for accession (which was desired by some), the actors reiterated their mutual commitment to the process.

On other news, the EU unveiled a new Arctic policy on 13 October that for the first time included stronger language on geopolitics and security. The policy further announced the intention to establish a [European Commission office in Greenland](#), which will raise the profile of Arctic matters in the EU's external relations.

In a call between European Council President Charles Michel and Chinese President Xi Jinping on 15 October, the leaders agreed to hold a EU-China Summit and reinforce the dialogue, which comes in the midst of tensions in the Asia-Pacific.

