



European Council (EC)

Chairs:

Omer Zigdon and Omer Naziri

ATIDMUN 2019

Table of Contents:

Chair Letters	2
Chairs Introduction to the Committee	4
Introduction.....	5
Topic A: Evaluating the Soft Power Impact of China on the European Member States	6
Background	6
<i>The Formation of the EU</i>	6
<i>China: From a Third World Country to an Industrial Superpower</i>	7
<i>China's Economic Strategy since the 1990s</i>	8
<i>EU-China Relations</i>	10
Current Situation	11
<i>The Belt and Road Initiative (BRI)</i>	11
<i>Chinese Influence over EU Member States</i>	15
Questions to Consider.....	18
Bibliography	19
Topic B: Coordinating Member States Policies According to EU Laws.....	21
Background	21
<i>Introduction to EU Law</i>	21
<i>Types of Rules</i>	22
<i>Infringement Proceedings</i>	23
Current Situation	24
<i>Euro-Scepticism</i>	24
<i>Law Violations in Europe</i>	26
Conclusion.....	26
Questions to Consider.....	27
Bibliography	28

Chair Letters:

Dear Delegates,

It is my absolute pleasure and honor to welcome you to the European Council at the ATIDMUN 2019 Conference! It is my firm belief that your cooperation and collaboration in the committee will empower you to represent a European state and its political views on the issues presented to us in the committee. I believe that the committee will find solutions to the problems of the European versus national/local law regulation mechanism and concerted decisions concerning global political and trade /economic influence of China, which envisage the European exponential agenda issues.

I see MUN as an enriching and educational experience that is essential for navigating the real world. Through debate and negotiation, student delegates attempt to resolve regional and global problems in a conciliatory manner in ‘their’ nations’ interests. Therefore, I believe that everyone should try it. Undoubtedly, skills of public speaking, persuasion, lobbying, teamwork, and of course, debate among others are continuously reinforced. That being said, I wish our new delegates to fall in love with this international role-playing game, just as I did many years ago.

My co-chair and I will do our best to navigate you to the most challenging clashes and to facilitate the most creative solutions to the problems at hand.

On a personal note, I am glad that I am still in this wonderful “business” of AtidMUN, which I started at SHAMUN17 and now, a chair at its 4th rendition, inspired by my interest and knowledge in politics, diplomacy and economy.

Good Luck, Europeans!!!

Omer Naziri – your Chair

For any questions feel free to contact me at:
omer.naziri@gmail.com



Dear EC Delegates,

It is my honor to assist in navigating you on this intellectually challenging and exciting adventure as the European Council delegates.

A few words about my debate and MUN “career”.

I have participated as a delegate, a mentor and a chair in quite a few MUN conferences-

*ATIDMUN’17 - Human Rights

* 2 nd place in TIMEMUN 18 Environment committee as Georgia

*Indonesia in the Non-Alignment Movement Committee in the Canadian High Schools MUN Conference in Vancouver

*TIMEMUN Mentoring Lod Municipality, Sderot, and Kafr Qara delegations

*2nd place in NATO, TIMEMUN 2019

*Crisis at Oxford Global MUN

*Best Delegate in DISEC, PORGMUN19, Prague

*Chair at DARCAMUN’18 & HolyLand’19

I also attended special debate sessions for MUNers, and started coaching young debaters at our Lod Debate & MUN Club;

And now, here I am, on the way to solving current problems the European Council, with a firm belief that we will charter the way as European leaders!

Feel free to ask me any and all questions: omer@zigdon.org.il

Sincerely, Omer Zigdon.



Chairs Introduction to the Committee:

Dear European Council delegates,

When the EU was created and throughout the first years since it was founded, not many would have believed that the EU would be so significantly divided regarding many issues. From the revolutionary Schengen Agreement, to the Eurozone, to how to relate to the soft power of China, and whether the EU rules and laws should be unquestionably accepted by all its member states, just to name a few disagreements. In this committee, we will tackle two of the most crucial points of clash among the EU members - the relationship of EU members and China and the relationship between EU laws and national laws. With ever-rising Euro-Skepticism and Nationalism, the EU members must decide whether to find a middle ground among all members or fight to restore the conditions that existed just a few years ago.

You - and only you - can shape the future of the EU; it starts right now.

We hope to see you in committee soon!

Introduction:

Major events that occurred throughout the 21st century, such as the 2007-2008 financial crisis and major refugee influx of recent years, have led to the formation of new political circumstances that are vastly different from those that existed beforehand. Cracks were beginning to form within the EU, and the concept of the EU itself started to face criticism from within: Greece, that still has not fully recovered from the 2007-2008 financial crisis, criticized the EU-proposed plan for the country; Hungary and Poland, among others, began opposing the Schengen agreement. In the meantime, China's newly elected president, Xi Jinping had begun implementing his ambitious Belt and Road Initiative (BRI), and the aforementioned countries became crucial nodes for the success of this project. As a result, China has begun heavily investing in these countries, thereby causing a great decrease in the value of EU investment in these countries. Unlike the EU, China does not demand that these countries comply with democratic standards, and thus, the commitment of those countries to democratic values has decreased drastically, and China's leverage on these countries greatly increased. In this situation, the EU must decide how to deal with such countries and ensure their commitment to the EU and to the values that it was founded upon.

Topic A: Evaluating the Soft Power Impact of China on the European Member States

Background:

The Formation of the EU

European integration was never as popular as it was after WWII. Back then, it was viewed as the ultimate solution to counteract nationalism and promote democracy and human rights. At first, the Council of Europe was established; however, it did not deal with practical integration at all. The next step was the European Coal and Steel Community, which was then expanded to the European Economic Community (EEC), which was a full customs union¹. In 1993, the Maastricht Treaty entered into force and the EU as we know it today was formed.

Following the collapse of the USSR in 1991, many former-Soviet countries were admitted to the EU. The EU wanted these countries to develop economically while ensuring that they maintain their democratic character in several basic values.

Article 2 of the Treaty of the European Union (TEU) signed in 2007, defined the values that EU members must preserve:

*“The Union is founded on the values of respect for **human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.** These values are common to the Member States in a society in which **pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail.**” (Article 2, TEU)*

Article 7 of the same treaty defines the primary sanction that can be enacted when an EU member fails to abide by the values set by article 2:

*“2. The European Council, acting **by unanimity** [...] may determine the existence of a serious and persistent breach by a Member State of the values referred to in Article 2, [...].*

¹“an agreement between a group of countries that they will all charge the same amount of tax on goods moving between them, and usually that they will allow goods to move freely without limits.” (Cambridge English Dictionary)

3. *Where a determination under paragraph 2 has been made, the Council, **acting by a qualified majority**, may decide to suspend **certain of the rights** deriving from the application of the Treaties to the Member State in question, **including the voting rights** of the representative of the government of that Member State in the Council [...]*” (Paragraphs 2-3, Article 7, TEU)

Briefly, the aforementioned paragraphs determine that if the EU agrees unanimously that an EU member state has broken article 2 of the TEU, then the EU can vote to suspend this country's voting rights inside the EU.

This mechanism was signed before the refugee crisis and the subsequent rise in authoritarianism and euro-scepticism, when the violation of article 2 seemed pretty distant. However, recent years show that when the very essence of article 2 is disputed, enacting article 7, is nearly impossible.

China: From a Third World Country to an Industrial Superpower

With the death of Mao Zedong in 1976, the communist period in China's history was nearing its end. The end was official only when Deng Xiaoping had assumed office in 1980. Xiaoping began implementing his “Gaijie Kaifang” policy of openness and capitalist economic reforms. It consisted of the establishment of the Special Economic Zones (SEZs), decollectivization of rural areas, etc. When Xiaoping's successor, Jiang Zemin, assumed office in 1989, he followed the guidelines set by Xiaoping and thus contributed to China's development and economic growth.

Since the 1980s, China has seen a rise in GDP (as can be seen in figure 1), in the standard of living, in literacy rates and in life expectancy, just to name a few. However, simultaneously, it has seen a rise in pollution and social inequality.

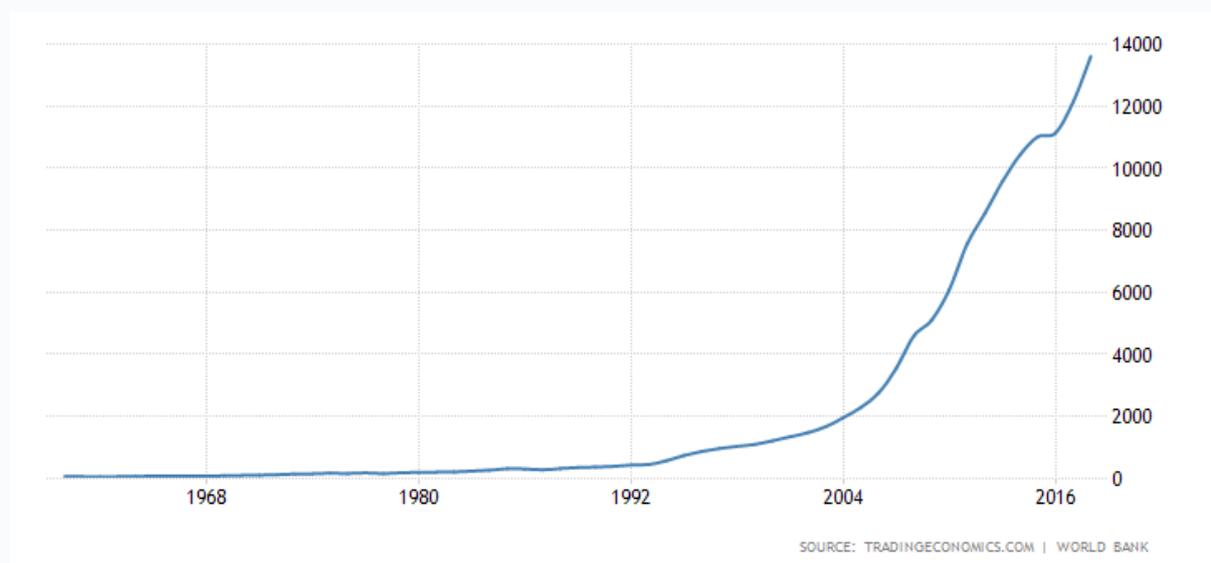


Figure 1: China's GDP in billion USD (taken from tradingeconomics.com)

Following its policy of openness, some believed that China would become a true liberal democracy, however, China has chosen to embrace certain democratic characteristics to a limited extent, such as elections and demonstrations, while alienating itself from basic democratic values such as freedom of speech, pluralism and certain human rights.

China's Economic Strategy since the 1990s

China's overwhelming economic growth is the result of very precise economic strategies designed to give China absolute trading advantages and, thus, create substantial demand for Chinese goods.

These strategies included:

1. **Currency Manipulation:** since 1994 (see figure 2), the Chinese government has been artificially manipulating the value of the Renminbi (formally known as Yuan) in order to lower the relative cost of Chinese goods in every other currency. This was mainly done through large purchases of foreign currencies, which caused China's foreign exchange reserves to become the biggest in the world.

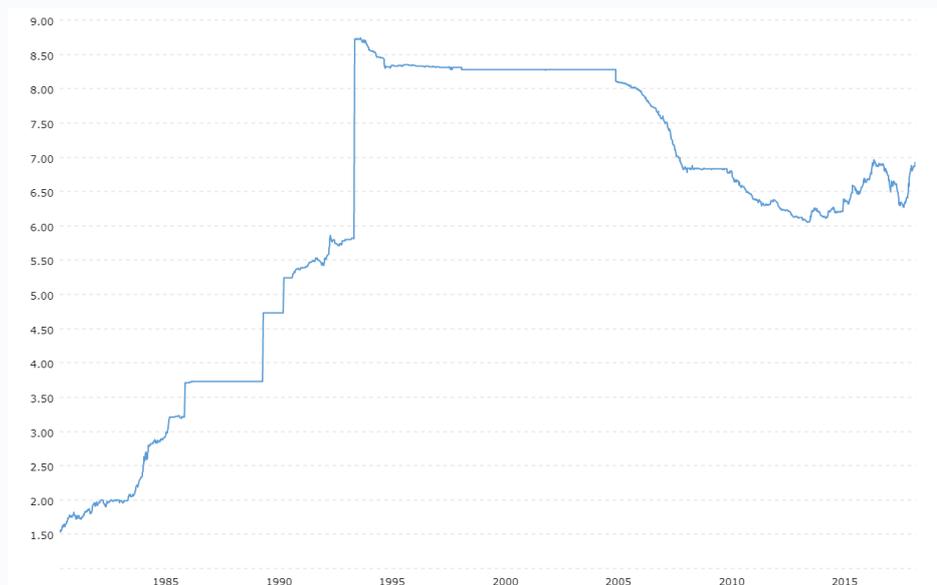


Figure 2: USD to CNY exchange rate (taken from macrotrends.com)

2. **Subsidies:** China has been reportedly subsidizing² Chinese production in multiple areas against WTO rules which require every country to publicly announce any subsidy granted to an exported good.
3. **Intellectual Property Theft:** China has been accused of stealing intellectual property, particularly intellectual property of western firms. Legislation regarding Intellectual Property in China can often be very draconian to the extent of obliging certain firms wishing to export their goods into China to completely abandon all IP rights.
4. **Special Economic Zones (SEZs):** Back in 1979, when Xiaoping wished to transform China from a communist country with a planned economy to an industrial superpower, he decided to declare small seaside regions as SEZs. These regions were granted special freedoms that were free-market oriented, such as special tax incentives and greater independence from the Chinese central bank. As of now, Shenzhen, perhaps the most successful SEZ, has surpassed Hong Kong in GDP (2.422 and 2.4 trillion CNY respectively) and in its growth rate (7.5% and 3% respectively). These zones have proven themselves as a great success and as key contributing factors to China's economic growth.

China's notable economic boom began in 2001, when it was first admitted into the World Trade Organization (WTO), which increased Chinese market access into the west and equalized the treatment Chinese products received and the tariffs levied on them to those of parallel western products. Since then, China's exports have grown substantially. To counteract the natural appreciation of the renminbi, China has accumulated large sums of foreign currency, and its foreign exchange rates have grown unprecedentedly (see figure 3).

² Subsidy: "A sum of money granted by the state or a public body to help an industry or business keep the price of a commodity or service low" (Oxford English Dictionaries)

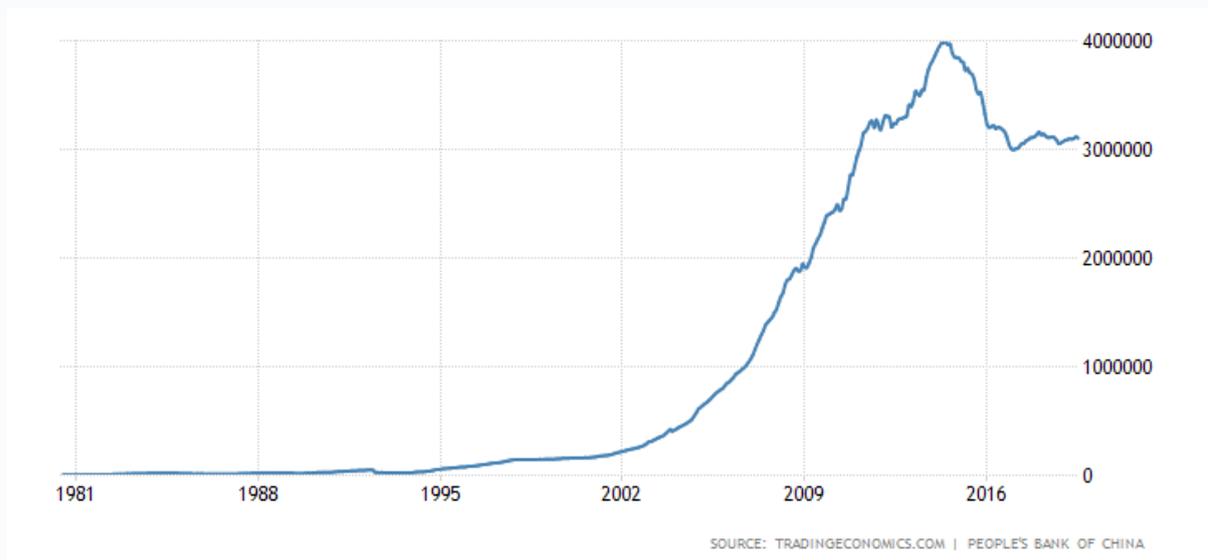


Figure 3: China's foreign exchange reserves in billion USD (taken from tradingeconomics.com)

EU-China Relations

Despite holding contrasting views and policies regarding many issues, China and the EU have maintained a healthy relationship over the years and cooperate regarding various fields - from science and technology projects to joint military training. The EU is China's largest trading partner (395 billion EUR worth of goods, as of 2018), and China is the EU's second largest trading partner (210 billion EUR worth of goods, as of 2018).

Two points of controversy between China and the EU as a whole are some anti-dumping measures taken by the EU, mostly against Chinese steel, and an arms embargo after the 1989 Tiananmen square protests.

It is crucial to remember that the EU is hardly ever united regarding most topics, and China is no different. In general, all EU nations have positive trade relations with China, however, there are a few points of clash between EU members regarding China:

- **Chinese Predatory Economic Tactics:** As discussed previously in this guide, throughout its way to economic growth, China has used predatory economic tactics such as currency manipulation, illegal subsidies, IP (Intellectual Property) theft, among others. Some countries in Europe, most notably France and Germany, have actively tried to take action against the repercussions of such policies: earlier this year, France and Germany have promoted a plan of action to “adapt to changing economic realities and strengthen its own domestic policies and industrial base”.

- **Human Rights in China:** China's form of human rights and democracy is very different from Europe's. It can be best seen in the ongoing transformation that Hong Kong is going through as it reaches closer and closer to becoming a true part of China in 2047. During a visit to Hong Kong in September 2019, Angela Merkel has said that the rights and freedoms of the citizens of Hong Kong "must be respected". Another key example is China's brutality towards the Uighur muslims which reside in Eastern China. In July 2019, some EU members such as Germany, France and the UK, have signed a declaration calling for China to ensure "freedom of movement of Uighurs and other Muslim and minority communities in Xinjiang".
- **The Belt and Road Initiative (BRI) and its impacts on Europe and the globe:** To be discussed elaborately in the following chapter.

Current Situation:

The Belt and Road Initiative (BRI)

Introduction:

Shortly after Xi Jinping, the current president of China, assumed office in 2013, he presented the BRI (The Belt and Road Initiative), an ambitious plan designed to enhance the capacity, ease and speed of transporting goods between and across Europe, Asia and Africa. This plan draws its inspiration from the historical silk road that connected China and the mediterranean, and consists of:

- **An Economic Belt** - based on terrestrial connections between China and Europe through Central Asia and Eastern Europe.
- **A Maritime Road** - based on shipping routes and associate sea ports across South Asia, the Middle East, Africa and the Mediterranean.

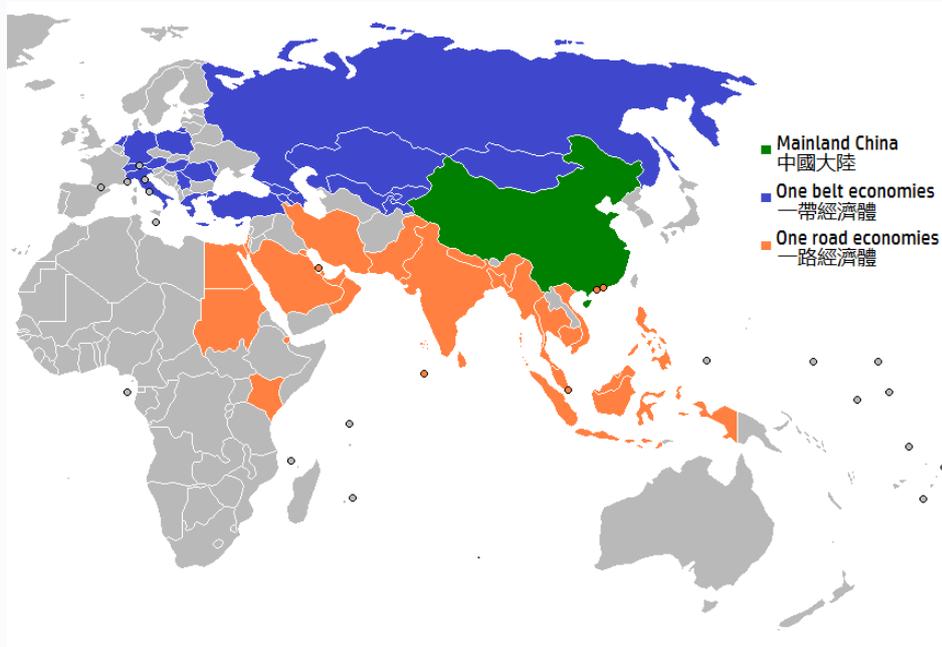


Figure 4: The BRI countries (taken from Wikipedia)

Considering the fact that between East Asia and Western Europe lie some of the least developed regions in the world, China has begun handing out big loans (see figure 5) to developing nations in order to fund grand infrastructure projects all across Africa, Asia and Europe, such as the 3.6 billion USD loan given to Kenya in order to construct the SGR railway which connects Nairobi, the capital, to the port city of Mombasa and the 361 million USD loan given to Sri Lanka to finance a sea port and an airport.

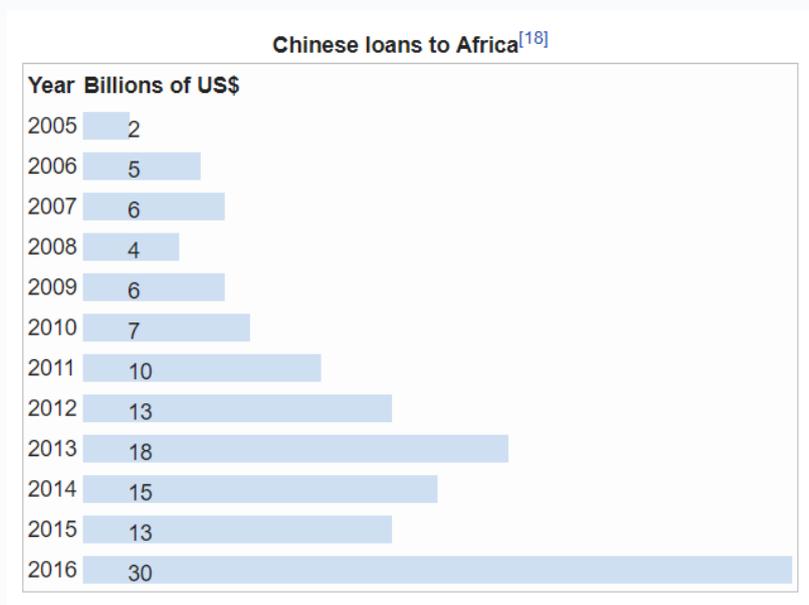


Figure 5: Chinese loans to Africa in billion US dollars (taken from Wikipedia)

Nowadays it seems as if the BRI is more of a concept of purchasing political power and strategic assets for money, rather than an operational plan with a visible goal. For example, Chinese investment in Latin America rose from nearly nothing in 2005 to a total of 140 billion USD in 2018.

Characteristics of the BRI:

These projects and the loans aimed at financing them usually share a few common characteristics:

- These projects, being construction projects paid by China, are usually built by Chinese firms, which dominate the construction market (for example: 7 out of the 10 largest construction firms in the world are Chinese). This way, China is able to spend the delegated money to stimulate China's growth.
- The loans usually offer very comfortable payment conditions, such as low interest rates or none at all.
- The loans usually have draconian default conditions - whether it's leasing the project to China for several years (such as Sri Lanka's sea port, leased to China for 99 years), paying by land or natural resources at underpriced rates (for example: Tajikistan, that has reportedly paid China with land and minerals), and so on and so forth.
- China and the Chinese Export-Import Bank, which hand out these loans, do not require much of the countries involved in the BRI, for example:
 - Many loans are lent to countries that are in dire economic conditions and are in a great risk of default (for instance: Pakistan and Laos).
 - Many countries that are involved in the BRI are highly corrupt, highly intransparent and undemocratic, and therefore don't qualify for western loans. As per China's non-interference policy³, no incentive is offered to these countries in order to become more democratic, more transparent or less corrupt.

³ China's non interference policy determines that China will not intervene in the internal issues of any country, regardless of their nature.

The BRI and Political Influence:

Being highly dependent on China, many countries that participate in the BRI fall into China's sphere of influence and often refrain from criticizing China and/or voting against China in the UN, and are usually under Chinese pressure inside regional bodies such as the EU and the AU. While this is usually inherent to any relationship between a small country and a superpower, the extent of the dependency in this case is extraordinarily great and extreme. For example, an African country that recognizes Taiwan receives 2.7 less infrastructure projects each year, and in these countries, one such project can often create a great difference in the standard of living; thus, more often than not, these countries cannot afford to say no.

Moreover, countries that defaulted on their loans can often be subjected to even greater pressure from China, if they are forced to lease crucial infrastructure to China. In this case, China has the chance to harm crucial infrastructure whenever it wishes, thereby causing severe harm to the independence of these countries.

Reactions:

Trump and the USA are perhaps the largest critics of the BRI. In reality, however, Trump's anti-globalization stance and the withdrawal of the USA from the TPP, have been working for China's benefit.

The EU officially opposes the BRI. Jean-Claude Juncker, the president of the European Commission said: "One country isn't able to condemn Chinese human rights policy because Chinese investors are involved in one of their ports. It cannot work like this." While countries such as Germany and France hold strong views opposing the BRI, countries such as Poland, Hungary and Greece have nonetheless joined the BRI.

In the beginning of 2019, two more countries joined the BRI, none other than Italy (a G7 western liberal democracy) and Switzerland (a western liberal democracy). By joining the BRI, these countries have vastly contributed to its legitimation in the western world.

*Chinese Influence over EU Member States***China and Southern and Eastern Europe - first connections**

Both Eastern Europe, being the link between Western Europe and Asia, and Southern Europe, with its mediterranean ports conveniently connected by rail to Western European countries, are crucial and strategic for the success of the BRI.

China has attempted to increase its influence in Central and Eastern Europe by the 17+1⁴ initiative, aimed at promoting Chinese investment in Central and Eastern Europe, for example: the 2.9 billion USD Budapest-Belgrade railway, currently delayed due to an EU investigation.

Along the last decade, Eastern European countries have developed an anti-EU narrative depicting the EU as another superpower (like the USSR) that tries to force certain values upon them, thereby harming their sovereignty, from opening up their borders to refugees and forcing them to use the Euro to subjecting them to EU laws. Countries such as Italy and Greece have also developed similar narratives. These countries, therefore, see China as a better source of foreign investment, because of the Chinese non-interference policy, and, as of now, many of them have joined the BRI.

All of these countries receive vast support and large investments from the EU as long as they abide by the standards laid by the EU in article 2 of the TEU. Now it seems as if China is considered as a viable alternative to the EU by leaders such as Viktor Orban, the Prime Minister of Hungary, that said: “If the EU cannot provide financial support, we will turn to China”.

This attitude, along with China’s non-interference policy, can explain how many European countries, such as Hungary and Poland, are able to no longer respect article 2 of the TEU. At the moment, the activation of the primary sanction against such violation, Article 7, has failed due to the lack of unanimous respect to Article 2.

Outcomes and Impacts

Overall in 2016, Chinese investment in the European Union rose by 80% to nearly 36 billion euros (see figure 6).

⁴ It was known as the 16+1 before Greece joined the initiative in April 2019

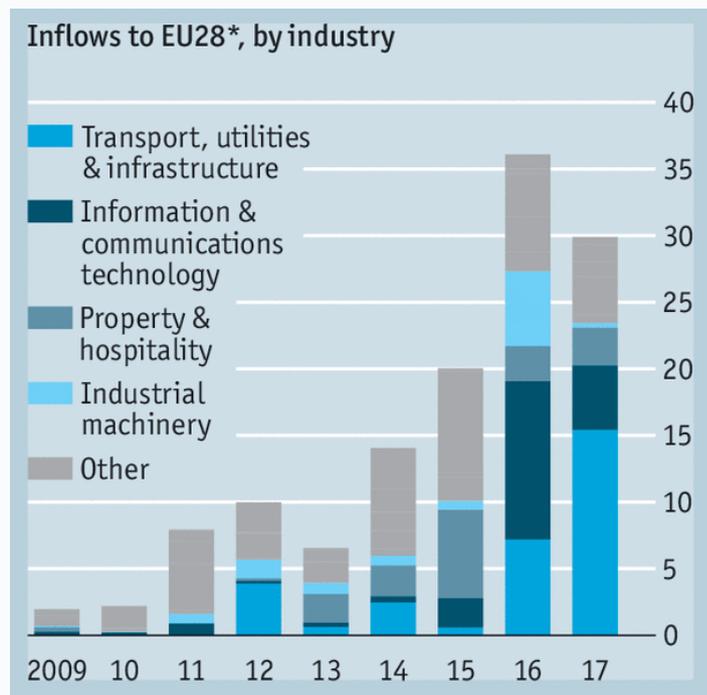


Figure 6: Total Chinese investment in Europe by industry 2009-2017 (taken from The Economist)

While it is possible to claim that the extent of Chinese influence over these countries is comparatively small being more economically sturdy and highly strategic nodes in the BRI, it is impossible to ignore the great conflict of interests that these countries are in. On one hand, they must be loyal to China, while on the other side, they must abide by EU standards, and these can often contrast.

The biggest concern is the joint power of the BRI nations inside the EU. With such a big block of countries, China can theoretically deviate certain votes so that they fit China's interests, be it economically, diplomatically, politically, or anything else.

There are already a few examples of BRI members advocating for China in the EU:

- In July 2016, Greece and Hungary have cooperated to prevent the EU from condemning China's actions in the South China Sea.
- In June 2017, Greece has blocked a European Union statement at the United Nations criticising China's human rights record.
- In April 2018, Hungary's ambassador to the EU refused to sign a report criticizing the BRI.

While these examples are undeniable, it is crucial to remember that China and Xi Jinping strongly support the EU and believes that China can only benefit when it prospers.

Even given the existence of the 17+1 initiative, China's influence is obtained bilaterally, because even though each European country is significantly smaller than China, when all EU members join forces, they have a fairly good chance at balancing out China.

The recent EU-China summit held in April 2019 has definitely shown a united EU, and a China with considerably less leverage over the EU. Throughout the summit, EU members states spoke about China with a hardening tone, and China responded like never before. China recognized the need to address European concerns over the Chinese industrial policy and agreed to reform the WTO. Being united, EU members were able to pressure China by threatening to cease the discussions if China fails to seriously address issues such as the lack of market access for European companies. In spite of the great success, one crucial topic was left out of the discussion, the BRI.

At this very crucial point of time, when the BRI has just begun, the 17+1 EU members are still fully inside the EU, and the extent of Chinese influence in Europe is manageable, a decision must be made: how should Europe act in response to the growing Chinese influence across Europe, with special attention to the BRI and the 17+1.

It is up to you, the delegates of the European Council in ATIDMUN 2019, to shape the relationship of the EU and China in order to ensure prosperity and unity across the EU.

We wish you the best of luck!

Omer and Omer

Questions to Consider:

Familiarizing questions

- What are the characteristics of the foreign relations of your country with China?
- How much does your country trade with China? Does your country maintain a trade deficit with China?
- Is your country a 17+1 member?
- What is the economic status of your country? Is your country supported by China and/or the EU?
- What is your country's stance regarding the BRI?
- How does your country view China's influence over the EU?

Clash oriented questions

- How much is European unity crucial when facing China?
- What are the compromises that EU countries should make in order to achieve unity? What cannot be compromised?
- Which approach should the EU adopt towards the BRI nations?
 - Should they be forced to meet the standards of the EU or sanctioned for not doing so? How?
 - Should the EU try to compete with China economically? How?
 - Should the EU reach a compromise with those countries? How?
 - What is important to insist on?
 - What can be compromised for achieving a greater goal?
- Can and should the EU reach a consensus regarding the BRI?
- Which mechanisms can be adopted to reduce the influence of China inside the EU?
- Should the EU centralize the interactions between China and its member states? How?

- How can the EU ensure that the Chinese influence does not weaken the commitments of its member states to the EU?

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Topic B: Coordinating Member States Policies

According to EU Laws

Background:

Introduction to EU Law

Before we may begin to examine the nature of the laws and regulations in EU law, we must understand the nature of the union, as different international unions operate differently.

Generally speaking, there are two major forms of international unions:

1. Intergovernmental Unions: Intergovernmental unions are bodies in which governments from several countries are represented. These unions' large effect on international politics stems from their very nature – a treaty signed by a number of countries is likely to be upheld because it is within their interest to do so. However, these bodies cannot force a country to comply with a treaty. An example would be the UN: if 110 countries sign a DISEC resolution, they are likely to comply with it (but cannot be forced to do so). The 83 countries that didn't sign it, however, cannot be forced by the UN to do so.
2. Supranational Union: Supranational unions are political and/or economic unions of multiple governments with shared interests, separate from these governments, which enforce certain laws across member states. This means that unlike intergovernmental unions, a supranational union has power over its member-states, and can decide upon certain matters that would usually be within the sovereignty of a country.

The European Union of the present is a mixture of an intergovernmental and supranational union. The Treaty on the Functioning of the European Union (TFEU) outlines in detail whether the EU has exclusive competence to make decisions, whether it shares the competence with member states or whether it could only advise:

1. All decisions regarding the Customs Union, the functioning of the Internal Market, the monetary policy of the Euro, the conservation marine biological resources under the common fisheries policy and the common commercial policy is under exclusive competence of the EU. No member state can contradict any action taken in these fields.
2. The European Union can only advise and support any action taken in the fields of human health, tourism, industry, culture, education, youth, sports, civil protection and administrative cooperation. The EU has no power to change any policy of any of its member-states in these fields.

3. Any field that isn't specified is a field of shared competence. This means that member states are free to adopt policies in these fields, if the EU hasn't done so itself.

The shared competence of policies creates a problem, as it is not exactly clear what happens if the EU decides to act in an area in which it hasn't exercised competence yet, and attempts to overrule an existing member-state policy. No treaty establishes the complete superiority of either EU law or member-state law over the other, and while court rulings have treated EU law as superior to member-state laws, there are some states, like Poland, in which the national constitution overrides EU law.

The European Commission is responsible for planning, preparing and proposing new European laws; it has the right to act upon its own decisions. These laws that are proposed must defend the Union and the interests of the citizens as a whole. The European Commission submits a legislative proposal to the European parliament and the Council of the European Union, who must agree with the text of the law before it becomes a European law. Citizens, business, civil society, public authorities or any other stakeholder can state their opinion regarding the EU's law-making process.

Types of Rules

- **EU treaties** – EU treaties are the building blocks of the laws of the EU, they lay down the objectives, the rules to the EU institutions, how decisions are made and the relationship between the member states of the EU. The EU treaties can be amended as done in the past, in one occasion in order to allow new countries to join the EU.
- **Regulations** – Regulations are legal acts that apply instantly when the law is put into force, without needing to transfer them to be national laws. They are binding to all of the EU member states. For example, when the EU wanted to make sure that there are common safeguards on goods imported from outside the EU, the Council adopted a regulation.
- **Directives** – Directives require the countries to achieve a certain goal but does not choose the path every country wishes to take in order to obtain that goal. EU countries must adopt measures to incorporate the directive into national law in order to achieve its objectives. If the directive is not adopted by the deadline (generally 2 years) the European Commission may initiate Infringement proceedings. One example is the EU consumer rights directive, which strengthens rights for consumers across the EU, for example by

eliminating hidden charges and costs on the internet and extending the period under which consumers can withdraw from a sales contract.

- **Decisions** – A decision is binding in its entirety, unless the decision is specifying to whom it is addressed and then it is binding only on them. For example, the Commission issued a decision on the EU participating in the work of various counter-terrorism organizations. The decision related to these organizations only.
- **Recommendations** – Recommendations allow the EU institutions to recommend to its member states a line of actions without forcing it to create a law regarding it. They have no binding force. When the Commission issued a recommendation that EU countries' law authorities improve their use of videoconferencing to help judicial services work better across borders, this did not have any legal consequences.

Primary Laws are laws that are derived from the EU treaties directly, they set EU objectives, rules for the institution of the EU, how decisions should be made inside the EU and the relationship between member states and the EU. Secondary Laws are laws that come from the principles and objectives of those treaties, and include regulations, directives, decisions and recommendations and opinions. Legislative acts are adopted using one of the procedures described in the EU treaties whereas non-legislative acts are not adopted using these procedures, but they are enacted using specific rules.

Infringement Proceedings

The European Commission is the institution responsible for monitoring whether EU laws are applied correctly and on time. The commission will have measures if any EU country does not fully incorporate a directive into its list of national laws by the deadline or applied improperly. If such a condition does happen the commission has the right to start formal infringement proceedings against the country in question.

This formal procedure is described in the EU treaties and follows a number of steps:

1. The commission sends a letter of formal notice requesting further information to the country concerned, which must send back a detailed reply within a specific time period, usually 2 months.
2. If the commission concludes that the country in question is indeed failing to fulfill its obligations under the EU law, the commission may send a reasoned opinion, a formal request to comply with the EU law, also detailing the reasons why the commission feels

the country in questions is failing to comply with the EU law. It also asks the country to inform the commission on the measures taken, within a specific time period, usually 2 months.

3. If the country still doesn't comply, the commission may refer the matter to the Court of Justice, although most cases are solved prior to going to court.
4. If an EU country fails to communicate measures that implement the provisions of a directive in time, the commission may ask the Court of Justice to impose penalties on the country.
5. If the court finds that the country has breached the EU law, the national authorities must take action to comply with the decision of the Court.

Current Situation:

Euro-Scepticism

The institutions and the systems of the EU were designed in the 1990s or in the early 2000s when no one could have foreseen the many events that would happen in the coming years. The Eurozone, for instance, was planned before the 2007-2008 economic recession, and proved very problematic for countries such as Greece and Spain that were severely harmed and no longer had complete fiscal and monetary independence that are crucial to recover from such a recession. Another example is the Schengen Agreement, which was planned more than a decade before the Syrian Civil war forced many Syrians to flee in search of refuge. The Schengen Agreement allowed them to move freely across many EU countries, when some of them, such as Hungary, Spain and Poland, did not want any refugees in their country.

Moreover, in its very essence, the EU is neither neutral nor external. The EU has clear agendas, and many systems that enforce these agendas and their implementation within EU member states (The three main systems are the Eurozone, the Schengen Agreement and the EU legal system). While it is not inherently bad and in fact, many EU values and agendas such as democracy and human rights are widely agreed upon globally, the EU can become controversial or very invasive, draconian and troublesome.

In recent years, both of these factors - the disadvantages of EU systems as well as the draconian and invasive essence of the EU, have caused many people and subsequently political movements

to start opposing the EU as a whole or its current scope of influence. These trends are called Euro-Scepticism and they are popular from North to South and from East to West.

These movements and their leaders oppose EU laws and legislation, given that they override national laws, and many people who see their national values overrun by Brussels, cause Eurosceptic leaders to become stronger. When she ran for office, Marine Le Pen said: “The French want to regain control of their own country. They want their own laws to take precedence over those of the European Union”, and earlier this year, Matteo Salvini said: “Until unemployment is halved in Italy, until we reach 5%, we’ll spend everything that we have to spend. If someone in Brussels complains, that’s not our problem.”

While only a handful of Eurosceptic movements are in power (for example: Orban in Hungary and Morvitzki in Poland), these movements and their leaders in countries such as Italy, Germany and France, are influencing the mainstream leaders and parties. This can be seen, for example, in the commitment of the former president of France, Francois Hollande, to human rights after the terror acts of November 2015 and the incredibly long state of emergency that was not withdrawn until 2017, and thus caused multiple infringements of human rights, particularly against muslims. It is worth mentioning that at that time, Marine Le Pen was very popular, and her presence probably affected Hollande.

The current status of Euro-Scepticism is questionable. On one hand, Eurosceptic leaders, such as Salvini, Farage and Le Pen, are indeed very popular, however, when the UK has decided to pursue their ultimate dream of EU withdrawal, it found itself in deep trouble and in an astonishingly worrying leadership crisis. With Brexit in mind, Eurosceptic leaders are much more subtle than they used to be, and would rather change the EU from within, rather than attempt a full withdrawal, and one of their biggest concerns are EU laws and their ability to override national laws.

These are two quotes that show how Eurosceptic leaders would prefer changing the EU over a full withdrawal: earlier this year, when Matteo Salvini received the results of the elections, he said: “The time has come to totally re-discuss old and outdated rules that have hurt Europe. Otherwise a vote like this cannot be explained”. Back in 2017, when she ran for presidency, Marine Le Pen said: “I want to prevent it (the EU) from becoming fatter, from continuing to breathe, from grabbing everything with its paws and from extending its tentacles into all areas of our legislation”.

Law Violations in Europe

Today, there are many pending law infringement letters in all European Union member states from France and Germany to Sweden and Malta. The problem of properly integrating EU laws into member states creates this unclear situation where the problem must be solved in order to create a system of laws that functions at coordinating member states policies. The current system clearly fails at the task at hand, this is clearly shown due to the immense amount of law infringements across Europe.

On the 17th of May 2018, the European Commission published a press release discussing an air pollution violation, that it deems important enough to transfer to the court of justice, six nations were referred to the court those including France, Germany and the United Kingdom, all those failed to meet the limit values of Nitrogen Dioxide; Hungary, Italy, and Romania were referred to the court because of having persistently high levels of particulate matter. Also in this press release is reported a list of four countries that disregarded the EU vehicle type rules.

Another press release came out on the 15th of February 2017, discussing the violation of directive 2011/7/EU, striving to protect small and medium sized enterprises (SMEs) by creating grounds for late payment in these businesses, in 4 different nations and brought to the court of justice, requesting to take action again due to reasons specific to each country: Greece (new legislation; removing creditors' rights to interest and compensation), Italy (excessively late payment by public authorities), Slovakia (excessively delayed payments in the public health sector); Spain (legislation systematically extending the statutory payment term by 30 days).

These are only 2 occasions of dozens that are reported, listing violations in the improper system of the EU regarding the violation of its own laws.

Conclusion:

The biggest challenge lying ahead is bridging the gap between Euro-Scepticism and the power of the EU in the context of EU laws and their status compared to national laws. There are two important points that this committee must address:

First, On the principle level: Should the EU acknowledge that Euro-Scepticism is more than a passing trend, and ultimately compromise in order to create a wider consensus regarding EU's legal system, or should it decide to face Euro-Scepticism directly and fight to maintain the current system while potentially remaining controversial?

Second, Practically: What should be done regarding the recurring violations of EU laws? Is this issue merely about enforcement or is a systematic change necessary? If so, what type of a systematic change is needed? Should countries be rewarded or sanctioned based on their adherence to EU laws? Should the current system be adapted to allow case by case considerations?

Only by properly addressing these two points, this committee would be able to transform the European legal system and make it better for all.

Questions to Consider:

1. Does your country violate any EU laws? If so, which laws and what is the reason your country violates them.
2. What could be a new system that will prevent the endless chain of countries failing to meet the directives submitted by the European Commission?
3. Does your country support proper integration of the EU laws into all member states?
4. What should happen if a law does not suit a nation's policy, should it be forced upon it or not, and if so how? How should the EU enforce its laws in its Member States?
5. Is your country Eurosceptic? What is the level of commitment of your country's to the EU and its institutions?
6. Should the EU give more freedom to the Member States or should it become more cohesive? In what aspects?
7. Should the EU affect foreign policies of member states? If so, how?
8. What benefits does Supranationalism have over Intergovernmentalism? How far should one be used over the other?

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