

LETTER OF EUROPEAN MAGISTRATES

According to Article 2 of TUE, the European Union is based 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. As great defenders of human and citizens' rights have emphasized, Rule of Law is not negotiable. It is due to the fact that it is the very foundation on which the European Union is built, as well as it is a guarantee of all other rights and freedoms of every European.

Today, the European Union is at a turning point of history. Systemic attacks on the rule of law, on independence of the courts are carried out in some countries, such as Hungary, Poland, Romania, Bulgaria. Unfortunately, tolerance of such behaviours as well as lack of developed standards may encourage disturbing changes in other countries. These processes involve destroying the independence of the courts by politicizing the judges' nomination procedures, eliminating any kind of autonomy of the prosecution, taking over the disciplinary courts and using disciplinary and criminal proceedings against independent magistrates. In addition, there are institutionalized hate campaigns using the government's dependent media. These are all designed as a tool of repression against magistrates who fight to preserve the rule of law within the European Union.

The European Commission is the guardian of the Union Treaties, therefore including the rule of law. We acknowledge and praise the actions already taken by the Commission, such as the article 7 and infringement procedures launched in recent months, and we do not expect the Commission to resolve all issues, as they are within the competence of different authorities, including the CJEU, the European Parliament and the European Council. There is no doubt, however, that the Commission has a key role in this field, and, for example, the actions of the CJEU are determined by the motions and complaints presented by the Commission. Any delay in this matter not only poses a threat to national (and at the same time European) judges, but it also gives arguments to Eurosceptics, who emphasize the ineffectiveness of European structures and thus justify withdrawal from the values enshrined in Article 2 of TUE.

Some politicians seem determined to eliminate independent judges from their judicial systems. If the European Commission wants to effectively protect the independence of the Judiciary, it must value judges as the guarantors of the rights and freedoms of citizens.

We, the Magistrates of the European Union, appeal to the European Commission to undertake further action aimed at observing the Union Treaties (Article 17 TUE) and the execution of the decisions of the Court of Justice of the European Union (Article 260(2) TFUE).
