





deviation from the principle of the rule of law has the potential to undermine the confidence of business, and the functioning of the market itself. Events in Poland and Hungary, and particularly the October 2021 finding of the Polish Constitutional Tribunal challenging the primacy of EU law, are seen to pose a clear risk in this respect.

Beyond the single market framework, confidence in the rule of law plays a key role in European judicial and police cooperation, including the use of the European Arrest Warrant (EAW). The success of a programme such as the EAW is based on the conviction among other Member States both that the arrest warrant itself has been issued without political interference, and that those subject to arrest will also be granted a fair trial. That breach of the rule of law is undermining mutual trust and mutual recognition of Member State judicial systems is becoming increasingly evident, with a number of cases brought before the European Court of Justice in recent years examining grounds for denying the application of European Arrest Warrants issued by Polish authorities.

In short, the situations in Poland and Hungary are seen to pose a significant threat to the operation of key facets of the European Union. European integration is premised upon the

when these very values are demonstrably being challenged at home. How does it promote a liberal world view, when leaders such as Hungarian Prime Minister Victor Orbán openly espouse the building of an illiberal state?

An answer may potentially be found in openly acknowledging the challenge that the Union itself faces, in recognising that the battle for democracy, human rights and the rule of law is never complete, and in characterising the current efforts to address the situations in Poland and Hungary not as a failure of these ideals, but rather as proof both of the importance they are accorded by Europe as a whole, and of the willingness of the EU and its Member States to fight for their realisation at home, as well as abroad. By recognising, in other words, that the European Union remains a work in progress.