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'How to fight illiberalism and defend European values?'

Good evening everyone, my name is Dimitra Gamba and I am a PhD student from Greece.

As you already know Greece is currently facing one of the biggest crises in its history, both economic and social. The austerity measures adopted by the last governments created huge dissatisfaction to the Greek people and in many cases led them to Eurosceptic and radical right-wing, racist parties. Furthermore, the present migration crisis had as a consequence an extra pressure for the Greek state as well as the local population of the Greek islands and gave another opportunity to extremists to argue against fundamental rights such as refugees' rights to education and public health. In this context, minding also the wide questioning of the constitutional normality in Greece concerning the functioning of the parliament and the proper judicial protection granted by the courts in the case of austerity measures' implementation, the role of EU's common values is of great importance.

Today Greek scholars are debating about the future constitutional amendment desperately looking for a check and balance mechanism capable of depriving the executive from constitutional infringements and restriction to the rule of law. These national problems lead us to look for answers at the supranational level and the role of EU.

Back at 1980s the ECJ described for the first time in its famous case law "les Verts" the European Community as a community, based not only on its common economic interests but also on its common fundamental values. A few years after these first references of the Court of Justice, the rule of law was becoming part of the primary law of the European Union and the Maastricht Treaty was marking the birth of the new Europe. Article 6 (1) of the Maastricht Treaty provided that "European Union shall be founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles common to the Member

States". Through this provision, the authors of the treaties gave the mark of the new, political Europe, seeking to create a strong, transnational, European identity comprised of the values of liberal constitutionality that seemed to have prevailed as a successful political system worldwide.

Several years after the Maastricht Treaty and the supposed "end of history", nothing seems to have ended; on the contrary, political antagonisms are tense, and the once-powerful, "Euro-cratic" dream is severely shaken. Ten years after the adoption of the Treaty of Lisbon Europe is at a crucial turning point, experiencing a strong, systemic economic crisis, but also a crisis of principles, such as the rule of law, democracy and respect for fundamental rights, all principles which constitute the common values of European Union and the core of European constitutionality.

In almost every Member State there is a steady increase in the popularity of extremist parties, populism is in many cases the basic tool of policy, fundamental rights such as freedom of expression and the right to assembly are violated, separation of powers and consequently the democratic principle itself, are under threat. In particular some member states seem to have adopted permanent practices of circumventing the principles of the rule of law and democracy, triggering heated debates on the reaction of the European Union in such state policies. On the other hand, but in the same context, European Union and its institutions get more and more criticized by state governments or opposition parties, as Euroscepticism is constantly gaining ground.

In this socio-political context, where, at the same time, executive power is becoming more powerful within the Member States in a way of questioning the concept of constitutional liberalism, there is a need to set up or activate institutional barriers, the so-called "checks and balances" to prevent such practices. A basic working hypothesis is to detect the possibility for European Union to become a supranational institutional counterweight that will preserve the aforementioned values. Reversing the question of the previous decades that wanted Member States to be at risk from the EU's lack of democracy and protection of fundamental rights and national courts

to be the guardians of these values, we need to examine the possibility, at this time of crisis of the national rule of law, European Union to take on this role as the guardian of the European constitutional principles, becoming an institutional counterweight.

More specifically, Article 2 TEU establishes the shared values of the Union and the Member States. They are further enshrined in Article 7 TEU, which provides for a procedure to impose sanctions on those Member States which systematically circumvent the values of Article 2 TEU. In the context of the unprecedented crisis of the rule of law in the European constitutional area, the Commission has already taken initiatives to improve the Union's institutional framework and to create new, more effective mechanisms. Such an activation of EU would have a double benefit. On the one hand, there would be one more institutional "layer" of protection for EU citizens, which could operate more effectively, because it is going to be supranational and separate from domestic interests and political affinities,. On the other hand, EU could be benefited as well. At a time that EU has been, in particular, for the citizens of the European South, the leading force of neoliberalism and the main supporter of austerity and tough monetary stability, the Union could gain some of its lost popularity, regain legitimacy and, above all, preserve its own status and secure its future.