

## **MEDEL STATEMENT ON THE MAY 5<sup>TH</sup>, 2020 DECISION OF THE GERMAN CONSTITUTIONAL COURT**

The German Constitutional Court (GCC) issued on May 5<sup>th</sup>, 2020, its long-awaited decision on the European Central Bank's Public Sector Purchase Program. Apart from the questions regarding the financial assistance program, this decision is being read as a potential threat to the EU legal order, because of the possible underlying interpretation of the principle of supremacy of EU law and of the relationship between constitutional courts of member States and the European Court of Justice (ECJ).

Without minimizing the future impact of the decision of such a high-respected court, **MEDEL wishes to stress that it may never be seen as some kind of justification for the attacks against the Rule of Law and the independence of the Judiciary** that have been carried out in member States like Hungary or Poland.

Firstly, and contrary to what has been hastily affirmed by some, the GCC does not claim to disobey EU Law because of national values. On the contrary, the decision is intended to reinforce EU Law in a case where – in the view of the GCC – the ECJ has not sufficiently protected it. This decision is about respecting and protecting the EU Law, not attacking it. **The populist governments in some member States, who have been constantly opposing and defying EU fundamental values, cannot find shelter in this decision.**

Secondly, the answer to this decision should not be a limited one. What the GCC tells the European authorities is not to stop or refrain the building of the EU. It's exactly the opposite – it tells European decision-making bodies and member States that we need more Europe. It sends a clear message that if we want to deepen the EU and its competences, we need to set the foundations of an EU that is a true community of values and rights, based on solidarity and respect, and not merely a space of common monetary policies. Europe needs political leaders that can rise up to their responsibilities and have the courage to take bold and long-term oriented decisions, like the founders of the EU did 70 years ago. **The populist governments in some member States, who constantly attack the fundamental values of Rule of Law and fundamental rights that are the cornerstone of the EU, cannot find shelter in this decision.**

Finally, and most importantly, regardless of the criticism we may direct to it (and democratically we should and must), this decision of the GCC was only possible because it is a true court, independent from the Executive, composed by judges appointed by their merits and legal expertise, and deciding exclusively on solid and independent legal grounds. **The populist governments in some member States, who have been attacking the independence of the Judiciary and destroying the Rule of Law, namely by appointing political judges to their Constitutional Courts, may never find shelter in this decision.**

*May 6<sup>th</sup>, 2020*