



REPUBLIC OF SLOVENIA
PRIME MINISTER

Ljubljana, 17 November 2020

Dear President of the European Council, *dear Charles,*

Never before has the European Union faced a challenge of such magnitude as the COVID crisis. Our health systems have been put under tremendous pressure, and our economies have faced an external and unforeseen shock, which has caused severe disruption in economic activity and put thousands of jobs at risk. Under these conditions, it has been of key importance that the Union has been able to react quickly and decisively. The July agreement of the European Council on the Multiannual Financial Framework and the Next Generation EU has been at the heart of our common response – a truly historical agreement and an unprecedented show of unity.

This is exactly what we needed in these challenging times. The EU today is a convoy of ships sailing on rough seas. The ships came together to form the convoy or joined it subsequently because of the prospect of safe navigation in the direction of peace, freedom, and development. The convoy began to form so as not to repeat the tragedies and shipwrecks of the 20th century on the European continent. These have caused tens of millions of deaths, terrible suffering and distress for entire nations, genocide, and slavery under totalitarian regimes.

Both the prospect of a good course and the epochal success of the project in the first decades were underpinned by the obvious and genuinely good intentions of the generation that had experienced the shipwrecks. The ultimate proof of the right chosen course came with the fall of the Iron Curtain and the great enlargement of the EU and NATO in 2004. Europe, whole and free, became a tangible goal of the generation that had witnessed killings on the borders between East and West and experienced feelings of hopelessness under the illusion of one-party monoliths during their lifetime. Then, in the end, after millions of victims and all the suffering, this generation witnessed the fall of Communism without any war and without a shot being fired.

**His Excellency
Mr Charles Michel
President of the European Council
BRUSSELS**

Freedom became tangible and nothing seemed to threaten it. New ships joined the convoy and internal administrative boundaries were falling down. There was a prospect of a golden age with optimism reaching to the sky. In this mood, we failed to take the accumulation of "frozen conflicts" in our eastern neighbourhood seriously enough. The Crimean occupation came as a surprise to everyone. We did not take the warnings of Greece and Cyprus about Ankara's double-play seriously enough, nor the obvious signs that Islam on our borders and even within the EU was moving towards radicalisation instead of modernisation. This has ultimately resulted in terrorist attacks on innocent Europeans – directly on our way of life.

Contrary to optimistic expectations, the sea was not becoming calmer, and sailing was getting rougher instead of easier. The financial crisis struck, followed by the migrant crisis – and then Brexit happened. In the midst of quarrels over whether to jointly plug the cracks in the ships or just share the intruding water, one of the largest ships left the convoy. We found ourselves in a lose-lose situation. Even before we finished the legacy debate with this ship, we found ourselves in the middle of a coronavirus pandemic. We are battling a second wave now, which is proving stronger and more deadly in the EU than the first one.

At the dramatic European Council meeting in July, we reached, after a major effort, a consensus on a robust financial framework to deal with the effects of the epidemic. However, the recent agreement between the Presidency of the Council of the EU and the European Parliament leadership undermines this consensus. Once again: the rule of law has to be respected across the Union. Everywhere. However, any discretionary mechanisms that are not based on independent judgement but on politically motivated criteria cannot be called "the rule of law."

Those of us who spent part of our lives under a totalitarian regime know that deviation from reality begins when processes or institutions are given a name that reflects the exact opposite of their essence. "People's democracies" were regimes of one-party dictatorship. The German Democratic Republic was forced to build a wall to prevent people from fleeing on masse from such "democracy". "Socialist self-management" in the former Yugoslavia was just a cover for the hard hand of the Communist Party in the economy.

Today, numerous media and some political groups in the European Parliament are openly threatening to use the instrument wrongly called "the rule of law" in order to discipline individual EU Member States through a majority vote.

By definition, "the rule of law" means that disputes are decided by an independent court and not by a political majority in any other institution. If a political body calls its decision the rule of law, it thereby takes a first step away from reality. The European Union, however, is founded on the rule of law: on the separation of the executive, legislative and judicial branches of power. A state whose political system is not based on democracy and the rule of law does not at all meet the conditions for membership and for navigating in such a convoy. Subsequently, the Treaty on European Union does not allow any discriminatory action against any Member State upon the political request of any other Member State or any EU institution.

Slovenia has many reasons to be careful when different political groups in the European Parliament invoke the term "the rule of law". In 2014, we witnessed stolen elections effected through a drastic abuse of state institutions – including part of the judiciary – right at the beginning of the election campaign. The Constitutional Court unanimously established that the abuse took place. However, this occurred only after the elections had taken place and the abuse could not be remedied. None of the EU institutions reacted with a single warning at the time of this election theft. In fact, the situation was even worse: key actors involved in the abuse were invited to take senior positions in EU institutions. The European Parliament refused to even discuss the stolen elections in the EU Member State because there was no majority in the collegial body that could put the topic on the agenda. At the same time, there was and still is much debate on the state of democracy in Hungary and in Poland. Even a procedure under Article 7 of the Treaty was initiated, despite the fact that neither country had any known cases of abuse of the judiciary for political reckoning or a single political prisoner during their EU membership – let alone a case of electoral theft as was the case in Slovenia.

This sad experience teaches us that double standards are applied in front of everyone's eyes. There is more: currently it is insisted that we should not respect the historical agreement from the European Council meeting in July because the political majority in the European Parliament has allegedly decided otherwise – and they refer to "the rule of law."

Slovenia supports respecting the rule of law in all cases (including the MFF and RRF instruments), unconditionally, and without double standards. It advocates this position provided that the Treaty on European union is complied with when designing specific instruments and that the law or violations thereof are decided on by an independent court. This is not to be decided just by a political majority, because then this is not the rule of law, but the rule of a political majority.

Following wrong course, unfortunately, a good future of Europe, whole and free, is slipping out of our hands.

The sea is already rough enough without the problems we are causing ourselves. China, virtually unaffected in the pandemic, will have a stronger impact than ever before on our voyage. The US has been very divided internally since the recent election – which has never had a good impact on transatlantic relations. Moscow has apparently successfully added Belarus to the list of frozen conflicts. Together with Ankara and without the EU, it is shaping situations from the Baltic to Libya in its own image. Not a month goes by without us being shocked to have to express our condolences to the relatives of the victims of terrorist attacks first in one EU Member State, then in another.

That is why now more than ever we need unity in terms of where we are headed. We need respect for one another. We need a joint defence of the dignity of all voters in all EU Member States. We need EU institutions that will not be involved in Member States' internal political conflicts. We need actions guided by the wisdom possessed by the founding fathers of the EU. We need to realise that the foundation of the EU is not about money but values. We need to realise that values ultimately cannot be forced into being with money. This is probably hard for someone who has been born into prosperity to grasp, but it does not absolve them of their responsibility to work towards a good future for the EU.

In front of our ship's convoy called the EU are reefs and icebergs. There are many challenges we can overcome, but only if we abide by the contract that unanimously sets the direction of our voyage. Otherwise, we can only wait for the next ship to leave the convoy.

Extremely important steps lie ahead of the EU. We need to adopt a uniform attitude towards the main threats we face and to learn from history. The Western Roman Empire collapsed when foreign mercenaries began to appoint emperors. The Eastern Roman Empire, however, collapsed when a militant Islam overran Byzantium. We need to help Islam to modernise and positively point out those Muslim countries that have already done so. We need to make our external borders secure. Our neighbourhood also needs a functioning EU more than ever, strong and united. A lot is at stake: Eastern Partnership member states, Western Balkans countries, Union for the Mediterranean member states. Being faced with a mountain of problems, neglecting our historical agreement reached at July EUCO is like quarrelling over a menu on a ship sailing towards an iceberg.

The dilemma before us is very simple. Respecting the July EUCO agreement is a responsible approach for the good future of the EU. Disrespecting it is the opposite.

The following days will be critical in terms of finalizing a fair and balanced agreement based on our July agreement. Only by swiftly concluding what we set in motion in July will we be able to meet these high expectations and pave the way towards a stronger Europe in the post-pandemic era. In this process, we should maintain our long-term strategic focus and build on the essential political and economic elements of the deal. As we have already proven so many times, I fully believe that we are able to find acceptable solutions that safeguard the integrity of the Treaty based financial and legal framework of the EU. While we are under time pressure, I am convinced that going the extra mile to get everybody on board avoids further delays and will ultimately result in a solid agreement that will keep us united in the wake of uncertainty in the weeks and months ahead. Please accept, dear President, the assurances of my highest consideration.

Please accept, dear President, the assurances of my highest consideration.

Yours sincerely,



Janez Janša

This letter is sent to:

- *Her Excellency Ursula von der Leyen, President of the European Commission*
- *Her Excellency Angela Merkel, Federal Chancellor of the Federal Republic of Germany*
- *His Excellency Antonio Costa, Prime Minister of Portuguese Republic*

Copy to: all heads of state or government