The European Parliament vote against Hungary underlined the EU's flawed approach to safeguarding democracy

On 12 September, the European Parliament voted to pursue disciplinary action against Hungary for breaching the EU's core values. **Angelos Chryssogelos** *argues that although the vote has frequently been explained with reference to the internal politics of the European People's Party, the issue said more about the shortcomings of the EU's instruments for safeguarding liberal democracy.*

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The European Parliament's vote to trigger the article 7 procedure against Viktor Orban's government in Hungary exposed the complex politics of safeguarding liberal democracy in the EU. Even though a majority of MEPs voted against Orban, the ultimate effectiveness of the EU response against illiberalism remains uncertain. At the same time, while the EU's ability to halt the authoritarian slide in its own member-states is doubtful, it is also faced with unpredictable political developments if its relationship with Orban collapses.

The coverage of the vote focused overwhelmingly on Orban's political family, the centre-right European People's Party (EPP). The EPP has long been seen as the reason why Hungary was sheltered from scrutiny for its mounting illiberalism. In the plenary vote, however, the EPP relented, with a majority of its group voting in favour of the resolution. But the EPP was far from united, with its vote split both geographically between West and East and ideologically between liberal and conservative party-members.

The inordinate focus on the internal politics of the EPP in the media however masked two other more important stories for the political future of the EU. The first is that the vote exposed not only Orban's weakness – his isolation from much of the political mainstream in Europe – but also his chief strength: the fact that he retains the capacity to severely disrupt European politics should the EU rupture its relationship with him.

First, the support Orban received from parties from Central and Eastern Europe in the EPP sent a message that his potential expulsion may cause a wider rift in the centre-right with ramifications for the political coherence of the EU. And the surprising levels of support he found among EPP members in three big Western European countries – Italy, France and Spain – showed that, as the centre-right radicalises around the question of immigration, Orban's influence extends beyond the CEE region.

Also important is the support Orban found in European Parliament groupings to the right of the EPP. The nationalistic and far right has historically been divided in the European Parliament. Current projections give the EPP the biggest number of seats in the 2019 European elections, but only with a few dozen seats more than the sum of the now divided far right. If he were expelled from the EPP, Orban could serve as the rallying point of a motley assembly of nationalists and populists. This coalition could conceivably unite around a candidate for the post of Commission president who could very well command a plurality of votes in the next European Parliament, causing a major embarrassment to the EU and discrediting the Spitzenkandidaten process.

For all these reasons, the expulsion of Orban from the EPP could unleash a political crisis on multiple fronts that the EU would find hard to contain. This ultimately explains why Orban is still in the EPP and why it is highly unlikely that he will leave even after the latest vote against him.

However, a second and even more troubling issue for the EU highlighted by the debate and vote was the weakness of the Article 7 procedure itself. Article 7 stipulates that a qualified majority of member-states can identify a 'risk of breach of EU values' in another state, which will then be given time to alter its behaviour. At this stage the damage to an illiberal government is largely reputational. But further down the procedure, Article 7 has a fundamental flaw: practical measures against a state, like suspension of its voting rights, can only be approved after a 'serious and persistent breach' of rule of law has been determined by unanimity in the Council.

In other words, an illiberal government needs just one more ally to feel safe that its actions will not have practical consequences. In practical terms, the EU has few real means to discipline a coalition of governments if they want to compromise or outright destroy liberal democracy in their countries. Given the expressed support of the Polish government for Orban, as well as the general unease of other national governments with the prospect of the EU extending its competencies to regulation of national judicial systems, it is not surprising that he maintained a defiant tone against the European Parliament throughout the debate. If anything, Hungary's defeat in the European Parliament provides ammunition to Orban to castigate 'foreign elites' while continuing with his illiberal policies domestically.

The vote in the European Parliament should have prompted a debate on the shortcomings of the EU's instruments for safeguarding liberal democracy and the potential ways to strengthen the EU's hand in monitoring and remedying illiberal transgressions. Instead, the journalistic coverage focused overwhelmingly on the short-term political ramifications of the vote and intra-EPP politicking. In this sense, and despite the European Parliament coming up with a strong majority to condemn Orban's regime, this latest episode in the EU's fight against illiberalism must count as a missed opportunity.

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