Liability of Member States for the Violation of Fundamental Values of the European Union
### Table of Contents

**Foreword** ................................................................. 3

**Part I: Protected Values**

*Prof. Dr. Rudolf Streinz, Munich*
Principles and values in the European Union ........................................ 9

*Prof. Dr. Gavin Barrett, Dublin*
Reflections on What the Rule of Law Means and its Significance at EU Level ................................................................. 23

*Dr. Emmanuel Sur, Bordeaux*
From the uncertain to the implicit (passing by the problematic). Reflections on the reference to the rule of law and on its protection in the Treaty on European Union ........................................................................ 39

*Prof. Dr. Aalt Willem Heringa, Maastricht*
Fundamental rights, EU membership and Art. 7 TEU ................................. 59

*Prof. Dr. Andreas Haratsch, Hagen*
Democracy – A Value common to the Member States of the European Union .. 73

**Part II: Liability of Member States**

*Prof. Dr. Luboš Tichý, Prague*
The nature and requirements for liability of a Member State under Article 7 TEU .................................................................................. 87

*Prof. Dr. Laurent Sermet, Aix-en-Provence*
Comparative study on enforcing common values against subnational units, member states in federations and other international organizations. De societatis et de civitatis ................................................................. 109

*Prof. Dr. Ewa Bagińska/Prof. Dr. Sylwia Majkowska-Szulc, Gdańsk*
Causation as a requirement for the Member State liability under Art. 7 TEU in conjunction with Art. 2 TEU ................................................................. 125

*Prof. Dr. Ulrich Magnus, Hamburg*
Wrongfulness and Fault as Requirements of the „European Delict“ under Art. 7 TEU? .................................................................................. 145
Prof. Dr. Michael Potacs, Vienna
Balancing Values and Interests in the Art. 7 TEU Procedure ....................... 159

Prof. Dr. Miroslaw Wyrzykowski, Warsaw
Rule of Law: European Commission v. Poland ........................................ 169

Part III: Enforcement

Dr. Tomas Dumbrovsky, Prague
Beyond Voting Rights Suspension. Tailored Sanctions as Democracy
Catalyst under Article 7 TEU ........................................................................ 203

Prof. Dr. Jiří Zemánek, Prague
Constitutional remedies of persons facing consequences of the Council
decision on suspension of certain Member State’s rights ......................... 229

Prof. Dr. Matthias Niedobitek, Chemnitz
Right and duty to pursue the “wrongdoer” and a possible abuse of Art. 7
TEU ............................................................................................................. 233