

What is Article 7? Will the EU resort to the 'nuclear option' to force Poland out?



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Article 7: Frans Timmermans triggered Article 7 against the rebelling Poland

EU bosses demanded Poland steps in line with its rulings on Wednesday, giving the rebel state just three months to sort out its internal affairs.

EU Commission Vice-President Frans Timmermans said he was left no choice but to initiate a process that would strip Poland of its voting rights.

The former Dutch diplomat said: "It is with a heavy heart that we have decided to initiate Article 7.1. But the facts leave us with no choice."

It comes after months of bickering between Brussels and Warsaw after a controversial overhaul of Poland's judiciary drove a wedge in-between the two.

Mr Timmermans said: "We are doing this for Poland, for Polish citizens."

But Poland's ruling Law and Justice party (PiS) met the news with outrage, blasting the European Union for playing political games.

Poland's Foreign Ministry said in a statement it "regretfully" accepts the move which it does not consider to be legal.

Meanwhile Prime Minister Mateusz Morawiecki, who only took up office this month, underlined Poland's commitment to the rule of law.

He said on Twitter: "The dialogue between the Commission and Warsaw needs to be both open and honest. I believe that Poland's sovereignty and the idea of United Europe can be reconciled."



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The EU Commission Vice President said he was left with no choice but to pursue sanctions

What is Article 7 of the Lisbon Treaty?

Article 7 of the 2007 Lisbon Treaty is an EU mechanism set out to uphold the EU's core values of freedom, democracy and the rule of law.

The article has often been dubbed as the EU's ultimate 'nuclear option' to use against nations that have fallen out of line with the bloc. But it has never been used before.

There are also several protocols in place that ensure the EU does not abuse this power to silence dissidents.

Triggering Article 7 will require clear consensus of “a serious breach by a Member State of the values referred to in Article 2”.

It will then be put up to the vote in the EU Council where it will need a 4/5 majority, or the support of 22 member states, in order to pass. Poland cannot vote on its fate in this matter.

But members of PiS have argued that in reality, the EU is making a thinly-veiled political attack against Poland.

Former Prime Minister Beata Szydło argued Poland is well within its rights to reform the judiciary in line with Poland’s constitution.

She said: “The EU Commission’s duty is to respect the lawfulness of the EU’s member states, of transparency and dialogue. This is what the EU needs today.”

Foreign Minister Witold Waszczykowski also blasted the decision and called out the EU for attempting to alienate his country from the rest of Europe.

Speaking to state television he said the attack was evidence of “a lack of understanding with what is happening in Poland, an attempt to stigmatise Poland and to separate it from the EU’s future decision making”.



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Poland's Prime Minister blasted the EU's decision to punish his country

Can the EU force Poland out with Article 7?

The dreaded Article 7 can potentially silence individual member states, but there is no mechanism in place to force a country out of the Union.

PiS spokeswoman Beata Mazurka noted a clear consensus will be needed for the EU to further punish Poland with sanctions, and Hungary will most likely step in to veto that move.

She said: "They will need unanimity on this, and we almost certainly know that Hungary will not support this sanction.

"This decision has nothing to do with merit, and is in our opinion nothing but a political one."

But on top of Article 7, the EU has other punitive measures at its disposal which could be used to strike at Poland.

According to Joseph Bebel of The European Institute, the EU's arsenal still has

the ability to issue diplomatic sanctions or revoke EU funding. Poland is currently the single biggest beneficiary of the EU's funds.

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