

**Transcription of the Debates Presided by Professor Alessandra Silveira (Chair) and  
Moderated by Professor Alessandra Silveira and Pedro Baranita (Debaters)**

**Professor Alessandra Silveira**

I'd like to begin by complimenting the participants on their brilliant contributions and warn that my role on this panel, and that of Pedro Baranita, my dear colleague who is here on behalf of the Association of Prosecutors, is to play the Devil's advocate and create some controversy and polemic, to initiate the debate and therefore I will not concern myself with political correctness which, incidentally, is not compatible with academia and the free debating of ideas. Some say the term "politically correct" is nonsense, is a contradiction in terms, because being political cannot be correct, being correct cannot be political...

When it comes to the European democratic deficit, people complain about the absence of a European public space through which the citizen may intervene in decision-making processes that affect their everyday lives. And this sensitivity is genuine, I doubt that this is a purely European concern given the on-going process of globalisation; I have a feeling that people in general feel increasingly less involved in decision-making processes that affect their everyday lives. But the truth is that this space for deliberation at the European level does not exist because the Member States never wanted it to, and this becomes evident in the European Parliament elections and in referendums allegedly on European issues in which some manipulation and abuse could not be ruled out and in which purely national themes and issues of domestic politics were discussed and decided. Political parties avoid discussing European issues because they are unpopular, and what the parties want is to win elections, so it does not suit them to discuss supranational or multilevel democracy. It does not suit them to admit the existence of supranational actors to voters; to national parties, voters do not need to know about anything that happens in Strasbourg and Brussels, and they do not need to intervene in this sphere. And what I mean by this is that the European Union is not made by aliens, it is our national representatives who are there in the European Parliament, the Council, even the Commission, because this depends on the approval of both, and therefore it may be more consistent, more productive to admit that national democracy is sick, democracy full stop, which has not been able to meet the expectations of citizens. I believe that the discourse of European democratic deficit has become too comfortable because it serves the national political elites to exempt themselves from liability for the fate of the European Union and I have many doubts about the supposed superiority of national democracy over supranational democracy, because national political communities have never been able to promote full participation and representation, there is an increasing gap between representatives and those represented. Therefore, I have many doubts about the idea that European democracy has to reproduce the mechanisms already tested at the national level

because they are largely exhausted and, therefore, I would go as far as to say that European supranational democracy is able to contribute to the improvement of national democracy on the basis of principles and standards of conduct that govern the functioning of European institutions. Supranational democracy would be able to strengthen and expand national democracies, and the expression is not mine, it was coined by a dear colleague, Miguel Poiares Maduro. And why? Because the European Union creates a political connection between political communities that requires them to open themselves up to the citizens of other Member States and treat them on equal terms, because the European Union exercises control over the implementation of policies that tend to hamper the granting of privileges and the crisis is the result of some laxity in this control by the European institutions, and basically because the European Union faces problems that require concerted action, they are no longer treatable, they are no longer curable at national level, and these concrete solutions imply greater legitimacy because they are not implemented in isolation. And so, to me, Jürgen Habermas' striving to eliminate blockages in relation to a conceptual transnationalisation of democracy in recent texts is laudable, and when he states that the European Union's Lisbon Treaty is not so far from establishing a transnational democracy as claimed by its critics. Before recognising that European decisions still lack legitimacy, Habermas suggests that we must recognise the democratic quality that the European Union has already assumed with the Treaty of Lisbon, something that Professor Emiliós Christodoulidis does not agree with and that is precisely why I am bringing up this issue, because I think, from what I gathered from his text and his speech, Emiliós has been very severe with Habermas, and I'm not even going that far, I have many doubts about a cosmopolitan democracy because I do not honestly think that democracy is "universalisable", and there it is, I warned you this would be a politically incorrect speech. But anyway, I say that I feel he is very hard on Habermas, because what Habermas is proposing is a different form of politics, a form of politics that forms attitudes, because current politics have foregone a creative perspective and a creative will. It is about politics whose causes are unclear and therefore Habermas concludes that, for some political parties, it may still be worthwhile to roll up their sleeves and fight effectively offensively for European unification. Because this is effectively the timing for the political parties to take on this challenge, it is the timing because the crisis has brought the problems of the European Union very much to the fore in daily life, into the consciousness of the people. We in Portugal are used to identifying politicians from other Member States on television, we know Greek politicians, Irish politicians, the French, the Germans, it has never been like this before and it became this way because the Europeans started to be concerned about the same things. And here I leave a provocation for Emiliós to respond to, let's say, and to explain what he thinks about this, and this criticism he made of Habermas. And along the same lines of these politically incorrect provocations, I confess to my dear Professor Teresa Freixes that I have many doubts about whether these forms of semi-

direct democracy, such as legislative initiative and referendum, in which the citizen is involved in one phase of the legislative procedure, may improve European democracy. The procedure is so demanding that it seems to me especially discouraging, because the Member States do not seem very willing to facilitate the initiative. In addition, I also have doubts that the instrumentarium of national democracy can be automatically transferred to European transnational democracy in order to afford legitimacy to decisions. As much as the legislative powers of the European Parliament are strengthened, it is unlikely that the institution will be able to establish a European popular will, which is why European democratic channels must be distinct from national ones, in my humble opinion. As Professor Gomes Canotilho said some time ago, and I quote: “the theory of the democratic State does not provide any support to the specifically European theory of legitimation of political power”, end quote. And so I think the instrumentarium must be another, and we must think of an instrumentarium specific to this new reality, and I’m very comfortable here because I have been saying for a long time, the institutional structure of Europe as it has been conceived cannot offer more democracy. It has already offered all the democracy it has to offer, it may not be much, but with the institutional structure we have it is not worthwhile because it will not go much further, unless we reinforce the federative components of integration. I think it is public knowledge that I am a staunch federalist, even though I do not see the end of the European Union being a federal State or anything like that, the European Union is in a position to offer the world a much more sophisticated model than that which has resulted from liberal revolutions through the democratic state, through a network of multilevel governance that does not have pretensions of becoming a federal State. However, in this multilevel context, and therefore I’ll also leave here a provocation that I know will be brilliantly explored, there is a concept of citizenship that does not have, nor could it have, the same nature as national citizenship, because it does not serve the preservation of the Nation State, as it is based on the definition of “we” and the “other” as the national citizenship. On the contrary, European citizenship is based on a plurality of nationalities and not just one, it is a citizenship that is not limited by a given nationality, which forms the basis of a new political area from which rights and responsibilities emerge, and that are established by European Union law and do not depend on the Member States. Therefore, being a European citizen basically means having rights protected by the European legal system, by EU law, particularly fundamental rights, it is a citizenship of rights, and more than the participation aspect, here there is the aspect of the rights guaranteed by the European Union. And from what I can deduce, Professor Jonathan Tomkin shares this broad concept of European citizenship that includes fundamental rights, at least that’s what I gathered from Jonathan’s reading of Article 20 of the Treaty on the Functioning of the European Union incorporating a broad concept of rights, also incorporating fundamental rights. That’s why I’m convinced that the ECJ has found in EU citizenship the last/conclusive link with EU law (when another link is

not so evident) for safeguarding the highest standard of fundamental rights' protection for which the ECJ is responsible. Because this is the only way to avoid the untenable distinction between mobile European citizens and static European citizens, i.e., between European citizens who benefit from economic freedoms (who move and therefore may enjoy that standard of protection of fundamental that arises from the Union), and citizens who do not benefit from economic freedoms (do not move and therefore may not benefit from the EU standard of fundamental rights' protection). And so I challenge both Jonathan and Professor Dora Kostakopoulou to also deal with this relationship between citizenship and fundamental rights in the context of the European Union, which has not always been well accepted by the classical theory of fundamental rights, and I do this precisely because Dora touched upon exactly these issues that concern migrants and also focused on the text, to which I had prior access, in situations of family members of European citizens from third countries, and therefore I know she is very sensitive to these issues. We've been together in other debates and we were waiting for decisions of the Court of Justice immediately after the Zambrano case law and especially the Dereci case law, referred to here by Jonathan, and therefore I challenge both to deal with this relationship between citizenship and fundamental rights within the context of the European Union because it has never been very well accepted by the theory of fundamental rights. Firstly, because European citizenship was originally conceived as a migrant citizenship, it was associated with the exercise of freedom of movement, and the fundamental rights should not depend on personal mobility, and secondly, because the citizenship was reserved for nationals of Member States which would exclude third-country nationals from the protection of fundamental rights guaranteed by the European Union, which is why European citizenship was not supposed to be confused with the protection of fundamental rights, specifically due to a lack of universality. The case law that has been mentioned here by Jonathan Tomkin illustrates that the Court of Justice was able to get around the problem by extending the scope of citizenship, and that is precisely why I am very shocked by the fact that Jonathan disagrees with the content of the Zambrano case law because he believes that it would not actually be a matter that falls within the scope of European Union law. I have a radically different perspective, I think Zambrano case promotes the second extension of the scope of application of European citizenship, specifically from mobile citizens to static citizens, so here there is an extension of European citizenship that extends also to citizens who do not move, have never moved, and do not intend to move. So, I think Zambrano case places before the European legal order the ultimate meaning of citizenship – what is it for? Does it serve only to support the freedom of movement of economically active citizens, or is it connected with a uniform set of rights and duties, typical of a Union based on the rule of law, in which fundamental rights perform an essential role? Are we even talking about a citizenship of rights or not? After Zambrano case, the Court of Justice was again faced with a similar situation in the Dereci case, which has also been

mentioned. The Dereci case law involved adults (and not minors) and the European citizens were not economically dependent in relation to their relatives from third countries. So, the intrigue revolved around the consolidation of what the Court of Justice meant by deprivation of effective enjoyment of the rights conferred by citizenship. The ECJ held that EU law, particularly its provisions in relation to Union citizenship:

does not preclude a Member State from refusing to allow a third country national to reside on its territory, where that third country national wishes to reside with a member of his family who is a citizen of the Union residing in the Member State of which he has nationality, who has never exercised his right to freedom of movement, *provided that such refusal does not lead, for the Union citizen concerned, to the denial of the genuine enjoyment of the substance of the rights conferred by virtue of his status as a citizen of the Union*, which is a matter for the referring court to verify (emphasis added).

Therefore, if national courts consider that the situation of the applicants is covered by EU law, through EU citizenship, they must examine whether the measure at stake respects the EU standard of fundamental rights' protection, which protects family life. I conclude with this, and I have one more question, this time for Professor José Rubens, since being a little politically incorrect has been allowed, I ask him to explore a little more the way Brazilians, and, to use a broader term, Latin Americans, are appraising to a certain extent our agony due to the crisis. Primarily because we lack an outside perspective, we don't know how others are following unfolding events, our developments, and also to what extent are there synergies to be created between Brazil and the European Union, which soon will be, in historical terms, the fourth-largest economy in the world, and I wonder if he could explain how the crisis is actually affecting Brazil. And may I say, in order to be a little more politically incorrect, following the example of your own President (Brazilian President, Dilma Rousseff), who, in her inauguration speech, was very clear in saying that she is interested in developing relations with the European Union and not with the Member States of the European Union individually (because they do not count very much towards the strength of the European economy), and also when she was questioned about possible funds or loans to the European Rescue Fund, she denied any such funds, insinuating something like that "you organise yourselves and put your house in order, you are the most developed area of the world..." On that note I will finish and invite my dear Pedro Baranita to formulate his questions.

**Pedro Baranita**

I would like to say two things that are important from my point of view, and they are the following. Firstly, in addition to expressing my thanks for the invitation to be here, I would like to say that this partnership we have had with University of Minho through the Centre for Studies in EU Law specifically, especially the kindness and attention that Professor Alessandra has dedicated to this partnership, whether in terms of organising courses, or the trips we have been on to the Court of Justice, this has been very important to us. Because, as another colleague and friend of mine, Dr. Carlos Varela, attorney general in Galicia, says, "Pedro, I am very interested in debating and having academic and scientific knowledge of things, but I am interested above all in what I can do with it, which tool this kind of knowledge can give me for our work". It's very much from this perspective that I believe that this contact that we have been having for some years with Professor Alessandra and the School of Law of the University of Minho, to us, in the Department of Justice, it has been extraordinarily useful and important. And I cannot resist here very briefly telling you about a little episode that took place recently. Close to Christmas, we were actually on court vacations, while I was sorting out some things, an employee told me there was a gentleman waiting to see me, and he was very upset. I went to speak to him as I usually do, and he told me he had three children studying here in Portugal who would probably be expelled. I ask him why and he told me very briefly that he was an Angolan citizen who had been working here for several years and he was trying to reunite his family, and these three children who were studying here, at least for now, due to a detail, the fact that he separated from his wife and she had applied for income support allowance, these three children who up to then had all their papers in order found themselves in the position of being refused permission. They were definitely studying, being two boys and a girl, the girl even having a Portuguese son. If this had happened before I met Professor Alessandra, I would have seen this in a certain way, possibly as a matter of administrative law, laws of the Aliens and Borders Service say, the expression with that legal "knitting" we use many times in court. But after having attended one of the European law courses we organised jointly, I surmised immediately that we could be faced with an issue much broader than our administrative law, and which may have to do exactly with important decisions that the Court of Justice has delivered in recent times on this subject. And so, due to a matter of suspension of deadlines, we sought to find legal aid for the children of this gentleman who was there that day, and now with the lawyers who were appointed to study the best way of trying to do justice, not only formal justice, but the substantial justice we all seek, and which seems to mark many of the decisions of the Court of Justice on this matter, and which has shown us the path we want to pursue in the courts. Just to finish this event we are here participating in, it also tells us a lot because, as you know, it could not have been more appropriate from our point of view precisely because, today, much of the implementation of these rights is being challenged as we all know, and we want contribute to their implementation and take these rights out of the texts and the papers and effectively

implement them. We in the courts and we as citizens are particularly committed to doing this, and to quote a phrase Professor Costa Andrade is apt to use, and which I find very revealing of what is happening in this regard, he says: "We must defend the values of civilisation and this legal culture that took so long and was so difficult to construct, we have, as Heraclitus said, we have to defend it as we would defend the walls of our city". I find this phrase particularly significant, and it has come to my mind several times while I have been sitting here now.

### **Professor Emiliós Christodoulidis**

I had the floor earlier and I don't want to repeat myself, so I would like to make perhaps three comments in response to what you said. One thing I think we can all see is that democracy isn't working properly at a transnational European level. Of course this has a lot with the European Parliament, a relatively toothless and weak instrument; the separation of powers is a real problem in the EU and the question of the democratic input into the Parliament hugely problematic. All of this is I think democratically problematic, but it *can* be improved. The real problem for democracy in Europe is structural, and it has to do with "uploading" democracy from the national to the transnational level. There are real problems for democracy here. One familiar argument that is often referred to regards the connection between people at a national level, which is much "thicker" than at the transnational level. There are loyalties here, there is a sense of duty to our fellow nationals, Dieter Grimm has used the commonality of language to argue this point, and we remember the infamous Maastricht decision, and the question that the German Constitutional Court addressed over the criteria for identifying a "demos", that caused such a furor. For Grimm and others the point was that we don't get anything like that commonality at a European level. Now, personally, I do not think that the question of "democracy" can be fruitfully discussed at that level. I think, like you, that there is enough commonality to keep the project going - I think Dora also said that the "membership" side of the project is less important than the "participation" side of it, that you can generate a momentum in Europe that might allow democracy to work perfectly well at a transnational level and generate that kind of commitment. I would go further and that there is I think a common background to fall back on which is a tradition of social democracy in Europe which I think that, to begin with at least, was shared. And here the problem begins, because that common legacy, of social democracy, is not shared across the 2004 divide. The hope was that this would not be an ultimate stumbling block. But we are now coming across what is something of a structural defect in how we have organized Europe that has to do with the asymmetry between the economic and the social. And that cannot be addressed by trying to somehow kickstart the democratic momentum across Europe in the face of what has become a certain dominance of the economic dimension in its neo-liberal expression. Remember, we have moved very far to the Right in terms of *neo-liberal* understandings, and away from older, earlier liberal

understanding relating to things such as the role of the state in addressing market injustices. In a situation where we have the national states themselves put into competition, the loyalty of national trade unions becomes necessarily directed to the fellow nationals exclusively, where the Finns and the Swedes see their achievement of the welfare state completely undercut by the, in my view, disastrous quartet of decisions Laval, Viking, Rueffert and Luxembourg. This is a reinstatement of national, not European, democracy. These are situations where you have national systems of social protection put into competition, where welfare states become massive “costs”, where you have Latvian workers saying to their governments and to Europe: “this is our comparative advantage, don’t try to undercut it”, and where European lawyers are joining European employers and tax-cutters in celebrating the free movement of workers in the “race to the bottom”. But we can’t build a Europe on the basis that the life of some Europeans is cheaper than the life of others. That is a political view, of course, that sees the structural problem with the European Union in the way in which the economic has been fast-tracked at the expense of social protection.

That was the main point I wanted to make. On the other issues, the frequent references to Kantian cosmopolitanism in the literature, remember that with cosmopolitanism, in Kant, it’s the commercial that spearheads the cosmopolitan. Yes, there is a wonderful distinction in Kant between what has a price and what has dignity and he says famously: “In this world there are things that have a price and things that have dignity.” The problem is that when we harness the dignity to price – and that is what’s happening with the cosmopolitanism that is driven by commerce – the distinction collapses. I don’t know why he didn’t see that, he was such a clever guy, maybe he didn’t want to see it. Finally, and here I am not sure I understood your question about otherness, my worry is that we are creating otherness *within* Europe. I was devastated to see the hostility towards the peoples of Northern Europe by my fellow countrymen in Greece – you know, real national hostility – just when we were so far on the road to avoiding precisely these kind of passions. But when the president of the Greek Republic, commenting on the national stereotyping and condescending remarks of the German leadership, asks “who is this Mr Schäuble who offends my nation?”, I see his point. So if we are talking about otherness, are we not creating an “us *versus* them” at the heart of Europe, across its north/south axis, a core/periphery situation where the asymmetries proliferate? The South, the “PIGS”, and I am afraid we are in it together in this acronym, aren’t we becoming North Europe’s “other”? And remember the Left was always on the side of Europe, committed to the idea that social protection could only be European-wide or not at all. And on the way, on that journey, there have been great moments and yet every time they have been lost. Look at social dialogue, what a good idea, it is a joke today, at best a delaying tactic that allows employers to negotiate from a stronger position in our business Europe. I will stop here – my concern has been with the many ways in which we manage to undercut democratic Europe on the way to “realising” it.

## Professor Jonathan Tomkin

If I understood correctly you were challenging the place of fundamental rights in the Court's Union citizenship case-law with particular reference to the consequences of reverse discrimination in Union law, is that correct? I would have two points to make in relation to this.

Firstly, the Court of Justice in its citizenship case-law and in its case-law more generally does and has consistently referred to fundamental rights and in particular to Article 8 of the Convention and more recently to Article 7 of the Charter. So, for example, in the case of *Baumbast* the Court recognised the importance, "from a human point of view", that a migrant worker be entitled to the company of his family – an unusual turn of phrase for the Court to use. In both *Akrich* and in *Metock* the Court expressly referred to Article 8 of the Convention. In *Metock* the Court stressed that the right of residence is not limited to family members travelling with or subsequently joining a migrant Union citizen, but also includes individuals who become family members once the Union citizen has already moved to the host Member State.

Secondly, concerning reverse discrimination, there is indeed the issue that if you are a mobile Union citizen who has exercised free movement rights, then you can have access to more rights than if you are a static citizen. That is something that the Court of Justice expressly acknowledges in *Metock*. Here, the Court appreciated that the UK national living in Ireland could rely on Union law rights, whereas if it had been an Irish person living in Ireland that possibility would not have been open to her - and you understandably ask, isn't that a breach of fundamental rights when they are both citizens of the Union? The classic explanation to that – the response which the Court actually gives in *Metock* – is that we have two separate co-existing legal orders; the national legal order and the Union legal order and reverse discrimination is the consequence of this fact. If you start imposing Union Law in a situation which is essentially governed by national law well then there will be repercussions and a sentiment that European Union law is going too far. Already there has been a lot of criticism that the Court interprets EU competences too expansively.

About *McCarthy*, its facts closely resembled *Zambrano*, although it seems that the full facts were not laid before the Court so that the extent of the similarity was not apparent to the Court. In any event, the facts of *McCarthy* as summarised by the Court did not so much concern the rights of Union citizen children but of a dual Irish/UK national adult who wished to continue residing in the UK with her Jamaican spouse. The Union citizen was saying "let me stay here with my spouse under Union law" but the Court essentially replied "no, you cannot rely on Union law rights as you haven't exercised Treaty rights and are not falling within the scope of Union law. It is true that you are Irish as well as UK national, but you were born in the UK, you stayed in the UK and if we deport your husband you can always stay here alone or you can both move

to another Member State". But what was interesting in the *McCarthy* judgment is that there was no consideration of the case from the perspective of Article 8, or of the Charter and family rights there. So to answer your question there is a disparity, at present, between the rights of static Union citizens and the rights of migrant or mobile Union citizens but that perhaps is the natural side-effect, a natural consequence of the interplay of two legal orders and if one Member State feels that EU nationals get more rights well then I think it will be important for that State to raise its game and say, we should have at least equivalent rights as that which Union citizens can derive in a situation that is governed by Union law.

### **Professor Dora Kostakopoulou**

On this very topic as well I tend to see things in a much more complex way. As this story has not been written fully yet, we are talking about an evolving relationship and fundamental rights will play a much more fundamental role in the future. But I would also question the argument that fundamental rights are something new, that is, emerging in the 21st century (see, for instance, Baumbast, Carpenter or Parliament vs. Council). For if we look at the case law of the past, we are led to question the idea that Union citizenship is a market citizenship. In addition, the preamble to Council Regulation 1612/68 used a normative, human rights inspired language: "workers are not sellers of labour power" and there existed emphasis on human dignity. Accordingly, I see a human rights discourse, on the other hand, and Union citizenship, on the other, as complementary, reinforcing each other. It may well be a mistake to make them identical and would be important to preserve their contiguity. We could use one normative language in order to advance progressive developments when necessary, Article 8 ECHR, for instance, or to use the language of citizenship in order to include third country nationals within the ambit of Union citizenship. Now, this kind of development, this kind of reform in the future cannot be achieved via human rights, it can only be achieved by using the citizenship discourse and the legislative instruments that have been adopted with respect to third country nationals (Directive 2003/109). So both are equally important in reinforcing each other, but they are not completely identical. Having said this, I foresee a much greater influence of human rights on EU citizenship in the future.

### **Professor Teresa Freixes**

In reply to this topic on what is, let us say, politically incorrect, I shall be politically incorrect myself in my answers, in a somewhat diachronic speech. I share much of the distrust that Professor Alessandra may have regarding direct democracy instruments. There has always been distrust. I remember that when we were at the Spanish Constituent Assembly, my then thesis supervisor laid great stress on representative democracy and I asked why there was why mistrust in other so called direct democracy instruments that used to be strongly defended in Italy, for instance. He gave me two

answers. One was that political parties needed reinforcing when emerging from a dictatorial stage. The other was that direct democracy instruments were prone to populism. Well, nowadays reinforcing the political parties is not necessary. You would not pretend otherwise. On the other hand, the fear of populism is always latent when any kind of consultation is used. We can see this in, for example, the outcome of the referendum on the draft constitution for the European Union. There, for instance, France and the Netherlands, the two states who rejected the draft, debated issues totally unrelated to the European integration process. I can understand the apprehension in that case. Of course, this is indeed proposed within the framework that we were discussing: a citizenship in a multi-level constitutional system that is clearly inspired by federalism, though not straightforwardly copied, let us say. There has been a great influence mainly from what represented in the federalism of the United States the exercise of rights in equality and independence of the free transit throughout the federal states. That idea came directly from there. When we were preparing the Treaty of Amsterdam we tried to go further. The regulation of European citizenship was not working as it had been set out in Maastricht. It was necessary to extend the citizenship rights to people who were not citizens of the Member States but showed that were already clearly established in them, complying with certain requirements, of course. While the Commission and the European Parliament supported the proposal of our expert committee, the Intergovernmental Conference rejected it completely. Therefore, there was no chance to maintain an idea of citizenship rights that went beyond the identification with the nationality of the states. Two days ago, Commissioner Viviane Reding encouraged us to rethink Europe. She then said that it had to be done from the point of view of the institutions, the powers, and the exercise of rights. It is at this point that I will be politically incorrect again. What if, on the one hand, we want to extend the rights without making an accurate differentiation between nationality and citizenship when sometimes even both non-citizens and citizens of the Member States refuse to accept a, let us say, standard application of rights. What if, for example, we intend to apply a personal status regardless of the fundamental rights, as it usually happens? That said, therefore, let us rethink Europe. We should obviously rethink it in terms of institutions, I think, and also in terms of powers but, I wonder, should we rethink it in terms of rights? That is what my inquiry is about, basically.

### **Professor José Rubens**

In Brazil, I believe that the crisis is viewed with much apprehension, i. e., everybody is really very concerned, and as I said, despite this view that the crisis is not something that concerns us, it is something that concerns us because we are also already entering a state of crisis, so this is the first point. I think there is a concern about what happens because it is the antechamber of what is happening to us too. With respect to the denial of the loan and in relation to the establishment of relations, these policies,

which you quoted, will be completely revised in the short term by our representatives because I am sure that Brazil is now realising some of its misconceptions in terms of its economic and international policies. Brazil clearly aligned itself with a major world economy, that is the Chinese economy, and Brazil is now beginning to realise in practice that the slowdown in the Chinese economy is causing a downturn, and will cause a much greater downturn in Brazil, 80% of our exports to China consist of commodities, oil and soybeans, and prices will fall. Hence, we are seeing that our chosen partner, in this case China, is demonstrating that its weakened economy will cause problems for the Brazilian economy, so I am sure that within a very short time our authorities will review this position, perhaps then recognising some mistakes were made in choices that were not focused on the long term, but the short term. In relation to the possible synergies between Europe and Brazil, I have no doubt that they are obviously economic issues, it is extremely important for improving economic relations between these great communities, also because we now have a community formed there, but I would prefer today to make a choice, an informed choice, the synergy I hope for is one that occurs on the ground, on the basis of education. And that is our sincere expectation, so that is why I made an institutional mention of closer ties between our students, and also the different training of the new Law professional for the future, these are my observations.