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Working Group 5.

Democracy, rule of law and the political culture

Research Plan and Directions

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Objectives

This research aims to analyze the efficiency of preventive and corrective measures of the European Union applied to maintain democracy and rule of law in member States. The most important preventive tool is the annual rule of law report which has been made since 2019 in every EU member. These reports are regularly published, discussed by the General Affairs Council and country specific recommendations are created upon them. In the framework of the CORE project, we seek to follow up on the impact of these national ‘prescriptions’, to analyze the efficiency of the preventive arm of the tool kit.

The second pillar of the project focuses on the already launched corrective measures; the Article 7 (1) procedures against Hungary and Poland, and the conditionality mechanism launched against Hungary.

Background

The enthusiasm of 1989/90 concerning the system changes in East Central Europe, democratization and “return to the West” started to exhaust already in the first years of the new Millennium. As early as in 2002 Thomas Carothers (2002) already wrote about the need to change the democratic change paradigm arguing that changes were not going inevitably to the democratization direction in quite a few countries of the Third Wave. He drew the attention to the expanding “grey zone” between democracies and autocracies. The same year Larry Diamond called for the use of the concept of hybrid regime. (Diamond 2002) As the process unfolded, theoretical literature tried to find the right concepts to show the nature of these political systems: e.g. illiberal democracy (Zakaria 1997), hybrid regime (Diamond, 2002); defective democracy (Merkel 2004), competitive or electoral authoritarianism (Levitsky, Way 2010; Schedler 2013), electoral autocracy (Lührmann–Tannenberg–Lindberg 2018) or populist electoral autocracy (Benedek 2024). Authors have also been in search for the name and concept of the process, too, that leads to the deterioration of democracy, e.g. democratic deconsolidation (Foa, Mounk 2017); democratic backsliding (Bermeo 2016), democratic U-turn (Kornai 2015), and recently, autocratization (Lührmann, Lindberg 2019). In our research we do not seek to contribute to this theoretical debate: we use Nancy Bermeo’s (2016) term ‘democratic



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backsliding' referring to the direction of the process but not trying to include or define an assumed finality.

Article n.2 of the Treaty on European Union lists the core values of the European Union. Among those we find 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.' According to the Treaty, in the member-states' societies, pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men should prevail.

The EU has all the needed tools to promote and project these values among third and candidate countries. In the case of the former, the donor policies, in the case of the latter, the accession talks and the requirement of meeting the Copenhagen criteria are prescribing a functioning democracy.

However during the last decade the EU witnessed a rule of law crisis due to the backsliding of democracy in different member-states. The European Union has several administrative, legal and procedural tools to maintain democracy in Member States. The most obvious one is the so-called Article 7 procedure (Lisbon Treaty 2009) that aims at indicating and correcting the breach of Article 2 that lists the values of the EU. The Commission initiated its rule of law framework (COM (2014) 158 - „a new EU Framework to strengthen the Rule of Law”) in order to support potential Article 7 procedures but with limited success: Article 7 was initiated against Poland and Hungary in 2017 and 2018 respectively.

In 2019, the von der Leyen Commission aimed to tackle this challenge with the elaboration of a comprehensive tool kit to stop the actual and prevent further dismantlement in member-states' democracies. After several years of preparation, since 2020 the Commission publishes Rule of Law Reports about each Member State. The reports are at the centre of the so-called rule of law mechanism, which allows to have an overview of where each EU Member State stands on the rule of law. Reports look at both positive and negative developments in Member States. As part of this assessment, which is the result of several meetings with authorities and stakeholders each year, the European Commission also addresses recommendations to all Member States. Since 2024, the Report also covers four enlargement countries.

As the respect for the rule of law is also key for the sound financial management of the Union budget and the effective use of the Union funding, after 2021 a new regulation has been in effect. The so-called conditionality regulation adds a layer of protection in cases when breaches of the rule of law principles affect or risk affecting the EU financial interests. This new conditionality regime allows the EU to take measures – for example suspension of payments or financial corrections – to protect the budget. On 15 December 2022, the Council, on a proposal by the Commission, adopted an implementing decision setting measures to protect the Union budget from breaches of the principles of the rule of law in Hungary. These breaches related to



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the areas of public procurement, prosecutorial action, conflict of interest, the fight against corruption and the public interest trusts.

In our research we aim at looking at the effects of these measures concerning the effects and the efficiency of these rule of law measures applied by the European Union in Member States.

Research Questions:

1. How efficient are the preventive measures of the European Union applied to maintain democracy and rule of law in member States?
2. How efficient are the corrective measures of the European Union applied to maintain democracy and rule of law in member States?

Methodology

This research implements a qualitative method of comparative case-studies. Regarding the first pillar of the analysis, member-states will be grouped according to the required amount of changes by the country specific recommendations of the rule of law report. Based on the amount we differentiate between problematic, neutral and exemplificatory member-states.

According to our hypothesis, the rule of law report's impact is more relevant if the country has minor challenges. Consequently the efficiency of the preventive measure is relatively low, because those countries would follow the recommendations whose situation is already good.

Regarding the corrective measures, we'll analyse the steps of the Article 7 (1) procedure against Hungary and Poland, as case studies. The conditionality mechanism will be also analyzed as a single case study.

Outcomes

Our research aims at producing two comprehensive research papers: one about the preventive measures concerning the rule of law and democracy in the EU, and another one on the corrective (rule of law conditionality regulation) including a case study on Hungary.



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Bibliography

- Aydin-Cakir, Aylin. 2023. “The Varying Effect of Court-Curbing: Evidence from Hungary and Poland.” *Journal of European Public Policy* 31 (5): 1179–1205. doi:10.1080/13501763.2023.2171089.
- Benedek, I. (2024) Populist autocratization and populist electoral autocracies: towards a unified conceptual framework. *Comparative European Politics*, OnlineFirst
- Bermeo, N. (2016): On Democratic Backsliding. *Journal of Democracy*, 27 (1), 5–19. DOI: 10.1353/jod.2016.0012
- Blauburger, Michael, and R. Daniel Kelemen. 2016. “Can Courts Rescue National Democracy? Judicial Safeguards against Democratic Backsliding in the EU.” *Journal of European Public Policy* 24 (3): 321–36. doi:10.1080/13501763.2016.1229357.
- Blauburger, Michael, and Ulrich Sedelmeier. 2024. “Sanctioning Democratic Backsliding in the European Union: Transnational Salience, Negative Intergovernmental Spillover, and Policy Change.” *Journal of European Public Policy* 32 (2): 365–91. doi:10.1080/13501763.2024.2318483.
- Blauburger, Michael, and Vera van Hüllen. 2020. “Conditionality of EU Funds: An Instrument to Enforce EU Fundamental Values?” *Journal of European Integration* 43 (1): 1–16. doi:10.1080/07036337.2019.1708337.
- Blauburger, Michael, Daniel Naurin, Ulrich Sedelmeier, and Natasha Wunsch. 2024. “The Multi-Level Politics of Countering Democratic Backsliding: State of the Art and New Research Directions.” *Journal of European Public Policy* 32 (2): 323–40. doi:10.1080/13501763.2024.2418957.
- Carothers, T. (2002) The End of the Transition Paradigm. *Journal of Democracy*, 13(1) 5-21 DOI: <https://doi.org/10.1353/jod.2002.0003>
- Coman, Ramona, and Cécile Leconte. 2019. “Contesting EU Authority in the Name of European Identity: The New Clothes of the Sovereignty Discourse in Central Europe.” *Journal of European Integration* 41 (7): 855–70. doi:10.1080/07036337.2019.1665660.
- Diamond, Larry (2002): Thinking about Hybrid Regimes. *Journal of Democracy*, 13 (2), 21–35. DOI: <https://doi.org/10.1353/jod.2002.0025>
- Emmons, Cassandra, and Tommaso Pavone. 2021. “The Rhetoric of Inaction: Failing to Fail Forward in the EU’s Rule of Law Crisis.” *Journal of European Public Policy* 28 (10): 1611–29. doi:10.1080/13501763.2021.1954065.



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- Foa, R. S., Mounk, Y. (2017): The Signs of Deconsolidation. In: *Journal of Democracy*, 28 (1), 5–16. DOI: 10.1353/jod.2017.0000
- Granat, Katarzyna. 2023. “The Parliamentary Politics of the Rule of Law Crisis in the EU.” *Journal of European Integration* 45 (7): 1017–34. doi:10.1080/07036337.2023.2220879.
- Hanelt, Etienne. 2024. “Getting Article 7 Done: Coalition-Building against Hungary in the European Parliament.” *Journal of European Integration*, December, 1–22. doi:10.1080/07036337.2024.2441977.
- Hellquist, Elin. 2018. “Ostracism and the EU’s Contradictory Approach to Sanctions at Home and Abroad.” *Contemporary Politics* 25 (4): 393–418. doi:10.1080/13569775.2018.1553083.
- Hernández, Gisela, and Carlos Closa. 2023. “Turning Assertive? EU Rule of Law Enforcement in the Aftermath of the War in Ukraine.” *West European Politics* 47 (4): 967–95. doi:10.1080/01402382.2023.2268492.
- Holesch, Adam, and Anna Kyriazi. 2021. “Democratic Backsliding in the European Union: The Role of the Hungarian-Polish Coalition.” *East European Politics* 38 (1): 1–20. doi:10.1080/21599165.2020.1865319.
- Jašurek, Igor, and Miroslav Šipikal. 2024. “Drivers behind Conditionality in EU Cohesion Policy Governance.” *Journal of European Integration*, December, 1–19. doi:10.1080/07036337.2024.2440867.
- Kelemen, R. Daniel. 2020. “The European Union’s Authoritarian Equilibrium.” *Journal of European Public Policy* 27 (3): 481–99. doi:10.1080/13501763.2020.1712455.
- Kelemen, R. Daniel. 2022. “The European Union’s Failure to Address the Autocracy Crisis: MacGyver, Rube Goldberg, and Europe’s Unused Tools.” *Journal of European Integration* 45 (2): 223–38. doi:10.1080/07036337.2022.2152447.
- Kelemen, R. Daniel. 2024. “Will the European Union Escape Its Autocracy Trap?” *Journal of European Public Policy* 32 (2): 341–64. doi:10.1080/13501763.2024.2314739.
- Kornai, J. (2015): Hungary's U-Turn. *Capitalism and Society*, 10 (1), Art. 2.
- Kölling, Mario. 2022. “The Role of (Rule of Law) Conditionality in MFF 2021-2027 and Next Generation EU, or the Stressed Budget.” *Journal of Contemporary European Studies*, March, 1–14. doi:10.1080/14782804.2022.2059654.



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- Krommendijk, Jasper. 2024. “Small States and Coalition Building in Extremis: The Netherlands and the Adoption of the Conditionality Regulation Linking Rule of Law and the EU Budget.” *Journal of European Public Policy*, June, 1–27. doi:10.1080/13501763.2024.2360591.
- Levitsky, S., Way, L. A. (2010): *Competitive Authoritarianism. Hybrid Regimes After the Cold War*. Cambridge: Cambridge University Press.
- Lührmann, A., Lindberg, S. I. (2019): A third wave of autocratization is here: what is new about it? *Democratization* 26(7) 1095–1113. DOI: 10.1080/13510347.2019.1582029
- Lührmann, A., Tannenberg, M., & Lindberg, S. (2018). *Regimes of the World (RoW): Opening New Avenues for the Comparative Study of Political Regimes*. *Politics and Governance*, 6(1), 60–77. doi:https://doi.org/10.17645/pag.v6i1.1214
- Mandujano Manriquez, Mauricio, and Tommaso Pavone. 2024. “Follow the Leader: The European Commission, the European Court of Justice, and the EU’s Rule of Law Revolution.” *Journal of European Public Policy* 32 (2): 444–73. doi:10.1080/13501763.2024.2336125.
- Mos, Martijn. 2020. “Ambiguity and Interpretive Politics in the Crisis of European Values: Evidence from Hungary.” *East European Politics* 36 (2): 267–87. doi:10.1080/21599165.2020.1724965.
- Merkel, W. (2004): *Embedded and Defective Democracies*. *Democratization*, 11 (1), 33–58. DOI: 10.1080/13510340412331304598
- Neuwahl, Nanette, and Charles Kovacs. 2020. “Hungary and the EU’s Rule of Law Protection.” *Journal of European Integration* 43 (1): 17–32. doi:10.1080/07036337.2020.1717484.
- Ovádek, Michal. 2018. “The Rule of Law in the EU: Many Ways Forward but Only One Way to Stand Still?” *Journal of European Integration* 40 (4): 495–503. doi:10.1080/07036337.2018.1466958.
- Pavone, Tommaso. 2024. “Is the EU’s Rule of Law Crisis a Byproduct of Dissensus and Disunion?” *Journal of European Integration* 46 (6): 963–72. doi:10.1080/07036337.2024.2391185.
- Priebus, Sonja. 2022. “Watering down the ‘Nuclear Option’? The Council and the Article 7 Dilemma.” *Journal of European Integration* 44 (7): 995–1010. doi:10.1080/07036337.2022.2052055.



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- Priebus, Sonja. 2025. “Polity-Building in the European Union’s Rule of Law Crisis since 2010.” *Journal of Contemporary European Studies*, March, 1–14. doi:10.1080/14782804.2025.2472619.
- Rech, Walter. 2018. “Some Remarks on the EU’s Action on the Erosion of the Rule of Law in Poland and Hungary.” *Journal of Contemporary European Studies* 26 (3): 334–45. doi:10.1080/14782804.2018.1498770.
- Rohlfing, Regitze Helene, and Marlene Wind. 2022. “Death by a Thousand Cuts: Measuring Autocratic Legalism in the European Union’s Rule of Law Conundrum.” *Democratization* 30 (4): 551–68. doi:10.1080/13510347.2022.2149739.
- Schedler, A. (2013): *The politics of uncertainty. Sustaining and subverting electoral authoritarianism*. Oxford: Oxford University Press.
- Scheppele, Kim Lane. 2025. “What They Say and What They Do: Populist Distraction and Dual-Use Political Technologies in the European Union.” *Journal of European Public Policy* 32 (5): 1097–1121. doi:10.1080/13501763.2024.2399225.
- Scherz, Antoinette. 2025. “How Should the EU Respond to Democratic Backsliding? A Normative Assessment of Expulsion and Suspension of Voting Rights from the Perspective of Multilateral Democracy.” *Journal of European Public Policy*, January, 1–26. doi:10.1080/13501763.2024.2444326.
- Sedelmeier, Ulrich. 2016. “Political Safeguards against Democratic Backsliding in the EU: The Limits of Material Sanctions and the Scope of Social Pressure.” *Journal of European Public Policy* 24 (3): 337–51. doi:10.1080/13501763.2016.1229358.
- Soyaltin-Colella, Digdem. 2020. “The EU’s ‘Actions-without-Sanctions’? The Politics of the Rule of Law Crisis in Many Europes.” *European Politics and Society* 23 (1): 25–41. doi:10.1080/23745118.2020.1842698.
- Wonka, Arndt, Markus Gastinger, and Michael Blauberger. 2023. “The Domestic Politics of EU Action against Democratic Backsliding: Public Debates in Hungarian and Polish Newspapers.” *Journal of European Public Policy* 32 (2): 498–521. doi:10.1080/13501763.2023.2279245.
- Zakaria, F. (1997): *The Rise of Illiberal Democracy*. *Foreign Affairs*, 76 (6), 22–43.