

# VPI BH RESEARCH INTERNSHIP

**DEMOCRATIC  
APOSTASY IN THE  
EU: WHAT DOES  
PARTY POLITICS  
HAVE TO DO WITH  
IT?**

**Author: Melisa H.Mehmedović**

---



# Abstract

Against the backdrop of democracy backsliding across the European Union, the goal of this paper is to analyze the role of the Union and its institutions in facilitating or containing the trend of the deterioration of democratic credentials of its members. By shedding light on the cases of the retrogression of democratic institutions in Hungary and Poland and conducting a comparative analysis of the EU institutions' response to its members' transgressions, this paper aims to fathom whether the existence of party politics at the supranational level has translated into a discrepancy between the Union's reactions to the events that have unfolded in the two member states. Furthermore, this paper explores if the absence of decisive action on the part of the EU and its turning a blind eye to certain cases of misdemeanor has paved the way for the realization of authoritarian pretensions at the national level.

## KEY WORDS:

- Democratic backsliding;
- Party politics;
- Poland;
- Hungary;
- European Union

Mentor: Lejla Ramić-Mesihović, PhD



## Introduction

In recent years, the European Union (EU), which has been hailed as the beacon of liberal democracy, has seen some of its building blocks going astray. That EU accession is not the “end of history”, wherein liberal democracy is reached as the ultimate form of government (Fukuyama, 1992), is evident in the cases of Hungary and Poland, which have become the quintessence of the phenomenon of ‘democratic backsliding’. Before we dive into a discussion of the phenomenon of democratic backsliding, for the sake of its understanding, it seems necessary to first elucidate the concept of democracy. This paper adopts the definition of democracy provided by Larry Diamond (2004), which identifies four basic building blocks of democracy: “a political system for choosing and replacing the government through free and fair elections; the active participation of the people, as citizens, in politics and civic life; protection of the human rights of all citizens, and the rule of law, in which the laws and procedures apply equally to all citizens”. So, what then, does sliding away from democracy entail? In scholarly literature, the process of democratic backsliding has been defined as “deliberate, intended action designed to gradually undermine the fundamental rules of the game in an existing democracy, carried out by a democratically elected government” (Bakke & Sitter, 2020). In simple terms, it is used to denote “the state-led debilitation or elimination of any of the political institutions that sustain an existing democracy”, which is “legitimated through the very institutions that democracy promoters have prioritized” (Bermeo, 2016). In practice, democratic backsliding is embodied in the crippling of the fundamental facets of democratic political systems: free and fair elections, the rule of law, and political rights. These can be targeted and undermined individually, simultaneously, or consecutively (Bakke & Sitter, 2020).

The latest issue of the annual Nations in Transit report (2020) pointed to a record high trend of democratic backsliding, identifying the lowest number of consolidated democracies in Europe and Eurasia since the initiation of the project in 1995.

Within the emerging strand of research problematizing the erosion of democratic norms and institutions, Hungary and Poland are oftentimes being cited as the “paradigmatic cases” (Cianetti, Dawson & Hanley, 2018). While Poland has been experiencing a steady decline since 2012, the observed downward spiral escalated over the last five years, which coincided with the takeover of governmental control by the PiS (Law and Justice), a conservative right-wing political party. The decline is particularly pronounced in the category of Judicial Framework and Independence, which has crowned Poland as the front runner in the systematic assaults against the judiciary, owing to the “targeted and aggressive nature of the government’s attacks on judicial independence” (Freedom House, 2020). The 2020 report published by the V-Dem Institute has incorporated Poland into its list of countries that have exhibited the most precipitous move towards autocracy in the last decade (Lührmann et al, 2020). In a similar vein, Hungary has transitioned from the latter category to the club of ‘Transitional/Hybrid Regimes’ (Freedom House, 2020), earning the recognition for the first “non-democratic EU member state” and the most severe example of autocratization (Lührmann et al, 2020).

The paper is based on a backward-looking research design, taking the current events as its starting point, and working its way back to discern the factors that have shaped them. It begins with an overview of the chronology of the events that paint the picture of the democratic apostasy in Hungary and Poland, elicited from the media and academic journals and articles. The overview is delimited to the relevant events that have occurred from 2010 onwards. This is further substantiated by a reflection on credible indices assessing democratic quality in the two member states, such as V-Dem, Nations in Transit, and the Economist Intelligence Unit’s Democracy Index. A reflection on the steps the EU institutions have taken to address the decline of democracy in both cases ensues, coupled with a qualitative content analysis of the resolutions pertaining to the topic at hand, which have been adopted by the European Parliament (EP). The aim of the content analysis is to provide an insight into

whether there is a difference in the wording that MEPs have used to describe similar events taking place in the two member states: have they condemned similar transgressions with the same vigor or have they attempted to downplay some of them? This, in turn, is complemented by a discussion on the potential relationship between the political affiliations of the MEPs and their expressed attitudes on the developments in the two Central and Eastern European countries.

## A guide through the democratic backsliding in Hungary and Poland

This section will reflect on the most important events that have taken place in Hungary and Poland within the context of democratic backsliding. By synthesizing information regarding the most notorious legislative changes and other actions that have enhanced the ruling parties' grip on power, the following section will provide the reader with an insight into the deterioration of the rule of law, media freedom and the conditions under which non-governmental organizations operate, as well as the changes in the electoral regulations that have obstructed the fairness of the electoral game in both Hungary and Poland.

## Overview of the key developments: Hungary

Following the 2010 parliamentary elections in Hungary, Fidesz, a conservative opposition party took control over the legislature having won about 68% of seats (Facsar, 2010). This turned out to be just the beginning of a new era in Hungarian political and social life, emblematic of the Fidesz' leader and the country's Prime Minister Orban's attitude that liberal democracies are an obsolete concept (Toth, 2014). The new parliamentary majority reacted swiftly to entrench its grip over the country, moving first to alter the constitution, as was promised in the campaign that had preceded the elections. This move was justified by the aim to free the system from any remnants of communism, considering that the constitution that was in force in 2010 was the one that had been written and adopted in 1949, and that Hungary had been the only country in the region that was still

keeping its constitution from the Cold War days (European Commission for Democracy Through Law (Venice Commission), 2011). Nevertheless, the newly formed government did not leave things to chance while the Fundamental Law, the new constitution, was being enacted. In order to warrant command over who will be filling positions in the judicial branch, the legislature introduced a moratorium on new appointments until the first day of 2012, when the new constitution was expected to enter into force (Halmai, 2017, p. 477). Within less than a year, in spite of the criticism voiced by opposition parties and civil society organizations, constitutional amendments were adopted. One of the most controversial innovations was that the new constitution lowered the retirement age for judges by eight years, essentially forcing almost 300 judges to end their careers prematurely (Human Rights Watch, 2013). This has been described as a subtle way of removing judges who were not malleable to the control of the ruling party and the Prime Minister Orban (BBC News, 2013). However, this provision was not enough to secure control over the post of the President of the Supreme Court, which, at the time, was held by Andras Baka, who had been vocal in his criticism against the newly introduced judicial reforms. This was accomplished through the Transitional Provisions of the Fundamental Law that stipulated that the current holder of the post would be dismissed with the entrance into force of the Constitution (Halmai, 2017, p. 483). More than three years before his term was set to expire, Baka was replaced by Péter Darák (Krugman, 2012). Baka appealed to the European Court of Human Rights, accusing the government of having terminated his term due to his open disapproval of the modifications of the laws pertaining to the operation of the judiciary, which represented a violation of his right of free speech. Although the Court ruled in 2014 and 2016 in his favor, Baka was never reinstated to his former post (Halmai, 2017, p. 472).

Through the 2011 Fundamental Law, the power of the President of the National Judicial Office (NJO), tasked with supervising the appointment of judges and administering courts, was enhanced to include the appointment of senior judges, among others. It is worth noting that the appointment of the NJO President is decided upon by the legislature for

a nine year long term, wherein a two-thirds majority is required (Human Rights Watch, 2013). Considering that Fidesz holds such a majority, they were enabled to select a pliable candidate for the post in question. As expected, the position was filled by someone close to the ruling party: Tunde Hando, Prime Minister Orban's family friend and the wife of Jozsef Szayer, who was a Member of the EP as an affiliate of Fidesz at the time (Krugman, 2012). In addition, the duration of the terms of the judges serving in the Constitutional Court was prolonged, with the overall number of judges raised (Human Rights Watch, 2013). In turn, such a provision was interpreted as a tactic to retain a channel of influence that would ensure that the party could exert control even if the next parliamentary elections did not bring it a decisive majority (Müller, 2016). In its opinion from 2011, the Venice Commission has also reprehended the lack of transparency associated with the drafting and the adoption of the Constitution, emphasizing that "no genuine dialogue has been possible between the majority and the opposition during the debate and final adoption of the new Constitution".

In 2013, further amendments to the Constitution were adopted. The newly introduced provisions have further constrained the power of the Constitutional Court, denying it the opportunity to review amendments to the Constitution (Human Rights Watch, 2013). Furthermore, the amendments prohibit that the Constitutional Court relies on its rulings that predate the entry into force of the Constitution, which hinders the Court's continuity (European Commission for Democracy Through Law (Venice Commission), 2013). Also, the Constitutional Court would no longer be allowed to review laws related to the budget or taxes as long as the public debt is higher than fifty percent of the GDP (Lane Scheppele, 2014). As a final blow to the Court, the government incorporated into the Constitution several laws that the Court had previously deemed unconstitutional, such as the one that criminalized homelessness (Lane Scheppele, 2014). In addition, the power of the NJO President to move cases between courts was embedded into the Fundamental Law. This has raised eyebrows, as there exists a legitimate concern "that cases will be transferred for political reasons rather than because doing so is necessary

for the administration of justice" (Human Rights Watch, 2013). Not long after the amendments were adopted, Human Rights Watch (2013) reported that "politically sensitive corruption cases have already been transferred by the NJO president from courts in Budapest to courts in the countryside, which have considerably less experience trying such cases and where there is less media scrutiny". The Venice Commission (2013) issued an opinion on the new version of the Fundamental Law, stating that it "threatens to deprive the Constitutional Court of its main function as the guardian of constitutionality and as a control organ in the democratic system of checks and balances". Likewise, the Council of Europe and the European Commission (EC) contended that the changes "raise concerns with respect to the principle of the rule of law, EU law and Council of Europe standards" (Deutsche Welle, 2013). The ruling party's grip over all three branches of government continued over the years. In 2018, it was noted by the European Association of Judges and the EC that "checks and balances, which are crucial to ensuring judicial independence, have been further weakened within the ordinary court system" (The Hungarian Helsinki Committee, 2019).

The judiciary was not the only target of Orban's government. There have been various attempts to obstruct the work of civil society organizations (CSOs), too. Expressing contempt for NGOs, Orban has described them as "paid political activists who are trying to help foreign interests here" (Bannon, 2014). In 2017, a new bill on the Transparency of Organizations Receiving Foreign Funds was introduced, stipulating a threshold of foreign funding that NGOs are allowed to receive before they are assigned a specific label. The threshold has essentially served as a basis for NGO segregation, considering that the NGOs whose foreign funding exceeds the set limit are required to indicate in all their publications that they are funded through foreign funds or otherwise be prepared for sanctions (The Hungarian Helsinki Committee, 2017). The law has provoked statewide protests and international disapproval. In its opinion delivered shortly after the Bill was adopted, the Venice Commission (2017) expressed worry that "the Law will cause a disproportionate and unnecessary interference with the freedoms of association and expression, the right to privacy, and the prohibition of discrimination".

NGOs funded by the Norwegian Social Fund in particular have been the object of the government's attention, with their headquarters in Budapest being raided, in addition to the search that was conducted in the homes of several employees. While the government has justified the raid based on the apparent suspicion of embezzlement, the act has been widely condemned as a way of intimidating the organizations and attempting to silence them (Bannon, 2014). Furthermore, it has been reported that the government wants Transparency International, the Helsinki Committee, and the Hungarian Civil Liberties Union "swept out" (Reuters, 2017). All three organizations are funded by the Open Society Foundation, established by George Soros, who has frequently been targeted by the negative comments made by Orban and his party and accused of undermining the government (Nolan, 2017). In addition, the Central European University (CEU), founded by Soros, was "forced out" (Santora, 2018) of the country, following the introduction of the Law on Higher Education in 2017, which, in the case of foreign universities, required a special contract between Hungary and the university's country of origin, and stipulated that foreign universities must build campuses in their home countries. Furthermore, the Law brought back the work permit requirements for university employees who are not citizens of the EU (Human Rights Watch, 2017b). The CEU was particularly hit by the Law, which brought the demise of its campus in Budapest. The day when the CEU abolished its operations in Hungary following unsuccessful attempts of reaching an agreement with the Hungarian government was described as a "dark day for freedom" (Walker, 2018).

The reign of Fidesz in Hungary coincides with the gradual weakening of media freedom in the country. In 2010, the Mass Media Act and Press Freedom Act were adopted, entering into power in July 2011 (Human Rights Watch, 2011). The laws engendered a new regulatory body in the media sphere: The National Media and Infocommunications Authority (Committee to Protect Journalists, 2015), which was given the power of granting or withdrawing licenses to media outlets and stations (Human Rights Watch, 2012), and imposing penalties for "imbalanced

media coverage" or publishing content that may contravene with "public morality" (Committee to Protect Journalists, 2015). What was problematic about the regulatory body in question is that its members are appointed by the legislature, providing the ruling party with undue influence over the media (Human Rights Watch, 2012). In addition, the new laws eliminated legal protections that guaranteed that news sources did not have to be revealed. Against this backdrop, Human Rights Watch (2012) contended that "media freedom is under real threat in Hungary today, and the ruling party is responsible". Following a harsh reproval from the EU, the Hungarian Parliament slightly amended the laws, excluding Internet sites and blogs from its coverage and easing the ban on content that is deemed problematic (Deutsche Welle, 2011). Nevertheless, the changes that were made did not whisk away the controversy surrounding the Law. United Nations' Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression Frank William La Rue found that the Law was based "on vague concepts and insufficient guarantees to ensure the independence and impartiality of the regulatory body empowered to apply the law" (United Nations, 2012).

The 2013 constitutional amendments brought new provisions pertaining to the realm of the media, as well. Namely, political advertisement prior to elections would now be limited exclusively to broadcasters, the majority of which are reportedly closely tied to or under the control of Orban's associates (Committee to Protect Journalists, 2014). In the same year, media freedom was further curbed through the Freedom of Information Act, which imposed limits on the amount of information regarding the government and its activities that third parties could gain access to (Committee to Protect Journalists, 2014). As a result of these changes, Freedom House (2020) graded the media status in Hungary as "partly free", and the press freedom score has been experiencing a consistent decrease throughout the years. In 2016, the Media Pluralism Monitor report, published annually by the Centre for Media Pluralism and Media Freedom, stated that media pluralism in Hungary was experiencing a downturn as a result of excessive influence of the government, as seen in the private segments of the media realm being mostly



controlled by individuals closely connected to the ruling party, and the public media being disproportionately inclined to the government (Brouillette et al., 2017).

2016 saw the shutting down of Nepszabadsag, a media outlet highly critical of the system, which sparked protests in the nation's capital. While the ruling party has described this as a move motivated by financial concerns, others were quick to point out that this was a blatant example of the government's efforts to silence opposition (Deutsche Welle, 2016). In a similar vein, one of the outlet's journalists has commented that the Fidesz government was the first "which doesn't tolerate any control or criticism, not even questions" since the Communist era ended, while the deputy-editor-in-chief added that "Nepszabadsag" is a political challenge to the power of Orbán and everyone knows that" (Deutsche Welle, 2016).

In 2018, more than 460 media outlets were transferred to the Central European Press and Media Foundation (KESMA), over which the government exerts substantial influence. This act attracted a lot of attention and was heavily criticized, as it further distorted the already uneven playing field in the market within the media sphere (European Liberties Platform, 2020). The International Press Institute has commented on the matter that "Orbán wanted to make sure that unlike in the past few years, a single centralized structure, led by a loyal lieutenant, would control all his media interests" (Bede, 2018).

In 2019, a report published by Reporters Without Borders documented the conclusions reached following a mission to Hungary which brought together the representatives of The Committee to Protect Journalists, the International Press Institute, the European Centre for Press and Media Freedom (ECFPM), Article 19, the European Federation of Journalists (EFJ), Reporters Without Borders, and Free Press Unlimited (FPU). The aim of the mission was to gain an insight in the climate under which the media operates in Hungary. It was revealed that the government held a large share of the overall media ownership, and that media independence was allowed only to the extent that allowed the government to profess that free press

actually existed, while the public was essentially being kept in the dark when it came to any accounts that could potentially shake or undermine the ruling party's grip over power (Free Press Unlimited, 2019). In a similar vein, Reporters Without Borders (2019) depicted the state of the media in Hungary, describing the governmental control over it as "unprecedented in an EU member state".

In 2020, following the introduction of the state of emergency as a result of the pandemic outbreak, it was decided that journalists could face prison or monetary penalties if they were found to be spreading misinformation related to the pandemic. Nevertheless, it has been claimed that the decision was not a result of the concern for the public, but a cunning way of tightening the grip over the press. In line with this strand of thought, IPI's deputy director has stated that "Viktor Orbán now has yet another tool in his arsenal for silencing what remains of the country's independent press" (International Press Institute, 2020).

Changes in the electoral code by ruling parties are also a common way of securing power in the long run. In 2012, Fidesz engaged in a comprehensive transformation of Hungary's electoral system. Namely, the new rules eliminated the second round of elections, as well as the preconditions regarding voter turnout that needed to be fulfilled for seat allocation in certain constituencies; the party lists from the regional and national levels were merged into a single national list; the number of parliamentary seats was lowered; inter-constituency boundaries were changed, and pre-election voter registration no less than two weeks ahead of the election day was made necessary in order to be allowed to cast a vote (Schackow, 2014). At the time, it was judged that the reforms would "not only make it more probable that current Prime Minister Viktor Orbán and his ruling Fidesz party will remain in power after the next election in spring 2014: the effects of these transformations will also have the potential to damage Hungary's democratic institutions" (Schackow, 2014). Although the first parliamentary elections that ensued following the changes in the electoral law were described as "efficiently administered", OSCE/ODIHR (2014) found that "the main governing party enjoyed an undue advantage because of restrictive campaign regulations,

biased media coverage and campaign activities that blurred the separation between the political party and the State". Such conditions ensured another victory for the Fidesz (Mudde, 2014). In 2018, similarly to what had been seen and said four years earlier, the verdict regarding yet another round of parliamentary elections was that they "were characterized by a pervasive overlap between state and ruling party resources, undermining contestants' ability to compete on an equal basis" (OSCE/ODIHR, 2018). In other words, the elections were deemed "free, but not fair" (Racz, 2018). Again, Fidesz won (Bayer, 2018). Ahead of the fast-approaching parliamentary elections, new changes to the electoral law were proposed in November 2020. The proposed amendments aim to double the threshold of single-member constituencies in which parties must have nominated candidates in order to register party lists (Vegh, 2020). The move has been understood as "undeniably and unquestionably a pure trick engineered to gain power" (Vass, 2020).

Fast forward to 2020, the global pandemic caused by the spread of the novel COVID-19 virus led the government to introduce the state of emergency, which, in turn, increased Orban's power and allowed him to rule by decree, thereby availing him of the need to consult the parliament with regard to any decisions he wanted to make (Walker & Rankin, 2020). Essentially, the state of emergency renders the concept of checks and balances void. What especially sparked outrage was the fact that the Parliament adopted the so-called "Enabling Law". Concerns that the rule by decree "cements the erosion of the rule of law in Hungary" were widespread (Wahl, 2020). In June, the state of emergency was replaced by the "state of medical crisis". Nonetheless, it has been claimed that this was a mere "optical illusion", and that Orban will continue to take advantage of the crisis caused by the pandemic to tighten his grip over the country (Palfi, 2020).

The previously expounded actions, taken by Orban and his party to hinder democratic electoral processes and the rule of law, obliterate media freedom and independence and civil liberties, and seize command over virtually all aspects of public life, have painted a picture of the most vertiginous

democratic downturn that has been identified in the 25 years of the existence of the Nations in Transit project (Freedom House, 2020). In 2020, Hungary was singled out as "the first country to descend by two regime categories and leave the group of democracies entirely" (Freedom House, 2020).

## Overview of the key developments: Poland

In 2015, Law and Justice (PiS), a conservative Eurosceptic party (BBC News, 2015), took victory in the Polish parliamentary elections that enabled it to rule by itself, without the need to form coalitions (Goettig & Barteczko, 2015). The PiS' decisive victory was preceded by the winning of the presidential post by its candidate Andrzej Duda (Deutsche Welle, 2015). Having ensured a grip over the legislative and the executive branches of government, the only one standing in the way of PiS' virtually unlimited control was the judiciary. Nonetheless, as was the case in Hungary, it did not take long before the ruling party moved to alter the judicial landscape in Poland to better fit its goals. Namely, before PiS had taken control over the parliament, the previous legislative majority had nominated five judges for the Constitutional Tribunal. However, shortly after it had secured electoral victory, PiS amended the Law on the Constitutional Tribunal to be able to declare the nominations void. President Duda refused to swear in the previously nominated judges. In turn, the vacancies in the Tribunal were filled by the new parliamentary majority's appointees (Davies, 2018). In addition, the November 2015 Law decreased the duration of the terms of the President and the Vice President of the Tribunal, while also terminating the current terms within three months of the entry into force of the modified version of the Law. In a similar vein as it had been done in Hungary, the jurisdiction of the Tribunal to review new laws was hindered by the introduction of new rules which stipulated that a two-thirds majority would be needed when voting on the constitutionality of new legislation (Davies, 2018). Later on, the Constitutional Tribunal ruled that the law regulating it was unconstitutional. However, the government decided not to publish the ruling in the Official Gazette, thereby essentially making the ruling void since it was deprived of any legal effect (Konciewicz, 2016). The adoption of the



Law was equated with a constitutional crisis, both domestic and internationally, and the Venice Commission (2016) established that it “would considerably delay and obstruct the work of the Tribunal and make its work ineffective, as well as undermine its independence by exercising excessive legislative and executive control over its functioning”.

During the summer of 2017, Duda appointed a new VP of the Tribunal, although the validity of his appointment to the Tribunal had previously been deemed unlawful (De Capitani, 2019). That same year, the clout of the Minister of Justice was substantially increased, as the post was enabled to appoint the heads of lower courts across the country (BBC News, 2015). Another controversial law was adopted: the retirement age of judges was lowered, and female judges were hit more severely, since the new retirement age for them would now be 60, as opposed to men, required to retire at the age of 65. Once they were entitled to retire, judges could request an extension from the justice minister. Following the outrage of both international actors and the wider public at home, the government decided to switch back to a uniform regulation for both genders, setting the retirement age at 65. Unfortunately, the majority of the dismissed judges were not reinstated to their posts (Szuleka, 2019). Two other laws were adopted by the parliament: one enabling the government to appoint and remove Supreme Court judges, and the other allowing it to choose the members of the National Judicial Council, which, up that point, used to be an independent organ with the responsibility to choose judges (Human Rights Watch, 2017a). In a surprising turn of events, President Duda vetoed both laws in a response to major backlash caused by them (BBC News, 2017b).

In 2019, the parliament adopted a law that brought forth penalties against judges who are critical of the changes in the judicial realm and might “result in judges being dismissed if they question the government's judicial reform” (Deutsche Welle, 2019). The Justice Commissioner of the EU commented that the bill “undermines judicial independence and is incompatible with the primacy of EU law” (Deutsche Welle, 2020a).

The media realm was not left unscathed, either. Upon the assumption of power, PiS adopted the so-called “small media law”. The gist of the Law was that the Minister of Treasury would staff the supervisory and management boards of the state television and radio broadcasters, after the Law itself had ended abruptly the existing mandates. This law was envisaged as an interim measure meant to stay in force until a more extensive law was prepared (Chapman, 2017). This happened in the mid-2016. The new bill established the National Media Council (NMC) tasked with appointing the members of the public broadcasters’ supervisory and management boards. What was seen as problematic was that the majority of the NMC’s members (3/5) would be appointed by the legislature, which essentially provided the ruling party control over the Council’s work (Stormont, 2017). The overarching influence of the ruling party over the media sphere has earned Poland a great deal of disapprobation, both home and abroad. The Organization for Security and Co-operation in Europe (2019) reported that “freedoms of expression and the media are undermined by criminal penalties for defamation”. On the other hand, Freedom House emphasized that “PiS’s changes to the media landscape are alarming” (Chapman, 2017).

From 2015, when the PiS came to power, to the present day, the ranking of Poland in terms of the World Press Freedom Index has been experiencing a steep decline. In 2020, Poland fell to “the lowest position ever” (Tillies, 2020). To illustrate the matter: in 2015, the WPFI placed Poland in the 18th position out of 180, whereas, in 2020, Poland sank to the 62nd place. Reporters Without Borders has noted that the “state-owned media have been transformed into government propaganda mouthpieces” (Kalan, 2019). The already tense media climate was further worsened recently when the media group Polska Press was bought by Orlen, an oil company that is partly owned by the Polish government. The takeover was captioned by Adam Bodnar, Polish ombudsman for human rights: “After full control of state media, now it's time for the private media” (Sieradzka, 2020).

Besides the judicial branch of government and the media sphere, civil society organizations have also been impacted by the coming to power of the PiS in 2015.

According to a report by the Helsinki Foundation for Human Rights (2018), since the end of 2015, “the space for public dialogue and social consultations has been shrinking”. In 2017, two pieces of legislation were introduced that would affect the conditions under which CSOs would operate. First, the Act on the National Institute of Freedom envisaged the establishment of the National Center for the Development of Civil Society which would decide on the allocation of state funds to CSOs (Helsinki Foundation for Human Rights, 2018). What was problematic in relation to the new body, and, at the same time, emblematic of the PiS’ efforts to control all aspects of the Polish society, was the fact that the head of the Institute, along with the majority of its council’s members, would be appointed by the governmental Committee for Public Benefit Activity, whose chair is a member of the Council of Ministers (OSCE/ODIHR, 2017). The OSCE/ODIHR (2017) has issued an opinion stating that “the executive branch appears to have a decisive influence on the governance and operation of the National Institute”, recommending to the government “to reconsider the current oversight and organizational structure”. Furthermore, the general concern is that the centralization of the decision-making pertaining to the allocation of budgetary funds earmarked for NGOs could be utilized as a tool to exert pressure against organizations that have publicly condemned the new government’s disregard for internationally recognized standards of democratic governance and respect for human rights (Front Line Defenders, 2016). Secondly, the Law on Assemblies was amended to prioritize ‘cyclical assemblies’ or those that are deemed to be of historical or national relevance in the case of multiple public gatherings being planned for the same day. This has given rise to fears that assemblies arranged by the authorities would be given precedence to at the expense of those organized by groups that criticize the system (Front Line Defenders, 2016). Critical voices of ordinary citizens and organizations have been silenced by repressive means, as well. Amnesty International reported that “harassment of protestors and excessive use of force by the police during demonstrations is the hard-hitting reality in Poland today” (Cernusakova & Christensen, 2018).

Apart from the pressure exerted against NGOs through legislative means, it has been reported that the state media was portraying NGOs in a negative light. As emphasized by Lambda Warsaw’s Piotr Godzis, “NGOs are being framed as enemies of Poland because [we] take foreign money and criticize the government” (Davies, 2016). Emulating the scenario already seen in Hungary, Polish government is reportedly planning to introduce a law that would force NGOs to disclose any funding coming from foreign sources (Reuters, 2020). Needless to say, it was met with disapproval and apprehension. It remains yet to be seen whether the law in question will see the light of day, and in what form.

When assessing the quality of a democracy, it is necessary to reflect on the electoral processes, as well. In 2019, parliamentary elections took place in Poland. While parties were able to compete freely, fairness was not guaranteed. Two major problems, according to the OSCE (2019), were “media bias and intolerant campaign rhetoric”. Soon after came the fight for the post of the head of state. Ahead of presidential elections in 2020, most opposition parties sought for the elections to be postponed due to the pandemic. However, the government disregarded the appeals and took measures to facilitate the realization of the vote. Political analysts have pointed out that the goal underneath the rush to proceed with elections was to take advantage of the pandemic, considering that “in today’s state of shock and crisis people gravitate towards those in power” (Charlish, 2020). Namely, the electoral law was amended to include the option of voting by post for older citizens or those who find themselves in quarantine. The move was criticized on the grounds of constitutionality, and opposition parties have pointed to the ruling made by the constitutional court back in 2006, which established that, within the six months period prior to elections, the electoral law could not be altered (Charlish, 2020). Still, the vote took place and Duda won another mandate, although by a small margin. OSCE/ODIHR (2020) reported that “candidates campaigned freely, but (...) failure by the public broadcaster to ensure balanced and impartial coverage and cases of misuse of state resources diminished the process”. Nevertheless, in spite of “irregularities and media bias”, the Constitutional Court certified the election results (Deutsche Welle, 2020c).

The previously described undermining of judicial independence and the rule of law, coupled with efforts aimed at curtailing the freedom of the press and sabotaging the work of the civil society, have resulted in a sharp drop of the Polish democratic parameters, placing Poland out of the 'Consolidated Democracies' category and labeling it a 'semi-consolidated' one (Freedom House, 2020b). In addition, the Economists Intelligence Unit<sup>1</sup> has labeled Poland a 'flawed democracy' in its Democratic Index (Tillies, 2020).

### **Timeline of the EU institutions' response to democratic backsliding in the CEE**

The following section will provide a chronological overview of the most important actions that the EU institutions have taken in relation to the deterioration of democratic credentials in Hungary and Poland.

The majority of events are related to infringement proceedings initiated by the EC. Article 258 of the Treaty on the Functioning of the European Union (TFEU) provides a legal basis for the Commission's role as the Guardian of EU treaties and its entitlement to initiate legal action against member states found to be violating EU law and the obligations incurred by membership in the Union. Sending of the formal letters of notice to such states by the Commission constitutes the first step of infringement proceedings. In most cases, the concerned member state is expected to provide the information requested in the letters within two months. The step that ensues should the provided information not be deemed satisfactory, is the 'reasoned opinion', in which the Commission demands that the concerned member state obey EU law. Again, the member state in question is expected to inform the Commission about the steps it has taken to alleviate the Commission's concerns within a couple of months. The final step taken by the Commission to mitigate EU law violations is to refer member states to the ECJ. Should the Court rule that a member state has been in breach of EU law, the member state is expected to implement the Court's decision. If this is not fulfilled, the Commission reserves the right to initiate another infringement proceeding in accordance with the Article 260 of the TFEU. In the case of a member state being referred to the ECJ for the second time, the Commission can suggest

to the ECJ financial sanctions to be imposed on the member state violating EU law (European Commission, 2012).

In addition, the timeline offers information about the activation of the Article 7 of the TEU. This has been described as the EU's 'nuclear option' owing to its ability to bring about severe sanctions in the form of the suspension of voting rights in the Council (POLITICO, 2018). So far, it has been activated only twice, against Poland, and Hungary. Nevertheless, so far, the proceedings surrounding Article 7 have not been finalized, and neither member state has been stripped of the right to vote in the Council. Article 7 proceedings begin once it has been established that there exists a "clear risk of a serious breach by a Member State of the values referred to in Article 2" (EUR-Lex, 2012). These values include "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities" (EUR-Lex, 2012). The Article 7 proceedings can be initiated by the Commission, the EP, a third of the member states, or the Council, acting on behalf of  $\frac{4}{5}$  of its members following the approval of the EP. The Council is required to organize a hearing of the concerned member state. Should the Council then unanimously determine, with EP's consent, that there indeed exists a breach of EU values, following a proposal by either the Commission or one third of the member states, a qualified majority in the Council can decide to strip the concerned member state from its voting rights in the Council. For this to be revoked in the future, the support of a qualified majority in the Council is required (EUR-Lex, 2012). At present, the proceedings related to the triggered Article 7 have encountered "a deadlock" and are "unlikely to yield any results" (Polis Blog, 2021).

### **Reactions to the events in Hungary**

- January 2012: EC begins infringement proceedings against Hungary by sending Letters of Formal Notice in relation to the threatened independence of Hungary's judiciary, its national central bank and the data protection supervisory authority (European Commission, 2012a);
- March 2012: EC sends two reasoned opinions to Hungarian authorities, thereby activating the second phase of the infringement proceedings (European Commission, 2012b);



- April 2012: EC refers Hungary to the European Court of Justice for violating EU law in relation to the hampered independence of the judiciary and the data protection supervisory authority, but finds that satisfactory changes were made to regulations pertaining to the national central bank (Deutsche Welle, 2012);
- November 2013: Commission puts an end to the infringement proceedings pertaining to the forced retirement of judges in Hungary (European Commission, 2013);
- April 2014: Grand Chamber of the ECJ rules that Hungary had violated its obligations under EU membership regarding the processing and free movement of personal data and ordered it to pay the costs (EUR-Lex, 2014);
- April 2017: EC initiates infringement proceedings against Hungary over amendments to the Higher Education Law (European Commission, 2017);
- July 2017: EC sends a reasoned opinion to Hungary in relation to the amended Higher Education Law and its compatibility to EU legal framework (European Commission, 2017d);
- July 2017: EC sends the Hungarian authorities a letter of formal notice regarding the law on foreign-funded NGOs, thus initiating an infringement proceeding (European Commission, 2017b);
- October 2017: EC submits a reasoned opinion regarding the Hungarian law on foreign-funded NGOs (European Commission, 2017c);
- December 2017: EC refers Hungary to the ECJ in relation to its amendments to the Higher Education Law (European Commission, 2017a);
- December 2017: EC refers Hungary to the ECJ in relation to its law on foreign-funded NGOs (European Commission, 2017e);
- September 2018: EP votes to trigger Article 7 of the Treaty on the European Union (TEU) proceedings against Hungary (Carrera & Bard, 2018);
- September 2019: First formal hearing in front of the Council within the Article 7(1) proceedings (Council of the European Union, 2019);
- December 2019: Second formal hearing in front of the Council within the Article 7(1) proceedings (Council of the European Union, 2020);
- June 2020: ECJ finds that the Law on foreign-funded NGOs was not in compliance with EU law (Deutsche Welle, 2020b);
- October 2020: ECJ rules that Hungary violated EU law by amending its Higher Education Law back in 2017 (European University Association, 2020).

## Reactions to the events in Poland

- July 2017: EC initiates infringement proceedings against Poland in relation to the newly introduced Law on the Ordinary Courts Organization (European Commission, 2017b);
- September 2017: EC issues a reasoned opinion on Poland's Law on the Ordinary Courts Organization (Maurice, 2017);
- December 2017: EC refers the case to the ECJ (European Commission, 2017);
- December 2017: EC activates Article 7 of the TEU proceedings against Poland as a result of severe violations of the rule of law in the country (Deutsche Welle, 2017);
- June 2018: First formal hearing in front of the Council within the Article 7(1) proceedings (Pech & Wachowiec, 2019);
- July 2018: EC launches infringement proceedings in an attempt to preserve the Polish Supreme Court's independence (European Commission, 2018a);
- August 2018: As the second step of the infringement proceedings in relation to the Polish Supreme Court's independence, EC issues a reasoned opinion (European Commission, 2018c);
- September 2018: EC refers the case to the ECJ (European Commission, 2018b);
- September 2018: Second formal hearing in front of the Council within the Article 7(1) proceedings (Pech & Wachowiec, 2019);
- December 2018: Third formal hearing in front of the Council within the Article 7(1) proceedings (Pech & Wachowiec, 2019);
- April 2019: EC initiates another infringement procedure in order to mitigate political control over Polish judges (European Commission, 2019a);
- June 2019: ECJ rules that Poland had violated its obligations under TEU by lowering the retirement ages of Supreme Court justices (Wahl, 2019);
- July 2019: EC sends a reasoned opinion regarding the independence of judges to the Polish authorities (European Commission, 2019c);
- October 2019: EC refers the case on political control over the judiciary to the ECJ (European Commission, 2019b);

- November 2019: ECJ finds the Polish Law on Ordinary Courts Organization to be in violation of EU law (Deutsche Welle, 2019a);
- April 2020: EC begins another infringement procedure to protect the independence of Polish judges against the backdrop of the newly adopted law in Poland that further erodes judicial independence (European Commission, 2020);
- January 2021: EC issues a reasoned opinion on the undermining of judicial independence in Poland (European Commission, 2021).

Simply by looking at the chronological overview of the actions EU institutions have taken to address democratic backsliding in Hungary and Poland, one can perceive disproportionality in the agility that characterized the approaches to the situations in the two member states. Namely, although worrying events had been taking place in Hungary ever since Orbán and his party came to power in 2010, it took 8 years for the Article 7 of the TEU to be triggered. On the other hand, in the case of Poland, it took only two years. Not only did Poland start facing repercussions in a shorter amount of time in comparison to Hungary, but it did so before Hungary itself. As can be seen from the timeline, Article 7 was activated against Poland 9 months before the same was done in the case of Hungary. Furthermore, following the activation of Article 7 proceedings, in the case of Poland, three formal hearings in front of the Council took place within a year. On the other hand, in the case of Hungary, one year had passed between the Article 7 activation and the first formal hearing, and only two hearings have been held in total.

This inconsistent treatment of the two member states by the EU has not gone unnoticed and is being tied to assumptions about the existence of a partisan bias based on the affiliations of the ruling parties in Poland and Hungary to the parties and groupings at the level of the Union. Namely, the ruling party in Hungary, Fidesz, is a member of the European People's Party group (EPP), the "largest and oldest group" (EPP, n.d.) in the Parliament, whereas the PiS is part of the European Conservatives and Reformists Group (ECR Party, n.d.), which is not even in the top five of largest groupings in the EP.

The activation of Article 7 against Hungary was mentioned much earlier than it ended up happening. In 2015, a draft resolution by the EP contained a provision that called on the EC to initiate the rule of law framework and Article 7 proceedings, but it was voted down. The credits for the rejection of the resolution were assigned to the EPP group (VoteWatch Europe, 2018), considering that its MEPs had, for the most part, countered the resolution, and the group itself had had the most seats in the Parliament, although not the majority (European Parliament, n.d.). Against this backdrop, it was once again proven that "alliances matter" (VoteWatch Europe, 2018).

The EC has also been the object of criticism based on its disproportionate treatment of Hungary and Poland. Namely, it has been suggested that it has been "in official disengagement on 'rule of law matters'" when it came to Hungary, as opposed to its steady commitment to a dialogue with Poland within scope of the Rule of Law framework (Carrera & Bard, 2018) that was activated in early 2016, for the first time ever (Pech et al., 2021). This could also be connected to the party politics debate, considering the fact that, since 2009, all presidents of the EC were nominees of the EPP.

Following years of tacit approval of the Hungarian government's transgressions, as a result of the fact that Fidesz' support was "essential to moving the agenda of the European Popular Party forward" (Gjergji, 2020), the EPP suspended Fidesz' membership in 2019 (Zalan, 2019). However, considering that this was done just ahead of the 2019 EP elections, it has been interpreted as a 'face-saving' tactic (Vass, 2019). While the Fidesz membership in the EPP has been suspended indefinitely as of 2020 (Baume et al., 2020), its parliamentarians within the group in the EP have not yet been affected (Baume & Burchard, 2020), thereby amplifying the voices of those who perceived the suspension as being motivated by simple realpolitik considerations.

In order to further assess whether the handling of the situations in Hungary and Poland is colored by partisan bias, the following section will present the findings of an analysis of selected EP resolutions in relation to democratic apostasy in Hungary and Poland, conducted with the aim of detecting partisan bias underlying the resolutions at hand.

## MEP's lip service to democracy? An analysis of EP resolutions

This section will provide an analysis of selected resolutions adopted by the EP between 2011 and 2021 in relation to the events that have unfolded in Hungary and Poland, respectively. The analysis encompasses 13 resolutions in total: 7 pertaining to Hungary and 5 pertaining to Poland. In the case of Hungary, the analysis includes the following resolutions: EP resolution of 10 March 2011 on media law in Hungary; EP resolution of 16 February 2012 on the recent political developments in Hungary; EP resolution of 3 July 2013 on the situation of fundamental rights: standards and practices in Hungary (pursuant to the European Parliament resolution of 16 February 2012); EP resolution of 10 June 2015 on the situation in Hungary; EP resolution of 16 December 2015 on the situation in Hungary; EP resolution of 17 May 2017 on the situation in Hungary, and EP resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the TEU, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded. The analyzed resolutions pertaining to Poland include the following: EP resolution of 13 April 2016 on the situation in Poland; EP resolution of 14 September 2016 on the recent developments in Poland and their impact on fundamental rights as laid down in the Charter of Fundamental Rights of the European Union; EP resolution of 15 November 2017 on the situation of the rule of law and democracy in Poland; EP resolution of 1 March 2018 on the Commission's decision to activate Article 7(1) TEU as regards the situation in Poland, and EP resolution of 17 September 2020 on the proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law.

The goal of the content analysis is to fathom whether there is a difference in the interpretation of similar events in the two member states that could, in turn, be related to the existence of a partisan bias in the EP, considering that the Polish and Hungarian ruling parties are part of groups of substantially disparate levels of influence in the EP, as previously elaborated. In light of this, this paper aims to determine whether the disproportionate

of the Union has been reflected in the resolutions adopted by the EP

The content analysis focuses on words and phrases that express disapproval with the situation in the concerned member states. It is important to emphasize that the analysis focuses only on the attitudes expressed explicitly by the EP and disregards the introductory remarks in which the EP recalls the opinions expressed by other institutions or persons. The conducted analysis has indicated that the most frequently used words are 'concern', 'criticise', 'deplore', 'regret', and, to a lesser degree, 'denounce', and 'condemn'. The intensity of the shown 'concern' ranges from simply 'expresses/notes concern', over 'serious concern' to 'deep concern' or 'is extremely concerned'. The verbs 'regret', 'deplore' and 'criticise' were also at times followed by adverbs, such as 'strongly', 'deeply', or 'seriously'. The analysis has shown that the majority of the previously mentioned words appear in resolutions pertaining to both countries. The word 'concern' is by far the most used, having appeared in its least intensive form 32 times in resolutions pertaining to Hungary, and 35 times in resolutions concerning Poland. In the resolutions dealing with the situation in Hungary, 'serious' (4x), and 'extreme' (5x) concern was expressed. On the other hand, the concern raised by developments in Poland was described as 'deep' (10x), 'serious' (7x), and 'grave' (1x).

Furthermore, the resolutions have often relied on the verb 'regret' to describe the attitude of the EP about the events in Hungary in Poland. In relation to the affairs in Hungary, the verb was used 6 times throughout the years, whereas, concerning Poland, it was used 10 times. However, in the case of Poland, the verb was used additionally in combination with adverbs, such as 'strongly' (2x), and 'deeply' (1x). In addition, Hungary was criticised 2 times, and 'strongly' criticised once, whereas Poland was the object of strong criticism twice.

Moreover, while the EP has 'denounced' the developments in Poland 5 times, in the case of Hungary, this was done only once. In addition, the EP has 'strongly' denounced (1x) the events in Poland.

Finally, while the EP has 'condemned' (1x) and 'deplored' (4x) the affairs in Hungary, the verb 'condemn' was used 4 times, and 'deplore' was used twice in relation to Poland. Moreover, the EP has expressed 'strong' (2x) and 'serious' deploration (1x) of the situation in Poland.



The analysis has shown that, while, more or less, similar wording has been used to describe democratic backsliding in Hungary and Poland, intensifying adjectives and adverbs have given the impression that the Parliament was more resolute in expressing its dissatisfaction with the events that have transpired in Poland. Firstly, one should keep in mind that democratic backsliding began much earlier in Hungary than in Poland, and that, consequently, there are fewer resolutions pertaining to the latter. However, this temporal discrepancy did not translate into a proportionate discrepancy in the number of resolutions connected to the two member states. In addition, the EP has simply 'raised concern' about the majority of events in Hungary, whereas, in the case of Poland, the 'concern' was coupled with intensifying adjectives much more frequently. Again, when the verb 'regret' was used, it was followed by amplifying adverbs only in the resolutions dealing with Poland. In addition, the harsh verb 'condemn' was used to refer to what was happening in Poland 3 more times than it was used in relation to Hungary. Also, the verb 'denounce' was used far more frequently in relation to Poland than it was used to refer to the situation in Hungary. Additionally, the verb 'deplore' was amplified within the resolutions concerning Poland, while, in the case of Hungary, it was used in its basic form. In light of this, I conclude that the EP was less strict in relation to Hungary, as opposed to Poland, which has received more elaborate reprimand.

## Conclusion

The analysis presented in this paper points in the direction of an unbalanced approach of the EU institutions toward the situations in Hungary and Poland, respectively. As seen in the chronological overview of the key actions taken by the EU, the Union had been turning a blind eye to the transgressions done by the Hungarian authorities for years and has been hesitant to act to address them. Conversely, it reacted far resolutely and in a timelier manner in the face of similar events when it came to the case of Poland. While it could be said that the EU has learned from its mistakes in dealing with Hungary, which made it adamant not to allow things to get out of hand with Poland, this does not provide an explanation for the continued

absence of action in relation to the events in Hungary. Specifically, although the mentioned argument could be taken into account to explain why the EU triggered Article 7 proceedings against Poland generally much more quickly than it did against Hungary, it still does not explain why the same proceedings were not initiated to address the situation in Hungary first. In other words, regardless of the fact that it took the EU several years to activate the 'nuclear option' in the case of Hungary, this should by all means have preceded the same proceeding against Poland, instead of succeeding it. This, coupled with the findings of the content analysis of EP resolutions and the fact that the Rule of Law Framework has been initiated only in relation to Poland, provides a solid basis for the assumption that the two member states are not being treated equally. Alternatively, one could also argue that the EU was more worried about the events that had unfolded in Poland due to the country's larger size and strategic significance, so it reacted more promptly and decisively to offset the downward spiral in terms of the quality of democracy and the rule of law.

Nevertheless, while acknowledging that the particular relevance of Poland could have been a factor influencing EU actions, the findings of the conducted analysis indicate the existence of party politics at the level of the Union which has translated into a biased inclination toward Hungary and a stricter approach to the situation in Poland. Considering that Article 7 proceedings were halted in 2020 due to the outbreak of the COVID-19 pandemic, it remains to be seen how the situation will develop in the foreseeable future. Nonetheless, having in mind that unanimity in the Council is required to proceed to vote on stripping the concerned members from their voting rights, and that Hungary and Poland are expected to veto decisions in each other's favor, it is anticipated that the proceedings will not yield any result. In sum, both the EU's hesitance to address democratic backsliding and the inefficiency of the legal tools it has at its disposal have facilitated authoritarian tendencies of the Hungarian and Polish leaders, and, for the time being, it is unlikely that they will be easily offset.

# References

A., L., Maerz, S., Grahn, S., Alizada, N., Gastaldi, L., Hellmeier, S., Hindle, G., & Lindberg, S. (2020). Autocratization Surges-Resistance Grows: DEMOCRACY REPORT 2020. V-Dem Institute. [https://www.v-dem.net/media/filer\\_public/de/39/de39af54-0bc5-4421-89ae-fb20dce53dba/democracy\\_report.pdf](https://www.v-dem.net/media/filer_public/de/39/de39af54-0bc5-4421-89ae-fb20dce53dba/democracy_report.pdf)

Bakke, E., & Sitter, N. (2020). The EU's Enfants Terribles: Democratic Backsliding in Central Europe since 2010. Perspectives on Politics, 1-16. <https://doi.org/10.1017/s1537592720001292>

Bannon, E. (2014). Police raid highlights 'attack on civil society' in Hungary. Transport & Environment. <https://www.transportenvironment.org/news/police-raid-highlights-%E2%80%98attack-civil-society%E2%80%99-hungary>

Baume, M., Bayer, L., & Barigazzi, J. (2020, February 3). EPP prolongs suspension of Hungary's Fidesz indefinitely. POLITICO. <https://www.politico.eu/article/epp-prolongs-suspension-of-hungarys-fidesz-indefinitely/>

Baume, M., & Burchard, H. (2020, December 15). Viktor Orbán's MEPs aim to dodge Parliament group expulsion. POLITICO. <https://www.politico.eu/article/fidesz-is-poised-to-stay-in-the-epp-despite-divisions-among-german-meps/>

Bayer, L. (2020, June 18). Hungary replaces rule by decree with 'state of medical crisis.' POLITICO. <https://www.politico.eu/article/hungary-replaces-rule-by-decree-controversial-state-of-medical-crisis/>

Bayer, L. (2018, April 8). Orbán wins landslide to secure third straight term. POLITICO. <https://www.politico.eu/article/hungary-election-2018-viktor-orban-fidesz-jobbik/>

BBC News. (2013, March 11). Q&A: Hungary's controversial constitutional changes. <https://www.bbc.com/news/world-europe-21748878>

BBC News. (2015, October 26). Poland elections: Conservatives secure decisive win. <https://www.bbc.com/news/world-europe-34631826>

BBC News. (2017a, July 15). Poland MPs back controversial judiciary bill. <https://www.bbc.com/news/world-europe-40617406>

BBC News. (2017b, July 24). Poland's President Duda vetoes judicial reforms after protests. <https://www.bbc.com/news/world-europe-40703909>

Bede, M. (2018, December 12). One Hungarian media monster to rule them all. International Press Institute. <https://ipi.media/one-hungarian-media-monster-to-rule-them-all/>

Bermeo, N. (2016). On Democratic Backsliding. Journal of Democracy, 27(1), 5-19. <https://doi.org/10.1353/jod.2016.0012>

Brouillette, A., Batorfy, A., Dragomir, M., Bogнар, E., & Holdis, D. (2017, July 12). Hungary. Centre for Media Pluralism and Freedom. <https://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/hungary/>

Carrera, S., & Bard, P. (2018, July 11). The European Parliament vote on Article 7 TEU against the Hungarian government. CEPS. <https://www.ceps.eu/ceps-publications/european-parliament-vote-article-7-teu-against-hungarian-government-too-late-too-little/>

Cernusakova, B., & Christensen, L. (2018, June 25). Poland's protesters will not be silenced. Amnesty International. <https://www.amnesty.org/en/latest/news/2018/06/polands-protesters-will-not-be-silenced/>

Chapman, A. (2017). Pluralism Under Attack: The Assault on Press Freedom in Poland. Freedom House. [https://freedomhouse.org/sites/default/files/2020-02/FH\\_Poland\\_Media\\_Report\\_Final\\_2017.pdf](https://freedomhouse.org/sites/default/files/2020-02/FH_Poland_Media_Report_Final_2017.pdf)

Charlish, A. (2020, March 28). Poland's PiS change electoral rules ahead of presidential vote. Reuters. <https://www.reuters.com/article/uk-health-coronavirus-poland-idUKKBN21F0AC>

Cianetti, L., Dawson, J., & Hanley, S. (2018). Rethinking "democratic backsliding" in Central and Eastern Europe - looking beyond Hungary and Poland. East European Politics, 34(3), 243-256. <https://doi.org/10.1080/21599165.2018.1491401>

Committee to Protect Journalists. (2014, May 12). Attacks on the Press in 2013: Hungary. <https://cpj.org/2014/02/attacks-on-the-press-in-2013-hungary/>

Committee to Protect Journalists. (2015, May 15). Attacks on the Press in 2011: Hungary. <https://cpj.org/2012/02/attacks-on-the-press-in-2011-hungary/>

Council of the European Union. (2019). Values of the Union - Hungary - Article 7 (1) TEU Reasoned Proposal - Report on the hearing held by the Council on 16 September 2019. <https://data.consilium.europa.eu/doc/document/ST-12345-2019-INIT/en/pdf>

Council of the European Union. (2020). Values of the Union - Hungary - Article 7 (1) TEU Reasoned Proposal - Report on the hearing held by the Council on 10 December 2019. <https://static1.squarespace.com/static/5abb53e6372b9691939ac577/t/5e6f5003ea160c0c82dd2b29/1584353287536/2020March+Formal+report+on+2nd+Art+7+hearing+of+HU+held+in+Dec+2019.pdf>

Davies, C. (2016, November 28). Polish PM angers human rights campaigners with plans to shake up NGOs. The Guardian. <https://www.theguardian.com/world/2016/nov/28/polish-pm-beata-szydlo-angers-human-rights-campaigners-ngos>

Davies, C. (2018). Hostile Takeover: How Law and Justice Captured Poland's Courts. Freedom House. <https://freedomhouse.org/report/analytical-brief/2018/hostile-takeover-how-law-and-justice-captured-polands-courts>

De Capitani, E. (2019, January 26). TIMELINE OF EU-POLAND RELATIONS DEALING WITH THE RULE OF LAW. European Area of Freedom Security & Justice. <https://free-group.eu/2019/01/26/%EF%BB%BFtimeline-of-eu-poland-relations-dealing-with-the-rule-of-law/>

Deutsche Welle. (2011). Media freedom. <https://www.dw.com/en/hungary-amends-media-law-seen-as-curbng-press-freedom/a-14895879>

Deutsche Welle. (2012). EU takes Hungary to court. <https://www.dw.com/en/european-commission-refers-hungary-to-top-eu-court/a-15909096>

Deutsche Welle. (2013). Hungary approves law changes. DW.COM. <https://www.dw.com/en/hungarian-parliament-passes-controversial-constitutional-changes/a-16664345>

Deutsche Welle. (2015). Poland's Duda beats Komorowski. <https://www.dw.com/en/duda-beats-komorowski-in-upset-poland-presidential-vote/a-18473972>

Deutsche Welle. (2016). Thousands march at Budapest press freedom rally. <https://www.dw.com/en/thousands-of-hungarians-march-in-budapest-in-support-of-press-freedom/a-36056271>

Deutsche Welle. (2017). EU triggers Article 7 against Poland. <https://www.dw.com/en/european-commission-triggers-article-7-against-poland/a-41873962>

Deutsche Welle. (2019a). ECJ rules against Polish judicial reform. <https://www.dw.com/en/top-eu-court-rules-against-polish-judicial-reform/a-51114974>

Deutsche Welle. (2019b). Poland passes judiciary control bill. <https://www.dw.com/en/poland-passes-controversial-bill-to-punish-judges/a-51756147>

Deutsche Welle. (2020a). EU opens legal case against Poland over judicial reform. <https://www.dw.com/en/eu-opens-legal-case-against-poland-over-judicial-reform/a-53279806>

Deutsche Welle. (2020b). Hungary NGO law breaches basic rights, top EU court rules. <https://www.dw.com/en/hungary-ngo-law-breaches-basic-rights-top-eu-court-rules/a-53853652>

Deutsche Welle. (2020c). Polish Supreme Court confirms presidential election results. <https://www.dw.com/en/supreme-court-of-poland/a-54421751>

Diamond, L. (2004). What is Democracy? | Larry Diamond. Stanford University. <https://diamond-democracy.stanford.edu/speaking/lectures/what-democracy>

ECR. (n.d.). About | ECR Party. ECR Party. <https://ecrparty.eu/about>



EPP. (n.d.). EPP Group in the European Parliament. EPP Group in the European Parliament. <https://www.eppgroup.eu/>

EUR-Lex. (2012). CONSOLIDATED VERSION OF THE TREATY ON EUROPEAN UNION. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M007>

EUR-Lex. (2014). Judgment of the Court (Grand Chamber), 8 April 2014. European Commission v Hungary. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62012CJ0288>

European Commission. (2012a). Hungary - infringements: Commission takes further legal steps on measures affecting the judiciary and the independence of the data protection authority, notes some progress on central bank independence, but further evidence and clarification needed. [https://ec.europa.eu/commission/presscorner/detail/en/MEMO\\_12\\_165](https://ec.europa.eu/commission/presscorner/detail/en/MEMO_12_165)

European Commission. (2012b, January 18). European Commission launches accelerated infringement proceedings against Hungary - European Commission. [https://ec.europa.eu/economy\\_finance/articles/governance/2012-01-18-hungary\\_en.htm](https://ec.europa.eu/economy_finance/articles/governance/2012-01-18-hungary_en.htm)

European Commission. (2013). European Commission closes infringement procedure on forced retirement of Hungarian judges. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_13\\_1112](https://ec.europa.eu/commission/presscorner/detail/en/IP_13_1112)

European Commission. (2017a). Commission refers Hungary to the European Court of Justice of the EU over the Higher Education Law. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_17\\_5004](https://ec.europa.eu/commission/presscorner/detail/en/IP_17_5004)

European Commission. (2017b). European Commission launches infringement against Poland over measures affecting the judiciary. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_17\\_2205](https://ec.europa.eu/commission/presscorner/detail/en/IP_17_2205)

European Commission. (2017c). European Commission steps up infringement against Hungary on NGO Law. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_17\\_5665](https://ec.europa.eu/commission/presscorner/detail/en/IP_17_5665)

European Commission. (2017d). Hungary: Commission takes second step in infringement procedure on Higher Education Law. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_17\\_1952](https://ec.europa.eu/commission/presscorner/detail/en/IP_17_1952)

European Commission. (2017e). Infringements -European Commission refers Hungary to the Court of Justice for its NGO Law. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_17\\_5003](https://ec.europa.eu/commission/presscorner/detail/en/IP_17_5003)

European Commission. (2017f). Rule of Law: European Commission acts to defend judicial independence in Poland. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_17\\_5367](https://ec.europa.eu/commission/presscorner/detail/en/IP_17_5367)

European Commission. (2018a). Rule of Law: Commission launches infringement procedure to protect the independence of the Polish Supreme Court. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_18\\_4341](https://ec.europa.eu/commission/presscorner/detail/en/IP_18_4341)

European Commission. (2018b). Rule of Law: European Commission refers Poland to the European Court of Justice to protect the independence of the Polish Supreme Court. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_18\\_5830](https://ec.europa.eu/commission/presscorner/detail/en/IP_18_5830)

European Commission. (2018c). Rule of Law: European Commission takes next step in infringement procedure to protect the independence of the Polish Supreme Court. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_18\\_4987](https://ec.europa.eu/commission/presscorner/detail/en/IP_18_4987)

European Commission. (2019a). Rule of Law: European Commission launches infringement procedure to protect judges in Poland from political control. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_1957](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_1957)

European Commission. (2019b). Rule of Law: European Commission refers Poland to the Court of Justice to protect judges from political control. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_6035](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_6035)

European Commission. (2019c). Rule of Law: European Commission takes new step to protect judges in Poland against political control. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_4189](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_4189)

European Commission. (2020). Rule of Law: European Commission launches infringement procedure to safeguard the independence of judges in Poland. European Commission - European Commission. [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_772](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_772)

European Commission. (2021). Rule of Law: Commission adopts next step in the infringement procedure to protect judicial independence of Polish judges. [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_224](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_224)

European Commission for Democracy Through Law (Venice Commission). (2011). OPINION ON THE NEW CONSTITUTION OF HUNGARY. Council of Europe. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2011\)016-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)016-e)

European Commission for Democracy through Law (Venice Commission). (2013, June). Opinion on the Fourth Amendment to the Fundamental Law of Hungary. Council of Europe. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad\(2013\)012-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2013)012-e)

European Commission for Democracy Through Law (Venice Commission). (2016). Venice Commission: New Polish law on constitutional tribunal gives excessive power to parliament and the executive over the judiciary. Council of Europe. <https://rm.coe.int/168071ed8c>

European Commission for Democracy Through Law (Venice Commission). (2017). Opinion on the Draft Law on the Transparency of Organisations Receiving Support from Abroad. Council of Europe. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)015-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)015-e)

European Liberties Platform. (2020, January 29). Orbán's Media Empire Unlawfully Given Green Light. Liberties.Eu. [https://www.liberties.eu/en/news/fidesz-kesma-unlawful-decision-of-competition-authority/18676?fbclid=IwAR2gMAhyjZsaeOuK6JF\\_ggKNDnd4I9LMKgrWiZRoLQBNqPn5\\_lrXWsGeu9Y](https://www.liberties.eu/en/news/fidesz-kesma-unlawful-decision-of-competition-authority/18676?fbclid=IwAR2gMAhyjZsaeOuK6JF_ggKNDnd4I9LMKgrWiZRoLQBNqPn5_lrXWsGeu9Y)

European Parliament. (2011). Media law in Hungary. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-7-2011-0094\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-7-2011-0094_EN.html)

European Parliament. (2012). Recent political developments in Hungary. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-7-2012-0053\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-7-2012-0053_EN.html?redirect)

European Parliament. (2013). Situation of fundamental rights: standards and practices in Hungary. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-7-2013-0315\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-7-2013-0315_EN.html?redirect)

European Parliament. (2015). Situation in Hungary, follow-up to the European Parliament resolution of 10 June 2015. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-8-2015-0461\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2015-0461_EN.html)

European Parliament. (2015). Situation in Hungary. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-8-2015-0227\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2015-0227_EN.html)

European Parliament. (2016). Recent developments in Poland and their impact on fundamental rights as laid down in the Charter of Fundamental Rights of the

European Union. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-8-2016-0344\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2016-0344_EN.html)

European Parliament. (2016). Situation in Poland. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-8-2016-0123\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2016-0123_EN.html)

European Parliament. (2017). Situation in Hungary. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-8-2017-0216\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-8-2017-0216_EN.html?redirect)

European Parliament. (2017). The situation of the rule of law and democracy in Poland. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-8-2017-0442\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2017-0442_EN.html)

European Parliament. (2018). Commission decision to activate Article 7(1) TEU as regards the situation in Poland. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0055\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0055_EN.html)

European Parliament. (2018). The situation in Hungary. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0340\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0340_EN.html)

European Parliament. (2020). Determination of a clear risk of a serious breach by Poland of the rule of law. Strasbourg: European Parliament. Retrieved from: [https://www.europarl.europa.eu/doceo/document/TA-9-2020-0225\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0225_EN.html)



European Parliament. (n.d.). European Parliament: 2014-2019. <https://www.europarl.europa.eu/election-results-2019/en/european-results/2014-2019/outgoing-parliament/>

Facsar, F. (2010). Center-right Fidesz party sweeps to victory in Hungary – CNN.com. CNN. <https://edition.cnn.com/2010/WORLD/europe/04/26/hungary.election.results/index.html>

Free Press Unlimited. (2019). Conclusions of the Joint International Press Freedom Mission to Hungary. [https://www.freepressunlimited.org/sites/freepressunlimited.org/files/image\\_new\\_sarticle/europa/hungary\\_conclusions\\_-\\_international\\_mission.pdf](https://www.freepressunlimited.org/sites/freepressunlimited.org/files/image_new_sarticle/europa/hungary_conclusions_-_international_mission.pdf)

Freedom House. (2020a). Hungary. <https://freedomhouse.org/country/hungary/freedom-world/2020>

Freedom House. (2020b). Nations in Transit: Dropping the Democratic Facade. [https://freedomhouse.org/sites/default/files/2020-04/05062020\\_FH\\_NIT2020\\_vfinal.pdf](https://freedomhouse.org/sites/default/files/2020-04/05062020_FH_NIT2020_vfinal.pdf)

Front Line Defenders. (2016, December 7). Polish Parliament approves restrictive amendments to the Law on Assemblies. <https://www.frontlinedefenders.org/en/statement-report/polish-parliament-approves-restrictive-amendments-law-assemblies>

Fukuyama, F. (1992). The End of History and the Last Man. The Free Press.

Gjergji, O. (2020). Why the European People's Party struggles to distance itself from Orban. European Data Journalism Network. <https://www.europeandatajournalism.eu/eng/News/Data-news/Why-the-European-People-s-Party-struggles-to-distance-itself-from-Orban>

Goettig, M., & Barteczko, A. (2015, October 27). Poland's Eurosceptics win outright majority in parliament. Reuters. <https://www.reuters.com/article/us-poland-election-idUSKCN0SLIXH20151027>

Halmi, G. (2017). The Early Retirement Age of the Hungarian Judges. In F. Nicola & B. Davies (Eds.), EU Law Stories: Contextual and Critical Histories of European Jurisprudence (Law in Context, pp. 471-488). Cambridge: Cambridge University Press. doi:10.1017/9781316340479.024

Helsinki Foundation for Human Rights. (2018). The situation of the civil society organisations in Poland. [http://www.hfhr.pl/wp-content/uploads/2017/09/HFHR\\_situation\\_ngos\\_in\\_Poland\\_brief.pdf](http://www.hfhr.pl/wp-content/uploads/2017/09/HFHR_situation_ngos_in_Poland_brief.pdf)

Human Rights Watch. (2012, October 28). Hungary: Media Freedom Under Threat. <https://www.hrw.org/news/2012/02/16/hungary-media-freedom-under-threat#>

Human Rights Watch. (2013, October 28). Hungary: Rule of Law Under Threat. <https://www.hrw.org/news/2013/05/16/hungary-rule-law-under-threat#>

Human Rights Watch. (2017a). Poland: Draft Law Threatens Supreme Court. <https://www.hrw.org/node/306885/printable/print>

Human Rights Watch. (2017b, October 28). Hungary: Law Threatens Independent Universities. <https://www.hrw.org/news/2017/04/04/hungary-law-threatens-independent-universities>

Human Rights Watch. (201-05). Assessing the Impact of Hungary's New Constitution and Laws. <https://www.hrw.org/report/2013/05/16/wrong-direction-rights/assessing-impact-hungarys-new-constitution-and-laws>

Hungary: Constitution Changes Warrant EU Action. (2013, March). Human Rights Watch. <https://www.hrw.org/node/249040/printable/print>

Hungary: EU court rules education amendments unlawful. (2020). European University Association. <https://eua.eu/news/575:hungary-eu-court-rules-education-amendments-unlawful.html>

International Press Institute. (2020, March). Hungary: Press freedom threatened as Orbán handed new powers. <https://ipi.media/hungary-press-freedom-threatened-as-orban-handed-new-powers/>

Kalan, D. (2019, December 5). How Poland's Public Television Became a Mouthpiece of the Law and Justice Party. Foreign Policy. <https://foreignpolicy.com/2019/11/25/poland-public-television-law-and-justice-pis-mouthpiece/>

Konieczny, T. T. (2016). Farewell to the Polish Constitutional Court. Verfassungsblog. <https://verfassungsblog.de/farewell-to-the-polish-constitutional-court/>

Krugman, P. (2012, March 10). First, Let's Pick All the Judges. New York Times. <https://krugman.blogs.nytimes.com/2012/03/10/first-lets-pick-all-the-judges/>

Lane Scheppele, K. (2014). Guest post: Hungary's attacks on the rule of law and why they matter for business. Financial Times. <https://www.ft.com/content/6c538e70-168f-3d1e-ba92-8a80790a6247>

Level of media control in Hungary is "unprecedented in an EU member state". (2019, December 5). RSF. <https://rsf.org/en/news/level-media-control-hungary-unprecedented-eu-member-state>

Maurice, E. (2017, September 12). EU steps up infringement case against Poland. EUobserver. <https://euobserver.com/justice/138983>

Mudde, C. (2014, April 14). The 2014 Hungarian parliamentary elections, or how to craft a constitutional majority. Washington Post. <https://www.washingtonpost.com/news/monkey-cage/wp/2014/04/14/the-2014-hungarian-parliamentary-elections-or-how-to-craft-a-constitutional-majority/>

Müller, J. (2016, September 2). Hungary heads in undemocratic direction. The Guardian. <https://www.theguardian.com/commentisfree/2011/apr/25/fidesz-hungarian-constitution>

Nolan, D. (2017). Hungarian NGOs prepare for government crackdown. DW.COM. <https://www.dw.com/en/hungarian-ngos-prepare-for-government-crackdown/a-37213758>

OSCE. (2019). Polish parliamentary elections were prepared well, but marred by intolerant rhetoric and bias in public media, international observers say. <https://www.osce.org/odihr/elections/poland/435941>

OSCE/ODIHR. (2014). HUNGARY PARLIAMENTARY ELECTIONS 6 April 2014: OSCE/ODIHR Limited Election Observation Mission Final Report. OSCE Office for Democratic Institutions and Human Rights. <https://www.osce.org/files/f/documents/c/0/121098.pdf>

OSCE/ODIHR. (2017). Opinion on the Draft Act of Poland on the National Freedom Institute - Centre for the Development of Civil Society. [https://www.legislationline.org/download/id/7372/file/303\\_NGO\\_POL\\_22Aug2017\\_en.pdf](https://www.legislationline.org/download/id/7372/file/303_NGO_POL_22Aug2017_en.pdf)

OSCE/ODIHR. (2018). Hungary – Parliamentary Elections, 8 April 2018: STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS. OSCE. <https://www.osce.org/files/f/documents/0/0/377410.pdf>

OSCE/ODIHR. (2020). REPUBLIC OF POLAND PRESIDENTIAL ELECTION 28 June and 12 July 2020: ODIHR Special Election Assessment Mission Final Report. <https://www.osce.org/files/f/documents/6/2/464601.pdf>

Palfi, R. (2020, May 28). Coronavirus: Hungary bid to end emergency powers "an optical illusion", say human rights NGOs. Euronews. <https://www.euronews.com/2020/05/28/coronavirus-hungary-bid-to-end-emergency-powers-an-optical-illusion-say-human-rights-ngos>

Pech, L., & Wachowicz, P. (2019). 1095 Days Later: From Bad to Worse Regarding the Rule of Law in Poland (Part I). Verfassungsblog. <https://verfassungsblog.de/1095-days-later-from-bad-to-worse-regarding-the-rule-of-law-in-poland-part-i/>

Pech, L., Wachowicz, P., & Mazur, D. (2021). 1825 Days Later: The End of the Rule of Law in Poland (Part I). Verfassungsblog. <https://verfassungsblog.de/1825-days-later-the-end-of-the-rule-of-law-in-poland-part-i/>

POLIS BLOG. (2021, January 29). The EU budget compromise: A missed opportunity to protect the rule of law. <https://polis180.org/polisblog/2021/01/27/the-eu-budget-compromise-a-missed-opportunity-to-protect-the-rule-of-law/>

POLITICO. (2018, September 12). What is Article 7, the EU's 'nuclear option'? <https://www.politico.eu/article/graphic-what-is-article-7-the-eus-nuclear-option/>

Racz, A. (2018). Free, But Not Fair Elections in Hungary – Further Crackdown on Civil Society is Likely. The International Centre for Defence and Security (ICDS). [https://icds.ee/wp-content/uploads/2018/04/ICDS\\_Analysis\\_Free\\_But\\_Not\\_Fair\\_Elections\\_in\\_Hungary\\_Andras\\_Racz\\_April\\_2018.pdf](https://icds.ee/wp-content/uploads/2018/04/ICDS_Analysis_Free_But_Not_Fair_Elections_in_Hungary_Andras_Racz_April_2018.pdf)

Reuters. (2017, January 11). Ruling Fidesz party wants Soros-funded NGOs "swept out" of Hungary. <https://www.reuters.com/article/us-hungary-fidesz-soros-idUSKBN14V0P2>



Reuters. (2020, May 11). Polish government considers law forcing NGOs to declare foreign funding. <https://www.reuters.com/article/poland-ngos/polish-government-considers-law-forcing-ngos-to-declare-foreign-funding-idUKL8N2CT53C>

Santora, M. (2018, December 3). George Soros-Founded University Is Forced Out of Hungary. The New York Times. <https://www.nytimes.com/2018/12/03/world/europe/soros-hungary-central-european-university.html>

Schackow, N. (2014). Hungary's Changing Electoral System: Reform or Repression Inside the European Union?

Sieradzka, M. (2020). PiS-friendly oil firm buys up Polska Press. Deutsche Welle. <https://www.dw.com/en/poland-tightens-grip-on-independent-media-with-oil-firms-polska-press-takeover/a-55889026>

Stormont, N. (2017). How Poland's Government Set Out to Conquer a Free Press. Freedom House. <https://freedomhouse.org/article/how-polands-government-set-out-conquer-free-press>

Szuleka, M. (2019, June 20). New retirement rules for Polish judges contravene EU law – according to Advocate General. Rule of Law. <https://ruleoflaw.pl/new-retirement-rules-for-polish-judges-contravene-eu-law-according-to-advocate-general/>

The Hungarian Helsinki Committee. (2017). What Is The Problem With The Hungarian Law On Foreign Funded NGOs? <https://www.helsinki.hu/wp-content/uploads/What-is-the-Problem-with-the-Law-on-Foreign-Funded-NGOs.pdf>

The Hungarian Helsinki Committee. (2019, July 10). A Constitutional Crisis in the Hungarian Judiciary. <https://www.helsinki.hu/en/constitutional-crisis-in-the-judiciary-july2019/>

Tilles, D. (2020, May 5). Poland falls to lowest ever position in World Press Freedom Index. Notes From Poland. <https://notesfrompoland.com/2020/04/21/poland-falls-to-lowest-ever-position-in-world-press-freedom-index/>

Tillies, D. (2020). Poland no longer rated as full democracy in new Freedom House index. Notes from Poland. <https://notesfrompoland.com/2020/05/06/poland-no-longer-rated-as-full-democracy-in-new-freedom-house-index/>

Tóth, C. (2014, July 31). Viktor Orban: "The era of liberal democracies is over." The Budapest Beacon. <https://budapestbeacon.com/viktor-orban-era-liberal-democracies/>

United Nations. (2012). Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17_en.pdf)

Vass, Á. (2019, May 23). Weber Admits Suspending Fidesz From EPP Was "Face-Saving" Move. Hungary Today. <https://hungarytoday.hu/weber-suspension-fidesz-epp/>

Vass, Á. (2020, November 12). Gov't Move to Amend Election Law Draws Concern. Hungary Today. <https://hungarytoday.hu/government-amend-election-law-concern-opposition-power/>

Vegh, Z. (2020, November 18). Concerns over Hungary's pending electoral code amendment. Epde.Org. <https://www.epde.org/en/news/details/concerns-over-hungarys-pending-electoral-code-amendment.html>

VoteWatch Europe. (2018, May 14). Alliances matter: political networks, the rule of law principles and the split of EU money (MFF). <https://www.votewatch.eu/blog/alliances-matter-political-networks-the-rule-of-law-principles-and-the-split-of-eu-money-mff/>

Wahl, T. (2019). CJEU: Polish Supreme Court Reform Infringes EU Law – eucrim. Eucrim. <https://eucrim.eu/news/cjeu-polish-supreme-court-reform-infringes-eu-law/#:~:text=On%2024%20June%202019%2C%20the,law%20in%20light%20of%20Art.>

Wahl, T. (2020). Rule-of-Law Developments in Hungary. Eucrim. <https://eucrim.eu/news/rule-law-developments-hungary/>

Walker, S. (2018, December 4). "Dark day for freedom": Soros-affiliated university quits Hungary. The Guardian. <https://www.theguardian.com/world/2018/dec/03/dark-day-freedom-george-soros-affiliated-central-european-university-quits-hungary>

Walker, S., & Rankin, J. (2020, July 1). Hungary passes law that will let Orbán rule by decree. The Guardian.

<https://www.theguardian.com/world/2020/mar/30/hungary-jail-for-coronavirus-misinformation-viktor-orban>

Zalan, E. (2019, March 21). EPP suspends Orban's Fidesz party. EUobserver. <https://euobserver.com/eu-election/144459>

