

Partisanship above Fundamental Values?

A comparative analysis of Europarties' reactions to party members' non-compliance with the European Union's fundamental values (Art. 2 TEU) over time

Moa Ryberg

Abstract

The European Union (EU) can no longer portray itself as a community of democracies since Hungary was recently classified as an electoral authoritarian regime. This was the culmination of a trend of democratic decline, which stands in contrast to the fundamental values the EU proudly denotes are its foundation. The thesis departs from this contradiction and finds theoretical relevance in R. Daniel Kelemen's claim that partisan politics on the EU-level has created stronger incentives for European level political parties (Europarties) to protect their members since they provide votes to their coalitions. The purpose is to investigate if and how the Europarties' reactions to their members' non-compliance with fundamental values have changed over time. Content analysis is applied to analyze statements by the Presidents of the Europarties, which constitutes the reactions. To analyze the trends and tendencies over time, 12 actions of non-compliance by member states between 2000 and 2019 is selected. The result indicates that the Europarties' reactions have generally changed over time and that they have become less inclined to impose social and/or material sanctions on their members. The conclusions support the assumption that the Europarties have become more accepting of their members' non-compliance with the fundamental values over time.

Key words: European Union, Europarties, partisan politics, non-compliance, EU fundamental values

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1 Introduction

The European Union is no longer the home of democracies. In the annual Democracy report for 2020 by the Varieties of Democracy Institute (V-Dem), Hungary was defined as an electoral authoritarian regime (V-Dem 2020). Nonetheless, a recent report from the V-Dem states that the current Covid-19 pandemic is accelerating the threat against democracy in an extensive number of countries in the world. However, a large number of the countries that pose a high as well as a medium risk for democratic decline are to be found within the European Union. Some of those are in fact members of the European Union, such as Poland, the Czech Republic and Romania (Lührmann – Edgell & Maerz 2020, 1). Nevertheless, the by far most extreme, controversial and recent example is Hungary where the attack on democracy over the last decade culminated with the Hungarian parliament passing a law in late March this year, allowing Prime Minister Viktor Orbán to rule by decree (Rankin – Walker 2020).

Given the European Union's deep and profound commitment to democracy, it is essential to ask the pondering question; how could this happen? How could the European Union, whose membership criteria is fundamentally based on fulfilling democratic standards, become an unintentional breeding ground for authoritarian and illiberal forces? But most importantly, how could the European Union let this happen? New members to the Union are required to adopt all legislation and policies to be in line with EU fundamental values prior to accession, which indeed is a commitment made by the member states. The European Union has consistently framed itself as a Union of democracies and the fundamental values were enshrined as principles in Article 2 TEU of the Treaty of Amsterdam in 1997 (Sedelmeier, 2015, pp. 412-3). Nonetheless, the Treaty of Lisbon that went into force in 2009 further enhanced the status of the fundamental values – democracy, rule of law, equality, human dignity, freedom and human rights – by making them primary law and thus a legal matter (Verfassungsblog 2019). The facts are that the member states have committed to - and are legally bound to comply with - the EU fundamental values. The Treaty of Amsterdam even established a legal mechanism, Article 7 TEU, to punish member states that pose a serious threat to, or are breaching, the fundamental values (Kelemen, 2017, pp. 212). So how can we understand the puzzling notion that the European Union has not done substantially more to punish countries that are not even fulfilling the basic criteria for EU membership anymore? Why have not the European Union been able to hinder member states from non-compliance with the EU fundamental values?

R. Daniel Kelemen has presented an explanation for how and why a member of the European Union can stop being a democracy and still be allowed to remain a member state. He argues that there may be a linkage between the increase in democracy at the EU level and the decrease of democracy at the national level within member states. The increase of democracy on the former level is motivated by the fact that the powers of the European Parliament, the only directly elected institution, has grown over the last two decades, which has strengthened the democratic and thus the partisan element of the European Union. One consequence is that the European level political parties (Europarties) and their party groups in the European Parliament to a greater extent depend on the votes coming from national parties belonging to the group. Thus, the Europarties have become increasingly protective of their members and the votes that they provide, which have created strong incentives to accept actions and behavior, that are not complying with the EU fundamental values, by their member parties. However, if the Europarties wished to intervene on the national level, as a consequence of the action or behavior of the party member, it cannot do so since the partisan politics of the European Union is not developed into allowing any interventions since it is simply not a nation-state. In light of this, Kelemen concludes that the partisan politics of the European Union has caught itself in an authoritarian equilibrium (Kelemen, 2017, pp. 213-4).

This thesis aims to investigate whether Kelemen is entirely right in what he is claiming. He reached his conclusions based on a comparative study of Hungary and Poland and how their respective Europarty and party group in the European Parliament has acted concerning their non-compliance and breaches of the EU fundamental values. The main conclusion that he draws from the comparison of the two cases is that the governing Hungarian party has enjoyed greater protection by its political coalition than the governing Polish party. He argues that it is because the Hungarian party belongs to the largest and most traditional and powerful Europarty and party group with way more influence over EU legislation than the Polish party's political coalition has. Essentially, the Europarties depend on their members to deliver votes to their coalition in the European Parliament in exchange for membership in the party (Kelemen, 2017, pp. 226, 229-230).

I intend to base this thesis on Kelemen's claims but my take will be slightly different and I will now argue why. Firstly, to expand on this research field, the debate must be redirected from the exclusive focus on Hungary and Poland. Unfortunately, it is not only these two countries that are, and have been, on the wrong trajectory in terms of respecting the EU fundamental values, which need to further addressed in the theoretical as well as in the empirical debate. However, I do not question the fact that no other country can yet be compared to those two with regards to the attack on democracy by both member states. Nonetheless, since Kelemen had Hungary and Poland as cases, he also only included two Europarties. I strongly believe that we need to widen the scope and include more countries, and consequently more Europarties, in order to contribute to the theoretical relevance and to the ability to make sense of what is happening within

the European Union. Secondly, my take on Kelemen's claims is to expand on his theoretical lens and not only by including more countries but also by analyzing if and how Europarties' acceptance has changed over time. This combination will enable an opportunity to see trends and tendencies regarding the acceptance over time. It is important to conduct such studies because if Kelemen is right, that the Europarties have become more accepting of their members' non-compliance with EU fundamental values over time, this research field must be given more theoretical and empirical attention. We must ask, is this a trend? Does this supposedly increased acceptance apply to all Europarties and not only to the two that Hungary and Poland belong to? Thirdly, this thesis will attempt to expand on Kelemen's research by exclusively focus on what has been said, and not what has been de facto done. Essentially, this study will be analyzing what the Europarties' President has said - if and how they have said it - when a member of their Europarty has non-complied with or breached the EU fundamental values. Analyzing what European key actors are, or have been, saying is crucial and, in this case, a highly appropriate way to further investigate whether Europarties have become more accepting toward members' non-compliance with EU fundamental values. In light of these arguments, I will now present the research question.

1.1 Purpose and Research Question

If and how has Europarties' reactions to their members' non-compliance with EU fundamental values (Art. 2 TEU) changed over time?

The purpose of this study is to investigate the claim of whether Europarties have become more accepting over time of their members' non-compliance with EU fundamental values. Members refer to political parties on the national level that is in government and members of a Europarty. To measure acceptance, I have chosen to conduct a content analysis of the Europarties' first reaction to such an action – legal, policy or equivalent – that is incompatible with fundamental values the Union is founded on. The research method will enable me to create an understanding of if and how the acceptance has increased over time, by analyzing if, what and how the Europarties express themselves in direct response to such an event. It is important to focus on what some of the key actors in EU policy-making, among those the Europarties, are saying in response to situations that are indirectly contributing to making the Union less a home of democracies. The study aims to continue to address the role of Europarties – and as a consequence also the party groups in the European Parliament since they are interlinked – in actually contributing to the decrease of democracy on the national level.

Thus, the scope of this thesis is to expose trends and tendencies regarding the Europarties' supposed acceptance of member states' non-compliance with EU fundamental values over time. In a broader picture, it is crucial to create a more comprehensive understanding of the causes and the reasons why the European

Union has become the home of an electoral authoritarian regime, and what role the EU might have had in making that happen. Hence, this study aims to contribute to this research field by widening Kelemen's research by including a larger amount of actions, and Europarties, as well as analyzing the phenomenon of acceptance over time, namely between 2000 to 2019.

2 Background

This section aims to give a background to important empirics of the thesis to create a good understanding of the key features. The rationale behind the following sections is to give an overview of the political context in which the research question is situated. Therefore, it entails a summary of the European Parliament's historical evolution into becoming what it is today, the role of the party groups and European level political parties (Europarties), and how the fundamental values have become a crucial part of the European Union's identity. Attention will exclusively be given to the Europarties and the party groups that are the subject of this study.

2.1 The European Parliament

The European Parliament is the single institution in the European Union that is directly elected. Thus, it differs a lot from the other institutions since it derives its power from national electorates and not from national governments. Today, the European Parliament is perhaps one of the most powerful parliaments in the world and its historical development has resulted in it being on equal footing with the national governments in the Council of Ministers of the European Union (Shackleton, 2017, pp. 138).

The Treaty of Rome from 1957 brought two important changes for the trajectory of the European Parliament to become a more influential institution. Firstly, the Union committed to replace the system with nominated members to direct universal suffrage in relation to the elections to the parliament. However, the first direct European election was not held until 1979. Secondly, the European Parliament was given an advisory and supervisory role in the legislative process. Over the upcoming years, this role became extended to budgetary powers and the role of merely being consulted in the legislative process was more or less abandoned with the Single European Act in 1986 when the European Parliament was allowed two readings of the legislative proposals instead of one. However, it was not until the signing of the Maastricht Treaty in 1993 that the European Parliament and the Council of Ministers ended up on equal footing in the legislative process as the procedure of joint decision-making was implemented and not only facilitated direct negotiations between the two institutions, but also the right to the European Parliament to reject the legislation. The process of parliamentarization became a fact, and it was driven by the urge to improve the democratic legitimacy of the legislative process of the European Union. The

Amsterdam Treaty that was signed in 1997 further enhanced the European Parliament's role as it was given the influence to affect the nomination of the European Commission. The most significant constitutional change regarding its role came with the Lisbon Treaty that went into force in 2009. The long-term increase of power culminated with the launching of the co-decision procedure, along with other substantial changes. Thus, since 2009, the European Parliament is the co-legislator together with the Council of Ministers, which ultimately has resulted in un-doubtful formal powers for the institution to influence the trajectory of the European Union through legislative and policy-making capabilities (Shackleton, 2017, pp. 138-146).

2.2 Europarties

While the European Parliament is a common research topic, there is less awareness of European level political parties and their influence in the institution as well as in general European affairs. However, the two are intrinsically connected since the party groups in the European Parliament are officially, or in practice, affiliated with the Europarties. The Europarties' role in European integration was affirmed by the Maastricht Treaty in 1993, and then by the Lisbon Treaty in 2009, where it was concluded that political parties at the European level had a specific task in enhancing the political wishes of the citizens of the European Union. Europarties are often defined as federations of national political parties or as party networks since they are not functioning as traditional national parties. Europarties are operating as arenas for coordinating policy stances, ideas and actions. For instance, they meet prior to the European Council summits. However, the strengthening of their influence within the European Union has predominantly been done through the empowerment of the European Parliament. The party groups in the European Parliament are closely connected to Europarties, which means that they are political parties on the level above the party groups. Thus, their influence stretches above the partisanship in the European Parliament since the national parties are indirectly or directly represented in all EU institutions. Nonetheless, the strengthening of the European Parliament's power has created a strong foundation for the partisan dimension, and in particular the Europarties, to gain a significant impact over the policy process in the European Union (Raunio, 2017, pp. 370-2).

Thus, it is reasonable to argue that the European Union has become increasingly politicized as a result of the increased levels of democracy. A significant development exemplifying this argument is the *Spitzenkandidaten* procedure that first occurred before the European elections in 2014. Essentially, the Europarties and their party groups went ahead and presented lead candidates from their respective groups for the Commission President, which was a clear move made to tilt the power toward the European Parliament and away from the governments of the member states. However, since 2004, the appointed Commissions have been

oriented toward center-right, which could arguably be connected to the EPP being the largest party group in the Parliament (Raunio, 2017, pp. 372-5).

In light of this, it is highly relevant to study Europarties, what they are saying, and how they are saying it because they are the overarching federations of partisan politics within the European Union. It is important to stress the notion that the partisan dimension even stretches above the European Parliament because of the Europarties, which speaks for the fact that the European Union has become increasingly politicized. Thus, it is vital to conduct efforts to analyze and to understand the possible consequences stemming from the strong element of partisan politics. This thesis broader aim is to investigate the Europarties' role in addressing their members' non-compliance with the EU fundamental values. In an attempt to create further understanding around this, I have chosen to analyze what the Europarties say, how they say it, and if and how it has changed over time. In conclusion, the Europarties are parties on the European level but their concrete way of exercising power and influence over the EU policy and law-making is done through their party groups in the European Parliament. Therefore, a summary of the evolution, formation, power and influence of party groups will be given in the next section.

2.3 Party groups

The political groups in the European Parliament was formed in the early 1950s after the members of the Parliament (MEPs) agreed that they could have more influence over the policy-making in the Union in blocs. The rationale then, as well as today, was to counterbalance the national interests of member states in the European Union. Since the creation, the role of the party system has been increasingly institutionalized within the European Parliament. Not only due to the procedural reforms concerning the legislative process but also because of the increased stability among the most established party groups. The party system in the European Parliament has been dominated by the traditional left-right axis. As mentioned previously, the first direct election to the European Parliament took place in 1979 where five party groups were represented; the socialists/social democrats, Christian democrats/conservatives, liberals, conservatives and communists/radical left. In spite of the relative increase in number, as well as re-grouping, of party groups, the former two have remained the largest even to this point of time (Raunio, 2017, pp. 357-9).

The election to the European Parliament in 2019 resulted in the Christian democratic/conservative group of the European People's Party (EPP) winning the highest number of seats, 182 seats out of the total of 751 (European Parliament 2019). The party group is affiliated with the Europarty with the same name and acronym. The EPP is a party group that has consistently through time been strongly for closer European integration and its largest national party member is

Angela Merkel's German Christian Democratic Union (CDU). However, the party group has had a significant increase over time in the number of conservative, and even some rather controversial, parties, such as the Hungarian party Fidesz, which is led by Viktor Orbán, and the Italian party Forward Italy, which was led by Silvio Berlusconi (Raunio, 2017, pp. 359-360). The socialist/social-democratic group of the Progressive Alliance of Socialists and Democrats (S&D) became the second-largest group after the election after gaining 154 seats in the parliament. They are affiliated with the Europarty called The Party of European Socialists (PES). At the present time, the largest national party is the Spanish Partido Socialista Obrero Español followed by the Italian Partido Democratico (European Parliament 2019). As well as the EPP, the S&D has also consistently and at all times been in favor of deeper European integration (Raunio, 2017, pp. 360). The third-largest party group is Renew Europe who gained 108 seats in the election (European Parliament 2019). The party group, who changed its name from ALDE after the latest election, brings together national parties with a liberal and centrist orientation and is a rigid supporter for deeper European integration. This party group is affiliated with the Europarty with the same name as them prior to the name change in 2019 - Alliance of Liberals and Democrats for Europe (ALDE). The party group European Conservatives and Reformists (ECR) was founded in 2009 and it is characterized as a Eurosceptic party. The party group belongs to the European Conservatives and Reformist Party (ECR Party). The largest national party is the rather controversial and governing Polish Law and Justice party (Raunio, 2017, pp. 360). In the election last year, the party group won 62 seats in the European Parliament, making them the fourth largest party group (European Parliament 2019).

As the historical extension of the European Parliament's powers, the party groups have adapted the internal structures of the European Parliament to enhance their ability to influence EU policy-making. Most prominently, the party groups have indirectly become the co-legislators and they are also responsible for electing the President of the Commission as well as approving the formation of such in its totality (Raunio, 2017, pp. 372-5). This has contributed to the politicization of the EU since the party groups, through the Europarties, are highly involved in shaping the executive branch as well as the legislative process (Dehousse – Magnette, 2017, pp. 48).

2.4 Fundamental values

The fundamental values of the European Union are respect for democracy, freedom, equality, human dignity, human rights, including those belonging to minorities, and the rule of law. These are the foundation of the European Union and an essential part of "our European way of life" (European Union 2020). As mentioned previously, these values were enshrined as principles in Article 2 TEU of the Treaty of Amsterdam in 1997 (Sedelmeier, 2015, pp. 412-3). The Treaty of

Lisbon from 2007 further stated the foundational importance of the fundamental values by making them legally binding (Verfassungsblog 2019). The importance of fundamental values has been emphasized in the EU's enlargement process. The Union required the new member states to commit and to fully comply with the "Copenhagen Criteria" from 1993 to prevent the countries from sliding back into old patterns of governance (Sedelmeier, 2015; 412). Another that arguably aimed at preventing precisely this and to ensure compliance with the fundamental values was the launching of Article 7 TEU through the Treaty of Amsterdam in 1997 (Hervey – Livingstone 2017). The purpose of the mechanism is to enable legal action if a member state risks committing a serious and persistent breach of the values enshrined in Article 2 TEU. This three-step mechanism has not been fully invoked since it requires a unanimous decision in the Council of Ministers. This has yet proven to be impossible since Hungary and Poland, the two countries that the EU has launched the first steps of Article 7 TEU against, are not voting against each other (EUR-Lex 2020).

The fundamental values have become somewhat of an identity for the European Union in internal as well as external affairs. The Union's actions on the international stage are portrayed in its own words as "[...] guided by democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms [...]" (EEAS 2019). Nonetheless, the European Union was awarded the Nobel Peace Prize in 2012 for succeeding in fostering precisely this in Europe (European Union 2020). With that said, the Union truly finds itself in a paradox given the trajectory of many member states.

3 Theory

As mentioned in the introduction, this thesis is based on R. Daniel Kelemen's article "Europe's Other Democratic Deficit: National Authoritarianism in Europe's Democratic Union" published in 2017. He argues the theoretical debate must be redirected toward that "the other" democratic deficit that exists on the national level, and not the democratic deficit that critics argue exists on the EU-level due to transfer of power (Kelemen, 2017, pp. 211). In order to understand why the democratic deficit at the national level in the European Union persists and how the European Union is reacting to it, Kelemen places the EU within the theoretical framework of subnational authoritarianism, which stems from the research field of comparative politics. A section where I further specify what claims and argument by Kelemen this study is based on follows this background as well as an introduction to the theoretical tool that I will use to measure and categorize the Europarties' reactions. However, this chapter begins with brief overview and key components of the research field democratic backsliding. The rationale is that the trend of decreasing respect for the fundamental values of the European Union also relates to the research field of democratic backsliding, as this is, in a European context, a growing phenomenon.

3.1 Previous literature

As mentioned in the introductory section to this chapter, Kelemen applied an existing theoretical framework on the European Union in his research. Thus, a brief previous research section on this particular framework will be given in the next section. However, the research question of this thesis does not directly relate to the research field of subnational authoritarianism. The research question is concerned with the EU members' non-compliance with the fundamental values and the response to this by the European Union, in this case by the Europarties. With that said, the research question is assuming that (some) EU member states are not complying, or have been non-compliant, with the fundamental values. Not upholding those fundamental, democratic, values indicate a somewhat negative effect on democracy. Thus, the research question can be considered related to the research field on democratic backsliding, which is a concept that Kelemen also frequently mentions when framing the trend of democratic decline within the EU. The thesis, however, does not study democratic backsliding as a phenomenon, but it is rather the genre that the research question can be highly considered situated in.

The literature on democratic backsliding does not provide a single definition of the concept and most recent articles rarely provide a definition either when using the term. However, the first part of the concept, liberal democracy, is a well-established term and definition, which means that the meaning of backsliding is the ambiguous term. Nancy Bermeo argues that democratic backsliding is often used, but to a lesser extent defined. Her well-cited definition of democratic backsliding is “the state-led debilitation or elimination of any of the political institutions that sustain an existing democracy” (Bermeo, 2016, pp. 5). She further acknowledges that democratic backsliding is a gradual process and that its form has changed over time into being more fluent and difficult to pinpoint, which also brings great difficulties to the task of defending democracy today (Bermeo, 2016, pp. 6). Nick Sitter and Elisabeth Bakke’s literature review in their article on democratic backsliding in the European Union also pinpoint the gradual element in backsliding. Their definition, with the help from various researchers, is that democratic backsliding is a “gradual, deliberate, but open-ended process of de-democratization” (Sitter – Bakke, 2019, pp. 1). There seems to be a common understanding in academia regarding democratic backsliding being a gradual process, or change, and not a single event. Thus, isolated events or actions can contribute to democratic backsliding but does not constitute the concept itself (Waldner – Lust, 2018, pp. 95; Bermeo, 2016, pp. 6). Democratic backsliding has been used to describe developments or situations in various countries and regions. However, the concept has increasingly been used in the literature on democracy in Europe over the past two decades, mainly as a consequence of the enlargement of the EU. Backsliding in the context of the European Union have been used by Ivan Krastev to describe the end of the democratic membership requirements, the Copenhagen Criteria, and what is often called the liberal consensus (Krastev, 2012, pp. 58-9). The Copenhagen Criteria, as mentioned previously in the subsection on fundamental values, was established to prevent new EU members from returning to old patterns of authoritarianism and illiberalism. The democratic backsliding within the European Union has been essentially been connected to the direct contestation of European integration and the fundamental values of the EU (Sedelmeier, 2014, pp. 105).

This subsection of the chapter has so far given a brief overview of the term democratic backsliding and established that it is a concept without a clear-cut definition and that most researchers consider it a gradual process. In the context of the European Union, the term is in direct conflict with the EU fundamental values that member states committed themselves to when joining the Union. In light of the research question’s focus on investigating reactions to non-compliance with the fundamental values, it is of value to present the research on reactions to non-compliance. However, if a country has done something non-compliant with the fundamental values, it does not necessarily mean that the member state is backsliding. Some existing literature found on reactions, or responses, from the EU level are focused on countries that is commonly known as backsliding. Such studies are single case studies or comparative studies mostly focusing on Hungary, Romania and Poland. Kelemen’s article, that this thesis is theoretically

based on, compared EU's reaction to Hungary and Poland's breaches of fundamental values. Ulrich Sedelmeier wrote an article describing the Union's reactions to the same phenomenon, but examining breaches made by Hungary and Romania (Sedelmeier, 2014, pp. 105-121). On the same theme, Sedelmeier sought to explain the European Union's reactions to the Austrian government coalition with an extreme far-right party in 2000 (Sedelmeier et. al, 2001, pp. 59). An article by Ingi Iusmen also examined the Union's response and measures in response to democratic backsliding in Romania (Iusmen, 2015, pp. 593). The research found on reactions and responses to breaches of the fundamental values by other actors than the EU institutions was scarce. However, one article was found on Members of the European Parliament's (MEP) responses to democratic backsliding and another focusing on what factors that are affecting whether MEP's vote to punish their own party members if they breach fundamental values (Meijers – Van der Veer, 2019, pp. 838; Sedelmeier – Avdagic, 2019, pp. 1). Interestingly, the latter article has Kelemen's partisan argument as the springboard when examining the factors that affect whether MEPs chose to punish a member or not. Thus, there is a narrow research field focusing on describing, or comparing, European Union's responses and reactions to, mostly, members' backsliding and, or, breaches of EU fundamental values.

In addition, there is a strand of research done on the strength and effectiveness of the tools that the EU has to tackle the non-compliance with fundamental values as well as with EU law of member states. For instance, a lot of focus is naturally given on the Union's only tool to punish member states' behaviour legally through the sanctioning mechanism Article 7 TEU (Scheppelle – Kelemen, 2020, pp. 545; Blauburger – Kelemen, 2017, 321). In sum, there is a substantial number of articles on the EU's centralized judicial, as well as political, tools to counter democratic backsliding from within. However, to my knowledge, no research has up to this day been done on the Europarties role or reaction to such developments or isolated events. As mentioned in the first chapter of this thesis, previous research, including Kelemen's article, have mostly been in-depth case studies and comparative studies. This thesis aims at generating a wide analysis of Europarties reaction to several cases of when a government in a member state have done something that is not complying with the EU fundamental values. Essentially, democratic backsliding is the genre of the research question but the thesis will not examine Europarties reaction to democratic backsliding in their member parties' countries, but single actions committed by their members in government.

3.2 Theoretical background

To understand what and why Kelemen is arguing what he is arguing, a brief overview of his theoretical basis will be given. He applies the existing framework called subnational authoritarianism on the European Union, which stems from the comparative politics literature on democratization. The notion of subnational

authoritarianism evolved during the 1990s as some researchers identified authoritarian enclaves on the subnational level existed within large, heterogeneous and federal national level democracies. Moreover, particularly common were they in third-wave democracies, such as in Brazil, Russia, India and Latin American countries (Kelemen, 2017, pp. 214-5). Edward L. Gibson argued that the essence of subnational authoritarianism is that there is an uneven horizontal and vertical distribution of democratic practices and institutions in democratic countries. The importance of this lies in the degree and variation of democracy on the national and subnational levels and the interplay between the two. Gibson used the theory to explain the interplay, and the consequences of such, between politicians from the same party at the national and subnational level in Mexico and Argentina. The leaders on the subnational level tend to constitute important allies to the incumbents on the national level. Therefore, the national level tends to overlook authoritarian developments on the subnational level as they depend on their support - and votes in elections - to remain in power. This results in the increase of democracy on the national level, which in turn results in enhanced partisan politics, often leading to nurturing the authoritarianism at the subnational level (Gibson, 2005, pp. 101, 103-4, 107).

Carlos Gervasoni's contribution to this literature emphasizes the heterogeneity of subnational units in a democratic federation. He measured the levels of democracy of Argentinian provinces with variables such as liberal rights, checks and balances and inclusion. The result supported the notion that subnational regimes are strongly heterogeneous (Gervasoni, 2010, pp. 42). However, Gibson, together with others before him, laid the groundwork for researchers testing the explanation for why authoritarian enclaves persist within democratic federations. The research field of subnational authoritarianism clearly emphasizes the partisan politics, and the interplay between the two levels, as the most powerful explanation.

3.3 Theoretical framework

As mentioned before, Kelemen's research departs from subnational authoritarianism. What he does differently than the researchers within this field is that he applies the theoretical framework on the European Union, which is not a democratic federation in the sense of a nation-state. One could say that the research field on what the EU is somewhat of a battlefield. The European Union is neither a state nor a traditional intergovernmental organization (Hodson – Peterson, 2017, pp. 2). Instead, some researchers view it as an “on-going experiment in collective governance of a multinational continent” (Wallace et. al, 2015, pp. 4). However, the European Union has developed into being less of a nation-state after decades of power transfers from the national level of member states to the EU level of governance (Wallace et. al, 2015, pp. 4). Despite the consistent conceptual debate regarding the character of the European Union, I see

it as *sui generis* and therefore possible to compare it to federal states, international or intergovernmental organizations or others, as long as it can be motivated why. I believe that it is crucial to dare to compare the EU to other actors and entities since we are facing new challenges, such as member states leaning toward authoritarianism, which might also require new theoretical lenses. Therefore, I will base this thesis on a study that dared to apply a theoretical framework on the European Union that had previously only been used on nation-states. I will now tell you why.

It is relevant to clarify that although Kelemen published the article that I am citing relatively recently, in 2017, he expanded his research on the authoritarian equilibrium in an article that was published late February this year. In his latest piece, he develops the authoritarian equilibrium by adding two other explanations to why the EU is caught in it, which are the free movement, and funding and investments from the European Union to these backsliding countries (Kelemen, 2020, pp. 481). However, this theoretical framework is based on Kelemen's article from 2017 because of the simple reason that I did not find out about his new article until March and by then, I had already decided on my theoretical basis. Nonetheless, the newest article does not diminish the power of partisan explanation by adding two additional explanatory factors; it simply develops an existing theoretical framework - as research continually does.

I am building my research on the key arguments in Kelemen's article from 2017. The key logic is that there is possibly a correlation between the EU becoming more democratic and the member states becoming less democratic. This has increased the democratic and partisan dimension of the Union. In turn, the role of the European level political parties has become more influential, in particular in the European Parliament, which arguably has led to stronger incentives for the Europarties to protect members sliding away from the fundamental values since they provide votes to the political parties. What further complicates the equation is the fact that the European Union is lacking the authority nation-states usually has over its subnational units and it can therefore not legally intervene in the domestic affairs. As mentioned previously, this is Kelemen's authoritarian equilibrium. Strengthening the role of the European Parliament in the legislative process, as discussed in the background section, and in the process of electing the Commission President, may have increased the incentives for Europarties to accept members' democratic backsliding (Kelemen, 2017, pp. 213-4, 218).

However, the politicization of the EU has made votes weight substantially more. Therefore, I am taking this theoretical logic and applying it to a study that will include a larger number of countries as well as Europarties. Since I will measure if and how the Europarties have become more accepting toward their members, tools for such measurement must be included in the theoretical framework.

Ulrich Sedelmeier is a researcher that has been dedicated a small part of his research trying to understand the European Union's responses to member states'

breaching fundamental values. These articles were mentioned in the subsection on previous literature. However, my take away from Sedelmeier is his conceptualization of types of reactions and responses, which he argues can come in the form of either material sanctions or social sanctions (Sedelmeier, 2014 pp. 113-114). The distinction he makes between the two is the following.

Material sanctions constitute financial penalties, suspension of membership, or restriction of membership rights and benefits. Social sanctions typically involve shaming. They can range from resolutions or declarations criticising government conduct as inappropriate, to measures that attach a social stigma to target governments (Sedelmeier – Avdagic, 2019, pp. 14).

However, the authors stress the fact that it is seldom a clear cut between these concepts and therefore, some measures will be in between either-or (Sedelmeier – Avdagic, 2019, pp. 14). Apart from including social and material sanctions as tools for measurement, I will also add support, silence and threat of social and/or material sanctions. Since I am analyzing statements, a code for the lack of a statement is required, thereof silence. A statement might also indicate that material sanctions will be enacted, because the statement is seldom a material sanction in itself. Thus, the threat of a material sanction will be searched for. In addition, I will also add support as a code because that should also be considered a possibility. This will be elaborated on in the operationalization section.

4 Methodology

This section will describe and explain the methodological choices that have been made to answer the research question. The remainder of this chapter is the following; first, the rationale for choosing the method content analysis will be presented and its delimitations will be discussed. Second, the case selection will be discussed with a specific focus on how the actions by member states in government were identified and on what grounds they were included as indicators in this study. Third, the material that will constitute the reactions and the operationalization of what I intend to measure will be explained. The limitations of the study are addressed throughout the Chapter.

This study aims to bring additional attention to R. Daniel Kelemen's claim that there might be a link between the European Union becoming more democratic and the decrease of democracy on the national level in member states. Kelemen argues that this linkage provides the Europarties, and their affiliated party groups in the European Parliament, with strong incentives to protect their party members in situations of wrongdoings, such as non-compliance with EU fundamental values. Therefore, he stresses that Europarties have become more accepting of such actions committed by their party members. As mentioned previously, this study departs from Kelemen's theory but with a slightly different take. For instance, previous literature has mainly focused on describing and explaining the European Union's reaction and responses to non-compliance and breaches of fundamental values committed by the frontrunners of democratic backsliding, Hungary, Poland and Romania, although the latter not as frequent (Kelemen, 2017; Sedelmeier, 2014; Sedelmeier, 2016). Research aiming at describing how – and Kelemen's research attempting to explain why – the Union has reacted and responded has been largely conducted by qualitative and comparative case studies. In their case, the research model is logic since they have been focusing on countries that are in the process of democratic backsliding. Reactions to democratic backsliding in some of the EU member states have thus been rational to approach with research designed to generate in-depth conclusions. However, my ambition with including *actions* committed by member states, whether they are in the process of democratic backsliding or not, is to generate a wide rather than in-depth result. My ambition is to describe and to expose trends and tendencies over time concerning Europarties supposedly increased acceptance of actions that are not complying with the European Union's fundamental values. Hence, this study contains a larger number of examples – actions to measure if and how Europarties acceptance has changed over time – than previous studies have included. Still, my purpose, as similar to Kelemen's, is to include the comparative element to answer my research question and to enable visibility of trends and tendencies over time.

4.1 Content analysis

I have chosen to analyze what the Europarties say and not what the European Union has done. My interpretation of a reaction is therefore written language by the Europarty in question, which is different from Kelemen who interpreted reaction as what practically has been done, by the Europarties, party groups and by EU institutions, in response to Hungary and Poland's actions and gradual developments. Thus, this thesis departs from the assumption that reality is subjective and that objective reality does not exist. Instead of analyzing reactions that have de facto occurred, for instance, the launching of the first step of Article 7 TEU process or another infringement procedure, this study aims to analyze the language, which will be interpreted as reflective of the reality (Bergström – Boréus, 2012, pp. 28-9).

In light of this, the method chosen to answer the research question is content analysis. From the ontological and epistemological assumptions that I depart from, texts can be seen as mirrors of understandings and as capturing relations between groups (Bergström – Boréus, 2012, pp. 20, 26). In content analysis, interpretation is the key feature. This study aims at exposing trends and tendencies over time, which generates a qualitative approach since my interpretation of the texts will not be quantified. Strict measurement of the material would simply restrict my ability to interpret the results and risk the opportunity to see and compare patterns that only can be discovered through close manual reading. Qualitative content analysis is thus beneficial in this case due to its suitability when the ambition is to make comparisons, categorizations and analytical interpretations of texts (Bergström – Boréus, 2012, pp. 50-1, 87). This research design creates a well-grounded framework to answer my research question since it specifically enables me to analyze *if* and *how* the reactions, and subsequently the acceptance, have changed over time – hypothetically assuming that it to some extent has. In addition, the core assumption is that the texts that I am analyzing are reflective of, in this case, the acceptance of Europarties of their members' actions that are not complying with EU fundamental values.

First of all, this study analyses what Europarties have said – and not de facto done – as the first reaction to members in their coalitions' non-compliance with EU fundamental values. Thus, it is out of the thesis scope to outline the possible practical measures that the Europarties took in response to the actions by their members. The method is chosen based on its ability to describe a phenomenon and changes over time, which is the aim of this study (Bergström – Boréus, 2012, pp. 405). A fundamental limitation is, therefore, the ambition to explain cause and effect.

Research is rarely able to give the whole picture of a phenomenon. I am aware of the fact that the European Union has increased its institutional capacity to deal with member states' non-compliance with EU fundamental values between 2000

and 2019. For instance, the Rule of Law Framework was launched in 2014 as a tool to deal with backsliding on EU fundamental values (Kelemen, 2017, pp. 224). I am aware that the EU's toolbox for dealing with non-compliance has expanded but since I am not studying the European Union's reaction, but the Europarties, that toolbox is out of the scope.

There can always be alternative explanations to results and in this case, it is important to discuss how that can affect the outcome of this thesis. For instance, the first statement by the President of the Europarty could have been affected by the own ideological stance, working methods or by lengthy negotiations in the Presidency leading up to a heavily compromised statement. Moreover, a statement that was made can also turn out to not be reflective of what was actually done in practice by the Europarties. It is also important to address the possible explanations regarding the lack of statement, which will be categorized in the operationalization section as silence. The internal structure and organization of Europarties might be different and have changed over time, and that might have an effect on which person in the party that is the speaking person on certain policies, situations and topics. How the organization looked in one specific day, with regards to health or any reason to why someone would not be present at work, could also affect who will be making a statement that day. The internal structure and organization of Europarties are not transparent and it is impossible to know the exact motive, rationale and reason behind statements made by their Presidents. In order to reassure that the decision to look at statements made by the Presidents by the Europarties, other than the leaders of organizations and parties in most cases represent the most unified and centralized opinions, I researched some statements made by the Presidents of the Europarties that are the subjects of this study. For instance, searching the official website of PES, I found several statements made by their President regarding negative developments in other EU member states. The President by PES often makes remarks that are being published on the official webpage; one example is a statement on Hungary (PES 2020b). The same goes with the President of ALDE, which can be exemplified by a recent statement by the President condemning the discriminatory statements by the Polish President (ALDE 2020a). The EPP's previous President has also made similar statements (EPP 2019) and the President of the ECR has been quite frequent condemning events, but in non-EU member states (ECR 2020).

Another important discussion regarding why there could be no reaction to an action by a member party could also be because the President of the Europarty in question might have made a post on Twitter or made a comment in the newspaper regarding the action. To delimit from such secondary sources – and search the Europarties websites – is a deliberate choice to create an as similar search process as possible and to be able time-wise to gather and interpret the material. It would be an extensive task to systematically search through all available sources. In sum, the role of the President of Europarties in addressing non-compliance with fundamental values by their member parties might have changed over time or be different between Europarties. However, my analysis is that President's of

Europarties does indeed comment on negative developments in countries concerning democracy and so on. Political tensions and internal power dimensions and structures cannot and will not be addressed in this thesis. In order to delimit the study from any political motives that cannot be measured within the scope of this study, statements are exclusively the subjects for analysis.

The study delimits from any actions occurring after 2019 and before 2000. Apart from the obvious requirement of the six-month reaction time, the recent legislative changes in Hungary and Poland during the Covid-19 pandemic could not be included anyways because the pandemic is an on-going crisis. Moreover, I have made the decision not to include any actions of non-compliance that was related to the refugee crisis. Exceptionally many countries did not act according to the EU fundamental values and it is reasonable to argue that it was not “business as usual” within the Union. In addition, the situation regarding the refugee camps in Greece will not be addressed either, since it is also on-going.

4.2 Case selection

The rationale of this study is that the Europarties are the cases that I aim to get a better understanding of. This is motivated by the fact that Kelemen argues that their acceptance has increased as a consequence of stronger incentives to protect their members and I want to find out how much substance this claim has. In order to draw generalizable conclusions, a larger selection of actions is required. Therefore, it is the trends and tendencies over time regarding their reaction that is within the scope of this study. To measure this, indicators of acceptance are required. Those are the reactions to actions by member parties in government at the time of the non-compliance or breach of EU fundamental values. The reaction against such actions will indicate if - and how - Europarties have become more accepting over time.

If democracy on the EU level has increased, which I have empirically and theoretically argued throughout the thesis that it has, and the level of democracy has increasingly decreased on the national level, it is very reasonable to include actions that do not constitute equal degrees of non-compliance or breaches of EU fundamental values. If we view the development of both phenomena as gradual, and not instant, it makes sense that the first cases in this study are not entirely comparable to the latter ones. If I would exclusively make the selection of actions made by governing parties based on as near-identical is possible, this study would end up being solely about Hungary, Poland and perhaps Romania. However, this study aims at capturing the broader picture and the trends and tendencies. In order to do so, I have deliberately chosen to prioritize the inclusion of examples that generate a solid timeframe from which I can draw reasonable and generalizable conclusions regarding if and how something has changed over time. As stated before, I intend to be bolder than previous research since I am doing something

that has not entirely been done before. I am putting Kelemen's claim in a temporal context and including a substantially larger number of actions by governing parties. As a consequence, the study also includes reactions from the double amount of cases, meaning Europarties, than Kelemen included. As stressed before, this thesis does not have the ambition to generate depth but rather width, which is the main motivation for this decision. I have strived to include actions that are as comparable as possible but I am transparent about the fact that all of them cannot be considered equally "severe". My position is that designing a study like this indeed brings challenges, but it has to be done because all the pieces in the puzzle on if, how and why the respect for fundamental values within the EU is decreasing is useful and important.

4.2.1 Identification

In light of this, it is essential to declare how the actions – the indicators – were identified and on what criteria they were selected. I will now explain the logic behind these methodological choices. With regards to the identification of indicators, the previous literature was the departure point. As seen in Table 1, all indicators but two was found exemplified in the existing research, either in Kelemen's article used in the theoretical framework or in articles on the topic of sanctioning democratic backsliding. The logic behind the sampling was to begin with examining the existing research, and reading Kelemen's articles was the first step due to his prominence as a researcher on the topic. His article from 2017 provided some examples of isolated actions committed by the governments in Poland and Hungary respectively. To give an example, the first Hungarian case, the media law adopted in 2011, was mentioned briefly in Kelemen's (2017, pp. 222) article as an example of the constitutional changes to concentrate Orban's control, but additional validation of the action being a threat to EU fundamental values was found in articles written by Sedelmeier (2014, pp. 115) Scheppele and Kelemen (2020, pp. 557). Kelemen's article exemplified several examples of non-compliance with fundamental values committed by the governments in Hungary and Poland. The other two Polish actions were exemplified in Kelemen's article from 2017 (pp. 227, 228), and complementing information was found in news articles and on the European Commission's webpage. The Hungarian action from 2017 was exemplified in Scheppele and Kelemen (2020, pp. 580) and Meijers and Van Der Veer's (2019, pp. 538) articles, and the one from 2013 was first found in Scheppele and Kelemen (2020, pp. 558) and supporting information was found at the European Parliament's official webpage. The Romanian case was also exemplified in Kelemen (2017, pp. 219) and well elaborated on in Sedelmeier's article about democratic backsliding in Romania and Hungary (Sedelmeier, 2014, pp. 105-121).

The above-mentioned actions were easily identified since they are mentioned in existing literature as clear examples of non-compliance or breach of EU

fundamental values. If I were aiming for similar research designs as Kelemen, Sedelmeier or other researchers focusing on examining democratic backsliding or comparing the differences in the EU's response toward those three countries, I would have stopped there. However, as consistently argued in this study, this thesis is aiming to generate a wide sample of actions to be able to draw conclusions regarding change over time and because we need to widen the research focus. As mentioned previously, examining existing literature by Kelemen was the first step in the identification process. Despite the fact that his work mostly concerns Hungary and Poland, he still briefly exemplifies other cases. In his and Blauberger's article, a set of actions is described as "earlier worrying episodes" that "involved ideologically extreme parties in government or challenges to individual European values" (Kelemen – Blauberger, 2017, pp. 317). They give the examples of the government coalition Austria in 2000, Silvio Berlusconi's concentration of power during the 2000s, the expulsion of Roma by the French government in 2010 and the unconstitutional event in Romania 2012 when the newly elected government tried to dismiss the President (Kelemen – Blauberger, 2017, pp. 317). All examples were included but the Italian one required additional research to specify an isolated event. The Slovakian action, the event of a government coalition between a social democratic party and an extreme nationalistic and xenophobic party in 2006, was identified in Sedelmeier's article as it was mentioned to be very similar to the Austrian case in 2000 (Sedelmeier, 2014, pp. 109). The rest of the indicators that I used in this study – one incident in Malta and one in the Czech Republic - were not identified in existing literature. However, both countries have been mentioned in ongoing empirical debates on democratic backsliding in the European Union. Those two were identified through extensive research on the Internet trying to find isolated events where their governments had non-complied with the fundamental values of the Union. In sum, the two sections above have described how the indicators were identified; see the overview of the section in Table 1 on the next page. The next section will explain the parameters from which I decided to include them in this thesis.

Country	Year	National Party	Euro-party	Source of identification
Austria	2000	ÖVP	EPP	Exemplified in: Kelemen & Blauburger (2017), Sedelmeier et. al. (2001), Sedelmeier (2014)
Italy	2005	Forza Italia	EPP	Exemplified in: Kelemen & Blauburger (2017)
Slovakia	2006	Smer-SD	PES	Exemplified in: Sedelmeier (2014) and researching the internet
France	2010	UMP	EPP	Exemplified in: Kelemen & Blauburger (2017), Falkner (2013)
Hungary	2011	Fidesz	EPP	Exemplified in: Kelemen (2017), Sedelmeier (2014), Scheppele & Kelemen (2020)
Romania	2012	PSD	PES	Exemplified in: Sedelmeier (2014) Kelemen (2017)
Hungary	2013	Fidesz	EPP	Exemplified in: Kelemen (2017), Sedelmeier (2014), Scheppele & Kelemen (2020)
Poland	2015	PiS	ECR	Exemplified in: Kelemen (2017)
Czech Republic	2017	ANO	ALDE	Researching the internet
Hungary	2017	Fidesz	EPP	Exemplified in: Scheppele & Kelemen (2020), Meijers & Van Der Veer (2019)
Poland	2017	PiS	ECR	Exemplified in: Kelemen (2017)
Malta	2019	PL	PES	Researching the internet

Table 1: Overview of indicators and their main source of identification

4.2.2 Criteria

The process of identifying indicators was simultaneous as the process of deciding the parameters. Having the knowledge about the process and events in Hungary and Poland, due to being a student in European Affairs but also because of the media coverage, I knew initially that no other country would provide me with as severe, or as many, as those two countries. However, the purpose of the study has always been to generate width rather than depth by including as many actions by as many countries as possible. Thus, I knew that deciding on stringent criteria in the beginning would be a disadvantage with regards to the aim of the thesis. A part of the strategy in finding set parameters for the indicators was to examine existing research to find definitions of what constitutes non-compliance with EU fundamental values. Similar to the concept of democratic backsliding in academia, researchers rarely define in what ways something is a breach or non-compliant with the fundamental values. Values, in general, are hard to define, sometimes contested and they are often not perceived the same way to different people. I am aware that there is always a risk that the perception of the researcher might affect the selection and I will therefore try to be as transparent as possible. Deciding on what constitutes non-compliance with the fundamental values begun with researching for examples of indicators in the literature. Articles that have a specific focus on Hungary, Romania and Poland provided me with examples of clear breaches of fundamental values, such as the adoption or amendment of a law that was unconstitutional or constituted an attack on interdependent judiciaries, media or institutions. Those actions are indeed clear-cut examples of breaches, as they are very severe attacks on the democratic system. In order to widen the selection of indicators, I decided to search for actions that were a bit less severe. Thus, I decided to use the word non-compliance instead of breaches. The wording enabled a less strict selection of actions since it indicates that it is something that is against and on the contrary to compliance with fundamental values but it is not something that would qualify for legal measures such as Article 7 TEU for instance. The official website of the European Union provides a page where the fundamental values are described a bit more detailed than in the Treaty (European Union 2020). For instance, the value “freedom” is exemplified on as freedom of expression and information for example. Actions that are not complying with the value “equality” is not included in the thesis because addressing actions that are not complying with the fundamental principle of equality between men and women is out of this thesis scope and such topic would require the full attention of a thesis. However, selecting an indicator of non-compliance must be related to the fundamental values and the logic behind the selection will be explained clearly in the empirical section in the result chapter.

In sum, I, as a researcher, have selected my indicators based on the European Union’s description of values and on existing literature that has exemplified actions that have been either a breach of, or seen as inconsistent with, fundamental values. The combination of finding examples that already have been described as non-compliance by other researchers as well as independently

finding my own examples based on my interpretation of what is an action, adoption or amendment of a law, policy or another act by a government, that goes against the values set out in Article 2 TEU has generated a diverse, broad and large selection of indicators. As will be discussed more detailed in the upcoming sections, I have also used secondary sources to get a second opinion on whether an action is an example of non-compliance. The selection procedure has thus been 1) finding examples in literature or through researching the Internet, 2) interpreting my findings independently as a researcher, is this action not compliant with what is set out in the Charter? 3) If an action is not as definite as the Polish, Hungarian and Romanian examples, can I find additional support for it being an example of non-compliance in secondary sources? However, some of the choices of indicators need to be explained more in detail, since they do not concern the adoption or amendment of a law or a policy and because I have included two cases from Poland and three from Hungary. To generate more transparency and clarity, Table 2 on page 26 provides an overview of what value(s) the actions did not comply with.

The Slovakian and Austrian example concern situations where a social-democratic and a conservative party won the majority in parliamentary elections and decided to form a coalition with an extremist party. The action itself does not breach EU fundamental values, as a democratically elected party has the power to decide which parties to form a government with, but in the European context in 2000 and 2006, this was still considered as highly inconsistent with the principles and values the Union was founded on. The context of the actions is indeed important to stress. In combination with the argument made in the previously in the thesis, that graver non-compliance with EU fundamental values can be seen as a gradually increasing phenomenon and therefore the reasoning that a study with more indicators limit the possibility of finding identical actions, with the acknowledgement that the times when these actions were committed and reacted to were different from today. Considering the increase, and perhaps even the normalization, of extremist parties in government over time, using similar actions committed after 2006 would be questionable to include. The decision to include both Austria 2000 and Slovakia 2006 mainly stems from reading the literature on defending, sanctioning and responding to democratic backsliding in the EU. The former is widely described as the first time the EU fundamental values were truly challenged. For instance, the increased influence of an extremist party in government could be seen as “liberal democracy under threat domestically” (Sedelmeier – Avdagic, 2019, pp. 11). The Austrian case has been given a lot of attention in the literature and is commonly known as the time when the European Union almost invoked Article 7 TEU for the first time since it became effective in 1999 (EurActive 2006a; Sedelmeier, 2014, pp. 108; Scheppele – Kelemen, 2020, pp. 552). The Austrian extremist party had strong xenophobic, nationalistic and anti-European stances, which was highly controversial during the time (Fontaine, 2009, pp. 346). Thus, the national party was seen as incompatible with the EU fundamental values and subsequently a threat to those (Sedelmeier, 2014, pp. 108). The Slovakian case is also mentioned in the literature as a case with great

similarities with the Austrian case, since a social-democratic party formed a government coalition with an extreme-nationalist party and subsequently sparked great attention (Sedelmeier, 2014, pp. 109; EurActive 2016). In addition, the choice of the analytical starting point – 2000 – is logical because, at that point in time, the majority of Treaties that significantly strengthened the role of the European Parliament had entered into force, as well as Article 7 TEU.

As well as the Austrian and Slovakian example differs a bit from the rest of the sample, the Czech and the Maltese government actions are not concerned with the issuing of a policy or the adoption or amendment of any laws or a government coalition with an extremist party. The nature of the action by both governments will be explained in detail in the result chapter but they both concern governments doing something that is directly against democratic principles. For instance, the indicator In addition to my capacity as a researcher, from analysing literature on the topic and interpreting the fundamental values in Article 2 TEU, I have found secondary material that has called out these actions as not compliant with one or several of the EU's fundamental values (European Parliament 2017; Jaraczewski 2020). Taking the example from Czech Republic; reading about the event made me draw the conclusion that this is non-compliance with the values exemplified in Article 2 TEU because what the member of the government did is against the principle of media freedom and pluralism. In addition, a secondary source confirmed my analysis (European Parliament 2017). The selection procedure has thus been 1) finding examples in literature or through researching the Internet, 2) interpreting my findings independently as a researcher, is this action not compliant with what is set out in the Charter? 3) If an action is not as definite as the Polish, Hungarian and Romanian examples, can I find additional support for it being an example of non-compliance in secondary sources?

However, the fact that this study entails different types of actions not complying with EU fundamental values is a strength rather than a weakness. It feeds variety and width since it gives the possibility to include a larger amount of actions, which directly generates actions by more countries and reactions by more Europarties. I am aware of the possibility that there might be no reaction, or less of condemning for instance because the action itself is objectively less “severe” than another action. However, instead of focusing on the degree of how much it is threatening EU fundamental values, the theoretical framework provides the theoretical lenses of partisan politics, since this dimension is the focus of the thesis.

Moreover, as illustrated in Table 1, three actions from Hungary and two actions from Poland are included. This does indeed create somewhat of a bias, in particular toward the EPP, that Hungary is a member of, since members of their Europarty have committed more actions in this thesis. The rationale behind including three actions by the Hungarian government is that Viktor Orbán has been the Hungarian Prime Minister since 2010 and he almost immediately began to deconstruct democracy. Since several actions by the government have been

committed during the close to a decade, it would be irrational to include less than three cases distributed over time. The fact that Hungary has a substantially higher amount of cases eligible for the study is seen as positive rather than negative because it provides additional support to analyze the possible change over time. The negative democratic development in Poland accelerated when the Law and Justice Party took office in 2015. Since this was later than in Hungary, the study includes two actions by the Polish government. Since there were more cases available from both countries, I had to decide on what basis I made the selection to avoid bias as much as possible. Thus, I examined the literature and selected examples based on which ones were most frequently mentioned and which ones would also generate examples that were relatively scattered over time. If two cases were mentioned frequently but occurred the same year, I chose one from that year and decided to take another one that was also frequently mentioned but had occurred sometime before or after. However, some degree of bias is inevitable since I decided to select three and two respectively out of a larger number available. The reality is that Hungary and Poland have committed the most actions that do not comply with EU fundamental values and it is a deliberate choice to have that reflecting the number of chosen indicators.

To conclude this discussion, I would like to emphasize that this study does not focus on democratic backsliding, or general decline, since it is a gradual process. Instead, the focus is on actions where I have been able to specify the time, context and why it did not comply with EU fundamental values. Thus, some countries that are in the process of democratic backsliding, such as Bulgaria and Croatia, are not a part of this study because I could not find an isolated action committed by their government and did therefore not qualify for this study. I am also aware of the possibility that my research skills might have failed to find examples. The case section has been driven by the aspiration to challenge previous research and widen the scope by using substantially more examples.

Country	Non-compliance with value(s)
Austria	Extremist party in government
Italy	Democracy
Slovakia	Extremist party in government
France	Freedom, human rights
Hungary	Democracy
Romania	Democracy, rule of law
Hungary	Democracy, rule of law
Poland	Democracy, rule of law
Czech Republic	Freedom
Hungary	Democracy, freedom
Poland	Democracy, rule of law
Malta	Rule of law

Table 2: The value(s) that the governments did not comply with

4.3 Material and operationalization

The operationalization refers to the task of making the research question measurable. In this case, the reaction is what aims to be measured and is thus the indication for whether Europarties have become more accepting over time (Halperin – Heath, 2017, pp. 455-7). To answer the research question, the material must be consistently interpreted. It is difficult to overcome the issue of subjectivity when it comes to the interpretation of the material using content analysis. However, one strategy to tackle that risk is to be transparent in the interpretation.

Regarding the statements, a particular website proved to be very helpful, The Internet Archive: Wayback Machine is a website that provides the opportunity to visit archived websites. It enables one to go back in time by simply type in an URL and select which date and year of the website one would like to visit (Internet Archive 2020). The website enabled me to go on the Europarties official websites and experience it as it largely was that during the day I selected. This proved to be an extremely helpful tool in this thesis since the ambition was to exclusively access primary sources. Since the websites' archives did not stretch back as far back as I needed to investigate if there had been any statements made and to analyze the statements if they had been made, the Wayback Machine was used as a complement to the official websites of the Europarties. The reaction section describes in detail how I retrieved the material for each example.

The criteria for the material were that the statement had to be made within the selected reaction time. The chosen reaction time was six months, which gave the Europarties time to react to the action. To ensure a unified and centralized reaction of the single statement, another criteria was that the statement had to be made by the President of the Europarties at the time which has been discussed earlier in the thesis.

To measure the material, the theoretical framework is used. First, I have to ask whether a statement has been made. If the answer is no, the reaction is categorized as *silence*. If a statement has been made, I have to ask what type of reaction the statement is an example of. To answer that question, the words below will be searched for to base the analysis on. All the words apart from “support” is collected from the theoretical framework – Avdagic and Sedelmeier’s categorization and the distinction between social and material sanctions. Meaning that I had pre-selected a set of words before observing the empirical data, but after doing so I added “silence” since I found a statement that fell outside the conceptualization of the authors. Thus, the words are a result of both a deductive and an inductive method.

Condemning, criticizing, inappropriate, resolution, declaration, support, suspension, expulsion, financial penalty, threat

If any, or a combination of, of the five first words, are found, the reaction is categorized as a ***social sanction***. This category also entails shaming, which will also constitute a ***social sanction*** if the reaction condemns the action. The category will be interpreted more freely, as a condemning statement can be condemning even though it does not mention the words in the category. If the statement expresses that the member will be suspended, expelled or that financial penalties will be imposed, the reaction is categorized as a ***material sanction***. If the statement expresses a ***threat*** of imposing any of those, the statement cannot be categorized as a ***material sanction***. If the statement expresses its support for the action, the reaction is categorized as ***support***.

5 Result

In this section, the “action” will firstly be briefly presented in order to provide a context in which the non-compliance with EU fundamental values was situated. The paragraph will end with a clarification of which value(s) the action has not fully complied with. The paragraph is followed by information regarding the political affiliation on the EU level to describe the partisan context of the national party. Lastly, the first reaction, if such has been published within six months, will be categorized according to the theoretical framework. If a statement has been published, quotes from it will be provided to enhance the transparency of the analysis.

5.1 Austria (2000)

In January 2000, Austria marked a historical event in the history of the European Union when the center-right Austrian People’s Party (ÖVP) formed a coalition government with the populist radical-right, and also Neo-Nazi, Freedom Party (FPÖ). The government formation sparked great controversy within the Union, as it was the first time a national party like FPÖ entered into government with a mainstream political party (EurActive 2006a). Although the governing party did not do anything that was “against the rules”, the action by ÖVP still resulted that the European Union had gotten a Neo-Nazi party in government for the first time since the World War II (Verfassungsblog 2018). Nonetheless, this occurrence did not directly demonstrate a breach or non-compliance with EU fundamental values but rather the “incompatibility with those and its leader, Jörg Haider” (Sedelmeier, 2016, pp. 108). Thus, ÖVP forming a coalition with FPÖ, in the context of the European Union in 2000, was considered highly inconsistent with the EU fundamental values.

5.1.1 Political affiliation

The Austrian People’s Party is a member of the Europarty European People’s Party (EPP) and of the party group European People’s Party (EPP) in the European Parliament. In the 1999 European elections, ÖVP had provided seven seats to EPP in the European Parliament out of the group’s 234 seats in total (European Parliament 2019).

5.1.2 Reaction

As mentioned in the material, this measurement of this example is dealt with differently because neither the EPP's website nor the Wayback Machine provides archives from 2000. This makes the data collection for the Austrian action slightly different, however, not an issue since Agence Europe provides an extensive archive of EU related news. I carefully looked through the bulletins published by Agence Europe starting on 4 February 2000. The first statement according to the website was made by the President of the EPP, Wilfried Martens, on 9 February. With the words specified in the operationalization section, the question of what kind of statement had been made was asked.

[...] I am now waiting for formal request and, if necessary, I will start the procedure according to the rules. Thus, [...] discussing the possible expulsion of the ÖVP from the EPP, just days before the special meeting of the EPP Political Bureau, on 10 February in Brussels [...] (and) the possible consequences of the formation of a government coalition in Austria between the ÖVP, an EPP member [...]. (Agence Europe 2000).

The statement by the President of the EPP clearly constitutes a *threat of material sanctions* since Martens expresses that the question of whether to expel ÖVP from the Europarty will be discussed. Therefore, the reaction by EPP to the action committed by ÖVP generated the *threat of material sanctions*, namely *expulsion*.

5.2 Italy (2005)

Silvio Berlusconi has indeed been a controversial figure in Italian politics over the three recent decades. On 14 December 2005, he was the incumbent Prime Minister awaiting a general election in Italy the following year in April. Due to the possibility of losing the election, Berlusconi ultimately rewrote the rules to prevent the defeat of his government. He did so by writing an election law, which was unilaterally approved in November by his party together with the other parties in their coalition. The electoral law aimed at creating a systematic change where Italy's parliament would return to proportional representation (Fisher 2005). The law was met with immediate criticism across the political continuum and it was considered to be an abuse of power. However, in 2013, the constitutional court in Italy ruled the electoral law to be partially unconstitutional, after it was called the Italian word for "a mess", porcheria, since its inception (The Local 2013). Although the action by Berlusconi's government had not been deemed as partially unconstitutional at the time of the event, the changing of an electoral law can still be considered as non-compliance with the fundamental values democracy and rule of law of the European Union.

5.2.1 Political affiliation

Berlusconi was the President of the governing national party Forward Italia, which was a member of the Europarty European People's Party (EPP) and the party group European People's Party (EPP) in the European Parliament. In the 2004 European election, Forward Italia had provided 22 seats to EPP in the European Parliament out of the group's 268 seats in total (European Parliament 2019).

5.2.2 Reaction

Due to the fact that the archive of press releases on the official webpage of EPP only stretches back until January 2015, the Wayback Machine was used to search for if a, and what kind of, statement had been made in regards to the change to the electoral law. After a careful reading of all statements made by EPP between December 2005 and June 2006, the conclusion is that there is no statement made by the President of the EPP's Europarty on the Italian government's action (Internet Archive 2007). According to the theoretical framework, the EPP's (lack of) reaction is therefore categorized as *silence*.

5.3 Slovakia (2006)

The party Smer-Social Democracy (SMER-SD) and its leader Robert Fico became the winners in the Slovak elections on June 17 in 2006. On July 4, SMER-SD formed a government coalition together with the far-right Slovak National Party (SNS). The SNS was, and still is today, an acknowledged extremist, nationalistic and xenophobic party with a leader that was known for his hatred rhetoric toward the country's ethnic Hungarian and Roma minorities. Thus, the decision by SMER-SD generated great controversy and the PES had explicitly warned the party that a government coalition would not be accepted (Nicholson 2006). SMER-SD's coalition with the extremist SNS, in the context of the European Union 2006, was seen to be highly inconsistent with the pluralist values of PES as well with the fundamental values of the EU (EurActive 2006b).

5.3.1 Political affiliation

Fico's party which is a member of the Europarty of European Socialists (PES) and the party group Progressive Alliance of Socialists and Democrats (S&D) in the European Parliament. In the European election in 2004, Fico's party provided two seats to S&D in the European Parliament out of the group's 200 seats in total (European Parliament 2019).

5.3.2 Reaction

As mentioned in the method section, the Europarties websites provide scarce, or even non-existent, material from earlier years. Therefore, the search for a reaction by PES was conducted through the Wayback Machine's archive from 2006. The archived version found the first statement on the situation in Slovakia solely by the President of PES at the time, Poul Nyrup Rasmussen that was published on The 5th of July 2006, which constitutes the reaction, by PES (Internet Archive 2006). Establishing that there is indeed a reaction, the following question to be asking the material according to the operationalization section is what type of reaction is there?

Following his meeting with Robert Fico, [...], the President of the Party of European Socialists Poul Nyrup Rasmussen said "It is very clear that we cannot accept in our political family a coalition with extreme right-wing nationalists". The question of SMER membership of the Party of European Socialists will be on the agenda of the next meeting of the PES Presidency" [...] My recommendation would be to suspend SMER from the PES. [...] There should be no place for racist or nationalist parties in Government. [...] I urge other European political parties to be equally clear (Internet Archive 2006).

The statement clearly brings social sanctions in the shape of shaming and criticism of the action committed by Fico's governing party. Moreover, it also contains the threat of imposing material sanctions, such as the suspension of the Slovakian party Smer-Social Democracy from the Europarty PES. The conclusion is that the reaction consists of *social sanctions* and the *threat of imposing material sanctions* on the Slovakian party member.

5.4 France (2010)

Member states in Europe have had a long history, and a present, of discriminating against the Roma population, the largest minority group on the continent. However, the discrimination within the European Union escalated in July 2010 when the French President Nicolas Sarkozy issued a policy allowing France a mass expulsion of Roma based on ethnicity (Erlanger 2010). Usually, other member states return Roma to their home country because they have migrated from countries outside of the European Union, and so often by readmission agreements. What was distinctive about the French policy was that it specifically targeted Roma, and most of them with citizenship from Bulgaria and Romania, which both are members of the European Union. Thus, France violated EU laws on discrimination and freedom of movement and raised concerns regarding human rights (MPI 2010; Falkner, 2013, pp. 29). In conclusion, I argue that the policy issued by Sarkozy's government was a breach of EU fundamental values and in particular the freedom and human rights of those belonging to minorities.

5.4.1 Political affiliation

In 2010, Nicolas Sarkozy was the incumbent President of France and of the governing party Union for a Popular Movement, which was a member of the Europarty European People's Party (EPP) and the party group European People's Party (EPP) in the European Parliament. In the European elections in 2009, Sarkozy's party had provided 26 seats to EPP in the European Parliament out of the group's 265 seats in total (European Parliament 2019).

5.4.2 Reaction

Since the archive of press releases on the official webpage of EPP only stretches back until January 2015, the Wayback Machine was used to investigate if and what kind of statement had been made in regards to the adopted policy on the expulsion of Roma. After a careful reading of all statements made by EPP between July 2010 and January 2011, the conclusion is that there is no statement made by the President of the EPP's Europarty on the French government's action (Internet Archive 2011). According to the theoretical framework, the EPP's (lack of) reaction is therefore categorized as *silence*.

5.5 Hungary (2011)

In 2010, Viktor Orbán became the Prime Minister and his party Fidesz became the governing party in Hungary. This marks the starting point of a politically controversial decade in the Hungarian history as well as within for Hungary within the European Union. However, the first event that received great negative attention was when the Hungarian Parliament passed a Media Law in January 2011 aimed at restricting media outlets, which raised questions regarding the regime's attempts to self-censorship by trying to legally control all kinds of media. The Hungarian media law was restricting democracy since it problematized the freedom of the press and the independence of the media, which also relates to the human rights standard within the European Union (Sedelmeier, 2016, pp. 115-6). Thus, the action committed by the Hungarian government can be defined as a breach of EU fundamental values.

5.5.1 Political affiliation

Orbán's governing party Fidesz is a member of the Europarty European People's Party (EPP) and the party group European People's Party (EPP) in the European Parliament. In the European elections in 2009, Fidesz had provided 12 seats to EPP in the European Parliament out of the group's 265 seats in total (European Parliament 2019).

5.5.2 Reaction

Since the archive of press releases on the official webpage of EPP only stretches back until January 2015, the Wayback Machine was used to investigate if and what kind of statement had been made in regards to the adopted Media Law. After a thorough reading of all statements made by EPP between January 2011 and July the same year, the conclusion is that there is no statement made by the President of the EPP on the situation in Hungary (Internet Archive 2012a). According to the theoretical framework, the EPP's (lack of) reaction is therefore categorized as *silence*.

5.6 Romania (2012)

In 2012, the country experienced a deep constitutional crisis following the actions by the Prime Minister at the time, Victor Ponta, and his left-wing government. The crisis escalated on 4 July 2012 when the Romanian politicians voted to suspend the President by the time, Traian Basescu, which had to be followed by a referendum on his impeachment. In order to secure the unseating of the President, Ponta and his government changed the law by lowering the requirement of participation among voters in Romania (The Guardian 2012). As a result, the constitutional court deemed the action unconstitutional, which the government responded to by limiting the court's powers by stating that its opinion was no longer necessary for the decision in the parliament. The attempt to impeach the President resulted in the international community accusing the Romanian government of undermining the rule of law, mainly because it had ignored the constitution and the judicial independence of the constitutional court (Sedelmeier, 2016, pp. 116; Traynor 2012; EurActive 2012). Thus, the actions committed by the ruling Prime Minister Ponta and his government can clearly be considered a breach of the European Union's fundamental values.

5.6.1 Political affiliation

The party that Ponta led at the time was the Romanian Social Democratic Party (SDP), which was a member of the Europarty of European Socialists (PES) and the party group Progressive Alliance of Socialists and Democrats (S&D) in the European Parliament. In the European election in 2009, Ponta's party had provided 10 seats to S&D in the European Parliament out of the group's 184 seats in total (European Parliament 2019).

5.6.2 Reaction

The Europarties websites provide scarce, or even non-existent, material from earlier years. Therefore, the search for a reaction by PES was conducted through the Wayback Machine's archive from 2012. The first statement on the situation in Romania by the President of PES at the time, Sergei Stanishev, was published on the 12th of July 2012 constitutes the reaction by PES (Internet Archive 2012b). Establishing that there is a reaction, the following question to be asking the material according to the operationalization section is what type of reaction is there?

[...] Commenting on the recent developments in Romania, Mr Stanishev publicly expressed his full support for the Romanian government. [...] His (Victor Ponta) commitment to the highest democratic standards is clear [...] (Internet Archive 2012b).

The quote clearly underlines that the reaction indicates a strong support by PES for Ponta and his action.

[...] Mr Stanishev [...] condemned the hypocrisy and 'opportunism' with which the European Conservatives had over-exaggerated and attacked the political processes in the country. (Internet Archive 2012b).

Interestingly, the President of PES condemned, what supposedly were, statements made by other Europarties.

In conclusion, the reaction is according to the theoretical framework categorized as *support* for their party member, the Romanian government.

5.7 Hungary (2013)

On June 17, Hungary adopted the Fourth Amendment to the Fundamental Law (European Parliament, 2018, pp. 7). The Hungarian Parliament had since 2011 passed several amendments to the constitution but the Fourth Amendment was significantly controversial. The main reason was that it reinstated almost all laws that were abolished due to the Hungarian Constitutional Court judging them unconstitutional and it prevented judicial review of forthcoming constitutional amendments (Scheppelle – Kelemen, 2020, pp. 558). The action by the Hungarian government clearly constitutes a breach of EU fundamental values since the Fourth Amendment eroded the functioning of the constitutional system (European Parliament, 2018, pp. 7). The action clearly demonstrated an act of non-compliance of the fundamental values that mostly relates to the respect for rule of law.

5.7.1 Political affiliation

The governing party is a member of the Europarty European People's Party (EPP) as well as of the party group European People's Party (EPP) in the European Parliament. In the European elections in 2009, Fidesz provided 12 seats to EPP in the European Parliament out of the group's 265 seats in total (European Parliament 2019).

5.7.2 Reaction

Since the archive of press releases on the official webpage of EPP only stretches back until January 2015, the Wayback Machine was used to investigate if and what kind of statement had been made in regards to the adopted law in Hungary. After examining all statements made by EPP between July 2013 and January 2014, the conclusion is that no statement was made in relation to the situation in Hungary (Internet Archive 2014). According to the theoretical framework, the EPP's (lack of) reaction is therefore categorized as *silence*.

5.8 Poland (2015)

In October 2015, the Polish party Law and Justice (PiS) took office after winning the Polish parliamentary election (Kelemen, 2017, pp. 227). Not long after PiS electoral success, its government passed a law in December that year that aimed at changing, and thereby, restricting the Constitutional Tribunal's powers and independence (Kelemen 2016). At the same time, President Andrej Duda refused to swear in the five judges that had been appointed according to the constitution by the previous government. Instead, he appointed five other judges that were loyal to the party. The Council of Europe's Venice Commission quickly called the actions by the ruling party "a threat to 'not only the rule of law, but also the functioning of the democratic system'" (Kelemen, 2017, pp. 228). Hence, the actions committed by the government clearly constitute a breach of EU fundamental values.

5.8.1 Political affiliation

The Polish governing party PiS is a member of the Europarty European Conservative and Reformist Party (ECR) and the party group European Conservative and Reformists. In the European election in 2014, PiS provided 17 seats to ECR in the European Parliament out of the group's 70 seats in total (European Parliament 2019).

5.8.2 Reaction

No statement on the development of the rule of law in Poland was found after a careful reading of the official webpage of the Europarty ECR. The search for a statement by the President of ECR within six months after passing the law was conducted by a thorough reading of the archive under the tab “News & Commentary” (ECR 2020). According to the theoretical framework, the ECR’s reaction is therefore categorized as *silence*.

5.9 Czech Republic (2017)

Andrej Babis is the founder and the leader of the political movement ANO that entered the government coalition after the parliamentary elections in 2014. As a result, Babis became the Minister of Finance as well as the Deputy Prime Minister of the Czech Republic. Babis quickly showed evidence of ambitions to take control and to influence the media. For instance, a company that he owned took over the media house Mafra the same year as he entered office. The culmination of his manifested ambitions occurred on May 3 in 2017, when anonymous audio recordings were leaked of him instructing a journalist working at Mafra to deliberately write stories aiming at discrediting his political opponents. Babis has not denied that the audio recordings are anything but authentic (Jirák - Köpplová, 2020, pp. 175). The action by Babis in 2017 constituted a threat against the freedom of media, information and pluralism (European Parliament 2017). Thus, the action did not comply with the EU fundamental values, specifically to the value of freedom.

5.9.1 Political affiliation

Babis’s party ANO, which was in government coalition at the time of the event, is a member of the Europarty Alliance of Liberals and Democrats for Europe (ALDE) and the party group Renew Europe. In the European election in 2014, ANO provided four seats to ALDE in the European Parliament out of the group’s 67 seats in total (European Parliament 2019).

5.9.2 Reaction

No statement on the situation in which the Deputy Prime Minister instructed a journalist to publish stories on his nemesis was found after a careful reading of the official webpage of the ALDE Party. The search was made through examining the tabs “Latest News” and “Press Releases” under the “News” tab and by searching for both the “Czech Republic” and “Andrej Babis” in the search function of the webpage. No statement or news regarding the event was published within six months after it occurred (ALDE 2020b). According to the theoretical framework, ALDE’s reaction, or rather lack of it, is therefore categorized as *silence*.

5.10 Hungary (2017)

On April 4 2017, the Hungarian government amended its Higher Education Law to target foreign higher education institutions (Scheppelle – Kelemen, 2020, pp. 580). The amendment brought restrictions on EU and non-EU universities, which ultimately infringed on the freedom of education, to provide services, for higher education institutions right to establishment and the freedom to conduct business. The bill was a clear case of a breach of EU law, but also an act violating the EU fundamental values. The actions committed by the Hungarian government did clearly not comply with the European Union's fundamental values, in particular democracy and freedom (European Commission 2017b).

5.10.1 Political affiliation

The governing party Fidesz is a member of the Europarty European People's Party (EPP) as well as of the party group European People's Party (EPP) in the European Parliament. In the European elections in 2014, Fidesz provided 11 seats to EPP in the European Parliament out of the group's 221 seats in total (European Parliament 2019).

5.10.2 Reaction

Following the amendment to the Higher Education Law, a first statement made by Joseph Daul, the President of the Europarty EPP, was published on the official website of the EPP on the 29th of April 2017. This fits the timeframe of using material published within six months of the committed action. Stating that there is a reaction, the following question to be asking the material according to the operationalization section is what type of reaction is there?

Prime Minister of Hungary Viktor Orbán was summoned to the Presidency of the European People's Party (EPP) this morning to explain the latest developments related to the Hungarian Higher Education Act [...]. Following the Commission's assessment and the outcome of the EPP's exchange with the Hungarian civic society and representatives of the academic community, we have come to the conclusion that dialogue is not enough (EPP 2017).

The statement clarifies that dialogue and calling the law as inappropriate is not enough to address the action committed by the Hungarian government.

[...] The EPP Presidency sent a clear message to Prime Minister Orbán and his party, Fidesz, that we will not accept any basic freedoms or rule of law disregarded. [...] The EPP [...] have reached a level we can not tolerate. [...] (EPP 2017).

In spite of the fact that the EPP indeed is indicating that they would be willing to respond with harsh sanctions, it does not specify what those exactly would be, so therefore it can not be categorized as a threat of material sanctions. Instead, the Europarty is strongly shaming and condemning the action by the Hungarian government. According to the theoretical framework, the Europarty's reaction is therefore categorized as a *social sanction* by shaming and criticizing the Hungarian government.

5.11 Poland (2017)

On July 20, Poland adopted the new Law on the Supreme Court, which lowered the retirement age of the Polish Supreme Court judges with ten and five years for women and men respectively (CJEU, 2018, pp. 1). The law equipped the Minister of Justice with great powers over the Polish courts as well as over individual judges. For instance, the Minister is the only instance that can decide on prolonging judges' mandates. The legal action committed by the Polish government constitutes a breach of the EU fundamental values, and particularly the respect of rule of law, since the adopted law clearly undermines judicial independence of Poland (European Commission 2017a).

5.11.1 Political affiliation

The Polish governing party is a member of the Europarty European Conservative and Reformist Party (ECR) and the party group European Conservative and Reformists. In the European election in 2014, PiS provided 17 seats to ECR in the European Parliament out of the group's 70 seats in total (European Parliament 2019).

5.11.2 Reaction

No statement on the recent development on the rule of law in Poland was found after a careful reading of the official webpage of the Europarty ECR. The search for a statement, or similar, by the President of ECR within six months after the adoption of the law was conducted by a reading of the archive under the tab "News & Commentary" (ECR 2020). According to the theoretical framework, the Europarty's reaction is therefore categorized as *silence*.

5.12 Malta (2019)

The murder of Malta's best-known investigative journalist Daphne Caruana Galizia in October 2017 put the island nation in shock. She was investigating, and even exposing, financial crime and corruption relating to high-ranking officials, such as the Minister of Energy. The time following the murder was characterized by an incomprehensive investigation in which the independence of such was highly questioned. This was particularly grounded in the allegations of political interference in the investigation by the Maltese government (Garside 2019). The events culminated during the last week of November in 2019 as three men were arrested – a minister, a businessman and the Prime Minister Joseph Muscat's chief of staff. In addition, the Economy Minister suspended himself in relation to the arrests (BBC News 2019). This resulted in political turmoil as Muscat had previously during the investigation refused to act against these men. Subsequently, the end of November caught the eye of the international community and serious concerns over the rule of law were widely raised (Garside 2019). Hence, it is reasonable to argue that the events during the end of November clarified the Maltese government's inability to ensure justice without interference, which is an example of non-compliance with EU fundamental values, and in particular the rule of law.

5.12.1 Political affiliation

The Prime Minister of Malta, at the time of the events, Muscat is the party leader of the Labour Party, which is a member of the Europarty of European Socialists (PES) and the party group Progressive Alliance of Socialists and Democrats (S&D) in the European Parliament. In the European election in 2019, Muscat's party provided four seats to the S&D in the European Parliament out of the group's 154 seats in total (European Parliament 2019).

5.12.2 Reaction

After a thorough reading of the official webpage of PES, in specific the resources provided under "News & Events" and "PES Documents" no statement on Malta was made by the President of PES up until this date following the events during the last week of November (PES 2020a). The possibility of the leader of PES commenting on the situation on Malta was closely monitored until the submission of the thesis (May 19th), which only lacked a few days to the six months limitation. However, according to the theoretical framework, the Europarty's reaction is therefore categorized as *silence*.

6 Comparative analysis

Country	Year	National Party	Europarty	Reaction
Austria	2000	Austrian People's Party (ÖVP)	EPP	<i>Threat of material sanctions (expulsion)</i>
Italy	2005	Forward Italia	EPP	<i>Silence</i>
Slovakia	2006	Smer-Social Democracy	PES	<i>Social sanctions (shaming, condemning), threat of material sanctions (suspension)</i>
France	2010	Union for a Popular Movement	EPP	<i>Silence</i>
Hungary	2011	Fidesz	EPP	<i>Silence</i>
Romania	2012	Romanian Social Democratic Party	PES	<i>Support</i>
Hungary	2013	Fidesz	EPP	<i>Silence</i>
Poland	2015	Law and Justice Party (PiS)	ECR	<i>Silence</i>
Czech Republic	2017	ANO	ALDE	<i>Silence</i>
Hungary	2017	Fidesz	EPP	<i>Social sanction (shaming, condemning)</i>
Poland	2017	Law and Justice Party (PiS)	ECR	<i>Silence</i>
Malta	2019	Labour Party	PES	<i>Silence</i>

Table 3. Overview of the result

The table is a summary of the result after analyzing the statement, or the lack of such, by the Presidents of the Europarties. The measurement of the reactions has been on what has been said and not what has been done in response to the actions that did not comply with the EU fundamental values. Regarding the question if the reactions have changed, the result is relatively clear. According to the theoretical framework, the overall trend seems to be that the reactions indeed have changed over time. The reactions to the Austrian action in 2000 and the Slovakian action in 2006, the Presidents of the Europarties in which they are members of, EPP and PES, both entailed the *threat of material sanctions*. The President of PES said that his “recommendation would be to suspend SMER from the PES” (Internet Archive 2006). In addition, he also added *social sanctions* to emphasize the inappropriateness of the action by saying that “there should be no place for racist or nationalist parties in Government” (Internet Archive 2006). In spite of the fact that the application of the theoretical framework on the EPP’s reaction did not result in *social sanctions*, the President said that discussions on “the possible expulsion of the ÖVP from the EPP” (Agence Europe 2000) would shortly be held. Arguable, expulsion is the most serious punishment a Europarty can give their members. The result prior to 2011 contains reactions to half of the number of examples since the EPP reacted with *silence* on the situations in Italy 2005 and France 2010. We can therefore say that the period between 2000-2006 was characterized by *social sanctions*, the *threat of material sanctions and silence* while the period 2006-2011 was only characterized by *silence*. However, the period 2007-2011 only provides data of members of the EPP and it is therefore not possible to compare the reactions between the Europarties during that period.

The Romanian example from 2012 was different from any other reaction. The statement by the President of PES was categorized as *support* for the action by the Romanian government. Despite the unconstitutional change of the electoral law, the President of PES expressed that the Romanian Prime Minister’s “commitment to the highest democratic standards is clear” (Internet Archive 2012b). With regards to Europarties’ acceptance of a member’s non-compliance with EU fundamental values, the reaction indicates that PES accepted the action committed by its member party. In comparison to PES’ reaction to the Slovakian example, the reaction to the Romanian case is clearly different and would support the notion that PES became more accepting toward its members between 2006 and 2012. In addition, PES did not publish a statement regarding the situation on Malta 2019, which is categorized as *silence*. With the question if and how Europarties reaction has changed over time in mind, PES’ reactions have clearly changed. From threatening to suspend their Slovakian member in 2006, to supporting their Romanian member in 2012 to not react at all to the situation on Malta in 2019, we can draw a general conclusion that PES has become more accepting toward their members over time.

In general, the reactions to the actions committed after 2012 have been *silence*. The exception is the EPP’s reaction to the amendment of the Hungarian Higher

Education Law in 2017. Thus, “The EPP Presidency sent a clear message to Prime Minister Orbán and his party, Fidesz, that we will not accept any basic freedoms or rule of law disregarded” (EPP 2017). This quote constitutes *social sanctions*, since they condemn and shame the action, but no *material sanctions* or *threats of material sanctions* were made since the EPP diffusely said, “we have come to the conclusion that dialogue is not enough” (EPP 2017). Therefore, the EPP did not specify what types of sanctions they would impose as an alternative to dialogue.

Nonetheless, it is reasonable to argue that the Europarties’ reactions have generally changed over time in a way that indicates that they have tended to become more accepting toward their members in national governments. The earliest two examples indicate that PES as well as the EPP did not accept the Austrian and Slovakian actions. As mentioned previously, it is more difficult to draw conclusions regarding PES since the Europarty strongly supported the Romanian government in 2012 and because they only make up for three of the twelve examples in the study. According to the data, ECR did consistently react with *silence* toward their Polish member between 2015 and 2017. Thus, ECR’s reaction has not changed, which would suggest them being equally accepting over time. However, the scarce data hinders a well-grounded conclusion regarding ECR specifically. The same issue applies to ALDE, which provided one example out of twelve. The Europarty did also react with *silence* to the situation in the Czech Republic in 2017. In this case, no comparison over time can be made.

In conclusion, the results show that the Europarties’ reactions to members’ non-compliance with EU fundamental values has generally changed over time. The rough change in how is described with that during the 2000s, the Europarties tended to react to members’ actions with *threats of material sanctions*, whereas the reactions during the 2010s predominantly were *silence*. However, these results can only be interpreted as trends, but it does show that Europarties have tended to become more accepting of members’ non-compliance with EU fundamental values over time. A comparison of the Europarties indicates that PES’ reactions have changed the most over time, resulting in becoming more accepting during the 2010s. The EPP’s reactions has been more consistent over time and reacted with *silence*, except for the discussions on the expulsion of ÖVP in 2000 and the *social sanctions* imposed on Hungary in 2017. Due to the reaction to the Austrian example in 2000, the EPP also to some extent support the notion that Europarties have become more accepting. Neither ECR or ALDE cannot surely contribute to the analyze over time but the result suggests that their reactions of *silence* support Kelemen’s claim that Europarties have become more accepting of members’ non-compliance with the EU fundamental values during the last two decades.

7 Conclusion

The purpose of this thesis was to investigate whether Europarties have become more accepting of members' non-compliance with EU fundamental values. Thus, the answer to the research question is that Europarties' reactions to members' non-compliance with EU fundamental values have generally changed over time. PES demonstrates the most evident change of reactions and the result strongly suggested that the Europarty has become more accepting toward their members over time. The EPP showed more consistency in their reactions but the conclusion is that the Europarty generally has become more accepting of their members as well. The data on ALDE and ECR were scarcer and they did not react to any of their members' non-compliance with EU fundamental values. In spite of the difficulties of drawing conclusions regarding ALDE and ECR, it can still be argued that their lack of reaction supports the notion of increased acceptance to some extent. After analyzing four Europarties' reaction between 2000 and 2019, the result indicates empirical support for Kelemen's theoretical claim that increased levels of democracy on the EU level has created incentives for Europarties to protect their members, which has led to them becoming more accepting toward their members' non-compliance with the values the Union was founded on.

However, the shortcoming of analysing what has been said, and not done, is that the study has been unable to account for any factors that might have affected why the Europarties reacted, or not reacted, the way they did. The first statement made by the President of the Europarty might not have been reflective of the measures that the Europarties imposed in the end. However, this was out of this thesis scope. The strength of this study was the ability to include a large number of actions committed by members in government, which in turn generated an inclusion of reactions by several Europarties. The aim was to draw generalizable conclusions over time, which the study succeeded with. The purpose of the research design was to provide a wide picture of if and how Europarties reaction has changed over time, and not an in-depth case study of how they have dealt with members' non-compliance. Analyzing what key-actors say is important to understand the trajectory, as well as the past, of the European Union.

The topic of this thesis ties into the larger debate regarding the role of partisan politics in nurturing the democratic decline on the national level within the European Union. Since the results in this study generally support Kelemen's claims about increased incentives for acceptance, it also supports his argument that the partisan politics of the European Union has caught itself in an authoritarian equilibrium. What does that mean to the EU? As long as the Union's

structures enable Europarties' influence over EU policy and law-making based on the number of votes to their political coalition, the acceptance of members' democratic decline will probably not decrease. We need to talk theoretically and empirically more about the built-in mechanism within the Union that might be nurturing the democratic backsliding in Europe. The European Union is no longer the home of democracies and we need to continue to address the role of the Union in member states' development to becoming less democratic. Or even becoming an electoral authoritarian regime. The current pandemic has indeed made the cracks in the democratic façade of the European Union more visible. Thus, the quest to finding answers to these pressing questions is urgent. How can we protect democracy within the EU? What can we do to ensure the respect for the fundamental values our Union was constructed on, and is characterized by?

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