The European Union's Varied Approach to the Non-compliance of Poland with the Rule of Law

Pryczek, Anna

Citation

Pryczek, A. (2022). *The European Union's Varied Approach to the Non-compliance of Poland with the Rule of Law*.

Version:	Not Applicable (or Unknown)
License:	License to inclusion and publication of a Bachelor or Master thesis in the Leiden University Student Repository
Downloaded from:	https://hdl.handle.net/1887/3250072

Note: To cite this publication please use the final published version (if applicable).

The European Union's Varied Approach to the Non-compliance of Poland with the Rule of Law

Anna Pryczek

S1809768

Master of Political Science, International Organizations
Word Count: 9,138
Submitted on 13 December, 2021
Supervisor: Dr. Martijn Mos
Second Reader: Dr. Agha Bayramov

Abstract

This study looks at the issue of non-compliance of Poland with EU regulations, and how the European Commission (EC) enforces compliance of the Member States. More specifically, it analyzes the variation in the actions of the EC based on the case of rule of law non-compliance by Poland and unravels why this variation exists. While researchers have studied the reasons for non-compliance within the EU and the different approaches the EU can take to deal with non-compliance, not enough focus has been placed on the reasons for the variations in choices following a violation by a Member State. Therefore the research question is 'What explains the variation in the EU's approach to the non-compliance of the Polish state with the rule of law?' The research uses process tracing to look at intentionality, domestic mobilization and costs. The thesis finds that intentionality and costs can explain the varied approaches of the EU. The domestic mobilization hypothesis is rejected due to lack of evidence showing it affects the outcome.

Introduction

The EU (European Union) has an established way of dealing with non-compliance of its Member States. However, since the new government party Law and Justice (Prawo i Sprawiedliwosc - PiS) has come into power in 2015, the Commission believes Poland has been violating the rule of law and has taken varied actions to deal with this non-compliance (European Commission, a2021). What are the reasons for the variation in their actions in the Polish case of non-compliance with the rule of law?

After winning the presidential and parliamentary elections in 2015, PiS has appointed new judges and has taken further steps towards taking full control of the judicial system (Raube & Costa Reis, 2020). This was the first violation of the rule of law which in turn violated European law. At first, the EU took on a softer approach by trying to open up a dialogue and reach a compromise with Poland. Frans Timmermans has written letters to the ministers of Justice and Foreign Affairs of the Member State asking to revise the appointment of new judges and explaining the consequences that stem from this decision which threatened the independence and the proper functioning of the Constitutional Tribunal. This falls under the management approach which prioritizes constructive dialogue as an instrument to deal with non-compliance. Poland has refused to engage in any constructive dialogue and in turn has made comments about the EU's disrespect for national sovereignty.

As the situation progressed the European Commission (EC) launched a formal rule of law assessment on 13 January 2016 (European Commission, b2016). The aim was to establish whether the government has violated Union law based on the provisions of Article 7 of the Treaty on European Union. Through multiple assessments, the EC has put forward several

recommendations, giving PiS a chance to change their actions which led to non-compliance. This approach continued to be on the more lenient side by giving Poland a chance to comply without a punishment being imposed. When this has failed, in 2017 the EC has put Poland in front European Court of Justice (ECJ) for 'breach of law' and has triggered Article 7 which suspended Poland's voting rights within the EU. This marked a turn in the EC's approach from management to enforcement. This change in the EC's way of dealing with the non-compliance of Poland with the rule of law is what this thesis focuses on. I want to explore the potential reasons for this change.

In 2021 Poland has lost the case against the Commission and the ECJ has imposed harsher measures by ordering Poland to suspend the laws which compromised the judicial system (European Commission, c2021). The government of the Member State ignored the order and on 7 October 2021 ruled that the ECJ cannot make any decisions about the judicial system in Poland, outright challenging the primacy of EU law (Al-Jazeera, 2021). From there, the EU adapted its approach even further and began imposing punishments for the non-compliance of Poland with the rule of law. The institution withheld Covid relief funds and imposed daily sanctions of €100,000 per day. This case of non-compliance of a Member State outlines multiple approaches used by the EC to deal with rule of law violations. It is important to understand why the EC might take on different approaches throughout the process and what leads to the change in the mechanisms used.

The available approaches the EC can use to target the non compliance of Poland with the rule of law are; management through cooperation and constructive dialogue to persuade Poland into compliance (Chayes and Chayes, 1995, p.28), enforcement by the triggering of Article 7(1)

TEU and the possibility of sanctions which increase the costs of non-compliance (Downs, G.W., Rocke, D.M., Barsoom, P.N. 1996, p.385), blacklisting which carries the threat of reputational damage for the member state (Sharman, 2009, p.574), and inaction. The EC began by encouraging constructive dialogue with Poland and trying to find a compromise in cooperation with the member state. Over the course of the crisis and the increasing threat to the rule of law in Poland, the EU turned to an enforcement approach. The rule of law is one of the fundamental values that the EU (European Commission, N.D.) is based on and any threat to it should be taken seriously by the EC. This is why an analysis of the reasons for the different approaches the EC took on between 2015 and 2021, is important to our understanding of how and why it chose to tackle rule of law violations in Poland with a varied approach.

This thesis will therefore, study the varying strategies used by the EU in cases of non-compliance by Poland. This will be a within country study in order to look at EU enforcement actions in a specific case of rule of law violation by Poland. The research question for this thesis will be: "What explains the variation in the European Commission's approach to the non-compliance of the Polish state with the rule of law?"

While this study focuses only on Poland and the EC, and the answers provided will be very case specific and tailored to this cases outcome, the answers provided will have some general implications for the actions of the EC following non-compliance by a Member State and for seeing why International Organization's (IO's) have different approaches to dealing with law violation. This is an important topic to look at because the compliance of Member States with EU law has an impact on the internal market and legitimacy of the IO.

To answer this questions, I have come up with three hypotheses which refer to intentionality, domestic mobilization and costs. I will use explaining outcome process tracing to analyze these hypotheses in relation to the varied EU approaches. The case study will focus on Poland's violation of rule of law and EU responses between 2015-2021. I have chosen this case due to Poland's centrality in EU affairs and therefore, the threat of the non-compliance to EU integration (Turska-Kawa and Wojtasik, 2018, p.41), but mainly because this was the first case in which the EC has triggered Article 7 which makes the outcome interesting. I will use mostly European Commission statements on the rule of law crisis in which I can analyze the language used by the institution to convey intentionality. To prove the existence of civilian mobilization in Poland, I will look at the protests held between 2015 and 2021. Finally for costs, I will look at academic papers which analyze the costs of different approaches and statements made by the President of the EC.

This study will begin by introducing the relevant literature on the topic and underline the addition of this paper to the field of non-compliance. It will go deeper into the outlined approaches of the EU to non-compliance and will introduce theories relevant to the study of the variation of reactions to law violation. These theories will act as the basis for the hypotheses of this thesis. The following section will outline the process tracing methodology used for the study in order to explain the outcome of EU actions. Next, it will introduce the rule of law crisis in Poland with a focus on its development between 2015 and 2021, and will analyze the case study in order to tests the hypotheses focused on intentionality, domestic mobilization and costs. The findings have confirmed hypothesis 1 and 3, and rejected hypothesis 2 based on lack of evidence

for every part of the causal mechanism. Finally, concluding remarks will be made on the topic of non-compliance with EU laws and the reasons for the differences in actions taken by the EU.

Literature Review

A number of academic articles have focused on the EU's rule of law crisis and violations to EU values. Kochenov and Bárd look at the varying ways in which EU institutions approach rule of law violations. They introduce the instruments applied by Poland to legitimize their noncompliance with the rule of law such as mentions of national sovereignty, calls to constitutional identity and creation of disinformation campaigns (Kochenov and Bárd, 2018, p. 10-17). They then discuss the role of values in the legal system of the EU and how their violations should be approached (Kochenov and Bárd, 2018, p.17-21). They argue that the lack of cohesion in decision making between the EU institutions and the varying soft laws that are applied by each of them, is not enough to deter breaches to the rule of law (Kochenov and Bárd, 2018, p.5). In order to protect its stability in the longterm, the EU needs to shift from the enforcement of the rule of law to reforming the Union as a whole and improve the role of values in its legal system (Kochenov and Bárd, 2018, p.26). Rule of law crisis can manifests itself through an identity crisis which suggests change of values in Member States contrary to the identity of the EU, compliance and implementation problems, and a perception crisis which negatively impacts the way in which the EU is viewed (Raube and Costa Reis, 2020, p.628). The EU institutions have mixed responses towards these crisis'. The tools (such as Article 7) used by the EC and EP are perceived as ineffective and the Council is generally inactive when approaching rule of law violations (Raube and Costa Reis, 2020, p.638). The Court of Justice however, has the capacity to safeguard democracy by enforcing the rule of law (Raube and Costa

Reis, 2020, p.640). Further research on the role of the EU in protecting democracy and the rule of law, is looked at in relation to Hungary. While the EU has authority to do so in a normative sense, this is not yet translated into law due to the structure of infringement proceedings and inability of the EU to expel a Member State (Müller, 2015, p.146). The instruments at the disposal of the EU are often not suited to deal with the political challenges to democracy (Müller, 2015, p.147). The research therefore, proposes the development of a new institution, with greater power than the Venice Commission (such as the ability to expel a violating Member State) to guard and act in cases of acquis normatif violations (Müller, 2015, p.150). Finally, the different trend emerging from the crisis are also outlined. According to Scicluna and Auer, the EU has become more reliant on non-majoritarian institutions and shifted from voluntary cooperation to coercive enforcement (Scicluna and Auer, 2019, p.1420). They outline the switch from 'integration through law' to 'integration through crisis' which is characterized by expediency. These changes lead to authoritarian governance which in turn undermines the democracy of the EU and its Member States (Scicluna and Auer, 2019, p.1436).

These papers are highly relevant to my thesis as they focus on the non-compliance with the values of the EU, specifically the rule of law. They help me understand the role of the EU in promoting democracy within its Member States and the approaches available for dealing with non-compliance. They however, do not focus on the variation of actions taken by the EU in the case of the rule of law crisis in Poland. The variation of approaches and the possible reasons for the different actions taken in a case where Article 7(1) TEU has been triggered for the first time, is as important as understanding the effectiveness of these choices. This is why my research will be an important addition to the field.

Other literature has primarily focused on explaining non-compliance (why states do not comply) and not on the management of non-compliance (i.e. which strategies IO's use to deal with non-compliance). The research on why countries do not comply provides useful insight for my thesis as reasons for non-compliance can affect the management of non-compliance. As will be explained further on, whether a member state violates the law due to limited capacity or personal gain, will affect the mechanisms chosen by an IO to deter these violations. Previous research identifies cross-national factors as crucial predictors of non-compliance. The aim is to explain why EU Member States may sometimes choose not to follow the commitments and legal obligations they have previously agreed to. Factors such as 'bargaining power in the Council, length of membership, and regional autonomy' (Mbaye, 2001, p.277) can all increase cases of non-compliance. Tanja A. Borzel did at a cross-country evaluation of non-compliance of all EU Member States with the aim of understanding the variation in non-compliance within these countries, and deriving a reason for these differences. She established a link between the level of compliance with power of each Member State and their respective administrative capacities. Powerful countries were found to violate European law more, while small countries with a high administrative capacity had the highest level of compliance (Börzel et al., 2010).

Intergovernmentalist perspectives have also been applied by Falkner et al. to look at reasons for non-compliance with EU labour laws. This approach has found that while what is called 'opposition through the backdoor' occurs occasionally, a lot of the cases of non-compliance happen not because of opposition to EU regulations, but due to the low administrative capacity of the Member State (Falkner et al. 2004). This argument is consistent with all the previously mentioned research which also focuses on low administrative capacity as one of the main reasons for non-compliance.

This research is helpful in understanding the reasons, the varying levels and persistence of non-compliance within the EU. It allows us to predict which Member States are more likely to follow laws and regulations than others. It does not however, take into account the varying actions of the EU under conditions of non-compliance. I believe this is an important aspect to research as it can also potentially impact the occurrence and persistence of non-compliance of Member States. This is why, in this thesis I will focus on the varied actions of the EU in response to non-compliance by Poland, rather than simply looking at the country level reasons for law violation.

The two main theories that dominate the study of dealing with non-compliance are management and enforcement. Each of these theories has an important justification for the use of punishment or capacity building measures. It is important to go beyond the short outline in the previous section. The managerial school of thought is developed by Chayes and Chayes (1995). They state that non-compliance can be resolved through an active dialogue between actors which underline the elaboration of treaty norms. They show that operational regimes turn to cooperative and managerial tactics which focus on an interactive process of justification, discourse and persuasion, rather than using force and other coercive strategies (Chayes and Chayes, 1995, p. 28). IO's can resolve non-compliance and increase cooperation by 'providing forums for negotiating outcomes' (Brown, 2010, p.5) and opening up a constructive dialogue between the actors in order to achieve compliance. This theory in highly based on the managerial schools belief for why states do not comply with regime rules. While reasons for non-compliance may not be the main aspect of this thesis, they are central to understanding each theories reasoning for approaching non-compliance in a different way. Proponents of the managerial school believe that

non-compliance is not a deliberate choice made by states to forward their personal interests. States violate treaties due to the inadequate planning, ambiguity of the language in texts and because of limited economic and administrative capacities (von Stein, 2012, p.486). Therefore, non-compliance should not be something that is punished but dealt with 'through a problem-solving strategy of capacity building, rule interpretation, and transparency' (Tallberg, 2002, p. 613). There are several steps and devices which can be used in the interceptive process of managing non-compliance; transparency, norms and strategic interaction, reporting and data collection and verification and monitoring (Chayes and Chayes, 1995, p. 112-197). The enforcement school is criticized for the rarity of reprisals and for the ineffectiveness of sanctions in capacity related violations (von Stein, 2012, p.486).

The enforcement approach to non compliance is often seen as competing with the managerial approach. Downs, Rocke and Barsoom criticize the managerial school for their selection problems and explain that in the examples given by managerialists, enforcement is not needed to achieve compliance because 'most treaties require states to make only modest departures from what they would have done in the absence of an agreement' (Downs, Rocke, Barsoom, 1996, p.380). Furthermore, amongst all treaties available, states are more likely to choose those which are more likely to be complied with. The depth of cooperation is minor as those involved in the agreement only need to make minor departures from what they would have done without committing to the agreements in the first place (von Stein, 2012, p.487).

Unlike the managerial school, the enforcement approach believes that states can violate an agreement based on personal benefits and a change of interests (Brown, 2010, p.4). Free ridding is seen as a central problem to cooperation between international actors who can have an

incentive to shirk when they are required to make substantial changes based on an international agreement. In order to deter states from violating treaties and maximize collective gain, enforcement is required as an approach to non-compliance and an IO needs to have the capacity to threaten or sanction the violator in order to achieve compliance by increasing the costs of violation (Brown, 2010, p.4). Monitoring is another important aspect of the enforcement approach and can be done directly by the IO ('police patrol') to identify any violations (Hawkins, Nielson and Tierney, 2006, p.28). For this purpose an IO can also engage private actors within a Member State in order to gain privileged access to information. Compared to IO's, private actors operate within the country in question and have a 'comparative advantage in detecting violations' (Tallberg, 2015, p.6).

Existing scholarship argues that there are five possible reasons for the variation of EU actions when dealing with non-compliance. Two of those are not applicable to my thesis as I do not engage in cross national research and are therefore, not relevant for my outcome of interest. It is however, important to still briefly mention these potential reasons to comprehend the full scope of previous research on reasons for variation in management of non-compliance.

The approaches of the EU to non-compliance will vary based on the degree to which the violation threatens to undermine the political stability of the institution or its economy. While some violations might go unpunished or approached with softer measures, others that potentially threaten the EU will be seen as more urgent and dealt with through the use of enforcement measures such as sanction or voting right suspension (Chayes, Chayes and Mitchell, 1998, p.51). While a certain level of non compliance might be tolerated by the EU, the violations that threaten the existence of the EU will not be ignored and therefore, the EU approach to non-compliance

will no be uniform throughout all cases of regulation violation (Warkotsch, 2010, p.81). For these reasons the EU can be expected to use enforcement if non-compliance poses a risk to its political stability or its economy.

Another theory by Warkotsch assumes that the economic power of the Member State will influence the instruments chosen by the EU to deal with non-compliance. In order for the approach of the EU to yield positive effects, the costs of adaption to international norms by the target country must be lower than the costs of external punishment, which would make the Member States comply due to the high costs of violation (Warkotsch, 2008, p.233). In a case like this, the enforcement approach has a higher chance of being effective if the target country is highly dependent on the EU and if the power relation is asymmetric in favor of the EU. If the Member State is dependent on the economic power of the EU and has no other alternative options, it should in theory choose to comply in order to maintain that relationship and to continue receiving the benefits of cooperation with the institution.

The first possible reasons for variation in management of non-compliance that is relevant to my thesis, is intentionality. Managerialists believe that non-compliance is not intentional and therefore, should not be punished. The enforcement approach is necessary ‘in cases when defection can present significant benefits’ (Downs, Rocke, Barsoom, 1996, p.397). The central difference presented by the two theories in dealing with non-compliance is the intentionality of the violating actor. Based on this, I can state that if non-compliance is caused by a deliberate effort by a Member State in order to maximize personal gain and benefits, punishment tactics will be used in order to increase the costs of deterrence. If the violation of the regulation is however, due to the country’s lack of administrative/economic capacity or text ambiguity, the

managerial approach will be the primary choice of the EU. Therefore, a consideration of intentionality or perceived intentionality (whether EU thinks the actions of the Polish government are deliberate) is an important factor which can cause a variation in EU actions.

Hypothesis 1: *Intentionality* - In cases of non-compliance by a Member State, the EU will resort to enforcement instruments (such as sanctions) if the decision to violate the regulation was made deliberately and for personal gain. If non-compliance is a result of text ambiguity or limited capacity of the Member State, the EU will use the managerial approach.

One of the basic obligations of the EU is the respect for people's rights and freedom, which all Member States must oblige by. The respect for civilians within the EU includes 'upholding citizen rights, promoting equal opportunities, ensuring access to justice and guaranteeing the right to asylum' (European Parliament, N.D.). A Charter of Fundamental Rights of the EU lays out some of the civil rights that citizens within a Member State should enjoy, but this only contributes to the country's law rather than replacing it. The importance and possibility of influence of domestic mobilization is outlined by the third generation of the EC's consultation regime and policy. It is characterized by participation and the Commission's desire to improve EU-society relations (Kohler-Koch and Finke, p.206). The involvement of civil society is one of the crucial principles outlined in the White Paper on European Governance. From that the EU has provided a variety of different instruments for individuals and societal groups to voice their opinions in the EU policy process (Kohler-Koch and Finke, p.211). The European Commission has reserved the right to put a country in front of the Court of Justice of the European Union if a

law or fundamental rights has been violated. In order to catch out these breaches of law, the EU has put a monitoring system in place which includes the examination of compliance lodged by citizens in order to receive information that might be otherwise unattainable (Tallberg, 2002, p. 616). This type of a monitoring process shows the importance the EU places on the satisfaction and respect of the rights of its citizens.

Further research shows that EU decisions can also be influenced by civil society organizations (CSOs). Their impact on the EU has grown over the years as the institution increasingly showed interest in engaging with them (Johansson, Scaramuzzino and Wennerhag, 2018, p.69). CSOs can influence change on the European level by trying to change EU decisions or policies directly, or by voicing their concerns on a national level, indirectly changing EU policies (Johansson, Scaramuzzino and Wennerhag, 2018, p.70). The combination of massive street protests and lobbying activities proved as an effective strategy towards impacting the actions of the EU (Ruch, 2001, p.126). Based on this, a deduction can be made that the EU would me more willing to intervene if the satisfaction and fundamental rights of the citizens of the target country are at risk due to non-compliance with a regulation.

Hypothesis 2: *Domestic Mobilization* - In cases of non-compliance by a Member State, the EU will impose harsher measures in cases of domestic mobilizations such as complaints of citizens against the violations of the country's government.

The different instruments available to the institution for dealing with non-compliance all carry different implementation costs. The costs associated with choosing an approach to non

compliance can include material, political and decision making costs. Depending on the approach the EU chooses, the costs vary. All decisions made within the Council require unanimity however, a negotiation about a more lenient approach should wrap up quicker than a decision to sanction a Member State (Warkotsch, 2010, p.82). Due to the bureaucratic nature of the EU and the many actors involved in decision making, it is difficult for stricter measures to be passed on. The longer the process continues the higher transaction, negotiation and voting costs are imposed on the EU. Therefore, measures which are expected to gain more support within the Council are more likely to be proposed. Furthermore, if the EU considers sanctions as a potential measure against non-compliance, it has to weigh in the possible material costs of that decision. By implementing a financial punishment, the institution effectively limits the potential economic output of the target country. This decreases the potential market shares and can lead to a loss of previously established trade relations for the EU (Warkotsch, 2010, p.83). Therefore, the EU will be less inclined to impose enforcement measures if it would potentially lead to high material costs for the institution. Finally, the political costs of any decision must be considered. Resorting to a punishment measure such as sanctions can result in the change or even a loss of a previously established relationship between a Member State and the EU. This can have negative impact on future negotiations, cooperation and agreements that could be made between the two actors. Due to this political cost, the EU should be less willing to impose enforcement measures in order to safeguard the relationship with its Member State.

The consideration of costs leads to a step-by step approach. The EU will begin with more lenient measures in order to minimize any material, political or decision making costs while also reducing non-compliance. If this does not work and a member state continues to violate the law,

the EU will gradually impose harsher measures which can eventually lead to sanctions. This goes hand in hand with the management-enforcement ladder approach which indicates the use of both cooperative and coercive measures, rather than choosing between the two instruments (Tallberg, 2002, p.610). The effectiveness of the management-enforcement ladder stems from increasing the incentives and a member states capacity for compliance. The steps consist of ‘preventive capacity building and rule interpretation, systems of monitoring, legal proceedings against violators, informal channels of bargaining, and the final option of sanctions’ (Tallberg, 2002, p. 615).

Hypothesis 3: *Costs* - In cases of non-compliance by a Member State, the EU will begin by implementing softer measures of the managerial approach due to the high material, political and decision making costs of harsher measures such as sanctions. If a Member State continues to violate the law, the EU will continue its step by step approach which gradually imposes harsher measures.

Methodology

Qualitative methods have been chosen for this research in order to explore the topic of non-compliance by Member States and the varying actions of the EU to enforce compliance. I have chosen a case study analysis due to this methods high internal validity and the ability to carry out an intensive study of a case with the aim of understanding a bigger set of cases. This method will be better at capturing the complexity of the topic.

In this thesis I aim to explore the causes which lead to the EU choosing one approach over another when dealing with the non-compliance of the rule of law by Poland. The instruments available to institutions such as the EU in cases of non compliance have been detailed in previous research however, there is no concrete answer on the variation of EU action following non-compliance. To do this, I have chosen exploring outcome process tracing. It is the only method which will allow me to make strong within case inferences about the causal process (Beach and Pedersen, 2013, p.2). Through process tracing I will look at the presence of causal mechanisms within a case rather than looking for a cross case comparison. Causal mechanisms will allow me to explore what lead to a certain approach being chosen (so the causation for the outcome) rather than just looking at correlations. The explaining outcome variant of this method will be used because I want to analyze the influences that lead to the EU action following non-compliance (the outcome). The purpose of this analysis is to look at sufficient conditions which can produce the outcome in question. The theories from the previous literature have been used to create the hypotheses, re-conceptualized to fit my study and will be tested to arrive at a sufficient explanation for the outcome.

I have chosen my case study for this thesis based on the outcome of interest (Beach and Pedersen, N.D, p.10). Non- compliance with the rule of law framework by Poland has been chosen as a case study as it was the first time the EU began the infringement proceedings under Article 7, making it a special case and the first of its kind hence, why it is interesting to analyze. The variation of EU actions within this case allows for a comprehensive analysis of the reasons for the different EU decisions over time. It was also chosen as it is a positive case where the

outcome of interest is present, which is a necessary condition when choosing explaining outcome process tracing (Beach and Pedersen, 2013, p.156).

It is important to underline that explaining outcome process tracing is very case specific and does not lend itself to testing or building theories from which bigger implications can be observed. Although this research is very case specific and big generalizations cannot be made with certainty, I do think this research is still important and relevant as it sheds some light on how the EU operates under conditions of non-compliance by a Member State. This thesis opens the door for future research on varied responses to non-compliance. It is the first step in unpacking how and why International Organizations choose specific responses to deal with non-compliance.

In this case the variable of interest is the variation of EU response towards non-compliance. Based on the hypotheses made for this research there are 3 separate independent variables (X): intentionality, domestic mobilization and costs. These can potentially lead to the four different outcomes or dependent variables (Y) which are: the managerial approach, enforcement, blacklisting and no action. However, to see whether there is a connection and a causal relationship between X and Y, we need to identify the causal mechanisms which can be present between the two variables. The causal mechanisms that can lead to a certain outcome are as follows;

Intentionality: Analysis of the EC's discourse around the Polish case, EC's requests and recommendations to Poland about changing their course of action, EC statements about the actions and intentions of the Polish government

- *Domestic Mobilization*: EC belief that protecting the freedom of its citizens is fundamental, EC claim that violation of rule of law leads to negative consequences for the rights and freedoms of its citizens, Civilian mobilization against the violations of the target government, EC statement of importance of acting based the wishes and respect of the citizens

- *Costs*: Analysis of potential costs of sanctions and other approaches, EC choice not to engage in punishment approach at the start of the 'conflict', EC assessment of potential costs of non-compliance, EC decision whether that warrantees different measures

I will use different evidence throughout my analysis. For intentionality I will mostly use statements by the EC regarding the rule of law crisis in Poland. I have compiled a timeline of all EC actions throughout the crisis and have searched for the corresponding statements of each action. This allows me to analyze the language used and therefore, the perception of intentionality with each development to the crisis. For domestic mobilization I have searched for EC statements on the importance of civilian freedoms and how the rule of law relates to it. I have also looked into protest in Poland over the 5 year period and used online articles as evidence for civilian mobilization against the government. For the final hypothesis I have used academic papers to analyze the costs of different approaches such as Article 7(1) TEU and statements by Ursula von Der Leyen on the potential costs of continued non-compliance by Poland and the need for withholding the EU recovery fund in order to protect the EU's budget.

I also want to address the shortcomings of my research. For some parts of each hypothesis (especially for intentionality) I would ideally talk to people in the EU who focused and worked on the Polish case. I could ask them about their perception of whether the actions were deliberate or not, whether domestic mobilization has any causal effect on the different approaches chosen and how big of a role costs played in making decisions. This however, was not possible due to the time and access limitations I have faced, and therefore I need to use other sources to provide me with evidence for the causal mechanisms.

Analysis

The Polish rule of law crisis began soon after the presidential election in May and parliamentary election on 25 October 2015, which put the Law and Justice party (PiS) and their presidential nominee, Andrzej Duda, in power. A serious of decisions by PiS in December 2015 and March, August and November 2016 regarding the Constitutional Tribunal (CT) led to a violation of EU law and the Polish constitution (Wachowiec and Mazur, 2021, p. 6). Before the elections, the previously ruling party, Platforma Obywatelska (PO) appointed new judges to the CT, as five seats were due to expire. Once in power, Andrzej Duda refused to swear in any of the judges despite the CT's ruling that three of them were legally elected and must be appointed to the CT. Instead he unlawfully appointed a new acting President of the CT in, who in turn admitted three new judges nominated by PiS, without any legal basis (Wachowiec and Mazur, 2021, p. 6). On the 3rd and 9th of December 2015, the President of Poland swore in the 5 newly admitted judges (Szuleka, Wolny and Szwed, 2016, p.8), officially appointing them to the CT which gave PiS

direct control over the judiciary and therefore, undermining the rule of law. To be able to do this, PiS amended the Law of the Constitutional Tribunal on 22 December 2015, introducing new provisions and changing previous procedures such as those concerning the election of the President and Vice-President of the CT (Szuleka, Wolny and Szwed, 2016, p.16). Throughout the past 5 years PiS has taken further steps to undermine the independence of the judiciary system and to undermine the rule of law.

On January 13 2016, the Commission initiated the first step of the The Rule of Law Framework and opened up the dialogue with Poland. No solution has been found through these talks, and a Rule of Law Opinion has been formally submitted on June 1 2016 to outline the concern of the EC regarding the appointment of judges, the Law amending the CT and the effectiveness of the CT (European Commission, a2016). On July 27 2016, the EC entered the second stage of the Rule of Law Framework, issuing the first Rule of Law Recommendation. New laws and legislative acts have been adopted by the Polish Parliament which further reduced the independence of the judicial system and increased the systemic threat to the rule of law ((European Commission, 2017). The next Recommendation was issued on December 21 2016 and after no further action by Poland, a third one was issued on July 26 2017. The Commissions fourth, and final, Recommendation was issued in December 20 2017. It was submitted together with a proposal in accordance with Article 7(1) TEU which was formally presented to the Council in February 2018 (Polanski, 2021, p.52).

Due to the inactivity of the Council in the Article 7(1) TEU hearings, the Commission decided to take further action as the situation in Poland continued to worsen. They referred

Poland to the CJEU. In June 2019, in the ruling of 'Commission v Poland' the CJEU decided on that 'Poland has failed to fulfill its obligations under the combined provisions of the second subparagraph of Article 19(1) TEU and Article 47 of the Charter of Fundamental Rights of the European Union' (EUR-Lex, 2019). It forced Poland to reverse its ruling on the forced early retirement of judges. The Commission appealed to the CJEU again in November 2019 and March 2021 for undermining the independence of judges (European Commission, d2021). Further enforcement techniques such as the freezing of the Covid relief fund and sanctions of €1 million per day for ignoring an EU rulings, were only imposed after The Polish Prime Minister, Mateusz Morawiecki and the Polish Constitutional Tribunal undermined the primacy of EU law on October 7 2021 (Eucrim, 2021). The actions of the EU have varied at different stages of the crisis mainly consisting of management and enforcement mechanisms.

The first hypothesis centers around intentionality. The Rule of Law Framework characterized by a continuous dialogue between the EC and the Polish authorities and visits of both counterparts to Brussels and Warsaw. Therefore, at first the discourse around the Polish case was cooperative and centered around finding a solution to the non-compliance situation in Poland together with the violating member state. With the publication of the Opinion the cooperative discourse remained at the center the Commissions's actions. The EC was not suggesting punishment such as sanctions but instead underlined the importance of continuing constructive dialogue. In a document outlining the Opinion it 'invited the Polish authorities to submit their observations' (European Commission, a2016), giving Poland the ability to respond rather than ordering them to amend their actions. In this press release, Frans Timmermans underlined that there 'have been constructive talks which should be translated into concrete steps

to resolve the systemic risk to the rule of law in Poland…[and] we stand ready to continue the dialogue with the Polish authorities.' These statements by the EC and its Vice-President do not suggest a perception of a deliberate attempt by Poland to undermine the rule of law. At this stage, Poland's non-compliance has not yet been seen as intentional therefore, the actions of the EU (the outcome) are focused on the management approach which considers constructive dialogue as one of the instruments aimed at reducing non-compliance.

In their statement announcing their first Recommendation the EC mentions that 'Despite the intensive dialogue with the Polish authorities since 13 January, the crisis concerning the Constitutional Tribunal has not yet been resolved' (European Commission, c2016). This suggest the start of EC's frustrations with Poland's delay in adhering to the issues which need to be resolved. Despite this, the Recommendation still gives Poland advice on 'how to address the concerns so that the Constitutional Tribunal of Poland can carry out its mandate to deliver effective constitutional review' (European Commission, c2016). The EC once again underlined their willingness to continue constructive dialogue. This shows that Poland was given another chance to correct their violation in the three month period suggested. The language and tone of the EC once again do not imply that the EU perceived the violations of Poland to be deliberate. This perception of non-intentionality goes in hand with the EU's continued use of the management approach in resolving the non-compliance of Poland. The next Recommendation (issued on 21.12.2016) followed similar language.

The tone of the EC statements began to change with the third Recommendation. In the press release the EC 'request the Polish authorities to address the problems' and 'stands ready to

immediately trigger the Article 7(1) procedure' (European Commission, 2017). Jean-Claude Juncker, the EC President at the time, has also announced that the EU cannot 'accept a system which allows dismissing judges at will' (European Commission, 2017) and a government which undermines the rule of law. This diverts from the previous 'invitations' for Poland to revise their actions and willingness to find solutions together. The Recommendation itself still falls under the management approach but includes language which suggest the EU's perception of Poland deliberately undermining the rule of law. It can therefore, be seen as the final warning before the triggering of Article 7(1) and a change in the approach of the EU (the outcome of interest of the thesis).

The EU has clearly shown its perception of Polish actions as deliberate in the Commissions final Recommendation. The document underlines in paragraph 17 that 'the Minister of Justice started exercising the powers to dismiss court presidents and vice-presidents' and in paragraph 40 that the 'actions and public statements against judges and courts in Poland made by the Polish Government and by members of Parliament from the ruling majority have damaged the trust in the justice system as a whole' (EUR-Lex, 2017). This marks a clear change in the Commission's language towards the situation in Poland and suggest that the actions of PiS have been intentional in order to increase their control in the country. Together with the realization of intentional non-compliance by Poland, the EU shifted from a management to an enforcement approach. This is clearly shown by the triggering of Article 7 which has been described as the 'nuclear option' by the former President of the EC, José Manuel Barroso (Müller, 2015, p.147). This relates back to the assumptions of the theory of enforcement which underlines the intentional deviation from EU law for personal gain of the violating actor. The

continuous failure of Poland to follow EU Recommendations and adoption of further legislative acts (despite the EC's appeals) which undermined the rule of law, led to a perception of intentional defiance of EC decisions and in turn to a change in approach by the EU. In this case intentionality does seem to be a sufficient explanation for a change in outcome.

The next enforcement technique taken on by the EC was referring Poland to the CJEU three times. The statement from March 2021 clearly indicates the EC's belief in an intentional violation of the rule of Poland. They argue that 'Poland violates EU law by allowing the Disciplinary Chamber of the Supreme Court […] to take decisions which have a direct impact on judges and the way they exercise their function' (European Commission, d2021). The word 'allowing' adequately proves the Commission views Polands actions as deliberate. The final step taken on by the EC was asking the CJEU to impose sanctions on Poland after it 'expressly challenged the primacy of EU law' (bEuropean Commission, 2021) which I turn challenges the values the EU is based on. Here once again the use of 'challenging' suggests deliberate action and therefore, justifies the use of sanctions.

The implications of the enforcement theory for coercion being necessary when non-compliance is intentional and prolonged, can clearly explain the EC's use of enforcement at this point in the rule of law crisis in Poland. All the evidence provided for whether the outcome is affected by intentionality, prove that this hypothesis is true. This does not necessarily mean that other factors cannot affect the approach the EU takes.

The causal mechanism for the domestic mobilization hypothesis has four parts. All must be present within the case in order for it to be confirmed. The first is the Commission's belief that

protecting the freedom of its citizens is fundamental. This can be seen in the EC's outline of fundamental EU values which states that 'Individual freedoms such as respect for private life, freedom of thought, religion, assembly, expression and information are protected by the EU Charter of Fundamental Rights' (Europa Component Library, N.D). It continues with the underlining the importance of every citizen being able to enjoy political rights, equal pay regardless of gender and to be free from discrimination based on sex, religion, ethnicity, age or disability. These observable manifestations are evidence for the first part of the mechanisms being present.

The next part relates to the connection of violations of the rule of law leading to a negative impact on the freedoms of the citizens. According to the EC the rule of law is not only one of the fundamental values of the EU but is also a prerequisite for the protection of other values such as human rights and democracy (European Commission, bN.D). If it is not respected by a Member States, the citizens are not protected from crime and discrimination (European Commission, aN.D.). At the core of the rule of law, is the importance of judicial independence. If the independence of the judiciary is undermined, all laws cannot be applied without discrimination therefore, impacting the freedoms of citizens. So non-compliance with the rule of law can have a negative impact on the freedoms of the citizens (British Institute of International and Comparative Law, 2018). This is sufficient evidence for the claim that non-compliance with the rule of law can have a negative impact on peoples freedoms.

I want to move on to more case specific examples for the third part of the mechanism which is the civilian mobilization against the violations of the target government. The changes to

the CT at the start of the crisis (so late 2015), specifically the unlawful appointment of five new judges, enraged a lot of citizens of Poland. This led to protest against the conservative government on December 12 2015 (The Guardian, 2015) and again on December 19 2015 (BBC, 2015). The Polish people responded to the concern that the new government was trying to neuter the court and take control of the judicial system. Over the years many other protests were organized to oppose the actions of the right-wing government. Following a new proposal on a near total ban on abortions, Polish women protested all over the country in what is now known as the Black Monday protests (October 3 2016). Protests were held in many European cities in solidarity with Polish women (BBC, 2016). The statement made by The Polish Prime Minister and the CT which undermined the primacy of EU law sparked rumors of Polexit. This was immediately followed by mass protests in more than dozen Polish cities three days after the statement was released, to support the country's EU membership. More than 100,000 people have gathered in Warsaw for the demonstrations (Notes From Poland, 2021)[1]. Further domestic mobilization was created because of PiS's attack on media pluralism in Poland. The government was attempting to pass a bill which would undermine free media in the Member State. Almost 2 million people have signed a petition for the President to veto the Lex TVN bill. Thousands have gathered in Warsaw once again to protest the actions of PiS.2 All these protests are observable manifestations of the third part of the causal mechanism for domestic mobilization. They are evidence for the civilian mobilization against non-complying government in Poland.

Despite the EC underlining the importance of protecting the freedom of its citizens, this is not fully manifested in the case of the Polish rule of law crisis. In the Rule of Law Framework procedures (based on which perception of intentionality was assessed), the EC does not mention the citizens of Poland. In the different stages of the Framework, the EC outlines the importance of compliance with the rule of law and EU values (European Commission, a2016), but does not include a specific mention of the negative effects of the violations on the Polish people. This is further sustained by the Parliament's calls asking the Commission to do more in order defend the citizens of the Member State. The EP believes that the tools available to the Commission should be used to 'above all defend the Polish citizens' (European Parliament, 2021) The lack of EC statements regarding harsher measures being imposed to protect the freedoms of the Polish people shows that the fourth part of the mechanism is not present. The causal mechanism therefore, does not fully work as domestic mobilization did not impact the actions of the EU. The evidence for all parts of the causal mechanism is insufficient and the hypothesis is rejected.

Costs can also be a potential reason for the varying actions of the EC. The causal mechanism begins by a potential cost analysis of the different approaches. The triggering of Article 7(1) TEU can have high decision making costs. This is because it is the Member States who have to vote on whether there was a serious breach of the rule of law. Potential vetos by other Member States can ultimately lead to prolonged negotiations (which increase the costs of this approach) and a stalemate in the proceedings (Kochenov and Pech, 2016, p.636). In the case of the Polish rule of law crisis, this is manifested by the Central and Eastern European solidarity and Hungary's promise to veto any decision against Poland (Müller, 2015, p.147). Furthermore, the instant triggering of Article 7(1) can lead to a damaged relationship between the Member

State and the EU therefore, coercive enforcement is not expected to be the starting approach of the EC. The first mechanism of the hypothesis is present.

As expected the EC did not start with coercive enforcement but instead opted out for the managerial approach characterized by dialogue and finding a solution together with Poland. This form of managing non-compliance is less costly as it does not require gathering representatives of each Member State for Article 7(1) TEU hearings. It also holds more possibility of a quicker solution due to less actors being involved in the decision. This is evidence for part two of the mechanism 'EC choice not to engage in punishment approach at the start of the crisis' being present.

However, if the managerial approach fails to produce the desired results and the non-compliance of a Member State intensifies, a different approach might be chosen. Poland failed to achieve the EC's Recommendations and continued to implement new laws which further violated the rule of law. At this point in a rule of crisis the EC may need to reassess the potential costs, as costs of non-compliance can be higher than of shifting to a coercive enforcement approach. This is manifested by the speech made by the President of the EC. She underlines the need for Poland to explain its way of protecting the money of the EU, based on the rulings of the CT. She believes that breaches to the rule of law can have a negative impact on the EU's budget and is therefore, willing to impose harsher measures which would decrease the future potential costs of Poland's rule of law violation (European Commission, e2021). This proves that the EU analyzed the potential costs of the continuing non-compliance of Poland.

This led to a further shift in the EC's approach and even harsher measures for the non-compliance of Poland. The Commission has withheld the EU recovery funds for Poland until they undo the acts which led to the diminishing independence of Polish judges (Euractiv, 2021). This shows that the consideration of costs can lead to a different approach taken on by the EC at each step of the rule of law crisis in Poland. This confirms the final mechanism and proves the effect of the casual mechanism as a whole on the outcome. The hypothesis is therefore, confirmed.

Conclusion

This thesis analyzes the variation of the EC actions which clearly shows and step wise approach which begins with more lenient measures, recommendations and dialogue. It then goes into the triggering of Article 7, legal proceedings in the court and finally sanctions and vote suspensions. Based on the evidence gathered, I can conclude that the causal mechanism for hypothesis 1 and 3 are present and sufficient to confirm each of them. Hypothesis 2 fell short on one mechanism and was therefore, rejected. This proves that intentionality and costs do effect the outcome which is the varied actions of the EC in relation to the Polish rule of law crisis.

The limited space of this thesis did not however, allow for an evaluation of the effectiveness of these tools and reasons for why, despite using every instrument for the protection of the rule of law at the disposal of the EU, the violation by Poland still persisted. This is a good topic for further research to understand why the non-compliance of Poland persisted despite a combination of approaches being used and whether something has to be changed within the EU protection of rule of law for possible future breaches by other member states.

Bibliography

Al-Jazeera. (2021). Poland challenges supremacy of EU law in snub to Brussels. Available at https://www.aljazeera.com/news/2021/10/7/poland-challenges-supremacy-of-eu-law-in-snub-to-brussels

BBC. (2015). Poland protests: Tens of thousands march again. Available at https://www.bbc.com/news/world-europe-35142582

BBC. (2016). Black Monday: Polish women strike against abortion ban. Available at https://www.bbc.com/news/world-europe-37540139

Beach, D. and Pedersen, R.B. (2013). Process-tracing methods foundations and guidelines. Ann Arbor: University of Michigan Press.

Beach, D., Pedersen, R.B., (ND). Case selection techniques in Process-tracing and the implications of taking the study of causal mechanisms seriously. Retrieved from: http://dpsa.dk/papers/Case%20selection%20in%20PT%20-%20Beach%20and%20Pedersen%20-%202nd%20draft%281%29%281%29.pdf

Beate Kohler-Koch & Barbara Finke. (2007). The Institutional Shaping of EU–Society Relations: A Contribution to Democracy via Participation?, Journal of Civil Society, 3:3, 205-221, DOI: 10.1080/17448680701775630

British Institute of International and Comparative Law. (2018). Judicial Independence to the Rule of Law. Available at https://www.biicl.org/newsitems/6298/the-importance-of-judicial-independence-to-the-rule-of-law?cookiesset=1&ts=1642396499

Brown, Robert L. (2010). The Enforcement Power of International Agents. APSA 2009 Toronto Meeting Paper, Available at SSRN: https://ssrn.com/abstract=1450453

Börzel, T. A., Hofmann, T., Panke, D., & Sprungk, C. (2010). Obstinate and Inefficient: Why Member States Do Not Comply With European Law. Comparative Political Studies, 43(11), 1363–1390. https://doi.org/10.1177/0010414010376910

Chayes, A. and Chayes, A. H. (1995). The new sovereignty compliance with international regulatory agreements. Cambridge, MA: Harvard University Press.

Chayes, A., Chayes, A.H., Mitchell, R.B. (1998). Managing Compliance: A Comparative Perspective. In Engaging Countries: Strengthening Compliance with International Environmental Accords. Editors: Edith Brown Weiss and Harold Jacobson. MIT Press, 39-62.

Downs, G.W., Rocke, D.M., Barsoom, P.N. (1996). Is the good news about compliance good news about cooperation? International organization, 50(3), pp. 379–406. doi:10.1017/S0020818300033427.

Eucrim. (2021). Poland: Rule-of-Law Issues July – Mid-October 2021. Issue 3/2021. Available at https://eucrim.eu/news/poland-rule-of-law-issues-july-mid-october-2021/

EUR-Lex. (2017). Commission Recommendation (EU) 2018/103 of 20 December 2017 regarding the rule of law in Poland complementary to Recommendations (EU) 2016/1374, (EU) 2017/146 and (EU) 2017/1520 C/2017/9050. Available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018H0103

EUR-Lex. (2019). Judgment of the Court (Grand Chamber) of 24 June 2019. European Commission v Republic of Poland. Available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62018CJ0619

Euractiv. (2021). Poland must undo judicial overhaul to get EU COVID aid, commission chief says. Available at https://www.euractiv.com/section/justice-home-affairs/news/poland-must-undo-judicial-overhaul-to-get-eu-covid-aid-commission-chief-says/

Europa Component Library. (N.D.) The EU values. Available at https://ec.europa.eu/component-library/eu/about/eu-values/

European Commission. (a2016). Commission adopts Rule of Law Opinion on the situation in Poland. Available at https://ec.europa.eu/commission/presscorner/detail/en/IP_16_2015

European Commission. (b2016). Rule of law in Poland: Commission starts dialogue. Available at https://ec.europa.eu/commission/presscorner/detail/en/WM_16_2030

European Commission. (c2016). Rule of Law: Commission issues recommendation to Poland. Available at https://ec.europa.eu/commission/presscorner/detail/en/IP_16_2643

European Commission. (2017). European Commission acts to preserve the rule of law in Poland. Available at https://ec.europa.eu/commission/presscorner/detail/en/IP_17_2161

European Commission. (a2021). Rule of Law: Commission launches infringement procedure against Poland for violations of EU law by its Constitutional Tribunal. Available at https://ec.europa.eu/commission/presscorner/detail/en/ip_21_7070

European Commission. (b2021). Rule of Law: Commission launches infringement procedure against Poland for violations of EU law by its Constitutional Tribunal. Available at https://ec.europa.eu/commission/presscorner/detail/en/ip_21_7070

European Commission. (c2021). Rule of Law: European Commission refers Poland to the European Court of Justice to protect independence of Polish judges and asks for interim measures. Available at https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1524

European Commission. (d2021). Rule of Law: European Commission refers Poland to the European Court of Justice to protect independence of Polish judges and asks for interim measures. Available at https://ec.europa.eu/commission/presscorner/detail/it/ip_21_1524

European Commission. (e2021). Speech by President von der Leyen at the European Parliament Plenary on the rule of law crisis in Poland and the primacy of EU law. Available at https://ec.europa.eu/commission/presscorner/detail/en/speech_21_5361

European Commission. (aN.D) European Neighbourhood Policy and Enlargement Negotiations. Available at https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/policy-highlights/rule-law_en

European Commission. (bN.D.) Upholding the rule of law. Available at https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law_en

European Commission. (cN.D.). Upholding the Rule of Law. Available at https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law_en

European Parliament. (2021). Poland: MEPs call for the primacy of EU law to be upheld. Available at https://www.europarl.europa.eu/news/en/press-room/20211014IPR14911/poland-meps-call-for-the-primacy-of-eu-law-to-be-upheld

European Parliament. (N.D). Protecting fundamental rights within the Union. Available at https://www.europarl.europa.eu/about-parliament/en/democracy-and-human-rights/fundamental-rights-in-the-eu

Falkner, G. et al. 2004. Non-Compliance with EU Directives in the Member States: Opposition through the Backdoor? West European politics, 27(3), pp. 452–473.

Hawkins, D., Lake, D., Nielson, D., & Tierney, M. (2006). Delegation and Agency in International Organizations (Political Economy of Institutions and Decisions). Cambridge: Cambridge University Press. doi:10.1017/CBO9780511491368

Johansson, H., Scaramuzzino, R. and Wennerhag, M. (2018). 'Multilevel Strategies for Political Influence: How and why Do Domestic Civil Society Organisations Seek Political Influence at National and EU levels?', Journal of Contemporary European Research 14(2): 68-86. https://doi.org/10.30950/jcer.v14i2.878 p.69

Kochenov, D., & Bárd, P. (2018). Rule of law crisis in the member states of the EU: The pitfalls of overemphasizing enforcement.

Mbaye, H. A. D. (2001). Why National States Comply with Supranational Law. European Union Politics, 2(3), 259–281. https://doi.org/10.1177/1465116501002003001

Müller, J.-W. (2015). Should the EU Protect Democracy and the Rule of Law inside Member States? European Law Journal : Review of European Law in Context, 21(2), 141–160. https://doi.org/10.1111/eulj.12124

Nicole Scicluna & Stefan Auer. (2019) From the rule of law to the rule of rules: technocracy and the crisis of EU governance, West European Politics, 42:7, 1420-1442, DOI: 10.1080/01402382.2019.1584843 p.1436

Notes From Poland. (2021). Large “anti-Polexit” protests across Poland in support of EU membership. Available at https://notesfrompoland.com/2021/10/10/large-anti-polexit-protests-across-poland/ citation 53

Notes From Poland. (2021). Thousands protest media ownership law targeting Poland’s biggest private TV network. Available at https://notesfrompoland.com/2021/12/19/thousands-protest-media-ownership-law-targeting-polands-biggest-tv-network/ citation 54

Pech, L., Wachowiec, P., & Mazur, D. (2021). Poland's rule of law breakdown: A five-year assessment of EU's (in)action. Hague Journal on the Rule of Law : HJRL, 13(1), 1–43. https://doi.org/10.1007/s40803-021-00151-9

Polanski, O. G. (2021) Unwilling or unable? Assessing the failure of the Rule of Law Framework and Article 7 TEU in Poland, Durham theses, Durham University. Available at Durham E-Theses Online: http://etheses.dur.ac.uk/14234/

Raube, K., & Costa Reis, F. (2020). The EU’s Crisis Response Regarding the Democratic and Rule of Law Crisis. The Palgrave Handbook of EU Crises, 627–646. https://doi.org/10.1007/978-3-030-51791-5_37

Ruch, D. (2001) Lobbying or Protest? Strategies to Influence EU Environmental Policies. In Protest and Politics in an Emerging Polity (p.125-143). Rowman & Littlefield.

Sharman, J.C. (2009). The bark is the bite: International organizations and blacklisting, Review of International Political Economy, 16:4, 573-596, DOI: 10.1080/09692290802403502

Szuleka, M., Wolny M., Szwed, M. (2016). KRYZYS KONSTYTUCYJNY W POLSCE 2015 - 2016. Helsińska Fundacja Praw Człowieka. ISBN: 978-83-62245-60-4

Tallberg, J. (2002) “Paths to Compliance: Enforcement, Management, and the European Union,” International Organization. Cambridge University Press, 56(3), pp. 609–643. doi: 10.1162/002081802760199908. p.610

Tallberg, J. (2002). Paths to Compliance: Enforcement, Management, and the European Union. International Organization. Cambridge University Press, 56(3), pp. 609–643. doi: 10.1162/002081802760199908.

Tallberg, J. (2015). Orchestrating enforcement. In International Organizations as Orchestrators (pp. 166–188). Cambridge University Press. https://doi.org/10.1017/CBO9781139979696.009

The Guardian. (2015). Tens of thousands march in Warsaw against 'democratorship' government. Available at https://www.theguardian.com/world/2015/dec/12/poland-thousands-march-warsaw-against-democratorship-government

Turska-Kawa, A. and Wojtasik, W. (2018). Direct democracy in Poland. Between democratic centralism and civic localism. Journal of Comparative Politics, 11.

von Stein, J. (2012). The Engines of Compliance. Interdisciplinary Perspectives on International Law and International Relations. https://doi.org/10.1017/CBO9781139107310

Warkotsch, A. (2008). Non-compliance and instrumental variation in EU democracy promotion, Journal of European Public Policy, 15:2, 227-245, DOI: 10.1080/13501760701817732

Warkotsch, A. (2010). "Realpolitik" and international reaction to non-compliance with Liberal Democratic norms: Comparing EU and US response patterns, Cooperation and conflict, 45(1), pp. 80–106. doi:10.1177/0010836709347214.