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## **To Oppose or Not To Oppose? Explaining the Decisions by Members of European Parliament to Support or Oppose the Initiation of Rule of Law Mechanisms to Tackle Democratic Backsliding**

Untung, Reynny

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# To Oppose Or Not To Oppose?

Explaining the Decisions by Members of European Parliament to Support or Oppose  
the Initiation of Rule of Law Mechanisms to Tackle Democratic Backsliding.

Reynny Untung

S1652761

Public Administration: International and European Governance

Faculty of Governance and Global Affairs

Supervisor: Dr Rik de Ruiter

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## Abstract

One of the biggest issues the EU currently is facing concerns the infringement of the fundamental values of the European Union by member states, such as the violation of the Rule of Law. The Rule of Law refers to the accountability of the government, equal laws, open governments, and accessible and impartial justice. In the EU, this also means that the national government must abide by European law over national law. In the last decade, the EU has been challenged with democratic backsliding developments in Central and Eastern European Countries. To prevent further democratic backsliding, the EU has different types of mechanisms available to sanction member states violating the fundamental values. The European Parliament is one of the important institutions that can propose effective measures towards democratic backsliding member states, this thesis will focus on the role of Members of the European Parliament on how they would support or oppose, resulting in the following research question;

*“How can we explain the opposition or support of Members of the European Parliament with regard to initiating Rule of Law mechanisms to tackle democratic backsliding?”*

By answering this research question, plenary MEPs debates on the Rule of Law situation in EU member states have been analysed. This thesis focused on three EU member states – Romania, Hungary, and Poland – in which developments leading to democratic backsliding and violation of the Rule of Law has been found. To collect the data on explaining the MEP positions 14 MEP debates that were related to the Rule of Law were analysed. Out of the 14 debates, seven debates have been analysed with a content analysis as a research method. Based on the findings of the collected data, it can be explained that the opposition or support of MEPs is based on their affiliation with their political party and nationality. The factor of politicisation was the overall concept that will explain the positioning of European parties on the political spectrum. By using this division, an answer can be found to understand whether the central issue topic is considered as politicised by MEPs. To understand the MEPs’ political party affiliation, the factor of Euroscepticism was used to categorise the MEPs based on the values of their parties.

## Table of Contents

Abstract .....	II
Abbreviations .....	IV
1. Introduction .....	5
2. Literature Review .....	11
2.1 Democratic backsliding and violation of the Rule of Law in Europe .....	11
2.1.1 Mechanisms to prevent democratic backsliding and to ensure the Rule of Law.....	12
2.2 Role of European Parliament in protecting the Rule of Law.....	15
2.2.1 European parties in the European Parliament.....	16
2.2.2 Role of Members of European Parliaments.....	17
3. Theoretical Framework .....	19
3.1 Opposition or support of MEPs .....	19
3.1.1 Politicisation in the European Parliament .....	20
3.1.2 Eurosceptic party politics in the European Parliament.....	22
3.1.3 Eurosceptic MEPs .....	24
3.1.4 Nationality .....	26
4. Methodology .....	28
4.1 Case selection.....	28
4.2 Data collection.....	29
4.3 Operationalisation .....	32
5. Results & Analysis .....	36
5.1 MEP debates on the situation in Romania, Hungary and Poland.....	36
5.1.1 Romania.....	36
5.1.2 Hungary .....	42
5.1.3 Poland.....	48
5.2 The State of the Union MEP Debate .....	53
6. Discussion .....	56
7. Conclusion.....	58
References.....	61

## Abbreviations

ALDE	Alliance of Liberals and Democrats for Europe
CEE	Central and Eastern European Countries
CJEU	Court of Justice of the European Union
EC	European Commission
ECR	European Conservatives and Reformists
EFDD	Europe of Freedom and Direct Democracy
ENF	Europe of Nations and Freedom
EP	European Parliament
EU	European Union
Greens/EFA	The European Free Alliance Greens
GUE/NGL	The Left
ID	Identity and Democracy
MEP	Member of European Parliament
NI	Non-Inscrits; Non-Attached Members of the European Parliament
PPE	European People's Party
S&D	Progressive Alliance of Socialists & Democrats
SOTEU	State of the European Union
TEU	Treaty of the European Union
TFEU	Treaty on the Functioning of the European Union
UNSD	United Nations Statistics Division

## 1. Introduction

Understanding how the European Union's (EU) institutions work and how they can influence member states is a difficult matter for many people, even when all that is decided and implemented in the EU affect these people as citizens of the EU. Therefore, the EU plays an important role in sustaining the fundamental values of the Union. Yet, one of the biggest issues the EU currently is facing concerns the non-compliance with these fundamental values of the Union by member states, which is considered as a violation of the Rule of Law. The Rule of Law refers to the accountability of the government, equal laws, open governments, and accessible and impartial justice (World Justice Project, n.d.). In the EU, it also means that the national government must abide by European law. Recently, there have been occurrences where the EU has been challenged with democratic backsliding in Central and Eastern European Countries (CEE). For instance, the national government of the CEE countries, such as Romania, Hungary, and Poland, has introduced laws that are in conflict with Article 2 of the Treaty of the European Union (TEU).

By 2013, the Vice President of the European Commission (EC) at the time, Viviane Reding, observed that the EU was facing a crisis concerning the Rule of Law (Pech & Scheppele, 2017, p. 8). As the Rule of Law is a fundamental value, the EU had to step in to prevent further development towards an illiberal regime, also known as the developments of democratic backsliding (Pech & Scheppele, 2017, p. 11). Moreover, as Magen (2016) argues, "the Rule of Law is part and parcel of the Union's DNA" (p. 1055), suggesting that this value is what the EU is built upon. However, the implications on ensuring the Rule of Law values in the EU member states have started since the accession of post-communist countries in 2004, in which ten countries joined the EU. It is considered the biggest enlargement in EU history which led to the reunification of Europe after the fall of the Berlin Wall and the end of the Cold War (EUR-Lex, 2007).

To become a member of the EU, the candidate countries must be a European state and respect the values of human dignity, freedom, democracy, equality, the rule of law and respect for human rights, which are mentioned in Art. 2 TEU (European Commission, n.d.). Nonetheless, the Eastern enlargement came with a conditionality. With the conditionality, the EU would reward the candidate countries if they complied with the conditions of the EU. The reason to apply a condition to the candidate countries was to ensure the political, economic, and regulatory development of the countries to fit the values and norms of the EU, before joining

the Union (Szarek-Mason, 2010, p. 135). Yet, after the accession new member states have introduced laws harming these values and norms.

Based on the democratic backsliding developments in CEE member states, the EU has pressured member states to ensure the Rule of Law by having dialogues with these governments. As a result, the EC published the first Rule of Law report in which an overview has been provided on the situation in the EU in 2020, in terms of the internal market, cooperation in the justice area, and the protection of the financial interests of the Union (European Commission, 2020, p. 2).

However, the EU institutions are facing difficulties with regard to sanctioning member states that do not comply with the values of the EU. These difficulties within the EU can be found in the dynamics of the European Parliament (EP). The role of the EP is to promote democracy, freedom of speech, fair elections by protecting fundamental rights, human rights, and democratic systems globally (European Parliament, n.d.). The EP is seen as the entry point for debate for all that is happening within the EU (Roederer-Rynning & Greenwood, 2017, p. 736) and as a fundamental arena to promote and ensure the Rule of Law, as Members of the European Parliament (MEPs) can put the issue of democratic backsliding on the agenda in which they can vote in favour or against proposed resolutions (Meijers & van der Meer, 2019, p. 839). Especially in terms of enforcing the Rule of Law in all member states, the EP have multiple debates on addressing the determination of a clear risk of a serious breach in member states that are not complying with the Rule of Law. In these debates, the MEPs address their positions, often on behalf of their political party, on situations that are

Therefore, the research question in this thesis is formulated as follows,

*“How can we explain the opposition or support of Members of the European Parliament with regard to initiating Rule of Law mechanisms to tackle democratic backsliding?”*

By finding an answer to this research question, the behaviour of MEPs can explain the difficulties that the EU is facing in sanctioning or effectively using Rule of Law mechanisms to prevent democratic backsliding. Although an extensive amount of research on democratic backsliding and the causes of the Rule of Law non-compliance in EU member states has been conducted, there is a limited focus on the role of the MEPs with specific regard to issuing the Rule of Law mechanisms, such as Art. 7 TEU. For instance, the research by Rasmussen (2008) analysed the relations of MEPs with their national and transnational political party based on partisanship. However, Rasmussen’s research was written in a more general manner and did

not specify one issue. Thus, the author recommended focusing on the different types of party links that influence MEPs in national or transnational groups (Rasmussen, 2008, p. 1179).

In another study, Meijers & van der Meer (2019) analysed the MEP responses to democratic backsliding. Although this research is more similar to the aim of this thesis, Meijers & van der Meer (2019) focused on the agenda-setting and voting behaviour, based on roll-call. These authors have mentioned that they were unable to include ideological determinants and party group affiliation (Meijers & van der Meer, 2019, p. 851), which this thesis will include. Therefore, a gap within the literature on how MEPs form their position when specifically issuing Rule of Law mechanisms has been identified. Focusing on the ideological determinants and party groups affiliations of MEPs in Rule of Law debates is an interesting matter, as the EP is responsible to protect these laws in all member states. When combining the two previously mentioned studies, Rasmussen (2008) has included these determinants but not on a specific issue, Meijers & van der Meer (2019) have included the one specific issue, which is democratic backsliding in Hungary and Poland. This thesis aims to combine the two studies to explain the determinants, such as ideology and party group affiliations of MEP behaviour in specific Rule of Law debates. What differs from the Meijers & van der Meer study is that this thesis is not focusing on a specific phase of the policy cycle, but more on their position in the debates that were started to find support in adopting a proposal and/or resolution to prevent democratic backsliding. Moreover, as these authors have focused on the outcomes based on the roll-call voting, there was no clear explanation on the links that have resulted in MEPs on why they have taken such position, hence, the party affiliation and ideology aspects that may influence MEPs positions.

Moreover, existing literature has mostly analysed the position of MEPs by analysing their behaviour on roll-call vote data and their position of the national party using the left-right categorisation (Meijers & van der Meer, 2019; McElroy & Benoit, 2007). For instance, Meijers & van der Meer (2019) concluded that “with respect to the roll-call votes, most MEPs from the PPE and ECR both voted against motions condemning the Hungarian and Polish governments, respectively” (p. 851). However, by using roll-calls as a method to conclude on voting behaviour, not all votes are taken by roll-call, such as electronic vote (Hix, 2002, p. 693). To support this statement, another research has argued that analysing roll-call votes are not accurate as it only counts the votes that are held in public; may include a selection bias in MEP behaviour that may not be representative for the EP; or that the European parties are more likely to only request roll-call voting that is only of interests to their party ideology (Noury et al., 2009, p.



30). Therefore, this thesis will not focus on MEPs behaviour based on the results of roll-call voting, but more on the direct statements MEPs make on the issue. This shows that the academic relevance of this thesis aims to fill the gap which previous studies have identified and to focus more on one specific issue, which is the Rule of Law in EU member states, and to focus on the direct statements made in Rule of Law debates in the EP.

Additionally, this thesis will help to provide a better understanding of the importance of the EU's actions towards member states that are conflicting with the fundamental values of the Union. More specifically, this thesis will explain how the MEPs act towards protecting the rights of the EU. As the Rule of Law is seen as the fundament on which the Union is established and non-compliance by a member state could affect all EU citizens, it is alarming that 23% of the correspondents of the 2021 Standard Eurobarometer report acknowledge that the Rule of Law is fundamental for the EU or that only 18% of the correspondents would list the Rule of Law as an important value to them personally (European Commission, 2021, pp. 121, 124). Moreover, as previously mentioned, the workings of the EU can be perceived as a difficult matter, which the same report illustrated that 35% of the correspondents do not understand how the EU works or that 12% do not know how MEPs are elected (European Commission, 2021, pp. 54, 151). Based on these results of the Eurobarometer, the Rule of Law value of the EU is not as strongly evident to EU citizens. Thus, by elaborating on how MEPs have an influence on sanctioning member states that are not respecting the Rule of Law to encourage the values of the EU, a contribution on the public knowledge on what the MEPs are doing in the EU when they are elected. By explaining the importance of the Rule of Law as a fundamental value, this thesis elaborates on this and how MEPs influence the decision to encourage the understanding of the role and positions of the MEPs. Therefore, the societal relevance of this thesis is to illustrate that the Rule of Law is one of the most important values of the EU and to explain how the MEPs decide on resolutions to sustain this value in all member states.

This thesis consists of seven chapters, which the first chapter is the introduction. The second chapter is the literature review, which will provide an overview of what was found in previous studies. In the literature review, concepts such as democratic backsliding, the Rule of Law mechanisms, the role of the European Parliament, the European parties in the EP, and the role of MEPs will be discussed. This chapter will give the answers to the first two sub-questions that will help in providing an answer to the research question. The first sub-question, "*what are the roles of MEPs with regard to initiating Rule of Law mechanisms to tackle democratic backsliding?*", will answer how the role of the EP works in promoting and enforcing the Rule

of Law in all member states. By explaining the fundamental aspects of the Rule of Law mechanisms, a better understanding of why MEPs has been chosen to be the main focus of this thesis. The second sub-question, “*which factors can be identified that influences the position of an MEP in debates concerning non-compliance to the Rule of Law in EU member states?*”, will be answered considering taking existing research to identify the factors influencing the opposition or support. Based on the literature review, the concepts of politicisation, Euroscepticism, nationality and party politics have been identified to influence the position of an MEP in EP debates.

The third chapter consists of the theoretical framework, which will further discuss the factors and concepts found in the literature review. Concepts such as politicisation and Euroscepticism will be conceptualised. Based on the influencing factors that will explain why an MEP would either support or oppose initiating the Rule of Law mechanisms, four expectations will be formulated. Based on the research conducted, it can be expected that: 1) the politicisation of a topic influences where a European party is positioned on the party spectrum division, 2) the type of Eurosceptic party explains why there are differences between MEPs within one political party, 3) pragmatic Eurosceptic MEP is more likely to be opposed towards initiating Rule of Law mechanisms than other types of Eurosceptic MEPs, and 4) by identifying whether the nationality of an MEP and their party affiliation are influential factors in supporting or opposing proposals to ensure the Rule of Law.

The fourth chapter will discuss the methodology, in other words, the research design. As this thesis specifically analyses the needed actions to ensure the Rule of Law, three cases in which the violation of the Rule of Law has been detected were chosen, namely Romania, Hungary and Poland. First, the chapter will argue why these cases were chosen. Second, to collect the data on the three cases, MEP debates and member state specific Rule of Law debates have been analysed to find an answer to the central research question. Third, this chapter argues why it was chosen to use a qualitative content analysis as the main research method. Moreover, the methodology explains which coding schemes were used to operationalise the concepts in relation to the position of an MEP.

The fifth chapter will discuss all findings based on the selected direct statements of MEPs. As this thesis focuses on three cases, Romania, Hungary, and Poland, the cases will be briefly introduced. Furthermore, the relating debates on the specific countries and the SOTEU debate will be analysed by identifying signal words referring to politicisation, the level of

Euroscepticism, nationality and party politics. Based on the results, the expectations formulated in the theoretical framework will be tested.

The sixth and seventh chapters are the discussion and conclusion. The discussion will find answers to the third sub-question, “*what are the implications of a politicised EP and Eurosceptic MEPs when initiating Rule of Law mechanisms to prevent further democratic backsliding?*”. This answer to the central research question will reflect on all identified factors on forming an opposition or support towards initiating Rule of Law mechanisms. In the discussion, interpretation, implication, limitations and recommendations of the thesis will be discussed. Based on the findings of the previous chapter it can be argued that not all expectations could be met on their own. Moreover, as this research is a qualitative research, it will be argued why it could also be a quantitative research by including more explaining factors that influence the position of the MEP in a debate. The conclusion will provide a summary of all the findings are leading to an answer to the central research question.

## 2. Literature Review

Although democratic backsliding in Europe has been researched extensively, these studies focused on how democratic backsliding occurs and what it means for the EU (Gora & de Wilde, 2020; Bakke & Sitter, 2020; Stanley, 2019; Cianetti, Dawson, & Hanley, 2018). However, this thesis is more interested in the role of the EP as this institution is considered a fundamental arena in promoting and ensuring the Rule of Law values of the EU, in which the MEPs may influence the outcome in activating the instruments. Therefore, in order to answer the research question, *“How can we explain the opposition or support of Members of the European Parliament with regard to initiating Rule of Law mechanisms to tackle democratic backsliding?”* existing research on democratic backsliding, the Rule of Law, the role of the EP and European political parties and its MEPs will be reviewed. The literature review consists of two parts. First, the issue of democratic backsliding in Europe and which instruments can be used to enforce the Rule of Law and tackle democratic backsliding. The second part discusses the role of the EP, by analysing the political parties and the MEPs on their role in preventing democratic backsliding.

### 2.1 Democratic backsliding and violation of the Rule of Law in Europe

One of the main concerns the EU is facing is the development of democratic backsliding in CEE member states. Therefore, it is necessary to obtain a better understanding of the democratic values of the EU. The EU democratic values are central to promoting a society in which inclusion, tolerance, justice, solidarity and non-discrimination is applied. In other words, the values of human dignity, freedom, democracy, Rule of Law, equality and human rights are of importance, which is mentioned in Art. 2 of the TEU. In the case of the democracy value, the functioning of the EU is based on the values of representative democracy, which means that all citizens enjoy political rights. Moreover, the EU is based on the Rule of Law, which refers that all actions of the EU and the member states are founded on the voluntarily and democratically agreed on treaties (European Union, n.d.).

By considering these values, the demise of democracy in Europe can be explained by the events causing democratic backsliding. Democratic backsliding is often referred to as the loss of democracy and the Rule of Law in liberal democracies (Bakke & Sitter, 2020, p. 3), in which the Rule of Law is a fundamental value for liberal democracies. To understand the concept of democratic backsliding, previous research has analysed causes after the accession of post-communist countries. The patterns that were found by Cianetti et al. (2018), were the falling away of conditions of EU accession, lack of ability to sanction backsliding member states, lack

of liberal-democratic values in CEE leaders, socio-economic frustrations due to the Great Recession in the late 2000s and the aftermath of the Euro crisis, polarised populist competition, and the influence of Russia on geo-political level (p. 245). Specifically, the inability to sanction backsliding countries and the falling away of conditions are relevant for this thesis.

Another example of what is meant with democratic backsliding, a definition referring to backsliding in Rule of Law compliance can be used, also seen as the infringement of the Rule of Law. In this case, backsliding in Rule of Law compliance means,

“The process through which elected public authorities deliberately implement governmental blueprints which aim to systematically weaken, annihilate or capture internal checks on power with the view of dismantling the liberal democratic state and entrenching the long-term rule of the dominant party” (Pech & Scheppele, 2017, p. 10).

These authors argue that events within a member state may cause Rule of Law backsliding. These events refer for instance to citizens losing faith and trust in their national system of government due to inequality, unemployment or practices from the ruling elites; or when citizens elect a leader that promises radical change, including shutting down key offices that may resist their power; engage in benefits to remain popular; or change election law, the electorate or both (Pech & Scheppele, 2017, pp. 9-10). Examples of countries accused of Rule of Law backsliding are, Hungary, Romania and Poland, of which this thesis will focus in later chapters as chosen case studies. Although their developments have taken place at different times, similarities can be identified. As argued by Turkut (2021), similarities in Rule of Law backsliding such as curtailing judicial independence and undermining political pluralism (p. 211).

Moreover, in recent years, the EC and the EP have played a bigger role in protecting the values of the EU. However, scholars argue that the actions taken by the EU and its member states are not efficient to prevent backsliding practices (Meijers & van der Meer, 2019). Concerning the focus on this thesis, the role and behaviour of MEPs, existing research has provided findings that the EP has been the most vocal in issuing Rule of Law backsliding in member states, but often without any result by other institutions (Herman & Saltman, 2014, p. 3).

### 2.1.1 Mechanisms to prevent democratic backsliding and to ensure the Rule of Law

The EP is argued to be an important arena to socially pressure democratic backsliding, where MEPs can put an issue concerning democratic backsliding on the agenda and debate on the proposed resolutions (Meijers & van der Meer, 2019, p. 839). Hence, after the accession of the post-communist countries in 2004, the EU has created several mechanisms to protect the values

of democracy and the Rule of Law in the EU. For instance, in 2005 the EU enforced a safeguard tool in the 2005 Act on Accession. This tool, Art. 39 of the Act, gave the EC power to monitor commitments of member states (Schmalenback, 2020, p. 414).

Moreover, Sedelmeier (2017) argues that in order to use safeguards against democratic backsliding two types of sanctions are available, material sanctions and social influence. However, the author states that these types of sanctions are difficult to apply. First, material sanctions are difficult to apply due to the diverse preferences and party politics within the union. Second, social influences are used to confront breaches of illiberal practices in member states (Sedelmeier, 2017, p. 338). One example of a material sanction is the Art. 7 TEU, introduced in the Amsterdam Treaty and added with the Treaty of Nice, as a sanctioning mechanism when violating the Rule of Law, fundamental rights of the EU and other basic principles. Art. 7 TEU is a preventive mechanism, meaning that the Council has to decide whether there is a risk of a serious breach of the EU values by a member state. This mechanism can be triggered by one-third of the member states, the EP or the EC. This article gives the Council the power to sanction member states by suspending rights of being a member of the EU (Larion, 2018, p. 162; Poptcheva, 2016, p. 4; Herman et al., 2021, p. 171).

However, the application of Art. 7 TEU has its limitations. For instance, it has rarely been used since its introduction, due to the voting rules, preferences of member states and party politics. Considering the voting rules, triggering Art. 7 TEU is challenging as it requires demanding majorities, which could make supporters reluctant to propose the implementation of the article. The obstacle of member states preferences refers to the disadvantaged member state's preference roots from the uncertain position of their national sovereignty which would lead to no support to the use of Art.7 TEU. Last, the obstacle of party politics refers to the positions of political groups in the EP in which evidence of partisanship is found (Sedelmeier, 2017, pp. 339-340). Moreover, the capacity of a material sanction is considered limited when there are more serious cases of breaches of the Rule of Law. For instance, the same author states,

“The sanctions it entails are potentially very far-reaching ... and what makes member states reluctant to establish a breach in Article 7(2) in the first place might be precisely the open-ended nature of sanctions that could then be adopted under Article 7(3) with a qualified majority. Any attempt to give Article 7 TEU some more bite, therefore, would need to make it possible to use it more narrowly, to vote on clearly defined sanctions for specific illiberal practices (even with a higher majority requirement)” (Sedelmeier, 2017, pp. 342-343).

In the case of Hungary in 2010, the limitation of Art. 7 TEU has been illustrated by the European People's Party (PPE) in which the party was unwilling to vote for measures to sanction the Hungarian Fidesz government. Considering the role of party politics, the PPE perceived an accommodative attitude towards the Fidesz (a Hungarian Populist Radical Right party) under the leadership of Victor Orbán, in which the Hungarian party is a member of in the PPE. Therefore, it is because of strategic interest to have an accommodative attitude to maintain the Hungarian seats (Herman et al., 2021, p. 170). However, the EP could have been successful in triggering Art. 7 TEU if partisan politics were put aside (Pech & Scheppele, 2017, p. 7).

The second type Sedelmeier (2017) argues refers to social influence. The author argued that this type of mechanism consists of more institutional innovations, including the Rule of Law framework, the Justice Scoreboard, and the Council's Dialogue. Regarding the Rule of Law framework, which was created in 2014 for Hungary, it was first used in 2016 in reaction to the constitutional crisis in Poland. The objective of the Rule of Law framework is to have a constructive dialogue between the EC and the member state in question by using discussion and persuasion instead of shaming and naming (Grabowska-Moroz, 2019; Sedelmeier, 2017, p. 343). The Justice Scoreboard is likewise an instrument of the EC that illustrates an overview of indicators on the efficiency, quality and independence of justice systems to provide help to member states to improve the national justice systems by providing data (European Commission, n.d.).

However, Sedelmeier (2017) argued that social influence has more potential in exercising social pressure, in which the EP has requested to cover the periodic assessment of fundamental rights and the Rule of Law compliance (p. 347). The last instrument, the Council's Rule of Law Dialogue, refers to an annual dialogue with member states within the General Affairs Council to promote and safeguard the Rule of Law. However, the limitation of the mechanism is that it does not provide a forum conducive to persuasion or social pressure. This is due to the key principles in which the Dialogue should act, which are stated as, "Key principles of the Dialogue are that it should be 'conducted on a non-partisan and evidence-based approach' according to 'the principle of sincere cooperation'; and that it should 'respect the national identities of member states'" (Sedelmeier, 2017, p. 348). Due to the limitations of social influence on member states, existing research has argued that it should be applied together with the material sanctions through issue linkage.

Another tool is the use of the infringement procedures which are set in Art. 258 of the Treaty on the Functioning of the European Union (TFEU). The EC may trigger this article when a

member state shows a serious risk in non-compliance to the EU law, or when a member state has adopted or maintained national provisions resulting in badly applied Union law (European Commission, 2015). In 2020, the EC has triggered an infringement procedure against Poland as the member state has adopted a new law on the judiciary independence of Polish judges. This new law is incompatible with the EU law, as the new law prevents Polish courts to fail their obligation to apply EU law or request preliminary rulings. However, Herman & Saltman (2014) argue that using infringement procedures can only address potential concerns regarding the values of Art. 2 TEU.

To summarise, the mechanisms to prevent democratic backsliding carries their opportunities and limitations. Although most mechanisms are in the power of the EC, the European Parliament is seen as the favourable arena to exert social pressure on deliberating member states. Thus, the role of the European Parliament, the European political parties and its MEPs will be discussed.

## 2.2 Role of European Parliament in protecting the Rule of Law

The role of the EP consists of participating in discussions with the EC, formally agreeing upon ideas for proposed legislations, adopting initiative reports, and enforcing Art. 225 TFEU (Nugent, 2017, pp. 201-202). Moreover, the EP is responsible to support the fight for democracy, freedom of speech and fair elections by protecting fundamental rights, human rights, democratic systems globally (European Parliament, n.d.). However, the workings of the EP have their weaknesses. First, the EP does not have full legislative powers, because of the lack of capacity to initiate, develop and pass a proposal into a law. Second, the EP's decisions often do not become available for the Council on time to take preliminary actions, resulting in slowed down procedures towards the accused member states. Third, the EP does not have full powers on administrative legislation, meaning that it does not possess full power to pressure member states to directly implement the laws. According to the MEPs, this lack of full power is considered too weak after the amendments of the Lisbon Treaty (Nugent, 2017, p. 205).

Besides the weaknesses of the EP, the institution still plays a fundamental role in enforcing the EU values throughout all member states. For instance, the EP has oversight over the Council and has adopted resolutions calling for member states to improve their compliance with EU values and to propose new mechanisms to observe the principle of equality in member states (Poptcheva, 2016, p. 8). Moreover, the arena of the EP is seen as the entry point of the debate regarding the nature and development of EU polity (Roederer-Rynning & Greenwood, 2017, p. 736). Concerning ensuring the Rule of Law in all member states, the EP's activism has



increased in pressuring member states. For example, in the case of Hungary's democratic backsliding, the EP has organised multiple debates in which the institution adopted a resolution expressing the serious concern with regard to "the exercise of democracy, the Rule of Law, the respect and protection of human and social rights, the system of checks and balances, equality and non-discrimination" (Herman & Saltman, 2014, p. 4). Another example is the case of Romania, in which the EP has exerted social pressure to reverse breaches of liberal democracy (Sedelmeier, 2017, p. 344).

Currently, the EP consists of 705 MEPs from 27 member states and different European political groups. All MEPs must act in the public interest and work with fairness, integrity, openness, diligence, honesty, accountability and respect for the EP's reputation and have been elected for a five-year period (European Parliament, n.d.). Therefore, a closer look at participating European parties and the role of MEPs will be discussed.

### 2.2.1 European parties in the European Parliament

To understand the role of the EP and how the institution can trigger various sanctions, the role of political groups will be elaborated. However, it can be argued that the role of partisan politics in European party groups may have resulted in difficulties for the EP to exert its influence on addressing the violation of the Rule of Law and the possibilities to use the mechanisms to sanction member states.

Due to the increasing size of the Parliament, the rules concerning the composition of political groups have been shifted. Researchers also argued that EU politics is based on party politics. According to Hix & Høyland (2011), politicians at the national and European level are party politicians as they have gotten their current positions and future careers because of the parties they are representing. The politicians are important to the EP as they are the link from governments to parliaments and parliaments to voters (p. 138). This shows that political activity in the EP is mostly directed via political groups, in which the members are not divided by nationality but by political affiliation. Currently, the EP consists of seven political groups, which are Group of the European People's Party (PPE), Group of the Progressive Alliance of Socialists and Democrats in the European Parliament (S&D), Renew Europe Group (Renew), Groups of the Greens/European Free Alliance (Greens/EFA), Identity and Democracy Group (ID), European Conservatives and Reformists Group (ECR), The Left (GUE/NGL) (European Parliament, 2021).

To discuss the role of European political parties, Johansson & Raunio (2019) argue that they are fundamental in shaping EU legislation, as they are seen as the arenas for communicating with European leaders and their parties (p. 2). However, not all European political parties are supporting the way EU legislation is formulated, referring to the Eurosceptic challenger parties in the EP (Persson et al., 2019, p. 246). The role of parties, and more specifically in electoral politics, is that they can provide a label to politicians and their voters, by providing a description of the party's position. In addition, political parties ensure the efficiency of policy making (Noury, Hix, & Roland, 2009, p. 48). However, the same authors have argued that the EP is risking to be a highly fragmented parliament, due to the broad diversity the Parliament is representing and the lack of interest in European elections, resulting in becoming a second-order national contest (Noury et al., 2009, p. 51). Additionally, the EP faces difficulties due to the politics and political competition of political parties at the national level, which could lead to issues in democratic representation and legislative effectiveness (McElroy & Benoit, 2010, p. 378).

Throughout the years, the EP's party system has been dominated by the PPE and the S&D. However, research done by Bressanelli (2012) argues that the formation of political groups in the EP cannot be claimed to be driven by ideological or policy compatibility (p. 740).

### 2.2.2 Role of Members of European Parliaments

To understand the role of MEPs, Rasmussen (2008) has analysed how MEPs perceive themselves to the parties, in which findings reveal that parties may influence the work of MEPs. Due to the multi-level features of the EU, MEPs are linked to both national and international parties (Rasmussen, 2008, p. 1166). Moreover, MEPs have two principles. First, they have to please the national parties that play a dominant role in selecting candidates in the EP's elections. Second, the behaviour of MEPs is formed by the European political group as they control the working activities of the members (Høyland & Hix, 2018, p. 4; Finke, 2014, p. 210).

As this thesis focuses on the opposition or support of MEPs in relation to activating Rule of Law mechanisms to tackle democratic backsliding, Meijers & van der Meer (2019) argue that the role of MEPs is critical in two phases, which relates to how MEPs emphasise the issue of democratic backsliding, and which position they take to in adopting resolutions (p. 839). Moreover, regarding the voting behaviour of MEPs in the EP, existing research has argued that it is based on the MEPs concerns on re-election and not based on their ideology, in which the author states "MEPs office-seeking intentions are usually considered a means to maximise either their policy gains or their electoral success" (Finke, 2014, p. 209). Another study has

concluded that MEPs are motivated by personal career development and aim to secure policy outcomes related to their personal and/or party policy preferences (Noury et al., 2009, p. 28). However, Hix (2002) tried to find another explanation to determine MEP's behaviour, which refers to whether they are acting due to personal preferences, pressures from European political groups, or whether they behold to their national parties' disciplines (p. 688). More of interest is the influence of European political groups and how it influences the MEPs voting behaviour. In the case of European party discipline, the author argues that MEPs would follow the instructions of the leader of the European party they are connected to, regardless of their personal preferences (Hix, 2002, p. 690).

Considering the same case as mentioned in the previous section, the position of the PPE's MEPs has been shifted over time. Research by Herman et al. (2021) analysed the cohesiveness of PPE MEPs in response to Rule of Law offences and found that,

“MEPs are more likely to oppose sanctions when their party is in government at the national level suggests they are willing to protect the capacity of their national organisations to form alliances with backsliding states within the EU's governmental institutions” (Herman et al., 2021, p. 183).

The same research has shown that MEPs from the Visegrad group – which includes countries such as Hungary, Poland, Czechia and Slovakia – are less likely to vote in favour of sanctioning member states that are violating the fundamental values of the Rule of Law and that MEPs are less likely to be in favour when they are from a member state with a low democratic performance as they may be targets in the future (Herman et al., 2021, p. 183). These findings could explain that MEPs are more likely to vote based on their national interests instead of their the interests of the EU values. The findings of Herman et al. (2017) have shown that Euroscepticism and an authoritarian positioning of an MEP, referring to the affiliation with their political party, are predictors of explaining the opposition to EP resolutions (p. 183). Therefore, the next chapter will discuss all indicators found by previous research to explore expectations on how it can be explained when MEPs are either in favour or against proposals regarding ensuring the Rule of Law.

### 3. Theoretical Framework

This section will provide theoretical perspectives to find an answer to the research question, “*How can we explain the opposition or support of Members of the European Parliament with regard to initiating Rule of Law mechanisms to tackle democratic backsliding?*”. This chapter will focus on the causal mechanisms between the influencing factors – politicisation, Euroscepticism, party politics, and nationality – and the opposition or support of MEPs concerning using Rule of Law mechanisms to tackle democratic backsliding. Moreover, the influencing concepts that shape the opposition or support of MEPs will be explained, such as politicisation in the EP and the level of Euroscepticism of the MEPs, in which Euroscepticism will integrate the influencing factors caused by nationality and party politics. Based on the causal mechanisms between the concepts, three expectations will be made.

#### 3.1 Opposition or support of MEPs

Political opposition is considered as part of the governance structure, which is often the minority party in parliament, but continuously working to governmental power. It is argued that the opposition within a parliament is not likely to be organised by political parties, but with interest groups and social movements to veto or qualify issues to put on the decision agenda (Thierse & Badanjak, 2021, p. 31). On the one hand, these statements by the authors would argue that the values of the political parties would not be leading for an MEP to be part of the opposition or support, but that the demands of external factors, such as interests groups or the public would. Furthermore, when discussing opposition, three forms can be mentioned: classical opposition, the opposition of principle and the elimination of opposition. Classical opposition refers to cases where non-government actors have the right to voice their opposition and make suggestions to government proposed policies while still respecting the right of governance. The opposition of principle differs in terms of not only opposing the government but also to the whole system of governance.

The last form of opposition, which is the elimination of opposition, refers to when no actual differences can be identified between actors whether they were divided or against one another (Mair, 2007, p. 6). On the other hand, the behaviour of MEPs may also be related to the goal of their career. In this case, three types are identified: 1) EP as a training arena for a national political career, 2) EP as a reward for good service and a step towards retirement, and 3) to secure a career for a long period in the EP (Høyland & Hix, 2018, p. 3). However, MEPs have been taken a position different than what researchers expected. For instance, politicians that are

more salient towards European integration may self-select themselves to a career in Brussels (Høyland & Hix, 2018, p. 4).

In terms of the behaviour of MEPs in opposing or supporting proposals concerning issuing Rule of Law mechanisms to tackle democratic backsliding, this is supported by another research which argues that MEPs are found to be more likely to prioritise their European party membership over their national affiliation (Bain, 2019, p. 3). Therefore, the sources causing opposition or support of MEPs concerning initiating Rule of Law mechanisms to tackle democratic backsliding lies in the politicisation process of the EP and the level of Euroscepticism of the MEPs, including the nationality of MEPs and party politics.

### 3.1.1 Politicisation in the European Parliament

Politicisation is simply defined as making a person or an issue a political matter (Hooghe & Marks, 2012, p. 1). These authors argue that politicisation may be used as an instrument to analyse the level and forms of conflict over European integration within a European political system. This means that politicisation could strengthen public debate which is considered possible and desirable. Moreover, Hooghe & Marks (2012) define politicisation as the increasing aggressiveness of decision-making concerning regional integration (p. 1). In addition, it has been argued that politicisation can mostly be found in the EP, due to the left-right politicisation of the EU. In this case, Hix (2006) argues that the voting system in the EP is along left-right party lines rather than national lines, because the political groups voting behaviour is more cohesive and that “each political group is more likely to vote with a group that is closer to it on the left-right dimension than a group that is further away” (Hix, 2006, p. 16).

However, it is worth noting that the left-right division on European issues is not the same as the division over national policies. This means that the left-right division in the EP is more related to social regulation, which results in a division of green/alternative/libertarian (*gal*) to traditional/authority/nationalism (*tan*) (Hooghe & Marks, 2012, pp. 3-4). This means that the *gal* side parties are more likely to support personal freedoms, greater roles for citizens in decision-making, and greater civil liberties, while the *tan* side parties are more likely to reject those ideas by favouring tradition and that the government should have a stronger moral authority (Brigevidich et al., 2017, p. 2). In this case, with the current European parties represented in the EP, the following parties would be categorised in the *gal/tan* division;

**Table 1**

*Current European political parties divided in the gal/tan division*

<b>GAL</b>	GUE/NGL, S&D, Greens/EFA, Renew
<b>TAN</b>	PPE, ECR, ID

However, the gal/tan division is similar to the left/right division, it is less clear what the division means for centrist political parties. For example, Renew is categorised as a *gal* political party. According to the party’s description, Renew is a pro-European party that values the reunion of Europe; the deep process of European integration; and the reclaiming of the original European values, such as peace, freedom, and prosperity (Renew Europe, 2019). The party was established in 2019, with the former Alliance of Liberals and Democrats for Europe (ALDE) group is affiliated. Another party, the PPE, is categorised on the *tan* side of the division. This political party is a centre-right party, which is also considered a pro-European party, in which they prioritise European values and the need for cooperation (European People's Party, 2019, p. 14).

The concept of politicisation is a complex phenomenon, as it is mostly argued in polarised national debates led by populist opposition parties, resulting in politicisation at the bottom (Schmidt, 2019, p. 1019). Moreover, politicisation from the bottom-up has resulted in giving more populists a platform to discuss their national constituencies, which often goes beyond the national linkages. When referring to politicisation on the level of EU actors, it is linked to the deeper intensity of interactions among EU actors. As mentioned by Schmidt (2019), “no ‘parliamentarist’ would argue that the EP is either in charge or in control of any domain, such scholars do point to the strategies through with MEPs have sought to gain increasing political influence in EU decision making” (Schmidt, 2019, p. 1026). In contrast, politicisation at the top would lead to increased politicised interrelations between EU institutions, which would make it more difficult to solve crises and to achieve consensus (Schmidt, 2019, p. 1020). Therefore, it can be argued that the politicisation in the EP by ensuring the Rule of Law is situated from the top.

Moreover, politicisation in Europe can be found in three windows, which are the public debates on European integration steps, the national election campaigns, and the Europeanised protest events (Dolezal et al., 2016, p. 32). The first window, also called getting a hold of Europe, refers that the broad diversity of identities, which makes it harder to have a one-size-fits-all solution. However, the EU has taken a dominant position, meaning that it is related to almost every aspect

of public life in all EU member states. Therefore, it can be argued that politicisation has caused that there is a blurrier line between what is European and what is domestic (Dolezal et al., 2016, p. 36). Considering the gal/tan division and that the EU has started to take a more dominant position on what is issued within the Parliament, the following expectation can be formulated,

*Expectation 1: When an issue is politicised, political parties on the tan side are more likely to oppose the initiation of Rule of Law mechanisms in comparison to gal side political parties.*

Politicisation in Europe refers to three dimensions: salience, expansion of actors, and polarisation (Grande & Hutter, 2016, p. 10). The first expectation is based on these indicators in relation to the indifferences on how MEPs are viewing the issues being handled within the Parliamentary debates. According to Grande & Hutter (2016), the issues that are put on the agenda for public debates by political actors, such as MEPs, are considered politicised. As the MEPs do not debate to the public, the issue can only be politicised to a limited extent (p. 8). The first expectation would consider the upbringing of the Rule of Law situation of member states in a plenary debate as a politicised issue would result in a clearer division between European parties, and the MEPs within.

### 3.1.2 Eurosceptic party politics in the European Parliament

Another factor that may influence the position of an MEP in supporting or opposing the use of the Rule of Law mechanism relates to the level of Euroscepticism. Euroscepticism refers to the negative or distrustful attitudes that individuals possess towards Europe or European integration (Hooghe & Marks, 2007, p. 120). Euroscepticism has been in the EP since its establishment because all MEPs are elected by their national parliament (Brack, 2013, p. 87). One of the sources of Euroscepticism, argued by Hooghe & Marks (2007), is that people that feel disadvantaged by European integration are more likely to be Eurosceptic. Moreover, Euroscepticism can be divided into two forms, in which *soft* Euroscepticism relates to creating an opposition based on the national-interest and/or policy-oriented concerns. In contrast, *hard* Euroscepticism relates to the complete rejections on projects concerning European political and economic integration, which will fuel to create an opposition to a country willing to join the EU or whether another country should remain a member of the EU (Krouwel & Abts, 2007, p. 255).

On the one hand, it can be argued that, on a meso level, Euroscepticism affects the political party dynamics in the EP. For instance, researchers have argued that Eurosceptic parties engage in opposition behaviour against the EU polity, which refers to a position against all that

is the EU is based on (Persson et al., 2019, p. 246). However, the consequence of having more Eurosceptic parties in the European elections is that it may pressure mainstream MEPs to a more critical position (Whitaker et al., 2017, p. 498). Moreover, the EU does not have a parliamentary system which means that the coalitions must be built on a case-by-case foundation. Based on political science theory, there are incentives for MEPs to create parties and act cohesively, but there are limitations in how leaders of these parties can enforce the party's discipline (Noury et al., 2009, pp. 90-91).

The level of Euroscepticism in the MEPs has been highlighted since the EP's election of 2014. Therefore, existing research has argued that there is a relation between the European election and Euroscepticism, thus creating an opposition towards European integration (Wassenberg, 2019, p. 276). Moreover, this author argues in addition to the distinction made by Krouwel and Abts (2007) on *hard* and *soft* Euroscepticism, two other criteria should be included to understand Euroscepticism present in the EP. These criteria refer to the Eurosceptic groups from those who have Eurosceptic tendencies and those who are hard Eurosceptic, meaning that the political parties advocate to leave the EU or reject the ideological EU values (Wassenberg, 2019, p. 278). By taking the European elections of 2014 as an example, Hernández & Kriesi (2016) have researched how the outcome of the election has been Europeanised and how it has driven the attitudes towards European integration, in which they found that Eurosceptic parties contribute to the politicisation and Europeanisation of the EU and its elections. Furthermore, the Eurosceptic results of the election have shown that the opposition is mostly fuelled by the ideological perspective based on historically structured domestic political competition, referring to the left-right division (Hernández & Kriesi, 2016, p. 523). Based on the arguments of Wassenberg (2019), this would mean that the results of the 2014 elections are influenced by *soft* Eurosceptics that have Eurosceptic tendencies rather than advocating that they are opposed to all that is EU.

The European political parties that can be considered as Eurosceptic parties are ECR and ID. The ECR is a conservative reformist party that respects the sovereignty of nations. Although the party argues that it is not anti-European, it does argue that the workings of the EU need to go in a different direction. Moreover, the ECR believes that the EU is overreached and too centralised, by mentioning that it misses common sense (European Conservatives and Reformists, n.d.). In addition, ID argues the same as ECR that the EU should be decentralised. Moreover, ID advocates for voluntary cooperation between member states; that the EU should



not get more power; and that member states must have the right to take back their sovereignty from the EU (Identity and Democracy, 2019, p. 4).

However, the Eurosceptic elections of 2014 are also characterised by the increasing participation of *hard* Eurosceptics and populist radical right parties, such as the Europe for Freedom and Direct Democracy (EFDD) party and the Europe of Nations and Freedom (ENF). The author argues that with the arrival of these *hard* Eurosceptics, it is considered more difficult for mainstream parties to keep up with the party competitions within the EU (von Sydow, 2014, p. 71). The Eurosceptic party politics would lead to a less strict division between left/right or gal/tan, as the mainstream and Eurosceptic parties need to make sure to keep their position in the EP. Based on the findings of *hard* and *soft* Euroscepticism, the following can be expected in terms of how the European parties will take a position in support or opposition when initiating Rule of Law mechanisms,

*Expectation 2: When a European party can be categorised as hard Eurosceptic they are more likely to be opposed by default in comparison to soft Eurosceptic parties to support initiating Rule of Law mechanisms to tackle democratic backsliding.*

This expectation would explain whether there are more *hard* or *soft* Eurosceptic parties present in the debates concerning the Rule of Law in member states. By identifying the gal/tan division in the present parties the expectation would answer whether the MEP behaves accordingly to the position of their European political party. However, as mentioned in the previous section, parties on the *gal* or *tan* side of the spectrum do not exclude that *tan* sided parties are more likely to be *hard* Eurosceptic. The reason for this is that the gal/tan division does not include the centre groups of political parties, such as the PPE and Renew. Therefore, this expectation includes the characteristic of *hard* and *soft* Euroscepticism of political parties to understand their position towards initiating Rule of Law mechanisms.

### 3.1.3 Eurosceptic MEPs

On the other hand, on the micro-level, Eurosceptic MEPs cannot be considered as a homogenous group, meaning that they have different roles in which they are free to set their preferences (Brack & Costa, 2009, pp. 257-258). These authors have distinguished four types of Eurosceptic MEPs: the public orators, the absentee MEP, the pragmatic MEP, and the socialised/participant MEP. The public orator MEPs prioritise to publicise and defend their point of view by exploiting all information that supports their opinion. Moreover, this type of Eurosceptic MEPs also believes that the decisions made by the EU and the negative consequences should be transparent and spread to the public. However, the public orator MEPs

that are present in the EP show a lack of interest in the workings of the EU (Brack & Costa, 2009, p. 259; Brack, 2015, p. 341).

In contrast, absentee MEPs are characterised by their low involvement and prioritising the voters on the national level. This type can be divided into three categories, which are the activist-absentee, the opportunist-absentee, and the utilitarian absentee. According to the authors, the activist absentee protests against the European integration process and the methods and choices the EU takes. While the opportunist absentee refers to the MEPs with no actual interest in European politics but care more about the benefits of functioning in their career. The utilitarian-absentee are more concerned about the national political gain that would be more in favour of the smaller parties (Brack & Costa, 2009, p. 261; Brack, 2015, p. 339).

The third type of Eurosceptic MEPs is the pragmatic MEPs, which are comparable with the orator MEPs but do not try to erode the European political system. Instead, this type of MEP would use its powers to control and amend initiatives, which is considered a more active manner. This type of MEP prioritises being efficient by being either a watchdog of the institutions or by being guided by national or regional interests. (Brack & Costa, 2009, p. 262 ; Brack, 2015, p. 343).

Lastly, the socialised MEP is often referred to as the participant MEP. This type is characterised as an MEP who is willing to be present as an MEP and aims to influence the legislative process. In contrast with the other types, the socialised/participant MEP is not necessarily an opposition player but tries to find a more middle ground with other MEPs by having a more constructive attitude (Brack, 2015, p. 344; Brack & Costa, 2009, pp. 264-65). Based on the different types of Eurosceptic MEPs and the factors influencing Euroscepticism, the following expectation can be formulated,

*Expectation 3: When a Eurosceptic MEP can be categorised as pragmatic they are more likely than other types of Eurosceptic MEPs to oppose any proposals when initiating Rule of Law mechanisms to tackle democratic backsliding.*

This expectation would mean that the rising amount of Eurosceptic MEPs would make it difficult to find coherence and consensus within the Parliament. The hypothesis is based on the conceptions of *soft* Euroscepticism, as the sanctioning and pressuring of member states to comply with the values of the Rule of Law would not result in a country leaving the EU. Moreover, the pragmatic type of Eurosceptic MEP is more likely to take a more active position in EP debates concerning the Rule of Law and/or democratic backsliding.

#### 3.1.4 Nationality

Based on the conceptions of politicisation, Euroscepticism, and party politics it can be argued that the MEP's nationality may influence the position in supporting or opposing the initiation of Rule of Law mechanisms towards an accused member state. The EU is characterised by its broad diversity, however, the differences between member states may clash on issues connected to the country. Therefore, it can be argued that nationality could play a role in explaining whether MEPs are in favour or against proceedings towards accused member states.

In a research conducted by Hix et al. (2012), the authors analysed whether MEPs would consider themselves European or accordingly to their nationality. The results of the conducted surveys show that the MEPs' origin is a strong indicator to understand their attitudes towards EU policies (Hix et al., 2012, p. 678), which can be related to the economic interests of the MEP (Noury, 2002, p. 33). Besides, the affiliation of the MEP with their national political party could explain why nationality plays a role in taking a certain position towards EU decision-making. For instance, in another research by Hix (2002), national party discipline explains the voting behaviour of MEPs. In this case, the national party discipline shows that the further the European policy position is from the national policy position, the MEP has more difficulties in choosing whether to stand with their national or European party (Hix, 2002, p. 691).

To conceptualise nationality, the EU member states can be divided into four sub-regions: North, South, West, and Eastern Europe. These sub-regions are categorised by similar populations, demographic circumstances and demographic statistics (United Nations Statistics Division, 1999). For instance, Western and Northern Europe are more characterised by more organisational freedom and civic participation, while Eastern and Southern Europe are characterised by shared experiences, such as political and economic challenges (Indiana University - Purdue University Indianapolis, 2018). Therefore, based on the nationality of MEPs and their attitude towards EU policies, the following expectation can be formulated,

*Expectation 4: When identifying the MEPs nationality and their position in a European party group Western Europeans are more likely to support initiating Rule of Law mechanisms compared to Eastern Europeans.*

By finding an answer to this expectation, the position of MEPs can explain whether the MEP is affiliated with its nationality and to the European unity. To test this expectation, the characteristics of party politics should be included, as the MEPs are part of both political parties.

The four expectations based on the influential factors of politicisation, Euroscepticism, party politics, and nationality will be tested to explain why MEPs would oppose initiating Rule of

Law mechanisms. As discussed in the literature review, the two principles of MEPs is to please the national parties and that their behaviour is based on the European party (Høyland & Hix, 2018, p. 4; Finke, 2014, p. 210).

The previously mentioned expectations issue whether the need to initiate Rule of Law mechanisms to prevent further democratic backsliding is a politicised issue or not. Based on the assumption that there are MEPs that are more likely to be opposed when the debate includes a politicised issue, the other expectations can be included. In this case, Euroscepticism and party politics are more related to one another. For instance, when a political party can be categorised to the *tan* spectrum of the *gal/tan* division, the party is more likely to be Eurosceptic. However, this does not mean that these parties can always be considered as *hard* Eurosceptic parties. For example, the PPE is considered a *tan* party, while based on the political party's general values, it is not rooted in Eurosceptic values. Therefore, separation on the type of Eurosceptic political party and the type of Eurosceptic has been made within second and third expectations.

Moreover, the expectation on the MEPs nationality will be tested alongside the expectations that refer to the type of Euroscepticism. This expectation will illustrate that nationality may play a role in whether the MEP is opposed to initiating Rule of Law mechanisms. For instance, it is often assumed that Western and Northern Europeans are more likely to support the initiation of Rule of Law mechanisms, as these types share similar values on freedom and civic participation. However, this assumption cannot be taken separately as a factor explaining why certain Europeans would be supporting or opposing the mechanisms. In contrast, Southern and Eastern European countries have had a history in political and economic challenges, however, this also does not mean that these countries are more likely to be Eurosceptic towards the workings of the EU. Therefore, to properly meet this expectation, the factors of Euroscepticism on a party and individual level should be included, resulting in an overlap between the expectations to answer the research question.

## 4. Methodology

This thesis seeks to find an answer to the research question, “*How can we explain the opposition or support of Members of the European Parliament with regard to initiating Rule of Law mechanisms to tackle democratic backsliding?*”. This research question is characterised as positive, as it tries to understand and explain why MEPs act the way they do. Based on the character of a positive question, the research is considered as positive, empirical and explanatory. Moreover, in terms of data collection, this thesis focused on plenary debates concerning three member states of the EU, which are Romania, Hungary and Poland. Therefore, this chapter elaborates on why these cases have been chosen, how the data has been collected, and explain how the factors such as politicisation, level of Euroscepticism, MEP’s nationality, and party politics have been operationalised to analyse whether MEPs are in favour or against the proposals to trigger Rule of Law mechanisms.

### 4.1 Case selection

This thesis focused on three EU member states - Romania, Hungary, and Poland- in which developments leading to democratic backsliding and violation of the Rule of Law has been found. The rationale for choosing these three cases is based on the characteristics of democratic backsliding. According to the Rule of Law reports by the EC, these three countries have similar intentions concerning violating the Rule of Law in their countries, referring to newly adopted laws that limit judicial independence and separation of power. For instance, in Hungary there are concerns due to the frequent changes of legislation; Poland has adopted laws that reformed the judiciary system; and Romania’s concerns are related to the instability and unpredictability of its legislation (European Commission, 2021, p. 21).

This thesis used a small-N design combined with a within-case analysis, to explore relevant factors to explain the position of MEPs regarding triggering instruments against democratic backsliding will be identified. By following the deductive logic of small-N designs, this thesis follows the most similar system design I (MSSD I), meaning that there is a variation in explaining the dependent variable, the opposition or support of MEPs, resulting in a positive, deductive, explanatory research (Toshkov, 2016, pp. 262-264). In this case, the thesis has selected three similar cases concerning violating the Rule of Law.

However, using MSSD I in small-N research has its limitations. For instance, MSSD I cannot accommodate for complex relationships, meaning that the different causal paths may cause the same outcome but the responsible variable may not be the sufficient condition to conclude the result (Toshkov, 2016, p. 264). Moreover, MSSD I is argued to be weak, as a small-N

measurement may cause an error and/or random variability leading to wrong conclusions or reversed causality. Although these limitations may occur, this thesis has analysed cases that took place in different periods, in which different MEPs have participated, due to the circulation of the EP. This would limit the random variability and wrong conclusions as the explanations will be based on the identified factors that explain the behaviour and position of MEPs in Rule of Law debates.

#### 4.2 Data collection

Considering data collection, this thesis is using a qualitative research method. Based on the features of qualitative research, the thesis focuses on texts and interpretations of several sources. For instance, the data has been collected from official institutional websites, such as the European Commission and the European Parliament. By analysing the official documents published by the European institutions, a better understanding of the outcomes of the debates could be analysed. In addition, the official institutional websites will be used to collect raw data from plenary debates. Therefore, a content analysis has been conducted. This means that the content used is anything written, visual, or spoken as part of communication. In this case, direct observations of the plenary debates have been used. Grande & Hutter (2016) state that the use of debates is argued to be a good arena of observation to analyse the politicisation of European integration (p. 63). Therefore, the level of observation is the position of MEPs on European integration issues, more specifically on violations of the Rule of Law in member states and the proposals to trigger instruments to prevent democratic backsliding.

In total, this thesis has analysed 14 MEP debates that were related to the Rule of Law. Out of 14, eight State of the Union (SOTEU) MEP debates from 2012-2021 have been analysed. The SOTEU debates were chosen due to the clear overview of the most important values of the EU, including the Rule of Law. However, only the 2021 debate was most relevant in analysing the positions of MEPs concerning activating Rule of Law mechanisms, leading to a collection of 21 direct statements by 21 MEPs from SOTEU debates. In addition, six member state-specific debates on the Rule of Law situation in Romania, Hungary and Poland, throughout the years 2012-2020 have been analysed. In total, this has resulted in an analysis of 140 direct MEP statements on whether the MEPS were in favour or against activating Rule of Law mechanisms. The member state-specific debates were chosen due to their characteristic. In these debates, an assigned rapporteur, Vice-President of the EC, and Prime Minister of the accused member state have discussed the situation.

Therefore, the total sum is up to 161 direct statements from MEPs discussing the activation of Rule of Law mechanisms on member states. The number of direct statements per debate is summarised in the following table;

**Table 2**

*Number of direct statements referring to the Rule of Law situation per debate.*

	<b>AMOUNT OF DIRECT STATEMENTS</b>	<b>AMOUNT OF MEPS</b>
<b>ROMANIA 2012</b>	21	21
<b>ROMANIA 2018</b>	15	15
<b>HUNGARY 2018</b>	49	49
<b>HUNGARY 2019</b>	24	24
<b>POLAND 2018</b>	13	13
<b>POLAND 2020</b>	18	18
<b>SOTEU2021</b>	21	21
<b>TOTAL</b>	161	161

The table above shows that the direct statements that were analysed were only done by one MEP and that they did not have another opportunity to state their position towards the issue. In the debates, all MEPs had the opportunity to speak for approximately 2-5 minutes on their position towards the issue in the debate.

Concerning reliability and validity, several criteria must be met. First, the research should be following the logic of reliability, which means that “the application of the same measurement instrument or technique to the same data should result in the same estimates” (Toshkov, 2016, p. 117). This thesis will analyse all debates in the same manner and is done by one researcher. In order to achieve good reliability, the researcher must estimate the uncertainty of the measurements. In terms of collecting data by identifying signal words, only signal words without double meaning were used. Second, the measurement must be precise, meaning that when differences between units are identified, they should be captured. To meet this criterion, this thesis analysed multiple debates to find similarities and differences between the cases. The coding schemes that were used to identify the differences were all argued in the same manner in the analysis. However, not all debates consisted of the same participants, thus, there will be differences in outcomes of the debates. To make an overview of the most significant statements of MEPs during the debate, the following coding scheme, including examples of raw data, signal words, and their position, was used as the format to collect raw data of an MEP debate;

**Table 3**

*Raw data collection coding scheme*

RAW DATA		SIGNAL WORDS	SUPPORT/OPPOSE
<p><b>Sophia in ‘t Veld (ALDE)</b> <b>Dutch</b></p>	<p>“The ALDE Group very much welcomes the decision by the European Commission to trigger Article 7.1 in the case of Poland. Since the last time we discussed this, unfortunately, further worrying developments have taken place, like the controversial Holocaust law and the new initiatives on a full ban on abortion, and it escapes me how these measures are solving the problems that you have mentioned, Mr Legutko. We call on the Council to act swiftly as well because, with every day that passes, democracy, the rule of law and fundamental rights are damaged further. So, no further delays. This is about the moral authority of the European Union in the world. People are watching us and asking themselves, ‘will the EU rise in defence of its own values?’ The Commission has set the deadline of 28 March, but in the meantime, I would like to know what the consequences are for police and justice cooperation if the Polish judiciary cannot be considered to be independent – Member State authorities must work together on the basis of the presumption of compliance and not the pretence of compliance.</p> <p>All Member States have to be treated equally, and yes, we’re criticising Poland, but applying double standards undermines the credibility of the European community of values. In this respect, dear colleague Weber, I would really like to ask you, why is it that you were highly critical of Poland but you’re still protecting Viktor Orban? Viktor Orban, the man of the dirty anti-Semitic, anti-Soros, anti-Brussels and anti-migrants campaigns. I think the EPP has to choose where it stands. Finally, it is high time for us to get a neutral objective mechanism for upholding the values of the European Union. This House put forward a legislative initiative in 2016. We urge the Commission to present their announced proposal for such a mechanism as soon as possible and not wait until the end of the year.”</p>	<ul style="list-style-type: none"> <li>• Worrying developments</li> <li>• Call on the Council</li> <li>• Moral authority EU</li> <li>• Neutral objective mechanism</li> <li>• All to be treated equally</li> <li>• Urge the Commission to present their proposal</li> </ul>	<p>Support</p>
<p><b>Laurentiu Rebeaga (ENF)</b> <b>Romanian</b></p>	<p>“Activating Article 7 TEU is the toughest sanction against a Member State. I can only comment on the situation in Poland superficially. Has a curfew been declared? Have the institutions of the democratic state been abolished? Have citizenship rights been denied? None of the above! Are we able to accept this conclusion? If so, then it is not Poland but the Union that has a big problem! If not, then the problem is different. And it is very simple: it is not democracy that is the Commission’s concern, but the influence of politics in a Member State! And what the Commission is doing is called political policing!”</p>	<ul style="list-style-type: none"> <li>• Influence of politics in the member state</li> <li>• Not democracy at risk</li> <li>• Political policing</li> </ul>	<p>Oppose</p>



4.3 Operationalisation

Based on the collected data through a content analysis, a coding system has been used to analyse the content. Coding can result into four measurement categories, which are: frequency, meaning how often something occurs; direction, referring to the direction of the messages in a sequence; intensity, related to the strength of a message; and space, referring to the length of the message (Neuman, 2014, p. 374), in which referring to the direction of the message is most relevant. To operationalise the opposition or support of MEPs, a binary measurement will be used. This means, that the MEPs can only take a position in one of the values, one of support or opposition. However, it has been noticed that some MEPs would support the activation of a Rule of Law mechanisms, but are uncertain whether it will be effective for the situation. These support but statements were coded under uncertain. Therefore, the following coding systems have been used;

Table 4
Coding system to analyse direct statements of MEPs

Table with 4 columns: GAL/TAN DIVISION, SUPPORT, OPPOSE, UNCERTAIN. Rows include categories like ATTACK ON COUNTRY/DOUBLE STANDARDS, SECURE/DEFEND THE VALUES, TIME TO ACT/EFFECTIVE ACTION BY EC, and COMMENTS ON EC PRESIDENT/VICE-PRESIDENT.

In all raw data statements, signal words have been identified that have explained whether an MEP supports or opposes the application of a Rule of Law mechanism. An overarching word combination that summarises the signal words identified in the raw data has been put in the left column. In this case, attack on country/double standards, secure/defend the values, time to act/effective action by EC are signal words to identify (non)Euro sceptic statements. As seen in table 3, a small selection of the raw data has been illustrated. The signal words that were identified in the raw data, such as "moral authority of the EU", and "political policing" are signals of what the MEPs emphasised in their statements. However, the overall message of the statements shows whether they support or oppose the initiation of the Rule of Law mechanisms. The signal words that refer to the position of political parties based on the political spectrum,

in this case, the gal/tan division, and comments on EC president/vice-president will be used to identify whether the issue of the debate is politicised. Examples of signal words that refer to these overarching word combinations are, “not leftist is harming the Rule of Law”, “crude lie by one of the left-wing activists”, and “urge the Commission to present their proposal” illustrate what the MEPs emphasised that leads to either support or oppose position towards the initiation of the Rule of Law mechanisms. This coding scheme is used throughout all analysed debates. The operationalisation of politicisation is based on these signal words to measure the intensity of the direct statement.

To operationalise the concept of party politics, the selected statements are categorised by political parties in combination with the binary variables, support or oppose, which resulted that the following coding scheme has been used;

**Table 5**  
*Coding scheme to analyse direct statements based on political party*

	SUPPORT	OPPOSE	UNCERTAIN
<b>POLITICAL PARTY PRESENT IN DEBATE</b>			
<b>TOTAL</b>			

The operationalisation of nationality has been based on categorical variables, resulting in Western, Eastern, Southern, and Northern Europeans, based on the geoscheme for Europe provided by the UNSD. By dividing the European nationalities into four categories, the geographical scheme provided by the United Nations Statistics Division (UNSD) can be used (United Nations Statistics Division, 1999). Although the geographical scheme includes all European countries, only EU member states (before Brexit) have been categorised in the following figure for reference,

Western Europe	Eastern Europe	Northern Europe	Southern Europe
<ul style="list-style-type: none"> <li>•Austria</li> <li>•Belgium</li> <li>•France</li> <li>•Germany</li> <li>•Luxembourg</li> <li>•The Netherlands</li> </ul>	<ul style="list-style-type: none"> <li>•Bulgaria</li> <li>•Czechia</li> <li>•Hungary</li> <li>•Poland</li> <li>•Romania</li> <li>•Slovakia</li> </ul>	<ul style="list-style-type: none"> <li>•Denmark</li> <li>•Estonia</li> <li>•Finland</li> <li>•Ireland</li> <li>•Latvia</li> <li>•Lithuania</li> <li>•Sweden</li> <li>•United Kingdom</li> </ul>	<ul style="list-style-type: none"> <li>•Croatia</li> <li>•Republic of Cyprus</li> <li>•Greece</li> <li>•Italy</li> <li>•Malta</li> <li>•Portugal</li> <li>•Slovenia</li> <li>•Spain</li> </ul>

*Figure 1: United Nations geographical scheme for Europe (United Nations Statistics Division, 1999).*

The division made by the UNSD is based on continental regions and subdivided v into regions that have similar populations, demographic circumstances and demographic statistics (United Nations Statistics Division, 1999). Thus, to operationalise the MEPs nationality, the following coding scheme has been used;

**Table 6**

*Coding scheme to categorise the MEPs into a European type and how they state their position.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>WESTERN EUROPEAN</b>			
<b>EASTERN EUROPEAN</b>			
<b>NORTHERN EUROPEAN</b>			
<b>SOUTHERN EUROPEAN</b>			
<b>TOTAL</b>			

Euroscepticism has been measured by analysing the two coding schemes of party politics and nationality. To identify the nationalities, a background check of the MEPs has been done. Based on the country they are representing, the results in combination with the two previous tables concerning signal words and European political party have been used. This means, that the nationality including the position of the MEPs stated in the raw data are categorised into either support, oppose, or uncertain.

By operationalising all influencing factors, the four expectations introduced in the theoretical framework have been tested. The following table illustrates how all concepts have been used with the expectations introduced in the theoretical framework;

**Table 7**

*Expectations and operationalised influencing factors*

	<b>POLITICISATION</b>	<b>EUROSCEPTICISM</b>	<b>NATIONALITY</b>	<b>PARTY POLITICS</b>
<p><b>EXPECTATION 1</b></p> <p><i>When an issue is politicised, political parties on the tan side are more likely to oppose the initiation of Rule of Law mechanisms in comparison to gal side political parties.</i></p>	Identifying whether politicisation has caused the issue to be put on the agenda			Identifying whether the gal/tan division of MEP’s political party position in supporting or opposing proposals
<p><b>EXPECTATION 2</b></p> <p><i>When a European party can be categorised as hard Eurosceptic they are more likely to be opposed by default in comparison to soft Eurosceptic parties to support initiating Rule of Law mechanisms to tackle democratic backsliding.</i></p>		Identify whether the political party of the MEP is considered a hard or soft Eurosceptic party	Identify whether nationality has a role in being a hard or soft Euroscepticism	
<p><b>EXPECTATION 3</b></p> <p><i>When a Eurosceptic MEP can be categorised as pragmatic they are more likely than other Eurosceptic MEPs to oppose any proposals when initiating Rule of Law mechanisms to tackle democratic backsliding.</i></p>		Taking Eurosceptic toned statements and categorising them into one of the four types.	Identifying whether nationality takes a role in a Eurosceptic position	Identifying whether the gal/tan division of MEP’s political party position Eurosceptic towards the actions of EU institutions
<p><b>EXPECTATION 4</b></p> <p><i>When identifying the MEPs nationality and their position in a European party group Western Europeans are more likely to support initiating Rule of Law mechanisms compared to Eastern Europeans.</i></p>	Identify whether politicisation is used as a reason in statements by MEPs	Finding a connection between party politics and Euroscepticism when MEPs opposes and how the MEPs behaviour can be categorised	Identifying whether nationality takes a role in an MEPs political party position	Identifying whether the gal/tan division of MEP’s political party position takes a role in an MEPs decision making

## 5. Results & Analysis

As mentioned in the methodology, the data collection has been done via content analysis, in which speech will be analysed to find themes concerning politicisation and Euroscepticism within the debates on the Rule of Law situation in Romania, Hungary and Poland and the plenary MEP debates after the State of the Union. This chapter will illustrate all results based on the direct statements collected. For the analysis part, the results will be analysed with the characteristics of politicisation, Euroscepticism, nationality and party politics.

### 5.1 MEP debates on the situation in Romania, Hungary and Poland

This thesis focuses on three countries in which the EU institutions have been accused of democratic backsliding and non-compliance to the Rule of Law. The cases that were chosen are of interest as they have been accused of democratic backsliding and have been characterised as semi-authoritarian regimes (Gora & de Wilde, 2020, p. 4). As mentioned in the methodology, Romania, Hungary and Poland have been chosen as cases to identify the positions of MEP debates. First, the case of Romania in 2012 has been analysed, in which the EU has managed to use social pressures to prevent further backsliding. Second, the case of Hungary under Orbán's leadership causing critical developments on the values of democracy in 2018 has been analysed. Third, recent developments of Poland in 2020 have led to friction between the national and European governance, for instance, concerning the developments on the judiciary level.

#### 5.1.1 Romania

Romania has been chosen as it was one of the cases in which the European institutions have exerted social influence to prevent further democratic backsliding (Sedelmeier, 2017, p. 344). The events of democratic backsliding started when the opposition led by the Social Liberal Union started protests to dismiss the Liberal Democratic Party government and created a new government led by Prime Minister Victor Ponta, leader of the Social Liberal Union. Democratic backsliding in Romania, through the Ponta government, is related to the violation of democratic principles and the independence of the Constitutional Court, including, for example, the neglect on the rulings of the CJEU (Iusmen, 2015, pp. 595-596).

In 2012, the European Commission has expressed its concerns to Romania, supported by the Venice Commission. To gain support for the actions of the European Commission, the European Parliament debated on the situation in Romania. To understand how MEPs have argued on whether they agree or disagree with the statements made by the Council and the Commission, the debate "*Political situation in Romania*" - which took place in September

2012- has been analysed. During this debate, the President in Office of the Council at that time, Andreas Mavroyiannis, has argued that the values of the Union should be respected attentively. However, the Commission in which the Commissioner, Viviane Reding, identified some concerns, resulted in a report on the situation regarding the Rule of Law and judicial independence of Romania. The debate was organised to find the support of the Parliament on this matter by either supporting or opposing the report by the Commission (European Parliament, 2012). Therefore, a selection of 21 direct statements of the debate has been made to analyse the position of the MEPs who have argued a clear position towards the proposed report of the Commission. In table 8, the statements of the MEPs have been categorised by their political affiliation.

**Table 8**

*Number of votes directly identified on how MEPs vote categorised by political party in the Romania 2012 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>PPE</b>	6	0	0
<b>ALDE</b>	2	0	0
<b>S&amp;D</b>	2	5	0
<b>GREENS/EFA</b>	3	0	1
<b>GUE/NGL</b>	1	0	0
<b>NI</b>	0	1	0
<b>TOTAL</b>	14	6	1

Considering the numbers of votes based on the selected statements of the debate, it is noticeable that not all MEPs of the S&D do not vote the same way, all in favour or all against, compared to other political parties. As S&D is located on the *gal* scale of the *gal/tan* division, it would be considered to be more in favour of all actions of the EU. However, this debate has shown that not all MEPs follow the direction of the European party. Based on this implication, it can be argued that the S&D MEPs took a position against adopting the report on the situation in Romania are more affiliated to nationality. Thus, the same statements have been analysed again, but instead of categorising the statements by political party, it has been done through the four types of Europeans. Based on nationality, the following has been found;

**Table 9**

*Number of votes directly identified on how MEPs vote categorised by nationality in the Romania 2012 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>WESTERN EUROPEAN</b>	4	1	1
<b>EASTERN EUROPEAN</b>	4	5	0
<b>SOUTHERN EUROPEAN</b>	5	0	0
<b>NORTHERN EUROPEAN</b>	1	0	0

This table has shown that the MEPs that voted against the adoption of the report were mostly from Eastern European countries. When analysing the raw data, the Eastern European countries that took an opposition involved Romania and Hungary. As the report was assigned to the situation in Romania, it can be concluded that the affiliation with the national party or preferences were more present during this debate.

The five Eastern European MEPs that voted against the report were also members of the S&D party, which also shows that the S&D is not considered either a *hard* or *soft* Eurosceptic party, but that the MEPs within the party may be categorised as *soft* Eurosceptics and as pragmatic Eurosceptics, by prioritising national interests over European interests but still support the workings of the EU.

Thus, based on the findings illustrated by table 9, the fourth expectation, “*when identifying the MEPs nationality and their position in a European party group, Western Europeans are more likely to support initiating Rule of Law mechanisms compared to Eastern Europeans*” has been met. However, the table also shows that Eastern Europeans are voting in favour of adopting the report to stimulate the Rule of Law in Romania. Yet, the fourth expectation can be met as the majority of the Eastern European MEPs were against the report, in comparison to Western Europeans.

By diving deeper into the debate, table 10 includes signal words on how the MEPs argue their position on whether to vote in favour or against the resolution can be identified, more specifically towards the concept of politicisation and Euroscepticism. The signal words for this debate will be the same for the other debates concerning Hungary and Poland. The same statements have been analysed again and the following signal words were identified in the selected statements;

**Table 10**

*Signal words identified in direct statements of MEPs in the Romania 2012 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>GAL/TAN DIVISION</b>	X	-	-
<b>ATTACK ON COUNTRY/ DOUBLE STANDARDS</b>	-	X	-
<b>SECURE/ DEFEND THE VALUES</b>	X	-	X
<b>TIME TO ACT/ EFFECTIVE ACTION BY EC</b>	X	-	X
<b>COMMENTS ON EC PRESIDENT/VICE-PRESIDENT</b>	-	X	-

Based on the results of table 10, it can be argued that the MEPs that are more likely to be in favour of activating a Rule of Law mechanism by stating that the fundamental values of the Union should be secured and defended, meaning that these MEPs cannot be categorised as Eurosceptics. While the opposition is more likely to take a personal take towards the workings of the EC presidents concerning any activation of a Rule of Law mechanism is an attack, resulting in a pragmatic Eurosceptic. For example, to quote an MEP argued;

“However, these are Romanian problems; this is who the Romanian electorate are voting for year after year. The country might be in a mess, but it is their mess, their own sovereign choice. The European Union must stand apart from internal political struggles and elections. The European Commission is constantly overstepping its remit by imposing EU dictates on to sovereign states. As soon as there are elections in sovereign countries, the Eurocrats start tumbling over themselves to interfere. They often resort to using EU commissioners from the relevant countries for that purpose” (European Parliament, 2012).

This quote clearly states that the EC is overstepping and that the EC should not infer with the situation in a member state, which refers to a Eurosceptic position towards the workings of the EU, more specifically, the MEP can be categorised as a pragmatic Eurosceptic over the other types of Eurosceptic MEP. By saying “the EU must stand apart from internal political struggles and elections” it can be argued that this is an example of using its powers to control initiatives in the EP, in this case, to sanction Romania on its Rule of Law situation. Moreover, supportive MEPs argue that it is time to take action to ensure the values of the Union, compared to opposition MEPs that criticise the functioning of the EU. For example, a supportive MEP stated



the importance of the European leaders to protect the fundamental obligations to ensure European democracy;

“I would like to remind you of one of the fundamental obligations of the leaders of the European Union and of its citizens – namely, to protect democracy, cultural diversity and the organisation of the public powers of the Member States at a national level” (European Parliament, 2012).

In 2018, the MEPs had another debate on the Rule of Law situation. This debate discusses the developments in Romania. In 2017, the Romanian government adopted initiatives that would reform the justice laws, the criminal procedure and criminal code. During this debate, the First Vice-President of the Commission, Frans Timmermans, discussed that through dialogue, the Commission has been pressuring the Romanian government to rethink its course of action. Within this debate, the MEPs have argued their opinions on the actions the EC has taken (European Parliament, 2018). Therefore, 15 direct statements have been selected, in which the following table will show the position based on the political party;

**Table 11**

*Number of votes directly identified on how MEPs vote categorised by political party in the Romania 2018 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>PPE</b>	5	1	0
<b>ALDE</b>	2	0	1
<b>S&amp;D</b>	2	0	0
<b>GREENS/EFA</b>	1	0	0
<b>GUE/NGL</b>	1	0	0
<b>ECR</b>	0	1	0
<b>ENF</b>	0	1	0
<b>TOTAL</b>	11	3	1

Based on the results of the table, the following can be argued. In comparison with the MEP debate in 2012, it is noticeable that the S&D MEPS that mostly voted against the report to ensure the Rule of Law in Romania now supports the matter in 2018. This shows that the MEPs with a clear opinion on the Romanian debate are more behaving towards the European party positions, and therefore meeting the first expectation, “when an issue is politicised, political parties on the tan side are more likely to oppose the initiation of Rule of Law mechanisms in

*comparison to gal side political parties*". However, there were fewer MEPs from the S&D party analysed for the 2018 debate.

Additionally, considering the results of the ECR and ENF parties in table 11, it is not surprising that these MEPs have voted against measures towards Romania. Both parties can be categorised as *tan* parties, in which the ENF was a populist party. Based on the conceptions of Euroscepticism and the gal/tan division, these types of parties are more likely to vote against the workings of the EU, and therefore considered as *hard* Eurosceptic parties.

Therefore, the second expectation, "*when a European party can be categorised as hard Eurosceptic, they are more likely to be opposed by default in comparison to soft Eurosceptic parties to support initiating Rule of Law mechanisms to tackle democratic backsliding*", can be met as ECR and ENF can be categorised as *hard* Eurosceptic parties. Although one MEP of the PPE has voted against it, it can be argued that the nationality of that MEP has played a role in the position that was taken. To test whether nationality has played a role in their position, the following results have been found;

**Table 12**

*Number of votes directly identified on how MEPs vote categorised by nationality in the Romania 2018 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>WESTERN EUROPEAN</b>	5	1	0
<b>EASTERN EUROPEAN</b>	4	1	1
<b>SOUTHERN EUROPEAN</b>	2	1	0
<b>NORTHERN EUROPEAN</b>	0	0	0

Based on the nationality of MEPs, the table illustrates that even Eastern Europeans vote in favour of the proposed measures against Romania in terms of the Rule of Law. The three votes that resulted in opposition, consisted of MEPs from the ENF (Western European), ECR (Eastern European), and PPE (Southern European) party. Based on the party politics of these parties, it can be argued that the MEPs from ENF and ECR mostly voted in accordance with their party politics, while the PPE MEP voted by following their national party.

Similar to the 2012 debate, signal words that would relate to the concepts of Euroscepticism and politicisation have been analysed, in which table 13 has found the following;

**Table 13**

*Signal words identified in direct statements of MEPs in the Romania 2018 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>GAL/TAN DIVISION</b>	-	X	-
<b>ATTACK ON COUNTRY/ DOUBLE STANDARDS</b>	-	X	X
<b>SECURE/ DEFEND THE VALUES</b>	X	-	-
<b>TIME TO ACT/ EFFECTIVE ACTION BY EC</b>	X	-	-
<b>COMMENTS ON EC PRESIDENT/VICE-PRESIDENT</b>	-	-	-

Compared to the 2012 debate, the 2018 debate included fewer signal words related to the factors concerning Euroscepticism and politicisation. Moreover, in this debate, the selected MEPs were not accusing the Vice-President of the EC of bad behaviour, compared to the 2012 debate. Yet, a clear distinction in what the supporting and opposing side mentions has been found. Similar to the 2012 debate, the MEPs that mention the importance of defending the values of the Union are more likely to support measures towards an accused member state. While the MEPs that oppose the measures would focus on the differences between the MEPs based on the double standards the European institutions are to keep a dominant position towards the accused member states. For example, by stating the double standards when compared to MEP actions towards another member state;

“Romania is another country where a socialist government is in power and where it is obvious that the Rule of Law does not work. It was clear from the debates of MEPs, especially those from the Socialist ranks, that they have double standards when dealing with individual countries. Whereas they were very critical in the debate on Hungary, this time their tone was more conciliatory or they were quite silent. This suggests that there is not a sincere commitment to the rule of law with the same criteria and standards for all” (European Parliament, 2018).

5.1.2 Hungary

Another member state that has been accused of democratic backsliding in Hungary, along with Poland joined the EU in 2004. When referring to democratic backsliding, Hungary is considered as the standard-bearer of Central Eastern European countries (Stanley, 2019, p. 348), which has resulted in Hungary showing characteristics of a competitive authoritarian regime that maintains formal democratic institutions but lacks the minimal standards for democracy.

According to Kelemen (2020), the Hungarian breaches in democracy have increased since Viktor Orbán's regime took office, which failed to comply with the fundamental democratic values. The erosion of democracy refers to the consolidated control over the judiciary, electoral corruption, the limitation on the freedom of the press, which are events that have been observed in Hungary (Kelemen, 2020, p. 483).

In 2018, the rapporteur of the LIBE committee, Judith Sargentini, discussed the Rule of Law situation. The LIBE committee is the Committee on Civil Liberties, Justice and Home Affairs and is responsible for keeping oversight on policies, concerning freedom, security and justice, in accordance with Art. 3 TEU (Committees European Parliament, 2020). In the speech, the rapporteur highlighted the actions of the Hungarian government, such as silencing the media and restricting academia. To ensure the values of the Union, the LIBE committee has written a report to represent the breach of the EU values, which got adopted, but not enough actions were taken by the Commission and Hungary. Therefore, this debate sought more support to pressure Hungary to take more action and to respect the values of the EU (European Parliament, 2018). By analysing the debate, a total of 49 direct statements of the MEPs have been selected. In these statements, the MEPs have argued their position towards the requests of the LIBE committee. The MEPs also had the opportunity to listen to the speech by Viktor Orbán on his position towards the requests of the EU. However, the direct statements of the MEPs based on the political party positions have been analysed first, which resulted in the following table;

**Table 14**

*Number of votes directly identified on how MEPs vote categorised by political party in the Hungary 2018 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>PPE</b>	7	9	0
<b>ALDE</b>	2	0	0
<b>S&amp;D</b>	9	1	0
<b>GREENS/EFA</b>	3	0	0
<b>GUE/NGL</b>	1	0	0
<b>NI</b>	0	1	0
<b>ECR</b>	1	6	0
<b>EFDD</b>	0	4	0
<b>ENF</b>	0	5	0
<b>TOTAL</b>	23	26	0

When analysing this debate, the following can be noticed. First, within the PPE, the direct statements that were selected have shown a separation within the party. As the PPE is categorised as a *tan* party, it is mostly considered as a centrist party that prioritises European values and the need for cooperation to support the values. Therefore, the results are thought-provoking that the majority would oppose the decision to pressure Hungary. Second, when comparing it with the results of the S&D party, which is categorised as a *gal* party, the results are quite opposite to PPE. These differences can explain that the *gal/tan* division is based on the party positions, and therefore meets the first expectation, *“when an issue is politicised, political parties on the tan side are more likely to oppose the initiation of Rule of Law mechanisms in comparison to gal side political parties”*.

Third, the EFDD, ENF and ECR have consistently voted against measures towards an accused member state. The EFDD, ENF and ECR are considered to be Eurosceptic parties within the Parliament. Based on how the MEPs would vote in this debate, these parties can be categorised as *hard* Eurosceptic parties, which would meet the second expectation, *“when a European party can be categorised as hard Eurosceptic they are more likely to be opposed by default in comparison to soft Eurosceptic parties to support initiating Rule of Law mechanisms to tackle democratic backsliding”*. To further analyse the positions of the opposition, the nationality of these MEPs have been analysed, which are illustrated in table 15;

**Table 15**

*Number of votes directly identified on how MEPs vote categorised by nationality in the Hungary 2018 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>WESTERN EUROPEAN</b>	10	6	0
<b>EASTERN EUROPEAN</b>	4	12	0
<b>SOUTHERN EUROPEAN</b>	6	6	0
<b>NORTHERN EUROPEAN</b>	2	3	0

Based on the results on nationality, the clear distinction between Eastern and Western Europeans is apparent. Based on the fourth expectation, *“when identifying the MEPs nationality and their position in a European party group, Western Europeans are more likely to support initiating Rule of Law mechanisms compared to Eastern Europeans”*, this expectation can be met, as the majority of the Western European are supporting the measures, compared to the

Eastern Europeans in which the majority is against. To understand the position of the support and opposition, the same signal words as the Romanian debates have resulted in the following;

**Table 16**

*Signal words identified in direct statements of MEPs in the Hungary 2018 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>GAL/TAN DIVISION</b>	-	X	-
<b>ATTACK ON COUNTRY/ DOUBLE STANDARDS</b>	-	X	-
<b>SECURE/ DEFEND THE VALUES</b>	X	-	-
<b>TIME TO ACT/ EFFECTIVE ACTION BY EC</b>	X	-	-
<b>COMMENTS ON EC PRESIDENT/VICE-PRESIDENT</b>	-	X	-

These results again show that the supportive MEPs prioritise the values of the EU and the need for effective action by the EC, for example by stating;

“The European Parliament has nothing against Hungary. What it is against is governments like yours dragging your people away from the fundamental principles and values of the European Union. Therefore, let us work together, together, for a fairer and freer European and Hungarian society on an equal footing” (European Parliament, 2018).

While the opposition is directing their arguments more towards the functioning of the EU, by mentioning that the EU institutions are attacking the accused member state or that it is a politicised issue highlighted by the differences on the political spectre, referring to the gal/tan division, for example, that a quote mentioning the attack on the member state;

“The Hungarian people are under attack by this Europe, which is a slave to lobbies, banks and Soros-style financiers. That is why Brussels is attacking Orbán in Hungary today, and tomorrow it will attack Italy and our leader Matteo Salvini, who is bravely stopping illegal immigration. President Orbán, we have the same values, the values of those who want to defend their identity and popular sovereignty, the values of those who want to defend their borders and say no to the invasion of illegal immigrants. This Europe needs to be changed, and we will change it from top to bottom to provide security, justice and true democracy to our citizens” (European Parliament, 2018).

In 2019, the MEPs debated again to discuss the developments on the Rule of Law situation since September 2018. During the debate “*The Rule of Law and fundamental rights in Hungary, developments since September 2018*”, Frans Timmermans discussed that even after launching

infringement proceedings to the case of Hungary, concerning measures were still adopted in Hungary. In this debate, the MEPs could react to the statements by the Council and the Commission, and how the EC is using its instruments to criticise the Hungarian government (European Parliament, 2019). Therefore, 24 direct statements of MEPs have been selected. The following table shows the votes based on the political party;

**Table 17**

*Number of votes directly identified on how MEPs vote categorised by political party in the Hungary 2019 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>PPE</b>	5	6	0
<b>S&amp;D</b>	3	0	1
<b>GREENS/EFA</b>	1	0	0
<b>GUE/NGL</b>	1	0	1
<b>NI</b>	0	2	1
<b>ECR</b>	0	2	0
<b>ENF</b>	0	1	0
<b>TOTAL</b>	10	11	3

Similar to the debate in 2018, the PPE has been divided between whether the MEPs were in favour or against the proposal to use the instruments to put more pressure on the Hungarian government. One explanation by explaining the difference within one party is the affiliation with their nationality or that these MEPs can be considered as a socialised Eurosceptic MEP, meaning that they are not necessarily an opposition but are trying to find a middle ground towards the accused member state, for example, a Hungarian PPE MEP stated;

“The report says that Hungary is a threat to the Rule of Law. That is a lie. This is true of those who criticise Hungary, Judith Sargentini, the left and the LIBE Committee. Because what is the Rule of Law, ladies and gentlemen? The Rule of Law is when it is not the arbitrary rule of individual people, not the arbitrary rule of certain groups, but the rule of law. They are doing all this to take revenge on the Hungarian people who are against mass immigration, on Viktor Orbán, who is stopping illegal migrants with a fence. Owl says to the sparrow that he has a big head. In our country, this saying is used of those who accuse the innocent of what they themselves are guilty of” (European Parliament, 2019).

Therefore, to analyse the fourth expectation whether nationality plays a role for Eurosceptic MEPs, the MEPs have been categorised and resulted in the following in table 18;

**Table 18**

*Number of votes directly identified on how MEPs vote categorised by nationality in the Hungary 2019 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>WESTERN EUROPEAN</b>	4	1	1
<b>EASTERN EUROPEAN</b>	3	8	0
<b>SOUTHERN EUROPEAN</b>	2	1	2
<b>NORTHERN EUROPEAN</b>	1	1	0

Based on these results, it once again shows that Eastern Europeans are more likely to be against the initiation of the instruments to ensure the Rule of Law. To refer back to that the PPE party was divided into two sides. Based on these results, it can be argued that, indeed, nationality has played a role in taking a position against the recommendations of the EC. Therefore, expectation four can be met, as the identification of the MEP and their party position has shown a stronger link to be opposed in a debate.

Moreover, what differed from the other debates is that from every European sub-group, one MEP is opposed to using the instruments. In this case, it can be argued that nationality, in combination with the political party, is the reason for their position. When looking at the raw data, the Western, Southern, and Northern European are members of ECR, ENF, and PPE. As already established in the analysis of the previous debates, ECR and ENF, are categorised as *hard* Eurosceptic parties in which the MEPs are more likely to be pragmatic Eurosceptic MEPs. In comparison to the opposed PPE MEPs, it can be argued that they are categorised as socialised Eurosceptic MEPs, and thus *soft* Eurosceptics. Therefore, the third expectation has not been met, as a socialised Eurosceptic MEP is also likely to be opposed to the initiation of a Rule of Law mechanism, based on the majority of the opposed MEPs in the 2019 Hungary debate were from the PPE political party.

This means that more factors need to be identified to understand why these MEPs have taken a position against the recommendations of the EC to use Rule of Law instruments against the developments in Hungary concerning the Rule of Law. Thus, the signal words relating to Euroscepticism and politicisation needed to be identified, in which the results are illustrated in table 19;



**Table 19**

*Signal words identified in direct statements of MEPs in the Hungary 2019 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>GAL/TAN DIVISION</b>	-	-	-
<b>ATTACK ON COUNTRY/ DOUBLE STANDARDS</b>	-	X	X
<b>SECURE/ DEFEND THE VALUES</b>	X	-	-
<b>TIME TO ACT/ EFFECTIVE ACTION BY EC</b>	X	-	X
<b>COMMENTS ON EC PRESIDENT/VICE-PRESIDENT</b>	-	X	-

Based on these findings, it can also be concluded that those in opposition are taking a defensive position towards Hungary. Also in this debate, the supportive MEPs prioritise the values of the Union as its whole and seek effective action by the EC. The defensive position of the opposition MEPs can be argued in combination with the results of MEPs nationality, as seen in the quote mentioned previously. As seen in the previous table, the MEPs that are opposing the recommendations of the EC are mostly Eastern European MEPs and MEPs from Eurosceptic parties.

**5.1.3 Poland**

The last case that has been analysed is the case of Poland. Poland has been moving in the same direction as Hungary (Kelemen, 2020, pp. 481-482). In 2004, Poland has joined the EU under the Accession Treaty, together with Hungary. In recent years, the introduction of new laws, such as stating that the national law goes above the European law, is considered to be violating the Rule of Law values of the EU. Democratic backsliding in Poland is argued to be inspired by the Hungarian example, as the leader of the Law and Justice party (PiS) has developed a programme similar, but more critical, to the illiberal reforms of the Hungarian Fidesz programme (Stanley, 2019, p. 349; Turkut, 2021, p. 221).

In the “*Commission decision to activate Article 7 (1) TEU as regards the situation in Poland*” debate in 2018, the MEPs argued their position on the decision of the Commission to trigger Art. 7 TEU. In this debate, the First Vice-President of the Commission, Frans Timmermans, spoke about the situation in Poland, namely the adoption of laws that limited the judiciary autonomy and the separation of powers (European Parliament, 2018).

For the analysis of the debate, 13 direct statements have been selected that were evidently focused on the activation of Art. 7 TEU, meaning that statements not explicitly evident of decision support or opposition have been filtered out. Based on these statements the following has been identified;

**Table 20**

*Number of votes directly identified on how MEPs vote categorised by political party in the Poland 2018 debate.*

	SUPPORT	OPPOSE	UNCERTAIN
<b>PPE</b>	3	0	0
<b>S&amp;D</b>	1	0	0
<b>ALDE</b>	1	0	0
<b>GREENS/EFA</b>	1	0	0
<b>ECR</b>	0	1	0
<b>GUE/NGL</b>	0	1	1
<b>NI</b>	0	1	0
<b>EFDD</b>	0	1	0
<b>ENF</b>	0	2	0
<b>TOTAL</b>	6	6	1

Based on these results, two conclusions can be taken. First, the EFDD, ENF, ECR and GUE/NGL were the parties that are against the decisions of the EC and the Council to activate Art. 7 TEU against Poland. As mentioned in the previous debates, EFDD, ENF and ECR are considered as *hard* Eurosceptic parties, categorised in the *tan* division, and therefore the pragmatic type of Eurosceptic. However, based on the *gal/tan* division, the decision of the GUE/NGL MEP cannot explain the opposition. However, it can be argued that as the GUE/NGL is at the very end of the *gal/tan* division, they could have Eurosceptic intentions towards a topic not of concern, e.g. climate-related issues. This would mean that the GUE/NGL can be categorised as a *soft* Eurosceptic party and the MEP as a socialised Eurosceptic MEP. Therefore, it is necessary to analyse whether the nationality factor plays a role in the position of MEPs, in which the following table shows the categorisation of MEPs based on their nationality;

**Table 21**

*Number of votes directly identified on how MEPs vote categorised by nationality in the Poland 2018 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>WESTERN EUROPEAN</b>	3	0	0
<b>EASTERN EUROPEAN</b>	0	5	0
<b>SOUTHERN EUROPEAN</b>	2	0	1
<b>NORTHERN EUROPEAN</b>	1	1	0

These findings are similar to the results of the previous debates concerning the situation in Romania and Hungary. Eastern European MEPs are more likely to vote against sanctioning a CEE country, in comparison to Western and Southern Europeans, meaning that the fourth expectation has been met in this debate as well. However, the results have also shown that Northern Europeans are divided in their opinions, in which an alternative factor could play an influencing role. In this case, the Northern European MEPs from the UK (EFDD and opposed) and Finnish (PPE and supported) MEPs. This shows that party politics does play an influencing role in either supporting or opposing a Rule of Law proposal and that expectation four can be met. Lastly, the signal words related to politicisation and Euroscepticism are identified and illustrated in table 22;

**Table 22**

*Signal words identified in direct statements of MEPs in the Poland 2018 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>GAL/TAN DIVISION</b>	-	-	-
<b>ATTACK ON COUNTRY/ DOUBLE STANDARDS</b>	-	X	-
<b>SECURE/ DEFEND THE VALUES</b>	X	-	-
<b>TIME TO ACT/ EFFECTIVE ACTION BY EC</b>	X	-	X
<b>COMMENTS ON EC PRESIDENT/VICE-PRESIDENT</b>	-	X	-

Unfortunately, there were fewer signal words identified in the Poland 2018 debate compared to the previous debates. However, it can still be noted that there is a trend in which the supportive MEPs are more likely to mention the importance of EU values and the need for effective action

by the EC in comparison to the opposition side that is more likely to take a defensive position by mentioning that the resolution is an attack to Poland.

When comparing the results of table 22 with the results of table 21, Eastern European MEPs are more likely to mention that the requests by the Council and Commission are an attack on Poland. The MEPs that believe such a decision would threaten sovereignty can be categorised as pragmatic Eurosceptic MEPs. This would mean that expectation three, “*when a Eurosceptic MEP can be categorised as pragmatic, they are more likely than other Eurosceptic MEPs to oppose to any proposals when initiating Rule of Law mechanisms to tackle democratic backsliding*” can also be met.

In another debate, the “*determination of a clear risk of a serious breach by the Republic of Poland of the Rule of Law*” MEP debate in 2020, the rapporteur, Juan Fernando López Aguilar, argued that Poland has been ignoring the resolutions of the EP, the initiatives of the European Commission and the rulings of the Court of Justice of the EU (CJEU). Based on the inputs of the LIBE committee, the rapporteur argued that Art. 7 TEU must be applied to the Poland case. The issues that are highlighted in the Poland case is that the member state is facing issues such as political pluralism, limitations in the freedom of expression, and issues that are derogating and threatening minorities, for example by adopting laws to have Lesbian, Gay, Bi, and Trans+ (LGBT+) free zones.

By delivering a new resolution, which consisted of 65 paragraphs on why the LIBE committee determines a clear risk of serious risk of the Rule of Law, the rapporteur provided an accurate and factual resolution. Moreover, the Vice President of the EC stated an issue concerning the LGBT+ free zones, which is violating the non-discrimination value of the EU. The rapporteur also argued that the EC has initiated four infringement proceedings under Art. 158 TFEU, and the Polish authorities have ignored these judgements (European Parliament, 2020). Thus, in this debate on the determination of the situation in Poland, the MEPs could argue their position on whether there is a case of a clear rike of a breach with regard to the Rule of Law. To adopt the resolution, a simple majority was required, which means that 15 out of 28 (now 27) member states or 376 out of 751 MEPS needed to be in favour (EUR-Lex, n.d.). For the analysis of this debate, 18 direct statements from the MEPs have been selected. Based on these statements the following has been identified;

**Table 23**

*Number of votes directly identified on how MEPs vote categorised by political party in the Poland debate in 2020.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>PPE</b>	3	1	0
<b>S&amp;D</b>	1	0	1
<b>RENEW</b>	2	0	0
<b>ID</b>	0	2	0
<b>GREENS/EFA</b>	3	0	0
<b>ECR</b>	0	2	0
<b>GUE/NGL</b>	1	0	1
<b>NI</b>	1	0	0
<b>TOTAL</b>	11	5	2

As seen in the results, the majority of the selected MEPs are in favour of the proposals by the LIBE rapporteur towards Poland. Three out of nine parties, PPE (in minority), ID and ECR are against the new resolution. Referring to the gal/tan division, ID and ECR are positioned on the *tan* side, which means, in combination with the Euroscepticism features, more opposed toward the workings of the EU. Similar to the debates concerning the situation in Hungary and Romania, a PPE MEP is against the proposal made by the LIBE rapporteur. To find the relation on whether this MEP is more nationally affiliated, the nationalities were analysed in table 24;

**Table 24**

*Number of votes directly identified on how MEPs vote categorised by nationality in the Poland 2020 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>WESTERN EUROPEAN</b>	5	2	0
<b>EASTERN EUROPEAN</b>	2	3	1
<b>SOUTHERN EUROPEAN</b>	1	0	1
<b>NORTHERN EUROPEAN</b>	3	0	0

Based on table 24, the results show that Eastern European MEPs are more likely to be against the proposals and Western Europeans to be in favour. Moreover, a few Western Europeans have also voted against the proposals. To understand this result, the political party affiliation can play a role for these MEPs. The two Western European MEPs are from the ID party, which is categorised on the *tan* scale of the gal/tan division and considered a *hard* Eurosceptic party.

Therefore, it can be concluded that these MEPs motivate their position based on their party affiliation instead of their nationality. Overall, the results have shown that the fourth expectation has been met. Considering the direction of MEPs statements, the same signal words have been used to understand the position of an MEP, which resulted in the following,

**Table 25**

*Signal words identified in direct statements of MEPs in the Poland 2020 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>GAL/TAN DIVISION</b>	-	X	-
<b>ATTACK ON COUNTRY/ DOUBLE STANDARDS</b>	-	X	X
<b>SECURE/ DEFEND THE VALUES</b>	X	-	
<b>TIME TO ACT/EFFECTIVE ACTION BY EC</b>	X	-	X
<b>COMMENTS ON EC PRESIDENT/VICE-PRESIDENT</b>	X	-	X

Based on these results, it shows once again that the MEPs that take an opposed position are more likely to mention that the resolutions towards Poland are an attack by the EU institutions, which is fuelled by the perceptions of the *gal* parties in the Parliament. In contrast, the supportive MEPs prioritise the need to keep respecting the values of the EU and that there is a strong need for the institutions to act accordingly to secure those values. Besides, as LGBT+ free zones was a leading topic in the debate, several MEPs have argued that this was a politicised debate raised by the *gal* parties. This would explain that the results have shown that the opposition has mentioned the differences in the *gal/tan* division. However, these statements indicate that the first expectation has been met.

**5.2 The State of the Union MEP Debate**

The last debate that has been analysed is the SOTEU debate. In this debate, the MEPs have argued their position on the Rule of Law situation. The SOTEU MEP debate is based on the speech by the president of the EC, Ursula von der Leyen, in which she argued that the Rule of Law should be protected at any cost. The president has also argued that the European budget should be spent in line with the Rule of Law principles, referring to the newly introduced Rule of Law conditionality (European Parliament, 2021; European Parliament, 2021). As many MEPs have shown their interest in the speech by the President, it is noticeable that not all MEPs referred back to the importance of the Rule of Law. On the one hand, many MEPs have argued

that the Rule of Law is fundamental and that the EU institutions should use its mechanisms to protect the value were taking a supportive position towards the use of Rule of Law mechanisms. In this debate, 21 direct statements have been selected as these statements directly argue the application of Art. 7 TEU as a Rule of Law mechanism. Based on the 21 statements, the following results are illustrated;

**Table 26**

*Number of votes directly identified on how MEPs vote categorised by political party in the SOTEU2021 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>PPE</b>	5	0	0
<b>S&amp;D</b>	3	0	0
<b>RENEW</b>	5	0	0
<b>ID</b>	0	1	0
<b>GREENS/EFA</b>	1	0	0
<b>ECR</b>	1	2	0
<b>GUE/NGL</b>	1	0	0
<b>NI</b>	1	1	0
<b>TOTAL</b>	17	4	0

Based on the results of the SOTEU debate, it can be concluded that the majority of the MEPs that directly mentioned the Rule of Law situation in Europe are supportive of the statement that the Union must be more effective in monitoring and issuing the instruments available to the Commission. The MEPs that were not in favour of the suggestion were related to the same parties as identified in the specific member state debates, which are ID and ECR. As established in the previous sections, the ID and ECR are *hard* Eurosceptic parties and are, therefore, more likely to be in opposition when the Rule of Law in member states is issued, which would be in accordance with the second expectation. However, it is still relevant to discuss whether the nationality of these MEPs have played a role in taking the chosen position towards ensuring the Rule of Law, which is identified in table 27;

**Table 27**

*Number of votes directly identified on how MEPs vote categorised by nationality in the SOTEU2021 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>WESTERN EUROPEAN</b>	5	2	0
<b>EASTERN EUROPEAN</b>	6	3	0
<b>SOUTHERN EUROPEAN</b>	3	1	0
<b>NORTHERN EUROPEAN</b>	1	0	0

These results are different in comparison with the results of the specific country debates. In the SOTEU debate, all types of Europeans are taking a majority position in being in favour of ensuring the Rule of Law and the introduction of the new Rule of Law conditionality instrument. Based on the results of the SOTEU, the expectation based on nationality cannot be met.

**Table 28**

*Signal words in direct statements of MEPs in the SOTEU2021 debate.*

	<b>SUPPORT</b>	<b>OPPOSE</b>	<b>UNCERTAIN</b>
<b>GAL/TAN DIVISION</b>	X	-	-
<b>ATTACK ON COUNTRY/ DOUBLE STANDARDS</b>	-	X	-
<b>SECURE/DEFEND THE VALUES</b>	X	-	-
<b>TIME TO ACT/ EFFECTIVE ACTION BY EC</b>	X	-	-
<b>COMMENTS ON EC PRESIDENT/VICE-PRESIDENT</b>	-	-	-

As the results in the previous tables illustrated that the majority of the selected MEPs are supporting the proposals of the EC's President, it is not surprising that the supportive side mentions the importance of securing the EU values and the need to act fast and effective to ensure the Rule of Law in member states. Therefore, MEPs that take a supportive position cannot be considered as Eurosceptic MEPs. In contrast, the MEPs opposing the requests of the EC President by mentioning that the initiation of Rule of Law mechanisms would be an attack on the accused member state. Thus, based on all the results and analysis of the MEP debates the expectations were mostly met in relation to the concepts of politicisation, Euroscepticism, nationality and party politics.



## 6. Discussion

The aim of this thesis was to answer the central research question, “*How can we explain the opposition or support of Members of the European Parliament with regard to initiating Rule of Law mechanisms to tackle democratic backsliding?*”, by using several MEP debates on the Rule of Law issues in the EU. Through a literature review, several concepts were identified that could play a role in whether an MEP supports or opposes the initiation of Rule of Law mechanisms. This chapter will discuss the interpretations of the results, the implications on why they matter, the limitations of the research, and future recommendations to elaborate on this research.

The findings discussed in the results and analysis chapter have shown that the factors of politicisation, Euroscepticism, nationality and party politics do play a role in whether an MEP supports or opposes the initiation of Rule of Law mechanisms towards members states that are accused of democratic backsliding. In addition, the results have shown that these factors cannot be used on their own as an explanation of whether an MEP supports or opposes the initiation of Rule of Law mechanisms. For instance, in all debates, differences within a political party were evident, regardless of their gal/tan placement. Thus, more factors are needed to explain why there are differences are present within one party. One of the factors that has influenced the position was the country of origin of the MEP. In the majority of cases, the parties that are positioned on the *gal* side of the gal/tan division are often disjointed when the debate concerns the MEP’s member state.

Therefore, the expectations that were applied to these findings. The first expectation, “*when an issue is politicised, political parties on the tan side are more likely to oppose the initiation of Rule of Law mechanisms in comparison to gal side political parties*” has been mostly met when analysing the member state-specific debates. In order for the first expectation to be fully met, more research is required to determine why MEPs consider certain issues politicised over others. Such research could be in the form of a survey or interview.

Considering the second expectation, “*when a European party can be categorised as hard Eurosceptic they are more likely to be opposed by default in comparison to soft Eurosceptic parties to support initiating Rule of Law mechanisms to tackle democratic backsliding*”, it was more straightforward to categorise a European party as either *hard* or *soft* Eurosceptic parties. For this thesis, the gal/tan division was mostly used, however, this division lacked to cover the centrist parties that are pro-European, but may have Eurosceptic intentions.

The third expectation, “*when a Eurosceptic MEP can be categorised as pragmatic they are more likely than other Eurosceptic MEPs to oppose any proposals when initiating Rule of Law mechanisms to tackle democratic backsliding*” would also explain the factor of Euroscepticism in MEPs positions. Based on the definitions mentioned in the theoretical framework, the MEPs that were against the proposals to issue Rule of Law mechanisms were categorised into one of the four Eurosceptic types. However, to meet this expectation, multiple factors were needed to identify the type of Eurosceptic MEPs. Thus, two tables with the results on MEPs categorised in political parties and the results on which signal words were used to argue their position was needed.

The last expectation, “*when identifying the MEPs nationality and their position in a European party group Western Europeans are more likely to support initiating Rule of Law mechanisms compared to Eastern Europeans*” needed all tables with results. By combining the results, the expectation could mostly be met. However, a clearer explanation on why the nationality does play a role would have required a deeper investigation on the histories of the MEP’s country of origin, which would make the thesis more speculative, as it is not feasible to assure that that is the sole reason why the MEPs take on a certain position.

Several limitations in this research have been identified. The main limitation was that more factors are needed to explain why MEPs either oppose or support the activation of the Rule of Law mechanism. This thesis has decided to only focus on, politicisation, Euroscepticism, nationality, and party politics. Other factors may include, the career span of the MEP, their experience within the EP and/or the future intentions of having a career in the EP; affiliation with and pressure from national parties; the profile of the MEP, referring to age, gender, education. However, due to a limited time frame and lack of direct access to MEPS, the researcher has decided to prioritise politicisation, Euroscepticism, nationality and European party politics. Moreover, a qualitative evaluation as a research design was chosen. By including the excluded factors, a different approach would have been required, for instance by using surveys, polls or questionnaires. As this thesis is focusing on the role of different MEPs, it would have been required to hand out surveys to the MEPs in the European Parliament. Therefore, future research could include the factors that were excluded and analyse the same cases through a quantitative lens. To understand whether the nationality of an MEP is a dominant factor, future research could focus on the party affiliation and career of the MEP at a national level in comparison to their affiliation and career at a European level.

## 7. Conclusion

The Rule of Law situation in the European Union has been an issue since the accession of Central and Eastern European countries. The criteria that candidates must fulfil in order to join the EU are that the candidate country should be a European state and respect the values of human dignity, freedom, democracy, equality, the Rule of Law and human rights – per Art. 2 TEU. However, several of these fundamental values have been violated by certain member states – Romania, Hungary, and Poland. Thus, to ensure the commitment to the values, the EU institutions carried out dialogues with the governments and pressured them to enforce the EU values. Yet, the resolutions concluded out of the dialogues were often neglected by the member states.

One of the institutions that play a fundamental role in ensuring that the Rule of Law is respected and valued in all member states is the EP. The EP is considered the entry point for all decision-making in the EU. Based on the developments in Romania, Hungary and Poland over the past decade, this thesis aimed to explain how MEPs vote concerning initiating Rule of Law mechanisms towards a democratic backsliding member state. This thesis aimed to answer the central research question, which is formulated as,

*“How can we explain the opposition or support of Members of the European Parliament with regard to initiating Rule of Law mechanisms to tackle democratic backsliding?”*

By doing so three sub-questions have been answered. The first sub-question *“what are the roles of MEPs with regard to initiating Rule of Law mechanisms to tackle democratic backsliding?”* has been answered by identifying that MEPs are important actors to put issues on the political agenda. As argued in the literature review, MEPs have to satisfy both their national and European parties in accordance with the values of the EU. The literature review also revealed the answer to the second sub-question, *“which factors can be identified that influences the position of an MEP in debates concerning non-compliance to the Rule of Law in EU member states?”*, which was discovered that the factors of politicisation, Euroscepticism, nationality, and party politics are dominant in influencing the position of an MEP in Rule of Law debates. The last sub-question *“what are the implications of a politicised EP and Eurosceptic MEPs when initiating Rule of Law mechanisms to prevent further democratic backsliding?”* has been answered in the analysis and discussion, in which it was argued that pragmatic Eurosceptic MEPs and members of *hard* Eurosceptic party are more likely to oppose towards the initiation

of a Rule of Law mechanism. However, the position of the MEP on the political party spectrum must be considered in combination with the nationality of the MEP.

Thus, the answer to the research question is that the opposition or support of MEPs can be explained based on their affiliation with their political party and nationality. The factor of politicisation was the overall concept that explained the gal/tan division and to understand whether the debate's issue was considered politicised. To understand the MEPs' political party affiliation, the factor of Euroscepticism was used to categorise the MEPs based on the values of their parties. This has shown that all four expectations were in line with the empirical findings, as argued in the discussion. Although the expectations were formulated separately, to analyse the role of nationality, the role of Euroscepticism and party politics were required to argue the results on nationality. Based on this dependency, it was sometimes hard to make the distinction between the results of all expectations.

As mentioned in the introduction, the academic and societal relevance referred to existing papers arguing the gap in the literature. For instance, to focus more on the party links that influences MEPs in national or transnational groups (Meijers & van der Meer, 2019, p. 851; Rasmussen, 2008, p. 1179). In this thesis, the factors of Euroscepticism and nationality has been analysed to find the link to argue the support or opposition of the MEPs. Based on the recommendations to focus more on the internal links within political parties, the four expectations were created. Moreover, this research has contributed to explaining the position of MEPs to focus on a specific issue, the Rule of Law in EU member states. The first expectation, "*when an issue is politicised, political parties on the tan side are more likely to oppose the initiation of Rule of Law mechanisms in comparison to gal side political parties*", is based on the literature of Brigeovich et al. (2017), Herman et al. (2021), Dolezal et al. (2016) and Grande & Hutter (2016). The second expectation, "*when a European party can be categorised as hard Eurosceptic they are more likely to be opposed by default in comparison to soft Eurosceptic parties to support initiating Rule of Law mechanisms to tackle democratic backsliding*", is based on the literature of Krouwel & Abts (2007), Wassenberg (2019), Herman et al. (2021) and Hernandez & Kriesi (2016). As mentioned in the literature review, "MEPs are more likely to oppose when their party is in government at the national level" (Herman et al., 2021, p. 183). As Euroscepticism can be argued as either *hard* or *soft*, the authors have argued that after the 2014 elections the parties that have joined the EP are mostly considered as *soft* Eurosceptic parties. However, this expectation has identified the *hard* Eurosceptic characteristics in the EP parties, such as the ECR and ID that have consistently shown their

opposition towards the initiation of Rule of Law mechanisms towards Romania, Hungary and Poland. Moreover, the third expectation, “*when a Eurosceptic MEP can be categorised as pragmatic they are more likely than other Eurosceptic MEPs to oppose any proposals when initiating Rule of Law mechanisms to tackle democratic backsliding*” is more related to the previous expectation and is based on the categorisation made by Brack (2015). The expectation selected the pragmatic type of Eurosceptic MEP as the criteria to identify whether MEPs are opposed or supportive. Although it was more difficult to categorise the MEPs into one type of Eurosceptic, it was more likely to be pragmatic over other types of Eurosceptic MEPs, as these MEPs are more likely to use its powers to amend initiatives in the EP rather than eroding the EU system. The last expectation, “*when identifying the MEPs nationality and their position in a European party group Western Europeans are more likely to support initiating Rule of Law mechanisms compared to Eastern Europeans*” is based on the literature of Hix et al. (2012), in which the authors argued that the nationality of the MEPs is a strong indicator to analyse their positions (p. 678). Although this expectation could not have been analysed without the previous two expectations, it was noticeable that the political party of the MEPs do play a bigger role in the MEPs opposition or support.

Therefore, the results of this thesis have shown how important these factors are in determining whether action is taken against member states that have violated the fundamental values of the Rule of Law. This has important implications as the rise of illiberal democracies is not just a European occurrence, but a global one as well.

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