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**THE EUROPEAN COMMISSION AS A WATCHDOG: SAFEGUARDING
THE TREATIES IN THE EUROPEAN UNION THROUGH FINANCIAL,
ECONOMIC AND RULE OF LAW OVERSIGHT**

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*THE EUROPEAN COMMISSION AS A
WATCHDOG: SAFEGUARDING THE TREATIES IN
THE EUROPEAN UNION THROUGH FINANCIAL,
ECONOMIC AND RULE OF LAW OVERSIGHT*

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Chapter 1: Introduction

The European Union (EU) is a complex and unique partnership of economic and political basis between 27 member states of diverse backgrounds and interests, covering vast land of the European continent and around six per cent of the world population (European Commission, 2022a). In order to preserve unity and facilitate the effective operation of the EU, it is important to install mechanisms that uphold the principles framed in the treaties. The six core values, found in Article 2 of the Treaty on European Union (TEU), are “respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including those of minorities” (European Commission, 2022b, p. 9). Member states swore to respect and share the values among them to be connected and unified. Being the executive organ of the EU, the European Commission (Commission) plays an important role in overseeing the compliance of the member states in respecting the principles as well as executing the economic and financial policies along with the rule of law. Hence, the Commission is also named the “Guardian of the Treaties” by ensuring the correct implementation and holding member states accountable in the case of non-compliance or incorrect implementation (European Commission, n.d.-c). Furthermore, the Commission assumes the role of the watchdog of the EU. The role of the watchdog displays “[...] the primary function of scrutinising the actions of the public sector and providing reports independent of those scrutinised” (Bovens & Wille, 2020, p. 858).

In order to perform its duties, the Commission displays different monitoring tools, ensuring accountability among the member states towards the Commission. However, there is a need for comprehensive investigation and understanding of the mechanisms utilised by the Commission to provide an insight into the role of the Guardian of the Treaties and its oversight function. Moreover, a systemic approach to examine the application and the effectiveness of the mechanisms is missing. Therefore, this thesis aims to bridge these knowledge gaps through an innovative approach by conducting an in-depth case study by comparing the monitoring mechanisms applied by the Commission to a member state with the accountability framework as a guiding tool. The framework is inspired by Bovens (2007b), Brandsma and Schillemans (2012) and consists of three stages – information, debate and assessment, and enforcement. This framework facilitates systemic research and comparison.

Hence, the research questions are:

- *How does the European Commission exercise its watchdog role in monitoring member states' financial and economic policies and upholding the rule of law within the European Union? How is this role of the European Commission shaped in the information, debate and assessment, and enforcement stages?*

This paper aims to explore the Commission's role as the watchdog and the oversight of member states' adherence to some of the fundamental EU politics and principles. Hence, establishing accountability among the member states to the Commission. This study introduces an accountability framework which is divided into different stages of the accountability process which will be discussed further in the literature. This framework will be used as a heuristic device to analyse the watchdog role of the Commission. This approach is innovative in nature. The thesis will be able to examine the Commission's mechanisms through the three distinct stages of information, debate and assessment, and enforcement. The accountability framework will be the conceptual tool guiding the analysis and examination of the oversight procedures. A deeper comprehension of how accountability is shaped within the EU framework is achieved through the deconstruction and systemic assessment of the stages of the different mechanisms and procedures.

This study will be of scientific and societal relevance as the accountability framework on the European level is continuously obscure. There is no systemic assessment of the Commission's monitoring activities and the existing research focus on the results of one mechanism at a time but does not distinguish the different steps of the procedure or compare the different processes. This thesis employs the accountability framework to structure the research as well as to systemically explore the Commission's activities and actions. Using the accountability framework with the three stages as a guiding tool to systemically analyse the mechanisms in-depth brings a new perspective to the knowledge of EU monitoring mechanisms. The research will investigate each mechanism separately and break it down into stages. It provides a deeper understanding of how the Commission and its mechanisms operate in practice. Furthermore, the framework helps to conceptualise and explore the complex interactions and interdependencies involved in the Commission's monitoring activities as the watchdog of the EU. Finally, the paper conducts the systemic assessment of the performance of the Commission and the effectiveness of the oversight mechanisms which may discover implications, opening

a path for policy discussions and recommendations to improve the effectiveness and ultimately, the compliance of the monitoring mechanisms in the EU.

To conduct the case study, the member state Republic of Poland (Poland) has been chosen to be the subject of research due to its steepest decline in democratic values over the past decade since the elections of the Law and Justice party *PiS* in 2015 (Freedom House, 2022). Poland has introduced anti-democratic reforms policies, infringing the core values and principles of the EU such as the violation of freedom of the press and judicial independence (Csaky et al., 2021). As a result, the Commission has activated some monitoring procedures to provide guidance and recommendations to correct Poland's infringements. Therefore, this thesis will focus on three mechanisms that have been used: (1) the European Semester; (2) the Stability and Growth Pact (SGP); and (3) the Rule of Law Framework. The third mechanism is not an economic accountability tool but is an important procedure that monitors the rule of law to safeguard against corruption and uphold the sound financial principle of the EU (European Commission, 2020b). The SGP analyses member states' compliance in avoiding excessive sovereign debts, whereas the European Semester guides the member states through annual economic goals and is currently the most important economic tool for budgetary guidance (European Council, 2023a; European Council, 2023b). The mechanisms represent the independent variables to be investigated in the paper and the accountability framework will be conceptualised by Brandsma and Schillemans' (2012) three steps of accountability: (1) information stage; (2) debate and assessment stage; and (3) enforcement stage. These three stages will represent the dependent variable.

The thesis is structured as follows. Chapter 2 will introduce the theoretical framework. It will introduce the accountability framework, more specifically the three stages – information, debate and assessment, and enforcement. Furthermore, it presents the literature review of the Commission and the three monitoring mechanisms chosen for this research. Deriving from the framework, specific sub-questions will be created. Chapter 3 contains the methodological framework. It explains the research design, analysis strategy, operationalisation as well as the validity and reliability of the thesis paper. Chapter 4 delves into the analysis and ends with an overview of the results. Finally, Chapter 5 will conclude the thesis with a summary answering the research questions as well as theoretical, methodological, and analytical reflections.

Chapter 2: Theoretical Framework

To answer the research question "*How does the European Commission exercise its watchdog role in monitoring member states' financial and economic policies and upholding the rule of law within the European Union? How is this role of the European Commission shaped in the information, debate and assessment, and enforcement stages?*", it is substantial to start with the Commission. First, the responsibilities and powers of the Commission as the representative of the Guardian of the Treaties are presented. Second, the chosen mechanisms will be explained and discussed. Third, the accountability framework for this research will be introduced and the distinct stages will be clarified. Finally, this chapter ends with the conceptual model, guiding the research.

2.2 The European Commission

The Commission is the executive body of the EU tasked with creating and enforcing legislation as well as drawing up the EU budget and spending priorities. The Commission ensures that EU legislation is transposed and implemented in the member states as well as oversees and monitors the member states' economy and financial balance (Lelieveldt & Princen, 2015). As the watchdog of the EU, the Commission has been granted four powers: "(1) power of investigation; (2) power of prevention; (3) power of sanction; and (4) power of authorisation" (Muñoz, 2016, pp. 1-2). The first power is in line with the supervision role, the Commission is permitted to acquire any necessary information and conduct inspections of member states. The second right is the pre-emptive approach in preventing potential infringements through formal and informal communications such as private meetings or opinions. The third right allows the Commission to propose and enforce sanctions as well as redirect infringement cases to the European Court of Justice (ECJ). Finally, the fourth right gives the Commission the authorisation to temporarily suspend the application of EU legislation through safeguard clauses as provisions in the treaties exist to allow the adoption of protective measures in economic and monetary policies (Muñoz, 2016).

According to Börzel (2003), the Commission employs four compliance strategies, illustrating the powers conveyed to the Commission. The strategies include "(1) monitoring, and (the threat of) sanctions (enforcement); (2) capacity-building and contracting (management); (3) persuasion and learning; and (4) legal internalization (litigation)" (Börzel, 2003, p. 1). First,

concerning monitoring, the Commission has the power of investigation, permitting it to compile data collected internally by member states or institutions as separate investigations by the Commission is time-consuming as well as labour-intensive (Börzel, 2003). Examples of Commission's investigations are on-site visits by sending inspectors to the member states. However, the Commission prefers to rely on a network of external actors to monitor legal compliance such as non-governmental organisations, consultants, and national authorities. If any irregularities are detected and verified, the Commission has the right to employ sanctions such as infringement procedures to persuade compliance. In case of continuous non-compliance, the Commission can introduce economic sanctions in forms of lump sum or daily fine (Börzel, 2003).

Second, the Commission utilises capacity building and contracting to prevent violations in the first place. For instance, monetary funds are established such as the Cohesion Fund to lessen the financial burden of member states to implement European legislation. Furthermore, the Commission provides technical assistance if member states are in need of administrative resources or expertise to carry out the implementation (Börzel, 2003).

Third, besides the capacity building, the Commission facilitates compliance by ensuring the clear and correct understanding of the legislation by engaging in consultations and discussions to prevent ambiguity and uncertainty in the interpretation. In addition, adopting flexibility in the transposition and implementation of EU laws encourages member states to adapt the new legislation to their existing national legislation which represent the power of authorisation mentioned by Muñoz (Börzel, 2003; Steunenberg, 2010).

Fourth, the Commission can revoke non-compliance through persuasion of social learning. The Commission can engage the offending member states in dialogues to present arguments about the effectiveness and social good of the European legislation to convince the member state into compliance (Börzel, 2003). According to Börzel (2003), this strategy is the least researched due to the difficulty in following the exchanges as they are confidential in nature.

Finally, the last strategy of compliance is legal litigation before national courts. The Commission is indirectly involved by promoting domestic actors to take the initiatives and appeal in national courts if EU legislation is violated. However, this approach is again hardly researched, and the few literatures has found that domestic judges approach the violations through the lens of national legislation, resulting in less compliance (Börzel, 2003).

Regarding the institutions supporting the Commission's monitoring Eurostat and the Directorate-General (DG) of Economic and Financial Affairs (DG ECFIN) are veteran participants in the surveillance of economic nature, whereas the DG Employment and DG Taxation are subsequently added to the process to broaden the range of responsibility. Eurostat remains the main important statistical interpreter of the surveillance system whereas DG ECFIN concentrates on assessing and monitoring individual member state's budgetary compliance. However, it lacks auditing authority and is constrained to visiting member states to identify interpretation errors in the annual accounts and examine reports submitted by the governments. Finally, the Secretariat-General of the Commission ensures coherent policymaking by coordinating the timely assessments and agenda of the other DGs (Savage & Verdun, 2015).

In the following sections, three accountability mechanisms – European Semester, SGP, and Rule of Law Framework – are chosen from the Commission to represent the Commission's role as overseer and enforcer of the EU. The mechanisms are presented, and specific sub-questions will be deducted for each mechanism with regard to the three stages of the accountability process in the conceptual model.

2.2.1 The European Semester

Following the end of the financial crisis in 2008, the European Semester was established in 2010 and introduced in 2011 to prevent a recurrent situation of a “financial and sovereign debt crisis” (Verdun & Zeitlin, 2018, p. 137). It was further reformed in 2015. The European Semester is an “annual cycle of socio-economic policy coordination” (European Council, 2023a). It is an “information-driven surveillance system” covering fiscal, social, economic, and employment policies (Savage & Howarth, 2018, p. 212). Its primary aim is to support the SGP through different measures of monitoring and sanctions (Zeitlin & Vanhercke, 2017). For example, the Macroeconomic Imbalance Procedure is applied to detect and correct non-fiscal imbalances (Verdun & Zeitlin, 2018). The authors Verdun and Zeitlin (2018) summarise the European Semester “to bring within a single policy co-ordination cycle a variety of EU governance instruments with different legal bases” (p. 138). The Commission, the European Council, and the Council of the EU (Council) are the decision-makers of the cycle by setting the objectives and conducting the reports. Furthermore, the European Semester has delegated even more authority to the EU institutions to scrutinise national policies, especially policies in

the eurozone such as health care and education which are primary competence of the member states (Verdun & Zeitlin, 2018).

The European Semester releases annually four documents. First, the annual sustainable growth survey covers the economic and social objectives as well as the main budgetary challenges of the EU for the upcoming year. Second, the alert mechanism report covers the macroeconomic developments of member states. If the Commission perceives high risk of financial imbalances, an in-depth analysis and recommendations are submitted to the member state. Third, the proposal for recommendations for the euro area supports the euro integrations. Finally, draft joint employment report summarises the overall employment trend and social developments in the EU (European Council, 2023a). In addition to this package, the Commission publishes country-specific reports, reviewing the progress.

According to Schweiger (2021), the European Semester presents “a deficit in terms of legislative scrutiny” as the European Parliament takes a bystander role during the annual coordination process (p. 125). However, the European Parliament can hold economic dialogues with representatives of the Council, the Commission, and even member states if it concerns a specific case.

The European Semester is based on a structured yearly dialogue between the Commission and Council as well as the member states. However, this process is a two-way process of communication. Besides the Commission providing recommendations from a top-down approach, the national governments play a significant role by contributing their input to the economic and social aims and relaying data and information on their financial situation and budget to the Commission. Since the publicly elected European Parliament plays a non-significant role in scrutinising the decision-making process, the national governments take up the role. The governments provide input legitimacy by participating in the process as the national governments are elected bodies representing the voice of the people. Furthermore, they actively engage in the decision-making process by monitoring and influencing the debates, ensuring throughput legitimacy. Finally, by participating in the legislative process, the national governments guarantee transparency and efficient outputs (Darvas & Leandro, 2015a; Schweiger, 2021). In other words, increasing national ownership eliminates the perception that the objectives and recommendations taken are imposed from the top (Alcidi & Gros, 2017). However, according to Verdun and Zeitlin (2018), the opposite conclusion has been taken. Member states have not been fully making use of opportunities to participate in debate of the

policy orientation as well as scrutinising the recommendations. Due to the limitations of time and expertise, the authors conclude that it is unlikely for national governments to be fully involved in the European Semester procedure as well as granting more decision-making power to the European Parliament (Verdun & Zeitlin, 2018).

In addition, since the Commission is dependent on the national governments' relay of reports and data, D'Erman and Verdun (2022) conclude that member states act on behalf of the domestic interests, resulting in being in control of "the valence of the supranational oversight" (p. 9). The effectiveness of the recommendation depends on the implementation which in turn depends on the member states. Yet, member states are only open to the implementation of recommendations if the country is facing severe economic conditions such as fiscal imbalances and high unemployment (Darvas & Leandro, 2015a). In other words, countries experiencing sound economic balance and conditions are less incentivised to follow through with the recommendations as the governments do not perceive the necessity for policy change (Mariotto, 2022). This can be seen in the average implementation rate of the recommendations of around 40 per cent (Verdun & Zeitlin, 2018). More specifically, recommendations concerning excessive financial imbalances are neglected. According to Alcidi and Gros (2017), smaller states seem to follow the recommendations more closely as they genuinely wish to improve the economic situations. Reasons for the lack of implementations are manifold. First, governments decide about the choice of implementation based on national considerations. National political interests are dominant and can prevent policy shifts. Domestic actors may perceive the short-term costs of budget costs and structural reforms more severe than the long-term gains, or objectives important for the EU are not perceived as necessary for individual member states. Hence, economic policy implementation depending on national governments are more likely to fail (Alcidi & Gros, 2017). Second, recommendations are formulated too vague. The Commission can improve the communication by clarifying the recommendations, and hence, facilitate national parliamentary debate (Efstathiou & Wolff, 2018). Third, structural reforms can be costly and member states do not have the financial means to execute the recommendations fully (Alcidi & Gros, 2017; Darvas & Leandro, 2015a).

2.2.2 The Stability and Growth Pact

Another relevant instrument that the Commission uses to guarantee sound financial management is the SGP introduced in 1997. Under this mechanism, the Commission monitors the public expenditure of the member states, ensuring that the fiscal policies do not result in

excessive budget deficits or excessive budget loans (European Council, 2023b; Morris et al., 2006). It is especially important for the eurozone. The SGP guarantees the effectiveness of uniform monetary policy and the authority of the European Central Bank (Larch & Jonung, 2014). Therefore, the SGP ensures the smooth and sustainable economic functioning. Member states must retain the budget deficit below 3 per cent of the gross domestic product (GDP) and the debt levels under 60 per cent of their GDP (Morris et al., 2006).

The SGP has a preventive and a corrective arm. Member states must produce annual stability programmes, presenting the economic situation and fiscal policies, as a form of prevention. The “medium-term objective” is the essence of the preventive arm (Morris et al., 2006, p. 12). It is a budget that is “close to balance or in surplus” to ensure fiscal sustainability and leeway for unanticipated budgetary activities (Morris et al., 2006, p. 12). The programmes are then assessed by the Council and Commission and if needed, they provide guidance and recommendations as part of the “early-warning device” (Morris et al., 2006, p. 12). The preventive arm is based on the soft approach through surveillance and peer pressure. The corrective arm is the Excessive Deficit Procedure. In case of failure of compliance, the procedure is launched. If the offending member state faces continuous performance failure despite the recommendations given by the Council, the Commission can enforce fines on euro members states up to 0.5 per cent of their GDP and non-euro members may face suspension of EU funds (Darvas & Leandro, 2015b; Morris et al., 2006). However, the last step has never been reached (Bacho, 2009).

The legitimacy of SGP has been questioned since several members continuously failed to adhere to the SGP. In total, six members were affected: “Portugal in 2001 and 2005; Germany and France in 2002; the Netherlands and Greece in 2003; and Italy in 2004” (Šimunská, 2015, p. 32). Yet only the Netherlands managed to comply to the rules and rectified the excessive deficit situation. Furthermore, even on the Commission’s recommendation, the Council refrained to propose sanctions against two largest contributors Germany and France in 2004 despite them exceeding the three per cent budget deficit and failing to meet the deadline set to 2004 (Hodson & Maher, 2004). Fingland and Bailey (2008) speculate that smaller member states were intimidated and voted against sanctions in the Council. Instead, the Council voted and passed the conclusions to suspend the procedures against France and Germany as they swore to end the excessive deficit situation by 2005. Subsequently, the Commission appealed to the ECJ, and the conclusions were annulled (Morris et al., 2006). This highlights the

difficulty of attaining transparency and uniformity within the EU due to the various level of power and influence of the member states.

As a result, first reform was agreed on March 2005. It addressed the rigidity of the SGP (Larch & Jonung, 2014). The reference values continue to stay, but the SGP has become more flexible and provided detailed scope for judgement and discretion. The reform allows better adaptation to economic circumstances and facilitate the enforcement of recommendations. The medium-term objective of the preventive arm is now more closely aligned to the country-specific conditions and the corrective arm is more flexible. There are more grounds to allow the breach of the reference values such as “exceptional economic circumstances” and extension of deadlines are permitted under the new reform (Sacher, 2021, p. 164; Morris et al., 2006). The SGP has been further reformed in 2011 and 2013. The latest reforms have delegated more power to the Commission and fines can be introduced earlier in the procedure. Upon the Commission’s recommendation, the Council can impose fines up to 0.2 per cent of the GDP of the offending member state if the member state has been inactive in taking the appropriate steps to lower the deficits. Nevertheless, the Commission is also permitted to recommend the Council to reduce or cancel fines if “exceptional economic circumstances” are happening or the offending member state submitted a reasoned request (Sacher, 2021, p. 164). In addition, the “Reverse Qualified Majority Voting” has been introduced (Sacher, 2021, p. 164). As a result, recommendations by the Commission in the Excessive Deficit Procedure are automatically adopted. An exception occurs when the Council votes against the recommendations with a qualified majority (Sacher, 2021).

The authors Morris, Ongena and Schuknecht (2006) have already seen a small increase in compliance as member states are more likely to implement recommendations since the consolidation requirements are lenient and fiscal targets are less strenuous to achieve. As a result, it will take time for member states to catch up the backlog. Furthermore, the threat of early fines incentivises member states to follow the recommendations to prevent the enforcement of sanctions (Sacher, 2021). However, opponents perceive the reform as diluting the essence of SGP by weakening the rules, resulting in more complexity and less transparency at the same time. Outsiders may have harder time to assess if the Council is consistent with the rules to pass a verdict. Moreover, there is an increased risk of more frequent and persistent breaches which in turn can have negative effects on the macroeconomic stability of the EU and the fiscal discipline of the member states (Morris et al., 2006).

2.2.3 The Rule of Law Framework

The rule of law is one of the fundamental values of the EU besides democracy and human rights. The Commission defines rule of law as “under the rule of law, all public powers always act within the constraints set out by law, in accordance with the values of democracy and fundamental rights, and under the control of independent and impartial courts” (De Matos, 2020, p. 18). Hence, the principles of the rule of law guarantee the compliance of the member states. If the rule of law is not properly enforced, the risks of corruption and mismanagement increase. Furthermore, it guarantees the implementation of EU legislation and fosters an investment-friendly business environment. The rule of law oversight contains a preventive and corrective arm. The preventive arm is the Rule of Law Mechanism, releasing a rule of law report annually to be discussed among the European institutions and national representatives (European Commission, n.d.-f). Its aim is to pre-emptively detect rising irregularities before they have been manifested as rule of law violations. The corrective arm is the Rule of Law Framework, containing Article 7 of TEU, was adopted in March 2014. The framework is an early warning tool stage, also known informally as the “pre-Article 7 procedure” (Halmai, 2018, p. 6; Kochenov & Pech, 2016, p. 5). It consists of assessment, recommendation, and monitoring by the Commission (European Commission, n.d.-e). In the event of non-compliance and persistent violation of rule of law, Article 7 of TEU can be activated. Article 7 is known as the “nuclear option” due to the possibility of suspension of voting rights (Kochenov & Pech, 2016, p. 3). The article was introduced in 1999 in the face of the Eastern enlargement to prevent post-EU democratic backsliding. However, Article 7 has been seen as the last resort and has never been fully utilised. Furthermore, due to high-decision threshold, namely the unanimity vote by the European Council, it is unlikely to pass (Kochenov & Pech, 2016; Niklewicz, 2017).

However, the Rule of Law Framework faces many weaknesses. It mostly depends on discursive nature, but governments that made deliberate choices to violate the EU values will not easily comply with dialogues. Furthermore, the advice and guidance given during the dialogue are of non-binding nature, and Article 7 is not the automatic recourse of the framework. Hence, Kochenov and Pech (2016) argue that ineffectiveness is the most likely outcome of the framework.

Due to the soft approach through discourses, the Rule of Law framework alone is not enough as a remedy to illiberal regimes with systemic violations of EU values. Therefore, infringement

procedures have been launched at the same time to increase the pressure on the offending member states (Niklewicz, 2017). However, infringement procedures can only be launched when concrete and specific provisions of the treaties have been violated, constricting the power of the Commission. During the pre-Article 7 procedure, the offending member state can continue dismantling the checks and balances as there are no binding decisions. Therefore, by using and accelerating the infringement procedures, the ECJ can pass binding judgements to halt the worsening of the rule of law (De Matos, 2023; Pech & Kochenov, 2019). Yet, they have been oftentimes proven to be ineffective in rectifying EU violations (Kochenov & Pech, 2016). Nevertheless, with repeated non-compliance of ordered judgements, the ECJ can enforce financial sanctions as proposed by the Commission (De Matos, 2023). The threat of possible financial sanctions has in turn to be proven successful as investigated by Börza (2003) in the early 2000s.

It is observable that the Commission prefers compliance through deliberating instruments (Börza, 2003, Closa, 2018). Besides occupying the role of adviser, the Commission also lacks coercion mechanisms, resulting in compliance being dependent on the voluntary will of the national governments of the member states. The Commission's choice of mechanism is dependent on the engagement level of the offending member state. For example, a lack of symbolic dialogue between the EU institution and the government can result in the launch of stricter enforcement mechanisms such as the infringement procedure. However, the Commission remains selective about when to start an infringement procedure as the Commission is conscious of its credibility because "if a Member State defies the Commission or ignores a ruling by the CJEU, it undermines the community of law that underpins the European integration" (Closa, 2018, p. 702). Consequently, court trials and sanctions are the last resort due to the alienation effect by the governments that are required to transpose and implement EU regulations and decisions (Closa, 2018). In other words, the Commission relies on voluntary communication and dialogues with the offending member state, and in case of non-reciprocation by the offending member, the Commission will turn to the option of activating Article 7 of TEU.

2.1 Conceptualisation of accountability

Contemporary academic intellectuals and professionals have increasingly mentioned the term accountability. It is oftentimes used and interpreted as an umbrella term to incorporate

"transparency, equity, democracy, efficiency, responsiveness, responsibility, and integrity" (Bovens, 2007b, p. 449). However, the concept of accountability is suffering from conceptual overstretching, resulting in a loss of analytical power. There is a lack of consistent definition, conceptualisation, and operationalisation among scholars (Brandsma & Schillemans, 2012). Consequently, cumulative study encounters ambiguity and comparative study is unfeasible (Bovens, 2010). Following this realisation, Mark Bovens has contributed much literature and research to the concept of accountability on which this accountability framework will be also based on. Bovens (2010) provided a conceptual framework distinguishing "accountability as a virtue" and "accountability as a mechanism" (p. 946). The former is based on a normative approach by evaluating the positive quality and behaviours of actors and organisations, whereas the latter is based on a positive approach by investigating if the actors and organisations can be held accountable (Bovens, 2010).

For the interest of this thesis, the analytical conceptualisation of accountability will be of importance for which Bovens (2007b) defined accountability as "a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences" (p. 450). In this case, the actor is being held responsible and the accountability forum is holding the actor accountable. Furthermore, it is important to understand that both parties can either be individuals, public institutions, or organisations (Aden, 2021). Accountability in the EU setting is important as it safeguards "democratic control, the prevention of corruption and abuse of power, and a learning perspective related to improving government effectiveness" (Aden, 2021, p. 27).

Accountability has been integral to institutional framework due to several reasons, but the following three are the most important (Bovens & Wille, 2020). First, accountability serves as a democratic control. Accountability forums delegate power to the actors, and in turn, it is in the interests of the forums to monitor the exercise of the power by the actors. Second, accountability mechanisms enhance the integrity of public governance. Public account giving hinders public individuals of committing misconducts and inappropriate behaviour such as corruption and abuse of powers. Third, accountability improves performance. Rules and standards are formulated for actors to comply (Bovens, 2007a).

The Commission as the watchdog and executive body of the EU has the prerogative rights and duties to monitor and hold the member states to account. In this case, the Commission is the

accountability forum, and the actors are member states vowed to perform according to the EU values and implement EU legislation. The Commission exercises its powers delegated by the treaties through different monitoring mechanisms to hold the member states accountable and guarantee accountability as an integral feature of the institutional framework. The three chosen monitoring mechanisms are the Rule of Law Framework, the SGP, and the European Semester. The Rule of Law Framework is important in the context of accountability as the principle of rule of law ensures the checks and balances of the governments as well as guarantees an independent functioning judiciary. Without the rule of law, accountability cannot be fully performed because the actors will not be constrained by law anymore. The SGP and the European Semester are two fiscal and economic monitoring mechanisms chosen for the case study of Poland as the Polish government is the biggest beneficiary of the EU funds for the period 2021 to 2027 (Republic of Poland, 2023). Therefore, it is interesting to research if those two mechanisms are capable of holding Poland accountable.

2.1.1 Three stages of the accountability process

Bovens (2007b) has identified three stages of accountability relationship between the forum and actor. The first stage is about the responsibility of the actor to inform the forum about the activities conducted by the actor. The second stage is the “answerability” of the actors to the questioning of the forums (Bovens, 2007b, p. 451). The third stage is the opportunity to pass judgements by the forums about the performance of the actors.

Brandsma and Schillemans (2012) has been inspired by Bovens’ work and further expanded the understanding of the stages with the literature of other researchers such as Mulgan. The authors have named the steps: “information, discussion, and consequences/sanctions” (Brandsma & Schillemans, 2012, p. 955). The information stage starts with the actors’ submission of reports about their performance and activities to the accountability forums. For example, actors can produce annual self-evaluation and performance reports or presentations. The reports usually focus on the outcomes and perceived issues (Brandsma & Schillemans, 2012). The next stage involves discussion session about the previous reports. Forums may request further details if needed and assesses the actors. Furthermore, actors are permitted to respond to the questioning and clarify the content if needed. This stage can be conducted formally, for example through parliamentary debates, or informally by holding a simple dialogue. Furthermore, the intensity of the discussion may vary. Some forums permit actors to fully express their viewpoints, whereas others only touch the superficial layer of formalities.

Intense discussions are the result of the forums' careful assessment and examination of the provided information (Brandsma & Schillemans, 2012). Finally, the third stage involves the judgements of the forums. The forums may reward and praise the actors if the outcome is positive, and the forums can punish and correct the actors if the verdict is negative. The consequences, or also called sanctions by the authors, can be enforced formally or informally. For example, the naming and shaming is an informal punishment whereas financial penalties are formal sanctions. Moreover, negative sanctions are most common expressed informal (Brandsma & Schillemans, 2012). Figure 1 is based on Bovens' work (2007b). It illustrates the steps and how they are related to the actors and forums as well as the sequential order.

Accountability

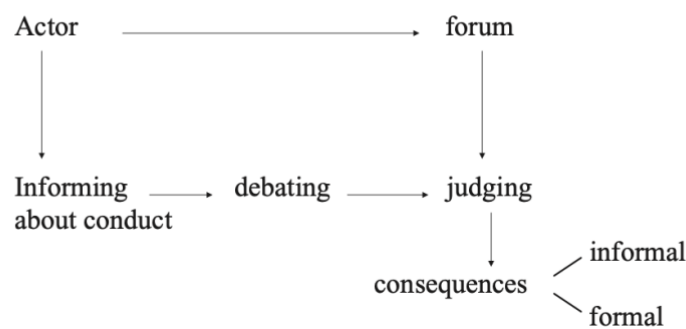


Figure 1. Reprinted from “Analysing and Assessing Accountability: A Conceptual Framework” by M. Bovens (2007), *European Law Journal*, Vol. 13, p. 454.

2.3 The Conceptual Model

Table 1. The conceptual framework.

| Independent Variable | Dependent Variable |
|------------------------------|---------------------------------------|
| | Financial accountability |
| European Commission | First Stage: Information |
| a. European Semester | |
| b. Stability and Growth Pact | Second Stage: (Debate and) Assessment |
| c. Rule of Law Framework | |
| | Third Stage: Enforcement |

For this research, the dependent variable is accountability represented through accountability framework with the three stages of the accountability process. The independent variables are the three mechanisms of the Commission.

Being the watchdog of the EU, the treaties have conferred many rights to the Commission to promote and guarantee accountability of the member states. The Commission in cooperation with other institutions such as the Council have developed the appropriate mechanisms to monitor the member states in various sectors. This paper aims to look at the Commission's oversight of rule of law, economic and financial compliance. Hence, it includes looking at the authority of enforcing the mechanisms.

In order to conduct the research, a heuristic device is needed to guide through the research, assessment and information collection. In this thesis, the first stage of this accountability framework keeps the name information stage from Brandsma and Schillemans (2012). The information stage contains the period of information exchange through reports, dialogues, or the triggering events and announcement of the start of the mechanisms. However, the second stage will be named debate and assessment and not discussion as the focus of the research is not only about the intensity and details about the discussions but also about the evaluation of the performance with the tracking of the debate in the background. Furthermore, the last stage will be renamed from consequences/sanctions to enforcement as the term enforcement is all-encompassing to include the judgements as well as the activity of applying the sanctions. Overall, the framework provides the necessary distinction of the different stages with key features and aids in identifying the different steps in the mechanisms. Moreover, the framework facilitates a structural approach in studying the monitoring mechanisms and the subsequent accountability.

The research investigates how each mechanism functions according to the three stages of the accountability process. Therefore, the research can observe the effectiveness of the mechanisms holding member states accountable as well as the strengths and weaknesses of the mechanism. In other words, it may find "potential accountability deficits" (Brandsma & Schillemans, 2012, p. 971). Hence, the empirical results explore the Commission's exercise of the role of watchdog through the different monitoring mechanisms.

Each monitoring mechanism contains indirectly the different stages. However, the stages are not directly and formally named and distinguished. Therefore, for each mechanism, three sub-questions are created that will structure the investigation and the results.

First, the Rule of Law Framework presents the following sub-questions:

- *How is the information stage shaped in the Rule of Law Framework?*
- *How is the debate and assessment stage applied in the Rule of Law Framework?*
- *How is the enforcement stage implemented in the Rule of Law Framework?*

Subsequently, the SGP produces the following sub-questions:

- *How is the information stage shaped in the Stability and Growth Pact?*
- *How is the debate and assessment stage applied in the Stability and Growth Pact?*
- *How is the enforcement stage implemented in the Stability and Growth Pact?*

Finally, the next sub-questions for the European Semester are displayed:

- *How is the information stage shaped in the European Semester?*
- *How is the debate and assessment stage applied in the European Semester?*
- *How is the enforcement stage implemented in the European Semester?*

Chapter 3: Methodology

3.1 Research design

This thesis employs a case study as a research strategy to explore in-depth the functioning of the three chosen monitoring mechanisms of the Commission in the context of Poland. The choice of the case study was simple as it allows extensive focus on how the independent variables – the European Semester, the SGP, and the Rule of Law Framework – are affecting the dependent variable accountability represented through the three stages – information, debate and assessment, and enforcement – in the country Poland. Furthermore, a case study facilitates the focus on analysing the bilateral relation and interactions of Poland and the Commission, permitting detailed research, and understanding of how each mechanism works. Moreover, dynamics, challenges and opportunities may be exclusively found in the context of the Polish case, highlighting the interests and choice of a case study.

Poland has been chosen as an interesting case to study as the country has experienced democratic backsliding from a post-communist democracy to a semi-consolidated democracy with certain traits of an autocratic regime such as weakened judicial independence and loss of media freedom (Freedom House, 2023). In addition, Poland is the biggest receiver of EU funds in the financial period of 2021 to 2027 (Republic of Poland, 2023). Therefore, it is in the interests of the EU and the member states to monitor Poland's compliance of economic and financial policies as well as the upholding of the rule of law principle to ensure the correct use and implementation of the EU funds. Hence, it is valuable information to research the step-by-step process of the mechanisms of the Commission to hold the Polish authorities accountable.

The focus of the research will be on the European level. The reasons are two-fold. First, Poland's administrative language is Polish, hence all official documents and reports are written in Polish. Therefore, it is not feasible for the author of this paper to translate relevant documents into English without losing the essence of the content and ensuring no mistranslation was done. Furthermore, English documents can be found but they contain a limited executive summary of the content which is not conclusive and reliable for the research and analysis. Thus, a top-down approach is considered to be the most appropriate decision. Hence, the research will focus on the European level as English, German, and French are the working languages of the EU. In particular, the Commission will be the main interest point as it represents the

accountability forum for this research. The Commission as the Guardian of the Treaties is the primary forum to exercise the role of watchdog. Furthermore, to support accessibility and transparency, the Commission has set up a website with archives of published documents categorised by years and countries, facilitating access to relevant information concerning the mechanisms used by the Commission on Poland. The analysis will be based on the primary sources of published reports and documents found on their websites and archives as well as published newspaper articles, press releases, and academic articles.

3.2 Operationalisation of the concept

The operationalisation of the accountability framework is based on the accountability cube of Brandsma and Schillemans (2012). The aim is to identify the intensity of the three stages by measuring quantitatively “the level of information provided, the intensity of the discussions, and the reach of sanctions” (Brandsma & Schillemans, 2012, p. 960). The authors conducted their research through a survey and since this thesis paper is not using the same research design, the operationalisation of the concept must be adapted to a qualitative study. The level of information can be identified through direct forms of information exchange from the actor to the forum, but it also includes indirect forms such as the publication of reports and dialogues to keep relevant stakeholders updated. The intensity of discussions and debate is followed by the information phase. This debate phase can take many forms such as public parliamentary hearings, dialogues, and interrogations to assess the information provided by the actor. The intensity of discussions represents the number and the focus on the topic. Finally, the enforcement stage considers the possibility of imposing formal sanctions as well as the actual consequences (Brandsma & Schillemans, 2012).

In this case, based on the definitions by Brandsma & Schillemans (2012), different indicators of operationalisation are defined to fit each individual mechanism. For the European Semester, the information phase will consist of the exchange of information, therefore economic dialogues between European institutions and member states. The debate and assessment stage will delve into the evaluation of implementation of country-specific recommendations by Poland and the instances where the Polish government has made use of parliamentary debates with the representatives of the Commission. Finally, the enforcement step will look at the possible consequence of non-compliance and the execution of them.

In order to operationalise the SGP, the information stage will look at how the corrective arm, the Excessive Deficit Procedure, has started through the exchange of information which takes in the form of reports and proposals. The debate and assessment stage will focus on the Polish performance of executing the recommendations and the negotiations during the procedure. The enforcement stage will again look at consequences and sanctions of the Excessive Deficit Procedure as well as the implementation, if applicable.

Lastly, the Rule of Law Framework will have the following indicators. For the information stage, the dialogue period between Poland and the Commission, also known as the pre-Article 7 procedure, will be in focus. Next, the exchange of recommendations and path to the activation of Article 7 as well as the simultaneous launch of infringement procedures and the process of them. At last, the enforcement stage will look at the potential consequences of Article 7 and infringement procedures, and the results.

Table 2. Operationalisation and the indicators.

| Three stages of accountability process | Indicators | | |
|--|---|---|---|
| | Information stage | (Debate &) Assessment stage | Enforcement stage |
| European Semester | Economic dialogues | National parliamentary debates & evaluations of CSRs implementation | Possibility of sanctions & actual implementations |
| Stability & Growth Pact | Process & reports to activate the Excessive Deficit Procedure | Evaluations of the Polish performance & negotiations during the procedure | Possibility of sanctions & actual implementations |
| Rule of Law Framework | Rule of Law Mechanism & pre-Article 7 procedure | Recommendations & assessments resulting in infringement procedures | Possibility of sanctions & actual implementations |

3.3 Data collection and analysis

The research method will be strictly limited to desk research and content analysis. In other words, data collection and analysis will be qualitative in nature and collected through existing materials such as official reports published by European institutions. It involves an extensive examination of primary and secondary sources. The research design will cover 10 years, from 2012 to 2022. The period of research is chosen for multiple reasons. First, the thesis is limited in time, hence the investigative research period will be of a shorter time. Second, the period may allow the recognition of some patterns such as an increase in non-compliance. However, the period is not restrictive as it may occur that certain mechanism was launched before or after

the period and this will be taken into consideration in the analysis. Since the results are purely based on content analysis, the research results will be of qualitative form.

The Commission's website contains separate categories for each of the mechanisms with further sub-categorisations of years and country which makes the collection of documents and data easier for the research. Afterwards, each document of a mechanism is analysed chronologically from the oldest to the most recent. Throughout the process, the documents are classified according to the stages of accountability. In the analytical framework, the chapter is divided into three sections representing each mechanism, and within the sections, sub-sections are created to analyse the steps of the mechanisms according to the conceptual model. Furthermore, text boxes are created based on the documents to facilitate the comprehension of the procedure and timeline of the mechanisms as well as the content of the documents.

3.4 Reliability and validity

Reliability is the concept of guaranteeing the consistency of results using the same research methods. The research is based on the consultation of reliable sources. Hence, the nature of the sources ensures the authenticity of information and data. The primary sources used in this research are collected through the official website and archives of the Commission and to a small extent of the European Parliament. The two institutions are the executive and legislative body of the EU. Therefore, the authenticity as well as the neutrality of the information are guaranteed. Furthermore, it facilitates other researchers in finding the same documents to conduct their research. Moreover, the mechanisms in research are primarily employed by the Commission. Hence, starting the data collection and research from the Commission is reasonable. Some academic articles and newspaper articles are also used to support the findings of the primary sources as well as contributing to the practice of triangulation. For example, if Poland has undergone a legislative change, multiple articles will be consulted to understand the essence of the change as well as to make sure no bias is duplicated into this research. In addition, Appendix 1 compiles all the sources used in the analysis and the text boxes. Tables and text boxes are created throughout the research to facilitate the presentation of information. Tables and text boxes with extensive collection of sources will have appendices to list all the sources used so that the content and details can be easily located and accessed. This contributes to the transparency and credibility of the content. However, due to the limited operationalisation of the concept, researchers may have a different interpretation of the data

and it may lead to a different conclusion. As a result, this presents a weakness of replicability. Lastly, this paper relies only on document analysis to conduct the research. Therefore, the consistency in applying the method is guaranteed. For each mechanism, every document found in the archive and related to Poland will be read to clarify the importance and content of the documents. This rigorous approach ensures that each investigation of the mechanisms is treated the same and increases the reliability of document analysis.

Validity refers if the findings represent truly the investigated concept (Robson & McCartan, 2016). To guarantee the trustworthiness of the research, a triangulation of documents will be utilised. Information collected through primary sources will be compared against secondary sources such as newspapers and scientific articles to verify or disprove the internal validity of the data. In other words, a triangulation of data sources is conducted. As aforementioned, this triangulation decreases reporting bias and verifies the neutrality of the content and data. In addition, triangulation aids in data accuracy as well as accurate investigation of the mechanisms. Concerning the analytical methods utilised in the document analysis, a systemic approach is respected. First, the Commission's website and archive is looked at according to the mechanism and the country Poland. Afterwards, the publications are ordered chronologically from the oldest to the most recent documents. For the mechanism, the European Semester, a more tedious approach has been taken to retrieve the documents. The advanced search filter has been used to selectively present relevant documents for the European Semester. Furthermore, for this archive, the period of search has to be manually indicated for each year. Next, each document will be looked at to determine the relevancy and importance to the research through the conceptualisation indicators. First, the abstract, executive summary and introduction will be analysed first according to the indicators to certify the relevancy of data to the investigation of the intended subject. The relevant documents are kept for further reading of the content as well as conclusions. Important content will be marked and summarised into tables for easier understanding of long procedures. The sources will be kept separately in an appendix for easier access and control. Furthermore, besides using the primary sources, secondary sources are consulted to either support or oppose the findings to minimise bias as well as rise accuracy at the same time. Finally, the conclusions of the research will be derived from the content to answer the sub-questions, and ultimately the research questions.

Chapter 4: Results

4.1 The Republic of Poland

Poland joined the EU as part of the Eastern enlargement on 1 May 2004 and became one of the biggest and most populated nations in the EU with a population exceeding 38 million. Upon the accession, Poland faced challenges such as a low GDP per capita and “with 19.1% of the population out of work, it also recorded the highest unemployment rate among the 2004 ECE-8 accession group” (Schweiger, 2021, p. 124). The country takes part in several EU programmes and policies designed to promote political, social, and economic integration among the EU member states, and has undergone a significant transformation from a socially and economically weak nation to an economic pioneer in the Central-Eastern Europe region. Within ten years after the EU enlargement, Poland has seen an increase in the export of services by 160 per cent and the value of foreign investment has risen to 46 per cent (Morkūnaitė-Mikulėnienė et al., 2014). Moreover, the country’s GDP per capita rose from \$6,000 in 1990 to more than \$27,000 in 2018 (Przybylski, 2018). Overall, Poland opted out of adopting the euro currency to maintain the sovereignty of economic decision-making. Furthermore, cooperation with the German export production chain and careful utilisation of EU funds to address domestic vulnerabilities enabled Poland to avoid severe recessions during the global financial crisis (Schweiger, 2021). Up to 2015, Poland was deemed to portray traits of a consolidated democracy and an exemplary model for other countries embarking on the path of putting the authoritarian regime behind (Przybylski, 2018).

The right-wing populist and Eurosceptic *PiS* party achieved an exceptional victory in both the 2015 parliamentary election and the 2015 presidential election, replacing the centre-right pro-European Civic Platform. From the beginning on, *PiS* has solidified its dominant position in Polish politics under the influence of Jarosław Kaczyński. He has been the leader of *PiS* since 2003 and was the former Polish prime minister from 2006 to 2007. Kaczyński continues to be an influential figure within the party and currently holds the position of deputy prime minister under Mateusz Morawiecki, the current prime minister since 2017 (Schweiger, 2021). As a result of *PiS* politics, Poland has been recorded to experience the steepest fall in democracy over the past decade due to anti-democratic reforms such as the loss of judicial independence, loss of media freedom, and the non-compliance of democratic values and principles (Csaky et al., 2021). Poland has displayed multiple signs of rule of law backsliding which Pech and

Kochenov (2019) define as “the systematic disabling of checks and balances in constitutional orders by a new generation of elected but autocratic leaders” (p. 1).

Kaczyński is *de facto* the decision-maker behind the curtains, and due to his control over *PiS* members within the parliament and government, the adoption of laws is facilitated by avoiding parliamentary debates and consultations. Hence, systemic changes have been introduced without obstruction. This method violates the established procedure and subsequently the rule of law (Przybylski, 2018). The evidence can be first seen by the adoption of procedural amendments of the Constitutional Tribunal in 2015 and 2016, leading to the limitation of the effective functioning of the Tribunal Court by raising the majority necessary to pass judgement, for instance. In addition, in 2017, the government adopted two new laws that weakened human rights. The first law has reduced the freedom of assembly by allowing the government to determine which organisations can gather publicly and allowing the government to use police forces to suppress illegal public gatherings (Przybylski, 2018). As a result, the government indirectly supports certain groups and movements. The second law has created a new office named National Freedom Institute which functions under the prime minister and is responsible for the centralised distribution of subsidies including the EU funds to non-governmental organisations. In other words, the government intends to suppress opposing organisations and movements through financial abuse and police suppression (Przybylski, 2018). In 2017 and 2018, new judicial procedural changes have been enforced to politicise the appointment of Supreme Court judges. The members of the National Council of the Judiciary will be appointed by the government instead of by the vote of the parliament members. The National Council of the Judiciary in turn appoints Supreme Court judges and holds them accountable. This change ultimately has rendered the institutional checks and balances close to void as the government through the appointed members has free reign to dismiss judges opposed to their ideology and appoint judges of their party and ranks (Przybylski, 2018).

Furthermore, the government has introduced the model of “corporate governance” within the government under the pretence of “decommunization” (Zgut, 2022, p. 298). It led to a high rate of lay-offs within the public sector and state-owned companies. The unoccupied positions were filled with *PiS* loyalists who in the majority do not possess the required academic and professional backgrounds, leading to a politicisation of the public sector and the breakdown of meritocracy, weakening the Polish economy. According to Zgut (2022), investigative reporters

found evidence of the Polish government distributing ten times more EU funds to local municipalities with *PiS* mayors during the Covid-19 pandemic crisis (Katka, 2021).

Kaczyński has also called for a “re-polonisation” of the media by incentivising state-owned media platforms to buy private media outlets held by foreign companies (Zgut, 2022, p. 302; (Przybylski, 2018). Moreover, the dominant party has favoured allies in important positions to monitor and control the media narrative. For example, Daniel Obajtek is the CEO of PKN Orlen which is a state-owned multinational oil refinery company and is a *PiS* sympathiser. He holds a concentration of media channels in his hands as he owns “20 out of Poland’s 24 regional newspapers, more than 120 local magazines, 500 online portals with an outreach of 17 million users” (Zgut, 2022, p. 302). This is a worrisome development as the constitutional rights of freedom of speech and the freedom of the press are at risk of being violated due to indirect political influence. The concern has shown to be legitimate as the World Press Freedom Index gave Poland the 18th position in 2015 and has dropped Poland to the 57th position in 2023 (Reporters Without Borders, 2015; Reporters Without Borders, 2023). As a result, the voice of the civil society has been silenced and grievances have been kept from the public to maintain the support for the political party.

These concerns have heightened tensions between Poland and the EU institutions as Poland is increasingly violating the EU’s core values and principles that Poland has sworn to respect and protect upon its accession to the EU. The rule of law has been diminished in numerous forms – judicial independence and exercise, social justice, and financial transparency. Henceforth, Poland’s position within the EU has been scrutinised and questioned due to challenges raised concerning the rule of law, democratic governance, and the relationship with the EU. Other EU member states have called for the Commission’s oversight of Poland due to Poland being the biggest beneficiary of EU cohesion funds within the EU. For the period 2021 to 2027, Poland will receive €76 billion in funding meant for healthcare, infrastructure, the environment, and the economy among others (Republic of Poland, 2023). However, with the rising democratic decline, questions were asked if the funding is adequately used and distributed to planned projects and programmes. In reality, the *PiS* government makes use of the funds to sustain the support within the party members and private loyalists, for example in the aforementioned case of the pandemic emergency fund. Article 30 of the Financial Regulation of the European Union (966/2012) states that “funds shall be used in accordance with the principle of sound financial management, namely in accordance with the principles of economy, efficiency and

effectiveness” and Article 59(2) declares that “when executing tasks relating to the implementation of the budget, Member States shall take all the necessary measures, including legislative, regulatory and administrative measures, to protect the Union’s financial interests...” (Halmai, 2018, p. 15). Therefore, it is crucial for the Commission to supervise and monitor Poland through the rule of law framework, economic and financial mechanisms and provide corrective measures if needed to ensure the correct use of the EU funds. The oversight by the Commission is critical in correcting the rule of law deficit and safeguarding the proper distribution and implementation of the EU funds, promoting transparency and effectiveness. Furthermore, it is important to protect the financial as well as political interests and union of the EU on the international stage.

In this chapter, to answer the research questions "*How does the European Commission exercise its watchdog role in monitoring member states' financial and economic policies and upholding the rule of law within the European Union? How is this role of the European Commission shaped in the information, debate and assessment, and enforcement stages?*", each mechanism of the Commission will be analysed with the three stages of accountability. This chapter will start with the analysis of the mechanism Rule of Law Framework as the concept of the rule of law is the fundament of good governance and democracy. The rule of law is needed to guarantee accountability and justice. Yet, Poland is experiencing shortcomings. Subsequently, the remaining mechanisms – the SGP and the European Semesters – will be researched to ensure proper economic and financial management of the country. At the end of this chapter, an overview of the empirical results will be presented, facilitating the comparison of the mechanisms through each stage.

4.2 Rule of Law Framework

The Commission has established the Rule of Law Mechanism as a preventive tool to promote and stabilise the rule of law in the EU. This mechanism includes a series of annual assessments of the rule of law situation in each member state starting in 2019. Member states are recommended to submit an overall review of the rule of law situation consisting of the legal and institutional framework as well as new developments. The template consists of four pillars: "(1) the justice system; (2) the anti-corruption framework; (3) media pluralism; and (4) other institutional issues related to checks and balances" (European Commission, n.d.-g). The Commission compiles the country chapters, and the report allows "inter-institutional"

cooperation between EU institutions to happen to discuss potential threats and challenges within member states (European Commission, 2020b). Furthermore, a national dialogue will occur among national parliaments and authorities to provide a forum to exchange good practices (European Commission, 2020b).

In case of severe violations or perceived threats to the rule of law, the Rule of Law Framework is the corrective procedure that the Commission undertakes. The pre-emptive pre-Article 7 procedure is used. It involves assessment, recommendation, and monitoring of the member state (European Commission, n.d.-f). The assessment involves a “rule of law opinion” if the Commission determines there are signs of rule of law violations (Kochenov & Pech, 2016, p. 5). If the offending government does not respond to the Commission and no remedies have been taken, then the Commission sends “rule of law recommendations”, indicating the violations and what can be done to rectify them with a set deadline (Kochenov & Pech, 2016, p. 5). The last step is to monitor the member state if the government is heading the recommendations. If no agreement and solutions are found, Article 7 of TEU will be activated. Article 7 is a three-step procedure. Article 7(1) state that the Commission or the European Parliament, or one-third of the member states can submit a reasoned proposal of “clear risk of a serious breach” of EU values for the European Parliament to vote on (Consolidated version of the Treaty on European Union, 2012). The Council can determine the decision with the approval of the European Parliament. If the proposal is approved, the Council can draft recommendations for the offending member state to act on. Article 7(2) declares that if there is a “serious and consistent breach”, the Commission or one-third of the member states can submit a proposal to the European Council. The European Council can declare the status by unanimity which leads to the last stage (Consolidated version of the Treaty on European Union, 2012). Article 7(3) states that the Council votes by qualified majority to suspend rights such as voting rights of the offending member states until all violations have been nullified (Consolidated version of the Treaty on European Union, 2012).

The Commission oftentimes supports the Rule of Law Framework with the launch of infringement procedures. First, the Commission sends a Letter of Formal Notice, and the addressee has two months to reply. Second, the Commission sends a Reasoned Opinion explaining the breaches of EU law and the addressed member state has again two months to respond with an action plan. Third, if the member state does not comply, the Commission can refer the case to the ECJ. If the verdict agrees with the Commission, the member state is forced

to comply with the judgement (European Commission, n.d.-d). The verdict can include sanctions such as financial penalties (Consolidated version of the Treaty on European Union, 2012).

4.2.1 The information stage

This section will focus on the sub-question “*How is the information stage shaped in the Rule of Law Framework?*”. As of the current date, there are only three published annual reports from 2020 to 2022 concerning the Rule of Law Mechanism. The consensus of the three country chapters of Poland is that “serious concerns persist related to the independence of the Polish judiciary” and that infringement procedures have been introduced to address the failure to rectify the situation by the Polish government (European Commission, 2022c, p. 1; European Commission, 2020a; European Commission, 2021). The Rule of Law Mechanism is in line with the first step of the accountability process by engaging in information exchange.

However, since 2016, the Commission has engaged in a political dialogue with the Polish government to address concerns over the independence of the judiciary and the rule of law. This dialogue has included a series of meetings between EU and Polish officials, as well as public statements and reports from the Commission on the state of the rule of law in Poland, which highlighted concerns about the independence of the judiciary, media freedom, and the protection of fundamental rights (European Commission, 2017b). This dialogue stage is recognised as the pre-Article 7 procedure (Gambatesa, 2019). The authorities have been engaged in a formal exchange of letters between February and July 2016. The issue in question started when the outgoing members of the Polish Parliament *Sejm* appointed five new constitutional judges. However, they have not been sworn in as part of the process involved an oath of office in front of the Polish president (Wiącek, 2021). The political Party Law & Peace *PiS* won by landslide in both the parliamentary and presidential elections in 2015. Following this, the new *Sejm* decided to appoint another five constitutional judges to fill up the same vacancies and swear them in office. The Constitutional Tribunal responded that three judges of the first appointment are within the Constitution as their term of office started before the parliamentary elections and the President is obliged to hold the swearing-in ceremony for them. At the same, two judges of the second appointment are entitled to the positions as their term of office started after the elections and under the term of office of the new *Sejm* (Wiącek, 2021). The new *PiS* President Andrzej Duda refused to accept the outcome and did not swear in the three judges of the previous appointment. In response, the *Sejm* amended and adopted a series

of legislation to facilitate advancing their political agenda. The following Table 3 summarises the changes in their essence.

Table 3. The three major legislative amendments in Poland.

| Timeline | Change | Context |
|-----------------|---|--|
| 2015 | | |
| 19-Nov | Amendment on the Law on the Constitutional Tribunal | <ul style="list-style-type: none"> • Possibility of annulment of judicial nomination made by the previous government • Reduction of term of office of the President and Vice-President of the Tribunal from 9 to 3 years |
| 22-Dec | New rules on the functioning of the Constitutional Tribunal | <ul style="list-style-type: none"> • Undermining the effectiveness of Constitutional review on legislation, i.a. by increasing the number of judges hearing the case and raising the majority needed to pass judgement |
| 30-Dec | Small Media Law | <ul style="list-style-type: none"> • Possibility of immediate dismissal of incumbent Supervisory and Management Boards of Polish public television broadcaster and public radio broadcaster • Appointment of the Boards by the Treasury Minister |

Source: based on Gambatesa (2019)¹

The European Parliament voted for a Resolution on 13 April 2016, in which the European Parliament strongly urges the Polish authorities to respect and execute the judgements of the Polish Constitutional Tribunal (European Parliament, 2016). After an unsuccessful dialogue with the Polish authorities, the Commission submitted a Rule of Law Opinion to the Polish government on 1 June 2016 which transitioned into the Rule of Law Framework (Andreeva & McPhie, 2016).

¹ Gambatesa , P. (2019, January 26). *TIMELINE OF EU-POLAND RELATIONS DEALING WITH THE RULE OF LAW*. European Area of Freedom Security & Justice; European Area of Freedom Security & Justice. <https://free-group.eu/2019/01/26/%EF%BB%BFtimeline-of-eu-poland-relations-dealing-with-the-rule-of-law/>

4.2.2 The debate and assessment stage

The following section will explore the sub-question “*How is the debate and assessment stage applied in the Rule of Law Framework?*”.

In case of perceived threats, the Commission can declare the existence of a systemic threat and trigger the Rule of Law Framework to assess the situation and provide recommendations that the government is supposed to follow and implement to address the systemic threat to the rule of law (European Commission, n.d.-f). In the case of Poland, the framework was not activated through the Rule of Law Mechanism as it was introduced later. After the unsuccessful dialogue in 2016, the Commission initiated the framework to convince the Polish authorities to head the recommendations or the Commission was willing to take more drastic measures. Table 4 summarises the Polish case of the Rule of Law Framework chronologically. In July 2017 between the second and third Recommendation, the *Sejm* adopted four judicial reform laws undermining formally the independence of the judiciary. In response, the Commission published the third Recommendation on 26 July 2017 with a warning that if the Polish government implemented any measures that would dismiss or force retirement on the Polish Supreme Court judges or an immediate activation of Article 7 of TEU will occur which includes the suspension of certain rights such as voting rights in the Council (European Commission, 2017a). In every case, the Polish authorities disagreed with the points raised by the Commission and dismissed the concerns. It accumulated to the fourth and final Recommendation alongside the Proposal to the Council on 20 December 2017 declaring the existence of a "clear risk of a serious breach by the Republic of Poland of the rule of law" (European Commission, 2017c). This is the final step of the Rule of Law Framework. However, the procedure has not yet reached the stage of Article 7(3) as it needs the unanimity of the European Council to suspend the voting rights (Niklewicz, 2017). In order to support the Article 7 and persuade the Polish government in changing the attitude, infringement procedures are activated at the same time. Once more, the Rule of Law Framework consists of the debate and assessment stage. Poland as the actor was informed through the submission of the recommendations and was expected to engage in constructive communication with the Commission. However, since the Polish government was dismissive of the concerns and refused the requests for clarification and dialogues, the Commission passed down the judgement to activate Article 7 of TEU.

Table 4. Timeline of the Rule of Law Framework against Poland.

| Rule of Law Framework Timeline | Content |
|--|---|
| European Parliament resolution of 13 April 2016 on the situation in Poland (2015/3031 (RSP)) | <ul style="list-style-type: none"> • Formalisation of rule of law concerns • Recommendation of dialogue and cooperation between the Polish authorities and the European Commission |
| Rule of Law Opinion of 1 June 2016 by the European Commission to the Polish government | <ul style="list-style-type: none"> • Formalisation of rule of law concerns |
| Commission Recommendation of 27 July 2016 regarding the rule of law in Poland, (EU) 2016/1374 | <ul style="list-style-type: none"> • Establishment of a systemic threat, e.g. non-publication of judgements of the Constitutional Tribunal • Deadline of addressal within 3 months |
| Commission Recommendation of 21 December 2016 regarding the rule of law in Poland complementary to Commission Recommendation (EU) 2016/1374 | <ul style="list-style-type: none"> • Continuous status of systemic threat • Reiteration of existing concerns • Deadline of addressal within 2 months |
| Commission Recommendation of 26 July 2017 regarding the rule of law in Poland complementary to Recommendations (EU) 2016/1374 and (EU) 2017/146 | <ul style="list-style-type: none"> • Status elevation of systemic threat to a matter of urgency • Reiteration of existing concerns • Polish authorities urged to not dismiss or force retirement of Supreme Court judges • Deadline of addressal within 1 month |
| Commission Recommendation of 20 December 2017 regarding the rule of law in Poland complementary to Commission Recommendations (EU) 2016/1374, (EU) 2017/146 and (EU) 2017/1520 | <ul style="list-style-type: none"> • Status of systemic threat as a matter of urgency • Reiteration of existing concerns • Reconsideration of Reasoned Proposal if the Polish authorities implement recommendations • Deadline of addressal within 3 months |
| Proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law, 20 December 2017 | <ul style="list-style-type: none"> • Determination of a clear risk of a serious breach by the Republic of Poland of the rule of law • Deadline of addressal within 3 months |

Source: European Commission: Infringement decisions²

The Commission has launched several infringement procedures against Poland over issues related to the rule of law such as the independence of the judiciary, the protection of fundamental rights, and the functioning of the Constitutional Tribunal. From 2014 to 2020, there has been four rule of law infringement procedures against Poland with two closed cases and two still ongoing as summarised in Table 5. The infringement procedure consists of sending a Letter of Formal Notice to Poland. In turn, Polish authorities have one to two months to provide the requested information and justification to the Commission. Afterwards, the

² See Appendix 2

Commission concluded that Poland fails to comply with the EU values of the rule of law as well as fundamental rights in every instance, the Commission will send a Reasoned Opinion, explaining the Commission's decision as well as providing recommendations and solutions, and requesting Poland to report about the measures to be taken (European Commission, n.d.-d). However, as seen in Table 5, in every procedure, Poland dismissed the Commission's heeding. As a result, the Commission proceeded to take the last step which is referral to the ECJ. The infringement procedure includes the second stage of the accountability process. The Formal Notice requires Poland to provide details to the Commission. Furthermore, after having obtained a response from the Polish government, the Commission debates and passes judgement on the situation resulting in the Reasoned Opinion which is the second step of the process. As the concerns were not resolved through deliberation and the Commission has no formal sanctioning power, the Commission took the last available option which is to refer the case to the ECJ that has formal sanctioning power.

Table 5. List of the infringement procedures against Poland.

| Infringement procedures | | | | | |
|-------------------------|---|---|--|---|---------------|
| Number | Title | Content | Date | Decision | Active status |
| INFR(2017)2119 | VIOLATION OF EU LAW BY THE LAW AMENDING THE LAW ON ORDINARY COURTS ORGANISATION. | <ul style="list-style-type: none"> • Gender discrimination in retirement provisions • Infringement on judiciary independency by Minister of Justice | 28-07-2017 12-09-2017 20-12-2017 | Formal notice Art. 258 TFEU Reasoned opinion Art. 258 TFEU Referral to Court Art. 258 TFEU | Yes |
| INFR(2017)2121 | Violation of Article 19(1) second subparagraph TEU read in connection with Article 47 of the CFEU by the new law on the Supreme Court | <ul style="list-style-type: none"> • Forced retirement in retirement provisions • Infringement on judiciary independency, e.g. the irremovability of judges | 02-07-2018 14-08-2018 24-09-2018 02-12-2021 | Formal notice Art. 258 TFEU Reasoned opinion Art. 258 TFEU Referral to Court Art. 258 TFEU Closing of the case | No |
| INFR(2019)2076 | VIOLATION OF EU LAW BY THE NEW DISCIPLINARY REGIME FOR JUDGES IN POLAND | <ul style="list-style-type: none"> • Infringement on judiciary independency • Limited protection against political control | 03-04-2019 17-07-2019 10-10-2019 07-09-2021 | Formal notice Art. 258 TFEU Reasoned opinion Art. 258 TFEU Referral to Court Art. 258 TFEU Formal notice Art. 260 TFEU | Yes |
| INFR(2020)2182 | VIOLATION OF EU LAW BY THE LEGISLATIVE CHANGES AFFECTING THE JUDICIARY. | <ul style="list-style-type: none"> • Infringement on judiciary independency • Incompatibility with the primacy of EU law | 29-04-2020 30-10-2020 03-12-2020 27-01-2021 31-03-2021 | Formal notice Art. 258 TFEU Reasoned opinion Art. 258 TFEU Add. formal notice Art. 258 TFEU Add. reasoned opinion Art. 258 TFEU Referral to Court Art. 258 TFEU | Yes |

Source: European Commission: *Infringement decisions*³

³ European Commission. (n.d.-a). *Application of EU law*. Ec.europa.eu. Retrieved May 23, 2023, from https://commission.europa.eu/law/application-eu-law_en
In order to find the database, continue to “Search infringement decisions” and put the infringement numbers listed in the table to find all the documents.

4.2.3 The enforcement stage

Finally, this section will look at the question *“How is the enforcement stage implemented in the Rule of Law Framework?”*.

The Commission has taken legal action against Poland in the ECJ over issues related to the rule of law, such as the independence of the judiciary and the functioning of the Constitutional Tribunal. The ECJ represents the third step of the accountability process as the ECJ is the only EU institution that has the right to pass sanctions concerning matters of the EU law. The Commission referred all cases to the ECJ under the proceeding of “actions for failure to fulfil obligations” (Court of Justice of the European Union, n.d.). If the ECJ determines that there is indeed a failure of a member state to fulfil the obligations under the EU law, the member state must terminate the actions or legislation of failure without delay. In case of non-compliance, the ECJ can impose financial sanctions of either fixed costs or periodic penalty payments (Court of Justice of the European Union, n.d.). The Polish government has been sued four times regarding the judicial independence and fundamental rights of the judges as seen in Table 6. Yet only one court case concerning the judges of the Polish Supreme Court has been effective and closed. Nevertheless, two ECJ judgements have not been followed and the cases are still active. The Commission determines that stricter measures are needed for Poland to comply with the verdicts. It resulted in the Commission applying for an interim measure in the third court case, supported by Sweden, Denmark, Belgium, Finland, and the Netherlands, as Poland continues to refuse to amend the legislation to conform to EU values and law. The ongoing fourth court case saw for the first time a periodic penalty payment of a million euros a day to pressure the Polish government to implement the ECJ judgements in October 2021. As of May 2023, the fine has been reduced half a million euros per day, and Poland has accumulated a fine of over €500 million (Camut, 2023).

Table 6. List of the court trials against Poland.

| Court cases | | | | |
|----------------|---|---|------------------|---|
| Number | Title | Subject | Date | Verdict |
| INFR(2017)2119 | VIOLATION OF EU LAW BY THE LAW AMENDING THE LAW ON ORDINARY COURTS ORGANISATION. | C-192/18 - Commission v Poland (Independence of ordinary courts) | 05/11/2019 | <ul style="list-style-type: none"> • Failure of a Member State to fulfil obligations • Cost settlement required by Poland |
| INFR(2017)2121 | Violation of Article 19(1) second subparagraph TEU read in connection with Article 47 of the CFEU by the new law on the Supreme Court | C-619/18 - Commission v Poland (Independence of the Supreme Court) | 24/06/2019 | <ul style="list-style-type: none"> • Failure of a Member State to fulfil obligations • Cost settlement required by Poland |
| INFR(2019)2076 | VIOLATION OF EU LAW BY THE NEW DISCIPLINARY REGIME FOR JUDGES IN POLAND | C-791/19 - Commission v Poland (Régime disciplinaire des juges) | 15/07/2021 | <ul style="list-style-type: none"> • Failure of a Member State to fulfil obligations • Cost settlement required by Poland • Grant of interim measures to the European Commission |
| INFR(2020)2182 | VIOLATION OF EU LAW BY THE LEGISLATIVE CHANGES AFFECTING THE JUDICIARY. | C-204/21 - Commission v Poland (Indépendance et vie privée des juges) | Case in progress | Interim order (27/10/2021): <ul style="list-style-type: none"> • Periodic penalty payment of EUR 1,000,000 per day |

Source: *European Court of Justice*⁴

4.3 The Stability and Growth Pact

Under the SGP, the member states are required to follow the following conditions. First, the budget deficit should stay below 3 per cent of the GDP. Second, member states are required to reduce their debt levels if they are above 60 per cent of their GDP. Third, the Commission as the enforcer has the right to provide recommendations, issue warnings and impose sanctions in case of compliance failure. Member states, that fail to meet the requirements for three years consecutively, can be fined up to 0.5 per cent of their GDP for the euro area members, and non-euro members can face the suspension of Cohesion Funds (Darvas & Leandro, 2015b; Morris et al., 2006).

Every member state is required to submit reports about the condition of the economy as well as the fiscal policies of the country. If the Commission evaluates and concludes that there is a risk or a breach of the reference values, the Commission can activate the Excessive Deficit Procedure. The procedure has three steps. First, the Commission submits an opinion to the Council. Second, the Council presents a verdict by qualified majority. At this stage, the offending member state is required to implement policies according to the recommendation of the Council to decrease its deficits. If there is a continuous failure to reduce the deficit level, the Council can order regular updates on the measures taken to put more pressure on the

⁴ See Appendix 3

member state. Finally, the last stage is enforcing sanctions. As aforementioned, fines or suspension of EU funds are the last resort to force and punish the offending member state (Bacho, 2009).

Since there are no active cases in the research period, this section will consider the most recent case to fulfil the analysis and answer the sub-questions.

4.3.1 The information stage

The section starts with the following sub-question “*How is the information stage shaped in the Stability and Growth Pact?*”.

In late 2008, the EU faced multiple bank failures and economic downturns because of the Financial Crisis of 2007-2008 (Welch, 2011). Several member states including Poland entered the “sovereign debt crisis” causing a slow return of “economic growth, investment, employment and the fiscal position” (Szczepanski, 2019, p. 1). In May 2009, the Commission initiated the Excessive Deficit Procedure and released a report due to the perceived threat of violating the conditions of the SGP. The information is based on the data reported by Poland and verified by Eurostat (European Commission, 2009a). It was determined that the Polish general government deficit reached 3.8 per cent of GDP, exceeding the reference value of 3 per cent (European Commission, 2009a). The timeline of the procedure can be found in Table 7. In the following months, the Commission requested a decision by the Council to determine the status of Poland’s deficits. The Council can pass judgement by declaring an exceptional situation due to the global financial crisis or accept the status quo as a breach of the SGP. In the end, the Council determined “the existence of an excessive deficit” and released a report of recommendations addressed to Poland to reduce the deficit by 2010 (Council of the European Union, 2009a; Council of the European Union, 2009b).

4.3.2 The debate and assessment stage

The analysis continues with the following question “*How is the debate and assessment stage applied in the Stability and Growth Pact?*”.

A political dialogue started between the Commission and Poland. It was ordered by the Council that Poland had to inform the Commission about the actions taken and the results (Council of the European Union, 2009a). The Polish authorities including the Ministry of Finance convey

data and policy briefs to the Economic and Financial Committee of the Commission responsible for monitoring and assessing the progress. In 2010, the Commission reported to the Council that the Polish government presented a positive performance by being the only EU member state to experience a positive GDP growth of an estimated 1.7 per cent and implemented the Council's recommendations as given. However, Poland did not manage to decrease the deficits under the quota and needed further observation until 2012 (European Commission, 2010). In 2012, the Commission released another report supporting the previous conclusion (European Commission 2012). Since Poland did not achieve the reference quota by 2012, the Commission appealed to extend the deadline to October 2013 as it was deemed that Poland would reach the deficit target of 3.6 per cent of GDP in 2013 and 3 per cent in 2014 (European Commission, 2013a). In October 2013, the Commission compiled the information and results of Poland in the Effective Action Report to be submitted to the Council. The Commission complimented the responsiveness of the Polish authorities to the recommendations as well as the communication. Despite the general government deficit being above 3 per cent, the Commission believed that with time it will decrease below the reference value in 2014 and recommended another deadline extension to April 2014 (European Commission, 2013b; European Commission, 2013d). However, at the same time, the Commission reprimanded Poland for failing to meet the 2013 fiscal forecasts as the deficit reached 4.6 per cent of the GDP instead of the calculated 3.5 per cent (European Commission, 2013c). The Council agreed to the Commission's findings and declared that Poland did not take effective actions to contain the deficit from increasing, however, no sanctions were mentioned (Council of the European Union, 2013b). In 2014, both the Commission and Poland submitted a detailed report of actions taken and forecasts about GDP growth as well as the trajectory of the deficits. Both reports indicate steady progress toward reaching the reference value by 2015. The reports forecasted that Poland would reach 3.8 per cent in 2014 and 2.8 per cent in 2015 (European Commission, 2014; Republic of Poland, 2014). The reports set up the preparation for the Commission to file a request to close the Excessive Deficit Procedure in May 2015 (European Commission, 2015). Finally, the Council abrogated the status in 2015 since the general government deficit was at 3.2 per cent in 2014 and it was estimated by both the Commission and the Polish government to drop to 2.7 per cent in 2015 (Council of the European Union, 2015). In this case, the actor is Poland, and the accountability forums are both the Commission and Council. The second stage of debate and assessment is divided into two forum bodies. The Council takes the position of passing the decisions, whereas the Commission acts as a middleman monitoring and cooperating with Poland to fulfil the SGP's obligations

and the Council's recommendation. Table 8 lists the available communication reports found in the database.

Table 7. Timeline of the Polish Excessive Deficit Procedure.

| Excessive Deficit Procedure | | |
|------------------------------------|---|---|
| Date | Title | Context |
| 13.05.2009 | Commission report | Adoption of a report under Article 104(3) in view of a deficit of 3.9% of GDP in 2008, i.e. above the reference value |
| 24.06.2009 | Commission recommendation for a Council recommendation to end the excessive deficit situation Commission recommendation for a Council decision on the existence of an excessive deficit Commission opinion on the existence of an excessive deficit | Request to dismiss procedure due to special circumstances, i.e. unfavourable global environment Request to approve the procedure based on the results of the report Confirmation of the existence of excessive deficits in Poland |
| 07.07.2009 | Council decision on the existence of an excessive deficit Council recommendation to end the excessive deficit situation | Declaration of the existence of excessive deficits in Poland Deadline set for corrective measures by 7 January 2010 |
| 29.05.2013 | Commission recommendation for a Council recommendation to end the excessive deficit situation | Request to postpone the deadline to 1 October 2013 |
| 21.06.2013 | Council recommendation to end the excessive deficit situation | Approval of the request |
| 15.11.2013 | Commission recommendation for a Council recommendation to end the excessive deficit situation Commission recommendation for Council decision | Request to postpone the deadline to 15 April 2014 Request to confirm the non-compliance of 2013 fiscal targets by Poland |
| 10.12.2013 | Council recommendation to end the excessive deficit situation Council decision | Approval of the deadline postponement Declaration of the Polish non-compliance of 2013 fiscal targets |
| 18.11.2014 | Report on action taken by Poland in response to the Council recommendation of 10 December 2013 in order to bring an end to the situation of an excessive deficit | Summary and forecasts of deficits by Poland |
| 13.05.2015 | Commission recommendation for a Council decision abrogating the decision on the existence of an excessive deficit | Request to clear the status of excessive deficits and close the procedure |
| 19.06.2015 | Council Decision abrogating Decision 2009/589/EC on the existence of an excessive deficit in Poland | Approval of the closure |

Source: European Commission: *Closed Excessive Deficit Procedures: Poland*⁵

⁵ See Appendix 4

Table 8. List of communicative documents.

| Communication | |
|----------------------|--|
| Date | Title |
| 03.02.2010 | Commission communication to the Council on action taken |
| 11.01.2012 | Commission communication to the Council on action taken |
| 01.10.2013 | Effective action report |
| 02.06.2014 | Communication from the Commission - Assessment of action taken in response to the Council Recommendation of 10 December 2013 with a view to bringing an end to the situation of excessive government deficit |

Source: European Commission: *Closed Excessive Deficit Procedures: Poland*⁶

4.3.3 The enforcement stage

Since Poland was a successful case of Excessive Deficit Procedure, the last question “*How is the enforcement stage implemented in the Stability and Growth Pact?*” is not applicable.

4.4 The European Semester

The European Semester lasts a year, starting from November in year n and ending in October in the following year $n+1$. During the autumn period of November to December, the Commission released four publications, collectively called the autumn package: the annual sustainable growth survey, an alert mechanism report, a proposal for recommendations for the euro area, and a draft joint employment report. The annual sustainable growth survey lays out the economic and social objectives for the upcoming year and the main challenges of the budgetary development of the EU. The alert mechanism report contains reviews of the macroeconomic developments of the member states. In case of a high risk of financial imbalances, the Commission can conduct an in-depth analysis of the member state to help identify the causes and submit policy recommendations. The recommendations for the euro area aim to strengthen the euro integration into domestic economic governance. Finally, the

⁶ See Appendix 5

joint employment report covers the overall employment and social developments across the EU (European Council, 2023a).

In May of one European Semester, the Commission releases country-specific reports analysing the budgetary situation as well as if any progress has been made since the previous year, and non-binding country-specific recommendations. Furthermore, countries at high risk of macroeconomic imbalances will receive an in-depth analysis and recommendations as part of the Excessive Imbalance Procedure. This collective publication is known as the spring package. In the following month June, the Council of the EU discusses the country-specific recommendations and approves or modifies them (European Council, 2023a). In this case, the European Parliament holds a consultative position regarding social policies and has no authority over economic and fiscal policy discourse (Schweiger, 2021).

For the rest of the months left in the European Semester, it is within the member states' authority to implement the recommendation through the drafting of the national budget. Before the end of October, member states must submit the draft version of the budgetary plans to the Commission for control and revision. Member states with severe fiscal imbalances are particularly overseen by the Commission. Finally, the national government of the member states adopts their budget at the end of the year (European Council, 2023a).

The European Semester documents about Poland have been published since 2013 and the previous documents cannot be found. However, only starting from 2015 until 14 November 2022, economic dialogues, studies, and analyses of the European Semester are published in the Think Tank Research section of the European Parliament. Furthermore, the Commission makes a clear distinction between the euro-area member states and non-euro area members with a focus on the eurozone economy. Since Poland is not in the eurozone, the research will focus on the studies and recommendations of non-euro members. Furthermore, according to the Alert Mechanism Report, since 2012, Poland is not considered to be at risk of macroeconomic imbalances. Therefore, there are no in-depth reviews, country-specific recommendations concerning macroeconomic imbalances, or exchange of views with Poland (Ciucci et al., 2016). In addition, all advice to budgetary draft plans and national plans found in the Commission's archive are addressed to euro-area members, excluding Poland and other non-eurozone states (European Commission, n.d.-b).

4.4.1 The information stage

The analysis of the European Semester starts with the question “*How is the information stage shaped in the European Semester?*”.

The economic dialogues with various Ministers of Finance, the President of the Eurogroup, Commissioners, representatives of the European Parliament's Committee on Economic and Monetary Affairs, and the Economic and Financial Affairs Council concerning the European Semester started with only two instances in 2015 up to nine in 2016, eight in 2017, and dropped to three in 2018 and 2019. In 2020, there were four economic dialogues, but no economic dialogue was documented and published in 2021 (European Parliament, n.d.). According to the recent economic dialogue in November 2022, no exchange of views is needed with the Polish authorities (Hagelstam, 2022). It is worth mentioning that the focus of the meetings has been mostly on the economy of the eurozone and the SGP. For instance, in 2017, eight dialogues were held, and five dialogues explicitly mentioned the euro-area member states in their descriptions.

4.4.2 The debate and assessment stage

This section will focus on the following question “*How is the debate and assessment stage applied in the European Semester?*”.

In the framework of the European Semester, national governments are authorised to invite Commissioners to discuss the country-specific recommendations as well as other documents related to the European Semester such as the annual sustainable growth survey. Poland has made use of the opportunity six times. Four hearings with Janusz Lewandowski, former Commissioner of Budget and Financial Programming, were held between 2010 and 2014 when the Civic Platform and Polish People's Party were in the government, and two hearings with Vladis Dombrovskis, former Vice-President of the Commission, were held by PiS (Woźniakowski, 2021). Woźniakowski (2021) focused on the latter and deducted that 18 questions were asked per hearing. Half of the questions were a request of justification whereas the other half was contesting the Commission's conclusions. The author concludes that the Commission is actively supporting engagement with the national governments intending to increase the implementation rate. However, it is also concluded that the influence of national parliaments on the Commission is weak, for example, the *Sejm* contested the recommendation

to increase of statutory retirement age as due to the Communist past and working conditions, people over 60 are experiencing worse health conditions than those in the Netherlands or the United Kingdom. Nevertheless, the Commission did not back down and even strengthen its stance (Woźniakowski, 2021).

Darvas and Leandro (2015b) were tasked with conducting a study about the effectiveness of the European Semester recommendations since its introduction. The result presents a steady decline in the implementation rate between the period of 2011 and 2014. The euro-area member states have stronger policy coordination from the Commission. However, their implementation rate is just slightly higher than the non-euro countries for the 2014 recommendations – 31 per cent versus 23 percent. Furthermore, the authors concluded that the recommendations of the SGP are in general better implemented than those of the European Semester. The implementation rate is 44 per cent for the period of 2012 and 2014. Table 9 presents the implementation for the period of 2012 to 2018. It can be deduced that the country-specific recommendations continue to struggle to be appropriately implemented by the countries. The recommendations have found more success among the euro-area members as 51.3 per cent have shown some progress and only 42.7 per cent showed limited to no progress compared to the 28.6 per cent and 54.5 per cent of the non-euro area members.

Table 9. The implementation rate of the country-specific recommendations (CRS)

Table 3. Comparing implementation of CSR in EA and non-EA Member States

| Year / CSRs | Full/Substantial | | Some | | No/Limited | |
|------------------|------------------|-------------|--------------|--------------|--------------|--------------|
| | EA | Non-EA | EA | Non-EA | EA | Non-EA |
| 2018 | 4,0% | 0,0% | 34,0% | 42,9% | 62,0% | 57,1% |
| 2017 | 1,9% | 0,0% | 56,6% | 30,4% | 41,5% | 69,6% |
| 2016 | 3,3% | 0,0% | 44,3% | 40,0% | 52,5% | 60,0% |
| 2015 | 6,3% | 0,0% | 46,9% | 38,7% | 46,9% | 61,3% |
| 2014 | 6,3% | 6,6% | 55,2% | 27,9% | 38,5% | 65,6% |
| 2013 | 7,6% | 11,3% | 50,6% | 37,1% | 41,8% | 51,6% |
| 2012 | 9,5% | 14,8% | 63,1% | 53,7% | 27,4% | 31,5% |
| 2012-2018 | 6,0% | 6,9% | 51,3% | 38,6% | 42,7% | 54,5% |

Source: EGOV based on Commission.

Reprinted from “Economic Dialogue with the President of the Eurogroup – ECON 18 November 2019”, by J. Angerer, J.J.P. Deslandes, K. Grigaite, C.S. Pacheco Dias, J.S. Vega Bordell & A. Zoppé, 2019, p.11

Only between 2016 and 2019, individual member state's progress has been published. First, Poland showed some progress for one recommendation, but no to limited progress for the remaining three 2015 recommendations (Hradisky, 2016). In the following three years, Poland showed limited to no progress in all three recommendations for the years 2016, 2017, and 2018 (Angerer et al., 2019; Gasparotti et al., 2018; Hradisky, 2017). As a result, Poland has been ranked at the bottom of the implementation rate with only 20 per cent of recommendations implemented (Schweiger, 2021). Furthermore, for the period 2016 to 2018, Poland was deemed to have a low overall short-term risk, but a medium overall medium-term and debt sustainability risk, resulting in medium overall long-term risk (Angerer et al., 2016; Angerer et al., 2017; Angerer et al., 2018). Schweiger (2021) explained the lack of implementation progress through domestic politics. The Polish European Union Affairs Committee (SUE) oversees the implementation of EU legislation. The SUE receives all relevant documents and presents them in public parliamentary hearings and representatives of the Polish Council of Ministers. However, after the ascension of *PiS* in 2015, the speaker of the parliament is a *PiS* partisan, and the government takes advantage by hastening the parliamentary hearings involving members of the SUE or scheduling the hearings at inconvenient times, such as evenings, to avoid a discourse about the EU affairs (Schweiger, 2021). According to Schweiger (2021), between 2014 and 2019, the legislative sessions decreased from 102 to 86. Furthermore, parliamentary hearings, where parliamentary members can scrutinise and question the government, dropped from 3552 to 1806 (Schweiger, 2021). It presents a severe deterioration of domestic parliamentary scrutiny, resulting in weak implementation of EU laws and recommendations as there is no significant stakeholder available to hold the government accountable.

4.3.3 The enforcement stage

Concerning the last question “*How is the enforcement stage implemented in the European Semester?*”, despite the lack of implementation on the Polish part, no further sanctions or consequences have been mentioned or taken.

4.5 Summary

Table 10. Overview of the empirical research.

| Independent variable | Dependent variable | | |
|---------------------------|---|--|--------------------------|
| | First Stage: information | Second stage: (debate &) assessment | Third stage: enforcement |
| Rule of Law Framework | Rule of Law Mechanism: annual assessment of rule of law situation & pre-article 7 procedure | Rule of Law Framework: rule of law recommendations & infringement procedures | Court cases |
| Stability and Growth Pact | Excessive Deficit Procedure: report due to perceived threat of violation | Council recommendations & Commission's reports on actions taken | Not applicable |
| European Semester | Economic dialogues on the part of the European institutions | Assessment reports by the Commission & parliamentary hearings with Commissioners on national level | Not applicable |

Table 10 provides a summary of the main points of the results to answer the specific sub-questions. First, the Rule of Law Framework is the only mechanism meeting all three stages of information, debate and assessment, and enforcement. The information stage is covered by the preventive arm the Rule of Law Mechanism as annual assessment reports of Poland and member states are published to inform relevant stakeholders about the current situation as well as the extensive dialogue as part of the pre-Article 7 procedure. The debate and assessment stage are respected through the activation of the Rule of Law Framework when the Commission is providing recommendations to rectify the concerns and invite the national authorities to contribute to the debate. Furthermore, if the Commission assesses that the Rule of Law Framework needs stronger support, the Commission can launch simultaneously infringement procedures. Finally, the enforcement stage is provided by the Commission and the ECJ. Infringement procedures are launched by the Commission to pressure the Polish government into obliging to the demands, whereas legal action is the last step in enforcing and sanctioning Poland into obeying the conditions laid out by the Commission.

Second, the SGP applies to the first two stages but does not present any empirical evidence for the enforcement stage. The Excessive Deficit Procedure is part of the mechanism and contributes to the information stage by publishing a report to determine the perceived threat of

exceeding the reference values of the EU. The second stage is fulfilled by the Council's assessment of the situation and the Commission's responsibility to convey the Council's recommendations and course of action. The Commission is the institution in contact with the Polish authorities to guide and supervise them to address the economic obstruction to respect the reference values. Moreover, the Commission is the negotiator with the prerogative right to propose to change the status of Poland. Finally, since Poland showed an exemplary performance, no sanctioning or strict enforcement stage had been engaged.

Third, the European Semester applies to the first two stages, but no results are found to apply to the third stage. During the information stage, the European Semester provides the European Parliament the opportunity to hold economic dialogues with relevant representatives of EU institutions to present the different documents and reports. In the second stage, national parliaments are permitted and encouraged to invite Commissioners to a public hearing to address recommendations given by the Commission. Moreover, the Commission provides reports of assessment of the implementation rates, however, there is no mention of enforcement or sanction procedure.

Overall, the Commission focuses on spreading information and good practices by keeping the EU institutions, national governments, and relevant stakeholders up to date. Furthermore, the Commission prefers the dialogue approach by heavily focusing on engaging in communication with the member state in question, for example, Poland has not experienced any strict enforcement or sanctioning actions in the European Semester despite lagging far behind in implementing the country-specific recommendations and has shown limited improvement over the years. In addition, the Commission supports national public parliamentary hearings with Commissioners as they hope the active engagement through questioning and debating can convince the member state to be more approachable to the recommendations and achieve a higher success rate. Nevertheless, the Commission does fall back to a stricter enforcement approach concerning the violation of the rule of law. The Commission pays greater attention to the rule of law since it is a fundamental democratic concept of the EU, a precedent of good governance, and ensures the effective functioning of the member states' economic and social policies. Without a strong rule of law fundament, a member state does not feel the pressure and importance of sanctions ordered by the ECJ, as seen in the case of Poland. Moreover, the European Semester has not achieved its fullest potential as the political party *PiS* is using dishonest manoeuvres to avoid legislative debates about EU affairs and scrutiny of the

government by *Sejm*. Only the Excessive Deficit Procedure of the SGP starting in 2009 showed positive compliance by the Polish authorities. A reason might be dependent on the political parties in government.

Chapter 5: Conclusion and discussions

5.1 Conclusion

This thesis paper aimed to explore the Commission's role as watchdog through different accountability mechanisms employed by the Commission. The mechanisms are analysed through the accountability framework with the three stages of accountability process: (1) information stage; (2) debate and assessment stage; and (3) enforcement stage. The main research question *“How does the European Commission exercise its watchdog role in monitoring member states' financial and economic policies and upholding the rule of law within the European Union? How is this role of the European Commission shaped in the information, debate and assessment, and enforcement stages?”* can be answered through the specific sub-questions adapted to each chosen mechanism: the Rule of Law Framework, the SGP, and the European Semester.

It can be argued from the qualitative research that the three stages are shaped in the monitoring mechanisms of the Commission to various degrees. The Rule of Law Framework is the only mechanism of the chosen three that displays distinctive steps throughout the procedure meeting all three stages of the accountability procedure. Whereas the SGP and the European Semester do not present empirically any enforcement stage but fulfilled the first and second stages.

In this case, the effectiveness of the SGP to hold Poland accountable has been proven to be successful in comparison to the theoretical discussion. Indeed, the case of Poland made use of the postponement of deadlines and the procedure was dragged on for five more years as predicted by authors questioning the reforms to allow flexibility. Nevertheless, the leniency allowed Poland to gradually adapt and implement the recommendations provided by the Council. Ultimately, it led to the success of the procedure without having to fall back on sanctions. The effectiveness of the European Semester and the Rule of Law Framework is a different story. The performance of Poland in the European Semester has worsened over the years, following the overall trend. Nevertheless, the opportunity to increase national ownership of the recommendations has been used. The Polish parliament did hold of dialogues with the Commission to discuss about the recommendations. However, the influence and the input of the parliament have been minimal as the Commission has disregarded concerns and arguments raised by the members of the parliament. Furthermore, economic dialogues held by the

European Parliament are mostly concerned about the eurozone member states and non-euro members have not been in the focus. In addition, the number of economic dialogues held by the European Parliament has been decreasing over the time. Moreover, the *PiS* dominated government has reservations about the EU, and therefore, the government tends to be indifferent about the recommendations. Hence, in the context of the Polish case, the European Semester has not been effective in holding Poland accountable. Finally, there is mixed conclusion about the Rule of Law Framework. Since the beginning, the Commission has been actively engaged with the Polish government to reverse the non-democratic changes. The Commission also has not shied away of using stronger methods to convey the urgency and its stance. Article 7 of TEU has been activated but has not reached to the final stage as it needs unanimity of the European Council and sympathisers of Poland such as Hungary may vote against it. In addition, infringement procedures have been used actively and strongly to put pressure on Poland. For the first time, a member state is fined daily for the rule of law breaches. Despite the strong and swift actions by the Commission, the results have not been satisfactory as Poland still has on-going anti-democratic policies. As a result, it can be argued that from the activities taken by the Commission, the Rule of Law Framework supported by the infringement procedures has been effective in the sense of being launched and holding the Polish government accountable. However, they are ineffective in reversing the rule of law breaches.

The paper has demonstrated that the three mechanisms of the Commission have a strong focus on the information and discourse approach. Hence, the Commission as a watchdog prefers to engage in mutual-respecting dialogue and convinces the member states to engage in a collaborative way to implement their recommendations. However, only in the case of the rule of law, the Commission is willing to activate Article 7 of TEU to rectify the violation of the rule of law. Finally, domestic politics do play a role in the compliance of the implementation, however, this is not the focus of the thesis and is only shortly explained.

5.2 Theoretical reflection

The analytical framework is mainly based on Bovens' work with Brandsma and Schillemans also being influenced by Bovens' contribution to the concept accountability. Mark Bovens is a renowned researcher of public administration with a focus in accountability. Hence, he has contributed much to the recent literature. However, a further expansion of literature review by other authors may contribute to finer details and/or different take of accountability.

The three stages of accountability relationship between the actor and forum by Bovens (2007) and Brandsma and Schillemans (2013) has been proven to be very insightful for the research. However, the authors Brandsma and Schillemans (2012) did not provide distinctive qualitative criteria and indicators for each stage. Therefore, the operationalisation of the concept has to be adapted and may present a subjective classification and interpretation by the author of this thesis. A suggestion would be to map out the criteria and indicators to make the research more comparable in future research. In other words, it would enhance the generalisability of the research. Yet, this would take time and extensive research to justify the decisions which is not applicable in this case.

In addition, some authors such as D'Erman & Verdun (2022) and Mariotto (2022) mentioned the importance of the severity of economic conditions and the prioritisation of domestic politics to explain the compliance of the mechanisms. Nevertheless, in the analytical framework, Schweiger (2021) mentioned that the right-wing Eurosceptic party *PiS* has played a role in explaining the non-compliance. Therefore, a suggestion would be to expand the research into incorporating the importance of political parties in the research to consider the performance of the national authorities, and thus the progress and timeline of the mechanisms.

5.3 Methodological reflection

This section is going to present some methodological limitations encountered throughout the thesis paper. First, the research is based purely on desk research and content analysis. The majority of the documents analysed are provided by the websites and archives of European institutions. However, since the documents are either reports, articles, or declarations, they are one-sided information providers. Furthermore, they do not include the submitted reports and data of the national authorities. As a result, this could result in information bias. A suggestion to combat information bias is to find and collect the submitted data and reports by the Polish authorities as well as look into Polish statistical and legal data. However, this is not a feasible possibility for this research due to multiple reasons. First, the time is limited, and it would be time-consuming. Second, the language barrier will be the most important obstacle in finding and understanding relevant information about Poland.

Second, since the research is purely content analysis, the perspective and focus are limited to information published to the population which can make the analysis one-dimensional and dull. A way to improve the research would be to include several perspectives such as including

interviews from employees of the European institutions or Polish civil servants. This would allow the research to gain a dynamic approach providing more in-depth explanations, justifications, and conclusions. Unfortunately, the time designated for the thesis research could not accommodate alternative methods to collect data.

Nevertheless, despite the time constraint, the paper has explored the accountability mechanisms through the three stages accountability process and has gained insightful conclusions about the preferred working approach of the Commission and when the Commission takes a strong stance against the offending member state.

5.4 Analytical reflection

According to the research, there is high performance of information and debate in all three mechanisms. Nevertheless, only the Rule of Law Framework displays a strong intensity in sanctions and enforcement. Despite the sanctioning actions of the ECJ and the continued dialogue between the Commissioners and the Polish authorities, the compliance of the Polish government continues to be in question. Therefore, the question remains if the mechanisms are indeed effective in holding the member state accountable and how strong compliance is connected to the domestic politics and political party in power. Furthermore, further research can be conducted to explore why the Commission is not employing stricter enforcement methods in the European Semester as multiple member states present insufficient implementation success.

Furthermore, the SGP has undergone many reforms, most recently in 2013. However, there has not been much literature about the current effectiveness and compliance rate of the Excessive Deficit Procedure with the new adoption of Reverse Qualified Majority Voting (Sacher, 2021). However, since Polish Excessive Deficit Procedure started in 2009 before the latest reform, the results do not contribute much to the current version of SGP.

References

- Aden, H. (2021). Financial accountability in the broader framework of accountability studies. In P. Stephenson, M.-L. Sánchez-Barrueco, & H. Aden (Eds.), *FINANCIAL ACCOUNTABILITY IN THE EUROPEAN UNION*(pp. 25–40). Routledge.
- Alcidi, C., & Gros, D. (2017). *How to strengthen the European Semester?* (pp. 1–29). CEPS.
- Andreeva, M., & McPhie, T. (2016, June 1). *Commission adopts Rule of Law Opinion on the situation in Poland*. European Commission .
https://ec.europa.eu/commission/presscorner/detail/en/IP_16_2015
- Angerer, J., Bitterlich, M. T., Ciucci, M., Duville-Margerit, A. A. C., Hagelstam, K., Magnus, M., Mesnard, B., & Zoppé, A. (2017, January 23). *Economic Dialogue and Exchange of Views with the President of the Council (ECOFIN)*.
[Www.europarl.europa.eu](http://www.europarl.europa.eu).
[https://www.europarl.europa.eu/thinktank/en/document/IPOL_BRI\(2017\)587387](https://www.europarl.europa.eu/thinktank/en/document/IPOL_BRI(2017)587387)
- Angerer, J., Ciucci, M., Hradisky, M., Lehofer, W., Magnus, M., Vega Bordell, J. M., & Zoppé, A. (2018, February 19). *Economic Dialogue with the President of the Eurogroup - ECON on 21 February 2018*. [Www.europarl.europa.eu](http://www.europarl.europa.eu).
[https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA\(2018\)614480](https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA(2018)614480)
- Angerer, J., Ciucci, M., & Tiido, J. (2019, March 20). *Country Specific Recommendations for 2017 and 2018 - A tabular comparison and an overview of implementation*.
[Www.europarl.europa.eu](http://www.europarl.europa.eu).
[https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2018\)614522](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2018)614522)
- Angerer, J., Deslandes, J. J. P., Grigaite, K., Pacheco Dias, C. S., Vega Bordell, J. M., & Zoppé, A. (2019, November 14). *Economic Dialogue with the President of the Eurogroup - ECON 18 November 2019*. [Www.europarl.europa.eu](http://www.europarl.europa.eu).
[https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA\(2019\)624441](https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA(2019)624441)
- Angerer, J., Donatelli, L., Duville-Margerit, A. A. C., Hagelstam, K., Hradisky, M., Magnus, M., Mesnard, B., Power, C., Vega Bordell, J. M., & Zoppé, A. (2016, February 12). *Economic Dialogue with the President of the Eurogroup and the*

President of ECOFIN Council - ECON on 18 February 2016.

[Www.europarl.europa.eu](http://www.europarl.europa.eu).

[https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA\(2016\)574393](https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA(2016)574393)

- Bacho, D. (2009). IMPOTENCY OF EU INSTITUTIONS REGARDING THE ENFORCEMENT OF STABILITY AND GROWTH PACT. In *Days of Law: the Conference Proceedings* (pp. 1–7). Masaryk University.
- Börzel, T. A. (2003). *Guarding the Treaty: The Compliance Strategies of the European Commission*. 197–220. <https://doi.org/10.1093/019925740x.003.0009>
- Bovens, M. (2007a). Public Accountability. In *Oxford Handbooks Online*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199226443.003.0009>
- Bovens, M. (2007b). Analysing and Assessing Accountability: A Conceptual Framework. *European Law Journal*, 13(4), 447–468. <https://doi.org/10.1111/j.1468-0386.2007.00378.x>
- Bovens, M. (2010). Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism. *West European Politics*, 33(5), 946–967. <https://doi.org/10.1080/01402382.2010.486119>
- Bovens, M., & Wille, A. (2020). Indexing watchdog accountability powers a framework for assessing the accountability capacity of independent oversight institutions. *Regulation & Governance*, 15(3), 856–876. <https://doi.org/10.1111/reg.12316>
- Brandsma, G. J., & Schillemans, T. (2012). The Accountability Cube: Measuring Accountability. *Journal of Public Administration Research and Theory*, 23(4), 953–975. <https://doi.org/10.1093/jopart/mus034>
- Camut, N. (2023, April 21). *EU court slashes daily fine against Poland to €500K in rule-of-law dispute*. POLITICO. <https://www.politico.eu/article/court-justice-eu-reduce-fine-against-poland-e500k-rule-law-dispute/>
- Ciucci, M., Hradisky, M., Vega Bórdele, J. M., & Zoppé, A. (2016, August 4). *Economic Dialogue with Vice-President Dombrovskis and Commissioner Moscovici on the Implementation of the Macro-Economic Imbalance Procedure - ECON on 11 April*

2016. [Www.europarl.europa.eu](http://www.europarl.europa.eu).

[https://www.europarl.europa.eu/thinktank/en/document/IPOL_BRI\(2016\)574405](https://www.europarl.europa.eu/thinktank/en/document/IPOL_BRI(2016)574405)

Closa, C. (2018). The politics of guarding the Treaties: Commission scrutiny of rule of law compliance. *Journal of European Public Policy*, 26(5), 696–716.

<https://doi.org/10.1080/13501763.2018.1477822>

Consolidated version of the Treaty on European Union - TITLE I COMMON PROVISIONS - Article 7 (ex Article 7 TEU), (2012). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M007>

Council of the European Union. (2009a). *COUNCIL RECOMMENDATION to Poland with a view to bringing an end to the situation of an excessive government deficit* (pp. 1–9).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-07_council/2009-07-07_pl_104-7_council_en.pdf

Council of the European Union. (2009b). *COUNCIL DECISION of 7 July 2009 on the existence of an excessive deficit in Poland* (pp. 1–2).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-06_council/2009-07-07_pl_104-6_council_en.pdf

Council of the European Union. (2013a). *COUNCIL RECOMMENDATION of with a view to bringing an end to the situation of an excessive government deficit in Poland* (pp. 1–11).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_council/2013-06-21_pl_126-7_council_en.pdf

Council of the European Union. (2013b, December 10). *COUNCIL RECOMMENDATION with a view to bringing an end to the situation of an excessive government deficit in Poland*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_council/2013-12-10_pl_126-7_council_en.pdf

Council of the European Union. (2013c). *COUNCIL DECISION of 10 December 2013 establishing that no effective action has been taken by Poland in response to the Council Recommendation of 21 June 2013* (pp. 1–2).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-8_council/2013-12-10_pl_126-8_council_en.pdf

Council of the European Union. (2015). Council Decision (EU) 2015/1026 of 19 June 2015 abrogating Decision 2009/589/EC on the existence of an excessive deficit in Poland. In *EUR-Lex*. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.163.01.0037.01.ENG

Court of Justice of the European Union. (n.d.). *Presentation - Court of Justice of the European Union*. CURIA. Retrieved May 11, 2023, from https://curia.europa.eu/jcms/jcms/Jo2_7024/en/#:~:text=The%20national%20court%20to%20which

Csaky, Z., Smeltzer, M., & Buyon, N. (2021). Nations in Transit 2021: The Antidemocratic Turn. In *Freedom House* (pp. 1–27).

https://freedomhouse.org/sites/default/files/2021-04/NIT_2021_final_042321.pdf

D’Erman, V., & Verdun, A. (2022). An introduction: “Macroeconomic Policy Coordination and Domestic Politics: Policy Coordination in the EU from the European Semester to the Covid-19 Crisis”*. *JCMS: Journal of Common Market Studies*, 60(1), 3–20.

<https://doi.org/10.1111/jcms.13276>

Darvas, Z., & Leandro, A. (2015a). The limitations of policy coordination in the euro area under the European Semester. In *econstor-eu* (pp. 1–30).

<http://hdl.handle.net/10419/126693>

Darvas, Z., & Leandro, Á. (2015b, November 5). *Economic Policy Coordination in the Euro Area under the European Semester*. www.europarl.europa.eu.

[https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2015\)542680](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2015)542680)

De Matos, G. M. (2023). What is the role of the infringement procedure in tackling rule of law backsliding in the EU? *UNIO - EU Law Journal*, 8(2), 17–31.

Efstathiou, K., & Wolff, G. B. (2018). Is the European Semester effective and useful?

In *econstor.eu* (pp. 1–16). Bruegels. <http://hdl.handle.net/10419/208014>

European Commission. (n.d.-a). *Application of EU law*. ec.europa.eu. Retrieved May 23, 2023, from https://commission.europa.eu/law/application-eu-law_en

- European Commission. (n.d.-b). *Archive - European Semester documents for Poland*. Commission.europa.eu. Retrieved May 29, 2023, from https://commission.europa.eu/content/archive-european-semester-documents-poland_en#european-semester-2013
- European Commission. (n.d.-c). *In law*. Commission.europa.eu. Retrieved June 8, 2023, from https://commission.europa.eu/about-european-commission/what-european-commission-does/law_en#:~:text=The%20Commission%20is%20responsible%20for
- European Commission. (n.d.-d). *Infringement procedure*. Commission.europa.eu. Retrieved April 23, 2023, from https://commission.europa.eu/law/law-making-process/applying-eu-law/infringement-procedure_en
- European Commission. (n.d.-e). *Poland - Closed procedures*. Economy-Finance.ec.europa.eu. Retrieved May 14, 2023, from https://economy-finance.ec.europa.eu/economic-and-fiscal-governance/stability-and-growth-pact/corrective-arm-excessive-deficit-procedure/closed-excessive-deficit-procedures/poland_en
- European Commission. (n.d.-f). *Rule of law framework*. Commission.europa.eu. Retrieved April 18, 2023, from https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-framework_en
- European Commission. (n.d.-g). *Rule of law mechanism*. Commission.europa.eu. Retrieved April 18, 2023, from https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism_en#general
- European Commission. (2009a). *REPORT FROM THE COMMISSION Poland Report prepared in accordance with Article 104(3) of the Treaty* (pp. 1–10). https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-03/2009-05-13_pl_104-3_en.pdf
- European Commission. (2009b). *COMMISSION OPINION on the existence of an excessive deficit in Poland Application of Article 104(5) of the Treaty establishing the*

European Community (pp. 1–5).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-05/2009-06-24_pl_104-5_en.pdf

European Commission. (2009c). *Recommendation for a COUNCIL DECISION on the existence of an excessive deficit in Poland* (pp. 1–9).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-06_commission/2009-06-24_pl_104-6_commission_en.pdf

European Commission. (2010, February 3). *COMMUNICATION FROM THE COMMISSION TO THE COUNCIL*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/communication_to_the_council/2010-02-03_pl_communication_on_action_taken_en.pdf

European Commission. (2012, January 11). *Assessment of budgetary implementation in the context of the ongoing Excessive Deficit Procedures after the Commission Services' 2011 Autumn Forecast*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/communication_to_the_council/2012-01-11_be_cy_hu_mt_pl_communication_en.pdf

European Commission. (2013a, May 29). *Recommendation for a COUNCIL RECOMMENDATION with a view to bringing an end to the situation of an excessive government deficit in Poland*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_commission/2013-05-29_pl_126-7_commission_en.pdf

European Commission. (2013b). *INFORMATION ON MEASURES TAKEN BY POLAND TO IMPLEMENT THE RECOMMENDATION OF THE COUNCIL ON ARTICLE 126.7 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION OF 21 JUNE 2013* (pp. 1–20).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/other_documents/2013-10-01_pl_-_ear_en.pdf

European Commission. (2013c, November 15). *Recommendation for a COUNCIL DECISION establishing that no effective action has been taken by Poland in response*

to the Council Recommendation of 21 June 2013.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-8_council/2013-11-15_pl_126-8_council_en.pdf

European Commission. (2013d, November 15). *Recommendation for a COUNCIL RECOMMENDATION with a view to bringing an end to the situation of an excessive government deficit in Poland.*

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_commission/2013-11-15_pl_126-7_commission_en.pdf

European Commission. (2014, June 2). *COMMUNICATION FROM THE COMMISSION Assessment of action taken by POLAND in response to the Council Recommendation of 10 December 2013.*

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/other_documents/2014-06-02_pl_communication_from_the_commission_en.pdf

European Commission. (2015, May 13). *Recommendation for a COUNCIL DECISION abrogating Decision 2009/589/EC on the existence of an excessive deficit in Poland.*

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-12_commission/2015-05-13_pl_126-12_commission_en.pdf

European Commission. (2016a). Commission Recommendation (EU) 2016/1374 of 27 July 2016 regarding the rule of law in Poland. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016H1374>

European Commission. (2016b). Commission Recommendation (EU) 2017/146 of 21 December 2016 regarding the rule of law in Poland complementary to Recommendation (EU) 2016/1374. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1555064086018&uri=CELEX%3A32017H0146>

European Commission. (2017a). Commission Recommendation (EU) 2017/1520 of 26 July 2017 regarding the rule of law in Poland complementary to Recommendations (EU) 2016/1374 and (EU) 2017/146. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1555064402661&uri=CELEX%3A32017H1520>

- European Commission. (2017b). Commission Recommendation (EU) 2018/103 of 20 December 2017 regarding the rule of law in Poland complementary to Recommendations (EU) 2016/1374, (EU) 2017/146 and (EU) 2017/1520. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1555061792039&uri=CELEX%3A32018H0103>
- European Commission. (2017c). Proposal for a COUNCIL DECISION on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017PC0835>
- European Commission. (2020a). 2020 Rule of Law Report: Country Chapter on the rule of law situation in Poland. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0320>
- European Commission. (2020b). THE EU RULE OF LAW TOOLBOX. In *European Commission*. https://commission.europa.eu/system/files/2020-09/rule_of_law_mechanism_factsheet_en.pdf
- European Commission. (2021). 2021 Rule of Law Report: Country Chapter on the rule of law situation in Poland. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0722>
- European Commission. (2022a). *The EU - what it is and what it does*. Op.europa.eu. <https://op.europa.eu/webpub/com/eu-what-it-is/en/#chapter0>
- European Commission. (2022b). *EU & Me*. Publications Office of the European Union. <https://op.europa.eu/en/publication-detail/-/publication/8deaa14f-7b69-11ed-9887-01aa75ed71a1/language-en>
- European Commission. (2022c). *2022 Rule of Law Report: Country Chapter on the rule of law situation in Poland* (pp. 1–40). https://commission.europa.eu/system/files/2022-07/48_1_194008_coun_chap_poland_en.pdf
- European Council. (2023a, March 17). *How the European Semester works*. [www.consilium.europa.eu. https://www.consilium.europa.eu/en/policies/european-semester/how-european-semester-works/](https://www.consilium.europa.eu/en/policies/european-semester/how-european-semester-works/)

European Council. (2023b, March 24). *Economic governance framework*.

[Www.consilium.europa.eu. https://www.consilium.europa.eu/en/policies/economic-governance-framework/](https://www.consilium.europa.eu/en/policies/economic-governance-framework/)

European Court of Auditors. (2014). *Gaps, overlaps and challenges: a landscape review of EU accountability and public audit arrangements* (pp. 1–74). Publications Office of the European Union.

Judgment of the Court (Grand Chamber) of 24 June 2019. *European Commission v Republic of Poland. Failure of a Member State to fulfil obligations — Second subparagraph of Article 19(1) TEU — Rule of law — Effective judicial protection in the fields covered by Union law — Principles of the irremovability of judges and judicial independence — Lowering of the retirement age of Supreme Court judges — Application to judges in post — Possibility of continuing to carry out the duties of judge beyond that age subject to obtaining authorisation granted by discretionary decision of the President of the Republic. Case C-619/18., (June 24, 2019).*
<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62018CJ0619>

Judgment of the Court (Grand Chamber) of 5 November 2019. *European Commission v Republic of Poland. Failure of a Member State to fulfil obligations — Second subparagraph of Article 19(1) TEU — Rule of law — Effective judicial protection in the fields covered by EU law — Principles of the irremovability of judges and judicial independence — Lowering of the retirement age of judges of the ordinary Polish courts — Possibility of continuing to carry out the duties of judge beyond the newly set age, by authorisation of the Minister for Justice — Article 157 TFEU — Directive 2006/54/EC — Articles 5(a) and 9(1)(f) — Prohibition of discrimination based on sex in matters of pay, employment and occupation — Establishment of different retirement ages for men and women holding the position of judge of the ordinary Polish courts or of the Sąd Najwyżs..., (November 5, 2019).* <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62018CJ0192>

Order of the Vice-President of the Court of 14 July 2021. *European Commission v Republic of Poland. Interim relief – Article 279 TFEU – Application for interim measures –*

Second subparagraph of Article 19(1) TEU – Independence of the Izba Dyscyplinarna (Disciplinary Chamber) of the Sąd Najwyższy (Supreme Court, Poland) – Charter of Fundamental Rights of the European Union – Article 47 – Effective judicial protection – Independence of judges – Disciplinary regime for judges – Examination of questions of law concerning the lack of independence of judges – Exclusive jurisdiction of the Izba Kontroli Nadzwyczajnej i Spraw Publicznych (Extraordinary Review and Public Affairs Chamber) of the Sąd Najwyższy (Supreme Court). Case C-204/21 R., (July 14, 2021). [https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204\(02\)](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204(02))

Judgment of the Court (Grand Chamber) of 15 July 2021. European Commission v Republic of Poland. Failure of a Member State to fulfil obligations – Disciplinary regime applicable to judges – Rule of law – Independence of judges – Effective legal protection in the fields covered by Union law – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Disciplinary offences resulting from the content of judicial decisions – Independent disciplinary courts or tribunals established by law – Respect for reasonable time and the rights of the defence in disciplinary proceedings – Article 267 TFEU – Restriction of the right of national courts to submit requests for a preliminary ruling to the Court of Justice and of their obligation to do so. Case C-791/19., (July 15, 2021). <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62019CJ0791>

Order of the Vice-President of the Court of 6 October 2021. Republic of Poland v European Commission. Interim relief – Order on interim measures – Article 163 of the Rules of Procedure of the Court of Justice – Change in circumstances – No such change – Jurisdiction of the Izba Dyscyplinarna (Disciplinary Chamber) of the Sąd Najwyższy (Supreme Court, Poland) – Disciplinary regime applicable to the judges of the Sąd Najwyższy (Supreme Court), of the ordinary courts and of the administrative courts – Procedure for review of the conditions for the independence of those judges – Suspension of application of national provisions. Case C-204/21 R., (October 6,

2021). [https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204\(01\)](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204(01))

Order of the Vice-President of the Court of 27 October 2021. European Commission v Republic of Poland. Interim relief – Article 279 TFEU – Application for interim measures – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Effective judicial protection – Independence of judges – Disciplinary regime for judges – Examination of questions of law concerning the lack of independence of judges – Periodic penalty payment. Case C-204/21 R., (October 27, 2021). [https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204\(03\)](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204(03))

European Parliament. (n.d.). *Advanced search / Research / Think Tank*. Europa.eu. Retrieved May 30, 2023, from <https://www.europarl.europa.eu/thinktank/en/research/advanced-search?textualSearch=&geographicalAreas=EURUNI&policyAreas=EURSEM&startDate=03%2F12%2F2013&endDate=14%2F11%2F2022&firstCameToPage=false>

European Parliament. (2016). European Parliament resolution of 13 April 2016 on the situation in Poland (2015/3031(RSP)). In *European Parliament*. https://www.europarl.europa.eu/doceo/document/TA-8-2016-0123_EN.html?redirect

Fingland, L., & Bailey, S. J. (2008). The EU's Stability and Growth Pact: Its Credibility and Sustainability. *Public Money & Management*, 28(4), 223–230. <https://doi.org/10.1111/j.1467-9302.2008.00648.x>

Freedom House. (2022). *Poland: Freedom in the World 2022 Country Report*. Freedom House. <https://freedomhouse.org/country/poland/freedom-world/2022>

Freedom House. (2023). *Poland: Nations in Transit 2023 Country Report*. Freedom House. <https://freedomhouse.org/country/poland/nations-transit/2023>

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

- Gasparotti, A., Hradisky, M., Minkina, M. A., & Valkama, S. A. (2018, March 12). *Country Specific Recommendations for 2016 and 2017 - A comparison and an overview of implementation*. Www.europarl.europa.eu.
[https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2018\)614490](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2018)614490)
- Hagelstam, K. (2022, November 15). *Economic Dialogues and Exchanges of Views with Member States under the European Semester Cycles - State of play November 2022*. Www.europarl.europa.eu.
[https://www.europarl.europa.eu/thinktank/en/document/IPOL-ECON_NT\(2014\)497736](https://www.europarl.europa.eu/thinktank/en/document/IPOL-ECON_NT(2014)497736)
- Halmai, G. (2018). The Possibility and Desirability of Rule of Law Conditionality. *Hague Journal on the Rule of Law*, 1–18. <https://doi.org/10.1007/s40803-018-0077-2>
- Hodson, D., & Maher, I. (2004). Soft law and sanctions: economic policy co-ordination and reform of the Stability and Growth Pact. *Journal of European Public Policy*, 11(5), 798–813. <https://doi.org/10.1080/1350176042000273540>
- Hradisky, M. (2016, September 21). *Implementation of the 2015 Country Specific Recommendations*. Www.europarl.europa.eu.
[https://www.europarl.europa.eu/thinktank/en/document/IPOL_ATA\(2016\)574398](https://www.europarl.europa.eu/thinktank/en/document/IPOL_ATA(2016)574398)
- Hradisky, M. (2017, February 28). *Country Specific Recommendations for 2015 and 2016 - A Comparison and an Overview of Implementation*. Www.europarl.europa.eu.
[https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2016\)497766](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2016)497766)
- John, A., Kolanko, K., & Ferroli, J. (2021, September 7). *Independence of Polish judges: Commission asks European Court of Justice for financial penalties against Poland on the activity of the Disciplinary Chamber*. European Commission.
https://ec.europa.eu/commission/presscorner/detail/en/IP_21_4587
- Katka, K. (2021, January 21). *A committee packed with PiS loyalists distributed PLN 6 billion in aid for local governments along party lines*. Wyborcza.
<https://wyborcza.pl/7,173236,26710171,a-committee-packed-with-pis-loyalists-distributed-pln-6-billion.html>

- Kochenov, D., & Pech, L. (2016). Better Late than Never? On the European Commission's Rule of Law Framework and its First Activation. *JCMS: Journal of Common Market Studies*, 54(5), 1062–1074. <https://doi.org/10.1111/jcms.12401>
- Larch, M., & Jonung, L. (2014). Stability and Growth Pact of the European Union, the. *The New Palgrave Dictionary of Economics*, 1–4. https://doi.org/10.1057/978-1-349-95121-5_2877-1
- Lelieveldt, H., & Princen, S. (2015). *The Politics of the European Union* (2nd ed., pp. 3–297). Cambridge University Press.
- Mariotto, C. (2022). The Implementation of Economic Rules: From the Stability and Growth Pact to the European Semester. *JCMS: Journal of Common Market Studies*, 60(1), 40–57. <https://doi.org/10.1111/jcms.13265>
- Morkūnaitė-Mikulėnienė, R., Kalnietė, S., Hübner, D. M., Saryusz-Wolski, J., & Kelam, T. (2014, May 1). *EU 2004 enlargement: a miracle of freedom*. [Www.eppgroup.eu](http://www.eppgroup.eu). <https://www.eppgroup.eu/newsroom/news/eu-2004-enlargement-a-miracle-of-freedom>
- Morris, R., Ongena, H., & Schuknecht, L. (2006, June 1). *The Reform and Implementation of the Stability and Growth Pact*. [Papers.ssrn.com](http://papers.ssrn.com). <https://ssrn.com/abstract=807424>
- Muñoz, S. (2016, July 9). *Guardian of the Treaties - European organisations - CVCE Website*. [Www.cvce.eu](http://www.cvce.eu). <https://www.cvce.eu/en/education/unit-content/-/unit/d5906df5-4f83-4603-85f7-0cab24b9fe1/28d57ad3-6f5e-4f9c-82a8-be9535febad5>
- Niklewicz, K. (2017). Safeguarding the Rule of Law within the EU: Lessons from the Polish Experience. *European View*, 16(2), 281–291. <https://doi.org/10.1007/s12290-017-0452-8>
- Pech, L., & Kochenov, D. (2019). *Strengthening the Rule of Law Within the European Union: Diagnoses, Recommendations, and What to Avoid* (pp. 1–24). RECONNECT — Reconciling Europe with its Citizens through Democracy and Rule of Law.
- Przybylski, W. (2018). Can Poland's Backsliding Be Stopped? *Journal of Democracy*, 29(3), 52–64. <https://doi.org/10.1353/jod.2018.0044>

- Reporters Without Borders. (2015). *Index 2015*. Rsf.org. <https://rsf.org/en/index?year=2015>
- Reporters Without Borders. (2023). *Index 2023*. Rsf.org. <https://rsf.org/en/index?year=2023>
- Republic of Poland. (2014, November 18). *Report on action taken by Poland in response to the Council recommendation of 10 December 2013 in order to bring an end to the situation of an excessive deficit*.
https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_council/2014-11-18_pl_-_ear_en.pdf
- Republic of Poland. (2023, February 8). *Inauguration of the new EU financial perspective 2021-2027 - almost PLN 350 billion for Poland - The Chancellery of the Prime Minister - Gov.pl website*. Gov.pl.
<https://www.gov.pl/web/primeminister/inauguration-of-the-new-eu-financial-perspective-2021-2027---almost-pln-350-billion-for-poland#:~:text=Poland%20is%20the%20leader%20in%20new%20EU%20funding&text=Poland%20is%20already%20receiving%20money>
- Robson, C., & McCartan, K. (2016). *Real World Research: a Resource for Users of Social Research Methods in Applied Settings* (4th ed.). John Wiley & Sons Ltd.
- Sacher, M. (2021). Avoiding the Inappropriate: The European Commission and Sanctions under the Stability and Growth Pact. *Politics and Governance*, 9(2), 163–172.
<https://doi.org/10.17645/pag.v9i2.3891>
- Savage, J. D., & Verdun, A. (2015). Strengthening the European Commission’s budgetary and economic surveillance capacity since Greece and the euro area crisis: a study of five Directorates-General. *Journal of European Public Policy*, 23(1), 101–118.
<https://doi.org/10.1080/13501763.2015.1041417>
- Savage, J. L., & Howarth, D. (2018). Enforcing the European Semester: the politics of asymmetric information in the excessive deficit and macroeconomic imbalance procedures. *Journal of European Public Policy*, 25(2), 212–230.
<https://doi.org/10.4324/9781351025621-5>

- Schweiger, C. (2021). Parliamentary Scrutiny of the European Semester: The Case of Poland. *Politics and Governance*, 9(3), 124–134.
<https://doi.org/10.17645/pag.v9i3.4250>
- Šimunská, P. (2015). *Differentiated Integration in the EU: The British Approach to EMU Fiscal Rules* (pp. 1–72) [Thesis].
https://dspace.cuni.cz/bitstream/handle/20.500.11956/71109/DPTX_2012_2_11230_0_387668_0_134246.pdf?isAllowed=y&sequence=1
- Stephenson, P., Sánchez-Barrueco, M.-L., & Aden, H. (2021). Introduction: situating and contextualising financial accountability in the European Union. In P. Stephenson, M.-L. Sánchez-Barrueco, & H. Aden (Eds.), *FINANCIAL ACCOUNTABILITY IN THE EUROPEAN UNION* (pp. 1–21). Routledge.
- Szczepanski, M. (2019, October 17). *A decade on from the crisis: Main responses and remaining challenges / Think Tank / European Parliament*. [Www.europarl.europa.eu](http://www.europarl.europa.eu).
[https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2019\)642253](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2019)642253)
- Treaty on the European Union, (1993). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11992M/TXT>
- Verdun, A., & Zeitlin, J. (2018). Introduction: the European Semester as a new architecture of EU socioeconomic governance in theory and practice. *Journal of European Public Policy*, 25(2), 137–148. <https://doi.org/10.1080/13501763.2017.1363807>
- Welch, J. (2011). The Financial Crisis in the European Union: An Impact Assessment and Response Critique. *European Journal of Risk Regulation*, 2(4), 481–490.
<https://www.jstor.org/stable/24323295>
- Wiącek, M. (2021). Constitutional Crisis in Poland 2015–2016 in the Light of the Rule of Law Principle. In A. von Bogdandy, I. Canor, P. Bogdanowicz, M. Taborowski, C. Grabenwarter, & M. Schmidt (Eds.), *Defending Checks and Balances in EU Member States. Beiträge zum ausländischen öffentlichen Recht und Völkerrecht* (pp. 15–33). Springer. https://doi.org/10.1007/978-3-662-62317-6_2

- Woźniakowski, T. P. (2021). Accountability in EU Economic Governance: European Commissioners in Polish Parliament. *Politics and Governance*, 9(3), 155–162. <https://doi.org/10.17645/pag.v9i3.4335>
- Zeitlin, J., & Vanhercke, B. (2017). Socializing the European Semester: EU social and economic policy co-ordination in crisis and beyond. *Journal of European Public Policy*, 25(2), 149–174. <https://doi.org/10.1080/13501763.2017.1363269>
- Zgut, E. (2022). Informal Exercise of Power: Undermining Democracy Under the EU's Radar in Hungary and Poland. *Hague Journal on the Rule of Law*, 14, 287–308. <https://doi.org/10.1007/s40803-022-00170-0>

Appendix 1: Sources used in Chapter 4

Andreeva, M., & McPhie, T. (2016, June 1). *Commission adopts Rule of Law Opinion on the situation in Poland*. European Commission .

https://ec.europa.eu/commission/presscorner/detail/en/IP_16_2015

Angerer, J., Bitterlich, M. T., Ciucci, M., Duville-Margerit, A. A. C., Hagelstam, K., Magnus, M., Mesnard, B., & Zoppé, A. (2017, January 23). *Economic Dialogue and Exchange of Views with the President of the Council (ECOFIN)*.

[Www.europarl.europa.eu](http://www.europarl.europa.eu).

[https://www.europarl.europa.eu/thinktank/en/document/IPOL_BRI\(2017\)587387](https://www.europarl.europa.eu/thinktank/en/document/IPOL_BRI(2017)587387)

Angerer, J., Ciucci, M., Hradisky, M., Lehofer, W., Magnus, M., Vega Bordell, J. M., & Zoppé, A. (2018, February 19). *Economic Dialogue with the President of the Eurogroup - ECON on 21 February 2018*. [Www.europarl.europa.eu](http://www.europarl.europa.eu).

[https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA\(2018\)614480](https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA(2018)614480)

Angerer, J., Ciucci, M., & Tiido, J. (2019, March 20). *Country Specific Recommendations for 2017 and 2018 - A tabular comparison and an overview of implementation*.

[Www.europarl.europa.eu](http://www.europarl.europa.eu).

[https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2018\)614522](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2018)614522)

Angerer, J., Deslandes, J. J. P., Grigaite, K., Pacheco Dias, C. S., Vega Bordell, J. M., & Zoppé, A. (2019, November 14). *Economic Dialogue with the President of the Eurogroup - ECON 18 November 2019*. [Www.europarl.europa.eu](http://www.europarl.europa.eu).

[https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA\(2019\)624441](https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA(2019)624441)

Angerer, J., Donatelli, L., Duville-Margerit, A. A. C., Hagelstam, K., Hradisky, M., Magnus, M., Mesnard, B., Power, C., Vega Bordell, J. M., & Zoppé, A. (2016, February 12). *Economic Dialogue with the President of the Eurogroup and the President of ECOFIN Council - ECON on 18 February 2016*.

[Www.europarl.europa.eu](http://www.europarl.europa.eu).

[https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA\(2016\)574393](https://www.europarl.europa.eu/thinktank/en/document/IPOL_IDA(2016)574393)

- Bacho, D. (2009). IMPOTENCY OF EU INSTITUTIONS REGARDING THE ENFORCEMENT OF STABILITY AND GROWTH PACT. In *Days of Law: the Conference Proceedings* (pp. 1–7). Masaryk University.
- Camut, N. (2023, April 21). *EU court slashes daily fine against Poland to €500K in rule-of-law dispute*. POLITICO. <https://www.politico.eu/article/court-justice-eu-reduce-fine-against-poland-e500k-rule-law-dispute/>
- Ciucci, M., Hradisky, M., Vega Bórdele, J. M., & Zoppé, A. (2016, August 4). *Economic Dialogue with Vice-President Dombrovskis and Commissioner Moscovici on the Implementation of the Macro-Economic Imbalance Procedure - ECON on 11 April 2016*. Www.europarl.europa.eu. [https://www.europarl.europa.eu/thinktank/en/document/IPOL_BRI\(2016\)574405](https://www.europarl.europa.eu/thinktank/en/document/IPOL_BRI(2016)574405)
- Consolidated version of the Treaty on European Union - TITLE I COMMON PROVISIONS - Article 7 (ex Article 7 TEU), (2012). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M007>
- Council of the European Union. (2009a). *COUNCIL DECISION of 7 July 2009 on the existence of an excessive deficit in Poland* (pp. 1–2). https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-06_council/2009-07-07_pl_104-6_council_en.pdf
- Council of the European Union. (2009b). *COUNCIL RECOMMENDATION to Poland with a view to bringing an end to the situation of an excessive government deficit* (pp. 1–9). https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-07_council/2009-07-07_pl_104-7_council_en.pdf
- Council of the European Union. (2013a). *COUNCIL DECISION of 10 December 2013 establishing that no effective action has been taken by Poland in response to the Council Recommendation of 21 June 2013* (pp. 1–2). https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-8_council/2013-12-10_pl_126-8_council_en.pdf
- Council of the European Union. (2013b). *COUNCIL RECOMMENDATION of with a view to bringing an end to the situation of an excessive government deficit in Poland* (pp. 1–

11).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_council/2013-06-21_pl_126-7_council_en.pdf

Council of the European Union. (2015). Council Decision (EU) 2015/1026 of 19 June 2015 abrogating Decision 2009/589/EC on the existence of an excessive deficit in Poland. In *EUR-Lex*. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.163.01.0037.01.ENG

Court of Justice of the European Union. (n.d.). *Presentation - Court of Justice of the European Union*. CURIA. Retrieved May 11, 2023, from https://curia.europa.eu/jcms/jcms/Jo2_7024/en/#:~:text=The%20national%20court%20to%20which

Csaky, Z., Smeltzer, M., & Buyon, N. (2021). Nations in Transit 2021: The Antidemocratic Turn. In *Freedom House* (pp. 1–27).

https://freedomhouse.org/sites/default/files/2021-04/NIT_2021_final_042321.pdf

Darvas, Z., & Leandro, Á. (2015, November 5). *Economic Policy Coordination in the Euro Area under the European Semester*. [Www.europarl.europa.eu](http://www.europarl.europa.eu).

[https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2015\)542680](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2015)542680)

European Commission. (n.d.-a). *Archive - European Semester documents for Poland*. Commission.europa.eu. Retrieved May 29, 2023, from https://commission.europa.eu/content/archive-european-semester-documents-poland_en#european-semester-2013

European Commission. (n.d.-b). *Infringement procedure*. Commission.europa.eu. Retrieved April 23, 2023, from https://commission.europa.eu/law/law-making-process/applying-eu-law/infringement-procedure_en

European Commission. (n.d.-c). *Poland - Closed procedures*. Economy-Finance.ec.europa.eu. Retrieved May 14, 2023, from https://economy-finance.ec.europa.eu/economic-and-fiscal-governance/stability-and-growth-pact/corrective-arm-excessive-deficit-procedure/closed-excessive-deficit-procedures/poland_en

European Commission. (n.d.-d). *Rule of law framework*. Commission.europa.eu. Retrieved April 18, 2023, from https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-framework_en

European Commission. (n.d.-e). *Rule of law mechanism*. Commission.europa.eu. Retrieved April 18, 2023, from https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism_en#general

European Commission. (2009a). *COMMISSION OPINION on the existence of an excessive deficit in Poland Application of Article 104(5) of the Treaty establishing the European Community* (pp. 1–5).
https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-05/2009-06-24_pl_104-5_en.pdf

European Commission. (2009b). *Recommendation for a COUNCIL DECISION on the existence of an excessive deficit in Poland* (pp. 1–9).
https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-06_commission/2009-06-24_pl_104-6_commission_en.pdf

European Commission. (2009c). *Recommendation for a COUNCIL RECOMMENDATION TO POLAND with a view to bringing an end to the situation of an excessive government deficit* (pp. 1–5).
https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-07_commission/2009-06-24_pl_104-7_commission_en.pdf

European Commission. (2009d). *REPORT FROM THE COMMISSION Poland Report prepared in accordance with Article 104(3) of the Treaty* (pp. 1–10).
https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-03/2009-05-13_pl_104-3_en.pdf

European Commission. (2010, February 3). *COMMUNICATION FROM THE COMMISSION TO THE COUNCIL*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/communication_to_the_council/2010-02-03_pl_communication_on_action_taken_en.pdf

European Commission. (2012, January 11). *Assessment of budgetary implementation in the context of the ongoing Excessive Deficit Procedures after the Commission Services' 2011 Autumn Forecast.*

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/communication_to_the_council/2012-01-11_be_cy_hu_mt_pl_communication_en.pdf

European Commission. (2013a). *INFORMATION ON MEASURES TAKEN BY POLAND TO IMPLEMENT THE RECOMMENDATION OF THE COUNCIL ON ARTICLE 126.7 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION OF 21 JUNE 2013* (pp. 1–20).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/other_documents/2013-10-01_pl_-_ear_en.pdf

European Commission. (2013b, May 29). *Recommendation for a COUNCIL RECOMMENDATION with a view to bringing an end to the situation of an excessive government deficit in Poland.*

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_commission/2013-05-29_pl_126-7_commission_en.pdf

European Commission. (2013c, November 15). *Recommendation for a COUNCIL DECISION establishing that no effective action has been taken by Poland in response to the Council Recommendation of 21 June 2013.*

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-8_council/2013-11-15_pl_126-8_council_en.pdf

European Commission. (2013d, November 15). *Recommendation for a COUNCIL RECOMMENDATION with a view to bringing an end to the situation of an excessive government deficit in Poland.*

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_commission/2013-11-15_pl_126-7_commission_en.pdf

- European Commission. (2014, June 2). *COMMUNICATION FROM THE COMMISSION Assessment of action taken by POLAND in response to the Council Recommendation of 10 December 2013*.
https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/other_documents/2014-06-02_pl_communication_from_the_commission_en.pdf
- European Commission. (2015, May 13). *Recommendation for a COUNCIL DECISION abrogating Decision 2009/589/EC on the existence of an excessive deficit in Poland*.
https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-12_commission/2015-05-13_pl_126-12_commission_en.pdf
- European Commission. (2017a). Commission Recommendation (EU) 2017/1520 of 26 July 2017 regarding the rule of law in Poland complementary to Recommendations (EU) 2016/1374 and (EU) 2017/146. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1555064402661&uri=CELEX%3A32017H1520>
- European Commission. (2017b). Commission Recommendation (EU) 2018/103 of 20 December 2017 regarding the rule of law in Poland complementary to Recommendations (EU) 2016/1374, (EU) 2017/146 and (EU) 2017/1520. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1555061792039&uri=CELEX%3A32018H0103>
- European Commission. (2017c). Proposal for a COUNCIL DECISION on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017PC0835>
- European Commission. (2020a). 2020 Rule of Law Report: Country Chapter on the rule of law situation in Poland. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602579986149&uri=CELEX%3A52020SC0320>
- European Commission. (2020b). THE EU RULE OF LAW TOOLBOX. In *European Commission*. https://commission.europa.eu/system/files/2020-09/rule_of_law_mechanism_factsheet_en.pdf

European Commission. (2021). 2021 Rule of Law Report: Country Chapter on the rule of law situation in Poland. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0722>

European Commission. (2022). *2022 Rule of Law Report: Country Chapter on the rule of law situation in Poland* (pp. 1–40). https://commission.europa.eu/system/files/2022-07/48_1_194008_coun_chap_poland_en.pdf

European Council. (2023, March 17). *How the European Semester works*.

[Www.consilium.europa.eu](https://www.consilium.europa.eu). <https://www.consilium.europa.eu/en/policies/european-semester/how-european-semester-works/>

Judgment of the Court (Grand Chamber) of 5 November 2019. *European Commission v Republic of Poland. Failure of a Member State to fulfil obligations — Second subparagraph of Article 19(1) TEU — Rule of law — Effective judicial protection in the fields covered by EU law — Principles of the irremovability of judges and judicial independence — Lowering of the retirement age of judges of the ordinary Polish courts — Possibility of continuing to carry out the duties of judge beyond the newly set age, by authorisation of the Minister for Justice — Article 157 TFEU — Directive 2006/54/EC — Articles 5(a) and 9(1)(f) — Prohibition of discrimination based on sex in matters of pay, employment and occupation — Establishment of different retirement ages for men and women holding the position of judge of the ordinary Polish courts or of the Sąd Najwyżs...*, (November 5, 2019). <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62018CJ0192>

Judgment of the Court (Grand Chamber) of 24 June 2019. *European Commission v Republic of Poland. Failure of a Member State to fulfil obligations — Second subparagraph of Article 19(1) TEU — Rule of law — Effective judicial protection in the fields covered by Union law — Principles of the irremovability of judges and judicial independence — Lowering of the retirement age of Supreme Court judges — Application to judges in post — Possibility of continuing to carry out the duties of judge beyond that age subject to obtaining authorisation granted by discretionary*

decision of the President of the Republic. Case C-619/18., (June 24, 2019).

<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62018CJ0619>

Judgment of the Court (Grand Chamber) of 15 July 2021. European Commission v Republic of Poland. Failure of a Member State to fulfil obligations – Disciplinary regime applicable to judges – Rule of law – Independence of judges – Effective legal protection in the fields covered by Union law – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Disciplinary offences resulting from the content of judicial decisions – Independent disciplinary courts or tribunals established by law – Respect for reasonable time and the rights of the defence in disciplinary proceedings – Article 267 TFEU – Restriction of the right of national courts to submit requests for a preliminary ruling to the Court of Justice and of their obligation to do so. Case C-791/19., (July 15, 2021). <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62019CJ0791>

Order of the Vice-President of the Court of 6 October 2021. Republic of Poland v European Commission. Interim relief – Order on interim measures – Article 163 of the Rules of Procedure of the Court of Justice – Change in circumstances – No such change – Jurisdiction of the Izba Dyscyplinarna (Disciplinary Chamber) of the Sąd Najwyższy (Supreme Court, Poland) – Disciplinary regime applicable to the judges of the Sąd Najwyższy (Supreme Court), of the ordinary courts and of the administrative courts – Procedure for review of the conditions for the independence of those judges – Suspension of application of national provisions. Case C-204/21 R., (October 6, 2021). [https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204\(01\)](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204(01))

Order of the Vice-President of the Court of 14 July 2021. European Commission v Republic of Poland. Interim relief – Article 279 TFEU – Application for interim measures – Second subparagraph of Article 19(1) TEU – Independence of the Izba Dyscyplinarna (Disciplinary Chamber) of the Sąd Najwyższy (Supreme Court, Poland) – Charter of Fundamental Rights of the European Union – Article 47 – Effective judicial protection – Independence of judges – Disciplinary regime for judges – Examination

of questions of law concerning the lack of independence of judges – Exclusive jurisdiction of the Izba Kontroli Nadzwyczajnej i Spraw Publicznych (Extraordinary Review and Public Affairs Chamber) of the Sąd Najwyższy (Supreme Court). Case C-204/21 R., (July 14, 2021). [https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204\(02\)](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204(02))

Order of the Vice-President of the Court of 27 October 2021. European Commission v Republic of Poland. Interim relief – Article 279 TFEU – Application for interim measures – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Effective judicial protection – Independence of judges – Disciplinary regime for judges – Examination of questions of law concerning the lack of independence of judges – Periodic penalty payment. Case C-204/21 R., (October 27, 2021). [https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204\(03\)](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204(03))

European Parliament. (n.d.). *Advanced search / Research / Think Tank*. Europa.eu. Retrieved May 30, 2023, from <https://www.europarl.europa.eu/thinktank/en/research/advanced-search?textualSearch=&geographicalAreas=EURUNI&policyAreas=EURSEM&startDate=03%2F12%2F2013&endDate=14%2F11%2F2022&firstCameToPage=false>

European Parliament. (2016). European Parliament resolution of 13 April 2016 on the situation in Poland (2015/3031(RSP)). In *European Parliament*. https://www.europarl.europa.eu/doceo/document/TA-8-2016-0123_EN.html?redirect

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

Gasparotti, A., Hradisky, M., Minkina, M. A., & Valkama, S. A. (2018, March 12). *Country Specific Recommendations for 2016 and 2017 - A comparison and an overview of implementation*. www.europarl.europa.eu. [https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2018\)614490](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2018)614490)

- Hagelstam, K. (2022, November 15). *Economic Dialogues and Exchanges of Views with Member States under the European Semester Cycles - State of play November 2022*. Www.europarl.europa.eu.
[https://www.europarl.europa.eu/thinktank/en/document/IPOL-ECON_NT\(2014\)497736](https://www.europarl.europa.eu/thinktank/en/document/IPOL-ECON_NT(2014)497736)
- Halmai, G. (2018). The Possibility and Desirability of Rule of Law Conditionality. *Hague Journal on the Rule of Law*, 1–18. <https://doi.org/10.1007/s40803-018-0077-2>
- Hradisky, M. (2016, September 21). *Implementation of the 2015 Country Specific Recommendations*. Www.europarl.europa.eu.
[https://www.europarl.europa.eu/thinktank/en/document/IPOL_ATA\(2016\)574398](https://www.europarl.europa.eu/thinktank/en/document/IPOL_ATA(2016)574398)
- Hradisky, M. (2017, February 28). *Country Specific Recommendations for 2015 and 2016 - A Comparison and an Overview of Implementation*. Www.europarl.europa.eu.
[https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2016\)497766](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2016)497766)
- John, A., Kolanko, K., & Ferroli, J. (2021, September 7). *Independence of Polish judges: Commission asks European Court of Justice for financial penalties against Poland on the activity of the Disciplinary Chamber*. European Commission.
https://ec.europa.eu/commission/presscorner/detail/en/IP_21_4587
- Katka, K. (2021, January 21). *A committee packed with PiS loyalists distributed PLN 6 billion in aid for local governments along party lines*. Wyborcza.
<https://wyborcza.pl/7,173236,26710171,a-committee-packed-with-pis-loyalists-distributed-pln-6-billion.html>
- Kochenov, D., & Pech, L. (2016). Better Late than Never? On the European Commission's Rule of Law Framework and its First Activation. *JCMS: Journal of Common Market Studies*, 54(5), 1062–1074. <https://doi.org/10.1111/jcms.12401>
- Mariotto, C. (2022). The Implementation of Economic Rules: From the Stability and Growth Pact to the European Semester. *JCMS: Journal of Common Market Studies*, 60(1), 40–57. <https://doi.org/10.1111/jcms.13265>
- Morkūnaitė-Mikulėnienė, R., Kalnietė, S., Hübner, D. M., Saryusz-Wolski, J., & Kelam, T. (2014, May 1). *EU 2004 enlargement: a miracle of freedom*. Www.eppgroup.eu.

<https://www.eppgroup.eu/newsroom/news/eu-2004-enlargement-a-miracle-of-freedom>

Morris, R., Ongena, H., & Schuknecht, L. (2006, June 1). *The Reform and Implementation of the Stability and Growth Pact*. Papers.ssrn.com. <https://ssrn.com/abstract=807424>

Muñoz, S. (2016, July 9). *Guardian of the Treaties - European organisations - CVCE Website*. Wwww.cvce.eu. <https://www.cvce.eu/en/education/unit-content/-/unit/d5906df5-4f83-4603-85f7-0cabc24b9fe1/28d57ad3-6f5e-4f9c-82a8-be9535febad5>

Niklewicz, K. (2017). Safeguarding the Rule of Law within the EU: Lessons from the Polish Experience. *European View*, 16(2), 281–291. <https://doi.org/10.1007/s12290-017-0452-8>

Pech, L., & Kochenov, D. (2019). *Strengthening the Rule of Law Within the European Union: Diagnoses, Recommendations, and What to Avoid* (pp. 1–24). RECONNECT — Reconciling Europe with its Citizens through Democracy and Rule of Law.

Przybylski, W. (2018). Can Poland’s Backsliding Be Stopped? *Journal of Democracy*, 29(3), 52–64. <https://doi.org/10.1353/jod.2018.0044>

Reporters Without Borders. (2015). *Index 2015*. Rsf.org. <https://rsf.org/en/index?year=2015>

Reporters Without Borders. (2023). *Index 2023*. Rsf.org. <https://rsf.org/en/index?year=2023>

Republic of Poland. (2014, November 18). *Report on action taken by Poland in response to the Council recommendation of 10 December 2013 in order to bring an end to the situation of an excessive deficit*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_council/2014-11-18_pl_-_ear_en.pdf

Republic of Poland. (2023, February 8). *Inauguration of the new EU financial perspective 2021-2027 - almost PLN 350 billion for Poland - The Chancellery of the Prime Minister - Gov.pl website*. Gov.pl.

<https://www.gov.pl/web/primeminister/inauguration-of-the-new-eu-financial-perspective-2021-2027---almost-pln-350-billion-for->

Appendix 2: Sources for Table 4

Andreeva, M., & McPhie, T. (2016, June 1). *Commission adopts Rule of Law Opinion on the situation in Poland*. European Commission .

https://ec.europa.eu/commission/presscorner/detail/en/IP_16_2015

European Commission. (2016a). Commission Recommendation (EU) 2016/1374 of 27 July 2016 regarding the rule of law in Poland. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016H1374>

European Commission. (2016b). Commission Recommendation (EU) 2017/146 of 21 December 2016 regarding the rule of law in Poland complementary to Recommendation (EU) 2016/1374. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1555064086018&uri=CELEX%3A32017H0146>

European Commission. (2017a). Commission Recommendation (EU) 2017/1520 of 26 July 2017 regarding the rule of law in Poland complementary to Recommendations (EU) 2016/1374 and (EU) 2017/146. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1555064402661&uri=CELEX%3A32017H1520>

European Commission. (2017b). Commission Recommendation (EU) 2018/103 of 20 December 2017 regarding the rule of law in Poland complementary to Recommendations (EU) 2016/1374, (EU) 2017/146 and (EU) 2017/1520. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1555061792039&uri=CELEX%3A32018H0103>

European Commission. (2017c). Proposal for a COUNCIL DECISION on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law. In *EUR-Lex*. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017PC0835>

European Parliament. (2016a). European Parliament resolution of 13 April 2016 on the situation in Poland (2015/3031(RSP)). In *European Parliament*. https://www.europarl.europa.eu/doceo/document/TA-8-2016-0123_EN.html?redirect

European Parliament. (2016b). European Parliament resolution of 13 April 2016 on the situation in Poland (2015/3031(RSP)). In *European Parliament*.

https://www.europarl.europa.eu/doceo/document/TA-8-2016-0123_EN.html?redirect

Appendix 3: Sources for Table 6

Judgment of the Court (Grand Chamber) of 5 November 2019. *European Commission v Republic of Poland*. Failure of a Member State to fulfil obligations — Second subparagraph of Article 19(1) TEU — Rule of law — Effective judicial protection in the fields covered by EU law — Principles of the irremovability of judges and judicial independence — Lowering of the retirement age of judges of the ordinary Polish courts — Possibility of continuing to carry out the duties of judge beyond the newly set age, by authorisation of the Minister for Justice — Article 157 TFEU — Directive 2006/54/EC — Articles 5(a) and 9(1)(f) — Prohibition of discrimination based on sex in matters of pay, employment and occupation — Establishment of different retirement ages for men and women holding the position of judge of the ordinary Polish courts or of the Sąd Najwyżs..., (November 5, 2019). <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62018CJ0192>

Judgment of the Court (Grand Chamber) of 24 June 2019. *European Commission v Republic of Poland*. Failure of a Member State to fulfil obligations — Second subparagraph of Article 19(1) TEU — Rule of law — Effective judicial protection in the fields covered by Union law — Principles of the irremovability of judges and judicial independence — Lowering of the retirement age of Supreme Court judges — Application to judges in post — Possibility of continuing to carry out the duties of judge beyond that age subject to obtaining authorisation granted by discretionary decision of the President of the Republic. Case C-619/18., (June 24, 2019). <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62018CJ0619>

Judgment of the Court (Grand Chamber) of 15 July 2021. *European Commission v Republic of Poland*. Failure of a Member State to fulfil obligations – Disciplinary regime applicable to judges – Rule of law – Independence of judges – Effective legal protection in the fields covered by Union law – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Disciplinary offences resulting from the content of judicial decisions – Independent

disciplinary courts or tribunals established by law – Respect for reasonable time and the rights of the defence in disciplinary proceedings – Article 267 TFEU – Restriction of the right of national courts to submit requests for a preliminary ruling to the Court of Justice and of their obligation to do so. Case C-791/19., (July 15, 2021). <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62019CJ0791>

Order of the Vice-President of the Court of 6 October 2021. Republic of Poland v European Commission. Interim relief – Order on interim measures – Article 163 of the Rules of Procedure of the Court of Justice – Change in circumstances – No such change – Jurisdiction of the Izba Dyscyplinarna (Disciplinary Chamber) of the Sąd Najwyższy (Supreme Court, Poland) – Disciplinary regime applicable to the judges of the Sąd Najwyższy (Supreme Court), of the ordinary courts and of the administrative courts – Procedure for review of the conditions for the independence of those judges – Suspension of application of national provisions. Case C-204/21 R., (October 6, 2021). [https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204\(01\)](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204(01))

Order of the Vice-President of the Court of 14 July 2021. European Commission v Republic of Poland. Interim relief – Article 279 TFEU – Application for interim measures – Second subparagraph of Article 19(1) TEU – Independence of the Izba Dyscyplinarna (Disciplinary Chamber) of the Sąd Najwyższy (Supreme Court, Poland) – Charter of Fundamental Rights of the European Union – Article 47 – Effective judicial protection – Independence of judges – Disciplinary regime for judges – Examination of questions of law concerning the lack of independence of judges – Exclusive jurisdiction of the Izba Kontroli Nadzwyczajnej i Spraw Publicznych (Extraordinary Review and Public Affairs Chamber) of the Sąd Najwyższy (Supreme Court). Case C-204/21 R., (July 14, 2021). [https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204\(02\)](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204(02))

Order of the Vice-President of the Court of 27 October 2021. European Commission v Republic of Poland. Interim relief – Article 279 TFEU – Application for interim measures – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of

Fundamental Rights of the European Union – Effective judicial protection –
Independence of judges – Disciplinary regime for judges – Examination of questions
of law concerning the lack of independence of judges – Periodic penalty payment.
Case C-204/21 R., (October 27, 2021). [https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204\(03\)](https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62021CO0204(03))

John, A., Kolanko, K., & Ferroli, J. (2021, September 7). *Independence of Polish judges: Commission asks European Court of Justice for financial penalties against Poland on the activity of the Disciplinary Chamber*. European Commission.
https://ec.europa.eu/commission/presscorner/detail/en/IP_21_4587

Appendix 4: Sources for Table 7

Council of the European Union. (2009a). *COUNCIL DECISION of 7 July 2009 on the existence of an excessive deficit in Poland* (pp. 1–2).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-06_council/2009-07-07_pl_104-6_council_en.pdf

Council of the European Union. (2009b). *COUNCIL RECOMMENDATION to Poland with a view to bringing an end to the situation of an excessive government deficit* (pp. 1–9).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-07_council/2009-07-07_pl_104-7_council_en.pdf

Council of the European Union. (2013a). *COUNCIL DECISION of 10 December 2013 establishing that no effective action has been taken by Poland in response to the Council Recommendation of 21 June 2013* (pp. 1–2).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-8_council/2013-12-10_pl_126-8_council_en.pdf

Council of the European Union. (2013b). *COUNCIL RECOMMENDATION of with a view to bringing an end to the situation of an excessive government deficit in Poland* (pp. 1–11).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_council/2013-06-21_pl_126-7_council_en.pdf

Council of the European Union. (2013c, December 10). *COUNCIL RECOMMENDATION with a view to bringing an end to the situation of an excessive government deficit in Poland*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_council/2013-12-10_pl_126-7_council_en.pdf

Council of the European Union. (2015). Council Decision (EU) 2015/1026 of 19 June 2015 abrogating Decision 2009/589/EC on the existence of an excessive deficit in Poland.

In *EUR-Lex*. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.163.01.0037.01.ENG

European Commission. (n.d.). *Poland - Closed procedures*. Economy-Finance.ec.europa.eu.

Retrieved May 14, 2023, from https://economy-finance.ec.europa.eu/economic-and-fiscal-governance/stability-and-growth-pact/corrective-arm-excessive-deficit-procedure/closed-excessive-deficit-procedures/poland_en

European Commission. (2009a). *COMMISSION OPINION on the existence of an excessive deficit in Poland Application of Article 104(5) of the Treaty establishing the European Community* (pp. 1–5).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-05/2009-06-24_pl_104-5_en.pdf

European Commission. (2009b). *Recommendation for a COUNCIL DECISION on the existence of an excessive deficit in Poland* (pp. 1–9).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-06_commission/2009-06-24_pl_104-6_commission_en.pdf

European Commission. (2009c). *REPORT FROM THE COMMISSION Poland Report prepared in accordance with Article 104(3) of the Treaty* (pp. 1–10).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/104-03/2009-05-13_pl_104-3_en.pdf

European Commission. (2013a, May 29). *Recommendation for a COUNCIL RECOMMENDATION with a view to bringing an end to the situation of an excessive government deficit in Poland*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_commission/2013-05-29_pl_126-7_commission_en.pdf

European Commission. (2013b, November 15). *Recommendation for a COUNCIL DECISION establishing that no effective action has been taken by Poland in response to the Council Recommendation of 21 June 2013*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-8_council/2013-11-15_pl_126-8_council_en.pdf

European Commission. (2013c, November 15). *Recommendation for a COUNCIL RECOMMENDATION with a view to bringing an end to the situation of an excessive*

government deficit in Poland.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_commission/2013-11-15_pl_126-7_commission_en.pdf

European Commission. (2015, May 13). *Recommendation for a COUNCIL DECISION abrogating Decision 2009/589/EC on the existence of an excessive deficit in Poland.*

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-12_commission/2015-05-13_pl_126-12_commission_en.pdf

Republic of Poland. (2014, November 18). *Report on action taken by Poland in response to the Council recommendation of 10 December 2013 in order to bring an end to the situation of an excessive deficit.*

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/126-07_council/2014-11-18_pl_-_ear_en.pdf

Appendix 5: Sources for Table 8

European Commission. (n.d.). *Poland - Closed procedures*. Economy-Finance.ec.europa.eu. Retrieved May 14, 2023, from https://economy-finance.ec.europa.eu/economic-and-fiscal-governance/stability-and-growth-pact/corrective-arm-excessive-deficit-procedure/closed-excessive-deficit-procedures/poland_en

European Commission. (2010, February 3). *COMMUNICATION FROM THE COMMISSION TO THE COUNCIL*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/communication_to_the_council/2010-02-03_pl_communication_on_action_taken_en.pdf

European Commission. (2012, January 11). *Assessment of budgetary implementation in the context of the ongoing Excessive Deficit Procedures after the Commission Services' 2011 Autumn Forecast*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/communication_to_the_council/2012-01-11_be_cy_hu_mt_pl_communication_en.pdf

European Commission. (2013). *INFORMATION ON MEASURES TAKEN BY POLAND TO IMPLEMENT THE RECOMMENDATION OF THE COUNCIL ON ARTICLE 126.7 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION OF 21 JUNE 2013* (pp. 1–20).

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/other_documents/2013-10-01_pl_-_ear_en.pdf

European Commission. (2014, June 2). *COMMUNICATION FROM THE COMMISSION Assessment of action taken by POLAND in response to the Council Recommendation of 10 December 2013*.

https://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/30_edps/other_documents/2014-06-02_pl_communication_from_the_commission_en.pdf