

WESTERN EUROPE AND ATLANTIC

INTRA-INSTITUTIONAL EUROPEANISATION IN ACTION: DG NEAR AND DG JUST SIDE-BY-SIDE FIGHT IN THE BATTLE FOR THE RULE OF LAW

By Martina Di Gaetano¹

Abstract

Since 2014-2015, the EU has been facing increasing challenges in its efforts to deal with the Rule of Law (RoL), both among its Member States (MS) and in candidate countries. In fact, regarding the latter, the accession negotiations with the Western Balkan (WB) countries are characterised by the adoption of a new strategy, based on the ‘fundamentals first’ doctrine, which sees the recognition of a central role of Chapters 23 and 24, respectively focused on the judiciary and the respect of fundamental rights and on the issues related to justice, freedom and security. At the same time, the European Commission (EC) realised the limited effectiveness of the tools at its disposal to challenge violations of the RoL in the EU MS, and, more specifically, in Hungary and Poland. The blockage of the procedure under Article 7 TEU and the persistent non-compliance with the Court of Justice’s rulings, declared in the context of the infringement proceeding, led to the development of new tools or to a different use of the existing ones. Following from the above, the present article argues that the evolutions occurred in the internal dimension of the EU’s action regarding the RoL have been driven by the experience and the lessons learnt from the EC in the context of the negotiations for the accession of the WB countries. Accordingly, after an introductory part, the article analyses the evolutions occurred in the enlargement strategy and in the context of the EC’s efforts to tackle RoL backsliding in Hungary and Poland. Finally, it concludes that, as demonstrated by the similarities in the chronology and in the thematic focus, the internal and external dimensions of the EU’s action in the field of the Rule of Law have evolved simultaneously, thus leading to a sort of intra-institutional Europeanisation, which implies that the two Directorates-General (DG) involved in the field (notably DG NEAR and DG JUST) mutually learned from the experiences of the other and evolved together in the direction of strengthening the EC’s role as a guardian of the Treaty in the field of the Rule of Law.



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Introduction

In the last decade, EU scholars and policymakers deeply examined the Rule of Law (RoL) backsliding in some of the EU Member States (MS). This phenomenon has been accompanied by the growing importance recognised to RoL in the accession negotiations of the Western Balkan (WB) countries. These parallel circumstances show that, at least chronologically, there has been a theoretical development of the role played by the RoL in the action of the EU, which happened at the level of both internal and external policies.

On the one side, in the past years, the European Commission (EC) has been developing new tools to address the democratic backsliding in countries such as Poland and Hungary, which were considered to have met the democratic conditions, as determined before the reform of the enlargement policy (Kochenov, 2008). The issue has been addressed primarily through infringement proceedings and the newly launched RoL Framework. Those instruments have been designed considering that the accession conditionality would have been sufficient to consolidate democracy and the RoL in the new MS. Therefore, they mainly tackle ‘involuntary’ RoL backsliding. Conversely, the current crises are characterised by the willingness of politicians to elaborate strategies against the previous democratic transition (Pishchikova & Youngs, 2013).

On the other side, regarding candidate countries, the EC’s ‘fundamentals first’ approach highlights the pivotal role recognised to RoL-related issues in the context of the accession process (Dzankic, et al., 2019). However, also in the context of the enlargement policy, which has been considered as the most powerful tool of the EU as a transformative power (Grabbe, 2006), concerns have raised on the lack of effectiveness in addressing properly RoL-related reforms (Dzankic, et al., 2019).

The described problem has consequences that overcome the traditional separation between the pre-accession and post-accession stages. Indeed, as shown by the RoL backsliding in some MS, which were supposed to have achieved a level of democratisation ranging from political elites to the societal level, there is the need to develop a comprehensive approach that encompasses the traditional separation between the internal and external dimensions of the EU’s action when it comes to strengthening the RoL.

The present article aims at assessing to what extent the EC’s approaches in stabilising the RoL in the MS and in candidate countries are interlinked. In order to answer the research question, a theoretical section will present the traditional literature and debate on the concept of Europeanisation, introducing the idea of a new intra-institutional Europeanisation. Subsequently, the paragraph will focus on the recent developments in the enlargement strategy. Following this, the new practice adopted by the EC towards the MS will be considered, stressing the combined use of judicial and political procedures. Finally, the last paragraph will analyse the simultaneous evolution of the two dimensions. The article will conclude that the two Directorates-General involved, notably Directorate-General (DG) NEAR and DG JUST, have modified their approach in this field by influencing each other and creating a sort of intra-institutional Europeanisation. In this regard, this article relies on the introduction of a new component of the concept of Europeanisation, until today understood as a process primarily involving EU Member States and EU institutions, as well as the reciprocal influences between the two.

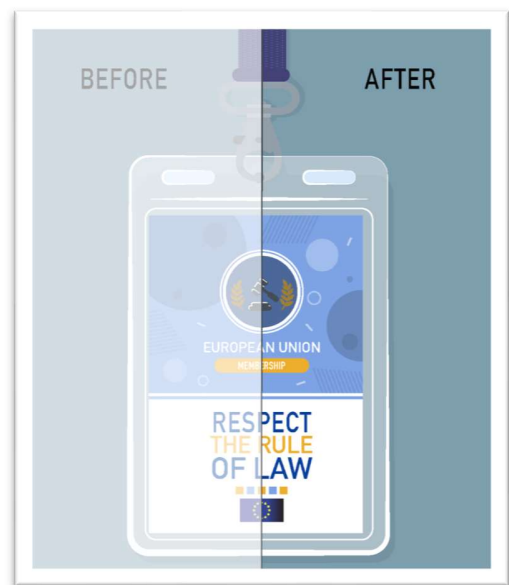
Europeanisation in action: from uploading/downloading to intra-institutional effects

Since its very beginning, the EU integration project has been characterised by the idea of the EU as a normative power, to be understood as the EU’s power to influence third countries’ perception of what is ‘normal’ (Manners, 2002). In this regard, Manners argues that several factors contribute to the diffusion of EU values in third countries, such as informational and procedural diffusion. The former “is the result of the range of strategic communications, such as new policy initiatives by the EU, and declaratory communications”, whereas

the latter “involves the institutionalisation of a relationship between the EU and a third party” (Manners, 2002). Through these factors, the EU acts as “a changer of norms” (Manners, 2002).

Additionally, the EU can be considered as a transformative power (Grabbe, 2006). In this regard, the power of the EU is not limited to changing the perception of what is ‘normal’ but it has the ability to introduce concrete changes in the third country’s system by transferring its legal and political *acquis*. The EU enlargement process is the best suited to exemplify the ‘normative’ and ‘transformative’ nature of the EU’s action. The EU made the accession of new States conditional upon several requirements. The latter have been progressively modified and adapted to the specific circumstances of candidate countries and, in their final version, include a strong focus on the political and institutional structure of the candidate country, which shall abide by EU fundamental values and principles.

The idea of the EU as a ‘normative’ and ‘transformative’ power is relevant in the context of the Europeanisation process. In the last decades, a broad literature developed on the topic, which can be summarised into two main groups. In the first one, scholars focused on the single dynamics that domestic and EU institutions put into action; conversely, the second group adopted an holistic approach, considering the process in its entirety, as composed of many different dynamics that affect each other. Regarding the former, scholars such as Cowles, Caporaso and Risse, focused on the ‘uploading’ dimension of the Europeanisation process, examining to what extent national interests emerge at the European level (Cowles, et al., 2001). Other scholars, such as Börzel, focused on the process of ‘downloading’, through which European rules have an impact on shaping policies at the national level (Börzel, 1999). Finally, some other scholars took into consideration different aspects of the process, but analysed them as separate elements (Graziano & Vink, 2013). Finally, following Radaelli’s definition, Europeanisation can be understood as a concept that includes a “process of (a) construction (b) diffusion (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies” (Radaelli, 2000).



Differently, in this article the concept of Europeanisation will be considered with regard to the progressive development of strategies and new informal competences of DG JUST and DG NEAR in the field of the Rule of Law. More precisely, this article argues that the action of DG NEAR in this field, which chronologically came before that of DG JUST, positively affected the room for manoeuvre of DG JUST, especially if we consider the fact that the EU does not have an explicit competence to intervene in matters related to the respect of the Rule of Law.

In this regard, Zielonka’s view of the enlargement policy as a process that encourages political and institutional changes not only in candidate countries but in the EU itself is particularly relevant (Zielonka, 2006). More specifically, as already mentioned the EU’s enlargement policy has been considered as the first driver in the

reform process of candidate countries. However, Zielonka points out that the effects of this policy are not limited to candidate countries, but extend to the EU and its MS, becoming the main driver of internal reforms.

Evidence of that is the recent proposal put forward by the French government regarding the enlargement process. In its 2019 “non-paper”, Paris proposes to renew the enlargement process and to couple this reform with internal reforms that the EU should adopt in some fields before enlarging and furtherly burdening the EU “decision-taking” process (Herszenhorn & Momtaz, 2019). In this regard, it is self-evident that some EU MS see the enlargement process as a “threat” to the EU decision-making process and point out the need to adopt reform before enlarging to new members that could prove unwilling to take part in such a renewal process. As it will be expressed later on in this article, a similar consideration can be applied with regard to the “enlargement” of the EC’s competences in the field of the RoL, where the enlargement process played a fundamental role in strengthening and supporting the EC’s claims for competence.

Evolving dynamics in the relations with close friends...

Following the disintegration of Yugoslavia in the ‘90s, the WB experienced severe difficulty in addressing RoL-related reforms, since the state-building and democratisation processes were to be addressed in a still very conflictual context, hampering any kind of regional cooperation (Rangelov, 2013). With the aim to encourage conflict resolution and regional stabilisation, the EU started channelling massive assistance towards this region: it adopted the Stabilisation and Association Process which, together with the changes occurred in the enlargement strategy, still characterises EU-WB relations. The major challenge faced by the EU in the region related to filling the gap between the formal transfer of the EU *acquis* and its weak implementation (European Commission, 2006a). The results of the EU’s action regarding RoL promotion in the WB are contested. According to officials from the EC, the reports of the public consultations conducted by the EC on the evaluation of EU support for RoL in the 2010-2017 timeframe show that overall, in the last years, and despite the EU’s intervention in the region, there has been a deterioration of democracy in the WB (Interviews with EC Official 1, 2, 3, 4, 5, 6, 2020).

The EU enlargement policy has been historically characterised by the strong use of conditionality mechanisms. Indeed, by relying on the high attractiveness of the membership perspective, the EU made accession conditional on meeting a certain number of requirements (Schimmelfennig, 2008), the most relevant being the need to establish a democratic society, based on human rights and the RoL. The basis for the EU to make such demands is to be found in Article 49 TEU, which states that acceding countries must ensure the respect of the values enshrined in Article 2 TEU. The latter lists the EU funding values, referring specifically to the respect for democracy, the rule of law and human rights.

Following the results of the 2004 enlargement, and the critics concerning the unreadiness of Romania and Bulgaria, in 2006 the EC proposed a ‘renewed consensus on enlargement’ (European Commission, 2006b) which has been followed by the adoption in 2010 of the Communication on the Enlargement Strategy (European Commission, 2010a). The two documents underline the central role played by conditionality, which should be reinforced through a “systemic use of benchmarks, providing concrete criteria for opening and closing negotiations on individual chapters” (European Commission, 2006b). Moreover, the three pillars of the forthcoming ‘fundamentals first’ approach have been laid down: the renewed consensus on enlargement underlines that “judicial reform, administrative capacity, fight against corruption and organised crime need to be addressed early on in the accession process” (*ibid.*). The 2010 Communication further emphasises the EC’s

priority for these elements (European Commission, 2010a). In so doing, the centrality of the RoL in the enlargement process has been further boosted (Elbasani & Šelo Šabić, 2018).

The new approach has been specifically designed for the WB case. Indeed, these countries are facing a post-conflict reconstruction, involving, *inter alia*, a process of peace stabilisation in the whole region. This aspect reflects the EU's interests, which have been boosted via different strategies. Whereas at the intergovernmental level, regional stabilisation is pursued through high-level dialogues, such as those established by Germany through the Berlin Process, at the EU level, the main policy which has been put in action is the enlargement process.

The new enlargement round is characterised by two peculiarities. On the one side, the lack of support for enlargement limited the credibility of the process itself. The emphasis has been put on the limited 'integration capacity' of the EU, which implies that the new candidates will face a higher degree of uncertainty compared with the previous ones (Schimmelfennig, 2008). On the other side, the whole enlargement strategy changed and the 'fundamentals first' approach was introduced.

As already mentioned, the latter is built around three pillars, which are addressed in the context of the negotiations on Chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security). Those chapters have been put at the centre of the negotiation process. This reform is particularly relevant when comparing this new strategy with the previous one. Indeed, here we see a clear shift from an approach based on "the easiest first" approach, to the "fundamentals first" approach (Schimmelfennig, 2008). In other words, previous enlargement rounds were based on the assumption that starting the negotiation process by focusing on those Chapters which there the most likely to be easily agreed upon and closed would have stabilised the accession process itself and given stronger leverage to the EU as regards the most problematic Chapters, notably those related to democratic governance and the Rule of Law.

In this regard, the experience of Bulgaria and Romania is particularly relevant. Indeed, those countries have been admitted to the "EU Club" despite the general agreement on the fact that they did not fully meet the democratic requirements set in the 1993 Copenhagen Council Conclusion (European Council, 21-22 June 1993). As a consequence, a new mechanism, the Cooperation and Verification Mechanisms, was adopted, thus applying a sort of post-accession conditionality. The mechanism, based on regular monitoring and reporting activities, was aimed at controlling the progress made by the two countries in some specific areas of the RoL (Salati, 2019).

Following the negative assessment of this mechanism (Salati, 2019), the EC in 2010 proposed its renewed enlargement strategy, which sees Chapters 23 and 24 at the centre of the whole process (European Commission, 2010a). Such a new role, coupled with the introduction of interim benchmarks, led to the new negotiation strategy, which implies the opening of these chapters at the very beginning of the negotiation. Furthermore, they will be kept open throughout the whole process and will only be closed at the end of the negotiations. The main aim of this approach is to allow a detailed assessment of the progress in the RoL area, thus ensuring the stabilisation of the improvements (Elbasani & Šelo Šabić, 2018).

... and with the new members of the Club

In the last decade, the EU has been facing an increasing number of internal threats to the RoL principle. In Poland and Hungary, the escalation has been particularly evident. In these countries, the initial discrepancy

between formalist and substantive compliance with the RoL standards degenerated and led to the adoption of several domestic laws and constitutional amendments which are incompatible with the principle of the RoL (Eppler, et al., 2019).

The current democratic backsliding can be linked to the increasing power of populist parties, which, in the 1990s, started promoting a narrative based on national identity. The Hungarian Civic Union Fidesz in Hungary and the Law and Justice Party (PiS) in Poland started making use of discourses based on ‘re-Christianizing’ Europe and referred to the federal elements of the EU as a threat to national sovereignty (Coman & Leconte, 2019). Both governments focused their state-capture attempts on limiting judicial independence, which is considered to be a major component of the RoL (Associação Sindical dos Juízes Portugueses, C-64/16).² The EU’s response to the RoL crisis has not fully met the expectations raised by scholars. Indeed, so far it has been characterised by a variety of measures incoherently adopted by EU institutions, thus leading to overlapping instruments and gaps that reveal the lack of a common strategy (Kochenov & Bárd, 2018).

The current tools at the EC’s disposal to tackle RoL backsliding can be distinguished in two categories: political instruments and judicial procedures.

As regards the political instruments, it is necessary to refer to the procedure under Article 7 TEU and to the recently introduced RoL Framework, further strengthened by the EC’s Blueprint for action.

The three-stage procedure under Article 7 TEU has been referred to as the ‘nuclear option’. It is a last resort mechanism since it implies that all MS take a clear negative position against certain policies adopted in one of the other MS.³ The mechanism was activated by the EC for the first time against Poland on 20 December 2017. Today that it has been triggered, there is the opposite fear, notably that of realising that the procedure is rather ineffective (Scheppele & Pech, 2018).

Indeed, the voting rules required to get through the three stages imply a high number of veto players. In this regard, Hungary has already announced that it will vote against any measure affecting Poland (Eppler, et al., 2019). The consequence is that any chance to reach stage 2, for which unanimity in the European Council is required, is currently blocked.

In 2014, the EC launched its RoL Framework (European Commission, 2014a). It represents the answer to the increasing critics concerning the EC’s lack of effectiveness in addressing the RoL backsliding in some MS (Pech

² Regarding Hungary, since 2014, the government amended the constitution and adopted laws that prevented any kind of internal dissent (Kochenov & Bárd, 2018). Through the adoption of Lex NGO and Lex CEU, private and foreign-funded NGOs and universities have been directly attacked for receiving foreign funds (Appel, 2019). Furthermore, it completely changed the system governing the judiciary, impairing the independence of the Hungarian Constitutional Court (Coman & Leconte, 2019). Similarly, since 2015, the Polish government started adopting and amending ordinary laws. Its action, aimed at capturing the judiciary, built on the reform of bodies and institutions such as the Constitutional Tribunal, the Supreme Court, and the National Council of the Judiciary (Kochenov & Bárd, 2018). All judges and prosecutors are now subordinated to the Minister of Justice. Following these reforms, the EC released a recommendation where it stated that the constitutional legitimacy of Polish laws is no more guaranteed (European Commission, 2017a).

³ Article 7 TEU can be triggered on a reasoned proposal of MS, the European Parliament (EP), or the EC. Following the proposal, the Council, by qualified majority voting (QMV), may determine whether there is a clear risk of a serious breach by one of the MS of EU values. Then, the European Council, on a proposal submitted by the MS or the EC and after obtaining the consent from the EP, may unanimously determine the existence of a serious and persistent breach. Finally, the Council, voting by QMV, may decide to suspend certain rights to the MS.

& Scheppele, 2017).⁴ The mechanism was activated for the first time against Poland in 2016 and led to the adoption of four recommendations between July 2016 and December 2017.⁵ Following the lack of positive answers from the Polish government, the EC decided to issue a proposal for a Council decision under Article 7 TEU (European Commission, 2017b). The Framework has been strongly criticised by some scholars. Indeed, it has been highlighted that it only introduces one more step before triggering Article 7 TEU, which already entails a very structured procedure (Pech & Scheppele, 2017).

Following this path, in July 2019 the EC adopted a new communication, establishing a Blueprint for strengthening the RoL (European Commission, 2019a). The EC established several commitments and sets recommendations addressed to other EU institutions and MS, aimed at tackling the RoL backsliding both in the short- and medium-term (Kochenov, 2019). As regards the judicial procedures, in the last decade the EC strongly relied on the use of the infringement proceeding, enshrined in Article 258 TFEU.⁶ This mechanism reveals, however, at least one shortcoming. Indeed, infringement proceedings are designed to tackle single violations of EU law. Its case-by-case nature reveals the weakness of this instrument in situations of generalised and concerted RoL violations, such as the Polish and Hungarian ones (Kochenov & Bárd, 2018). In this context, further emphasis should be put on Article 260 TFEU, allowing the CJEU to adopt measures against those MS that do not comply with a judgement of the Court. Triggering this provision could help to overcome one aspect of the weakness of Article 258 TFEU, namely the fact that, not being designed for concerted violations, the simple statement that there has been a violation would prove useless (Peel & Hall, 2019). However, once again the case-by-case nature of the mechanism does not allow to tackle generalised deficiencies. In this context, several scholars recommended the use of a ‘systemic’ infringement proceeding. In this regard, Scheppele suggested that infringement proceedings should be based on the violation of Article 2 TEU *per se*, referring to the systemic violations of EU fundamental values (Scheppele, 2013).

Connecting the dots: DG NEAR and DG JUST reciprocal influences in the development of their competences in the field of the RoL

Following from the above and as already mentioned in the introductory paragraph, the main aim of this article is to argue that the refining of the enlargement methodology that has been going on in the past decade has had an impact on the way the EU looks at itself. The whole new approach to enlargement and the ‘fundamentals first’ doctrine has informed the internal thinking of the EC that led to the announcement of the RoL Framework in 2014 (European Commission, 2014a) and the new announcement of the pillars of the Von der Leyen Commission (European Commission, 2019b). The RoL backsliding in Hungary and Poland has also induced the Commission to strengthen its thinking.

⁴ The Framework is designed to be activated by the EC before triggering Article 7 TEU. It comprises three stages, aimed at establishing a dialogue with the concerned MS. The results of the dialogue may lead the EC to issue a recommendation on the improvements that need to be put in place.

⁵ The full list of the recommendations regarding the Rule of Law in Poland may be found at https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-framework_en.

⁶ With regard to the recent case-law of the Court of Justice concerning Rule of Law backsliding and, more specifically, judiciary independence, see CJEU, C-406/18, *PG v Bevándorlási és Menekültügyi Hivatal*, ECLI:EU:C:2020:216; *Google Ireland Limited v Nemzeti Adó- és Vámhivatal Kiemelt Adó- és Vámigazgatósága*, ECLI:EU:C:2020:141; C-522/18, *DŚ v Zakład Ubezpieczeń Społecznych Oddział w Jasle*, ECLI:EU:C:2020:42; C-537/18, *YV v Krajowa Rada Sądownictwa*, ECLI:EU:C:2020:136; Joint Cases C-558 and C-563/18, *Régime disciplinaire concernant les magistrats*, ECLI:EU:C:2020:234; C-564/18, *LH v Bevándorlási és Menekültügyi Hivatal*, ECLI:EU:C:2020:218; Joint Cases C-585, C-624, C-625/18, *Indépendance de la chambre disciplinaire de la Cour suprême*, ECLI:EU:C:2019:982.

There is a series of contingent, country-specific crises in RoL matters that induced the EC to strengthen and modify the way it looks at itself. It is true the mythology that once one state becomes a Member State the power of the EC to keep the transformation on track fades away because the membership leverage disappears. What seems to be happening in the last years is that the EC is trying to push for using the same lenses used with regard to candidate countries also for MS, whereas in the past, the internal and external aspects of the RoL issues have been seen as separate. A series of tools to tackle the RoL backsliding in EU MS have been experimented and started to come out exactly around 2013. In this regard, the chronology is very important. At the same time, the EU developed and refined its strategy towards the WB.

Given this evolving context, it can prove useful to modify our understanding of the concept of Europeanisation. As already mentioned in the beginning of this article, Europeanisation has been understood in the past as the different mechanisms explaining the influences that EU institutions and EU Member States have on each other. Differently, I argue here that the same concept should be applied with regard to the relationships and reciprocal influences within the EC. Indeed, despite the fact that the EC presents itself as one institution, the separation of tasks among different DGs and the specialisation of their officials allow to compare these institutions to a body, consisting of different organs, each of which affects, to different extents, the functioning and developments of the others. This particular mechanism of socialisation among officials being part of different DGs can be referred to as a form of Europeanisation taking place within one single EU institution and, therefore, as a form of intra-institutional Europeanisation. As this article argued, this is particularly true as regards the EC's competence in the field of the RoL.

An example of the above can be found regarding the EC's proposal for a Regulation of the Union's budget in case of systemic and generalised deficiencies in the RoL (European Commission, 2018a). Such a mechanism, which draws on the lessons learnt through the use of mechanisms based on conditionality in the context of the enlargement process,⁷ foresees that the access to EU funds would be conditional upon ensuring the respect of EU fundamental values. This additional requirement should apply to all MS. The proposal, issued in May 2018, is currently being discussed at the Council. It would allow the EC to suggest the adoption of measures against systemic deficiencies in the RoL area (Blauberger & Van Hüllen, 2020). The sanctions could range from a suspension to a reduction of the payments falling within EU cohesion funds (Salati, 2019). A similar link can be found in the proposal to make the allocation of financial support under the 2020 Recovery fund conditional upon the respect by MS of EU values and, in particular, of the RoL.⁸

As mentioned before, there is a series of elements which indicate that everything happened as a consequence of the announcement of the EC for the renewed methodology on enlargement with the 'fundamentals first' approach. This contingency deserves further attention, especially in the context of the theoretical framework and narrative on how Europe as an empire is evolving because of the enlargement process (Zielonka, 2006). As already discussed, the latter considers the enlargement policy as the most transformative policy on the EU itself (Grabbe, 2006), and not only with regard to candidate countries.

⁷ More specifically, it draws on the lessons learnt in the context of the CVM, as applied towards Romania and Bulgaria immediately after their accession to the EU.

⁸ This proposal has not been adopted yet, as the RoL conditionality is still to be agreed upon and a compromise needs to be found, especially with the most reluctant EU MS (notably Hungary, Poland and the Netherlands). See, in this regard, R. Emmort and B.G. Meijer, "EU delays strict rule-of-law conditions for recovery fund", 21st July 2020, reuters.com and D. Wake and M. Trauth, "EU Leaders agree to link funds to rule of law", 22nd July 2020, ednh.news.

The way enlargement is conceived has an impact on how the EC tries to develop its tools to evaluate EU MS. In this sense, Poland and Hungary were two wake-up calls for the EC to reconsider its role as a guardian of the treaty: the latter should also comprise a control on the respect of the RoL among EU MS. This influence that enlargement policy has on the EU itself and on the way the EU conceives itself and its competence happens among EU officials and, as regards the RoL, appears to particularly take place thanks to the intra-institutional relations developed between DG NEAR and DG JUST in this field. This conclusion comes, first of all, from EC officials themselves, who recognise the pivotal importance of the relations established between the two DGs in developing a strategy to be adopted by DG JUST with regard to MS that proved to be reluctant to ensure the respect of the RoL.

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