

# Influences on East European Politics: The European Union

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Doc. Marek Rybář, PhD.



# How does the EU influence outside regimes?

- EU is the most effective international organization in spreading democracy and the rule of law
- the EU's leverage rests in motivating the outside countries by prospect of EU membership, AND in its political conditionality
- **active** and **passive** leverage against the third countries

# The framework for EU-CEE relations

- conditionality as a key tool – “governance by enlargement”
- conditionality spells an asymmetric relationship, in which the EU offered help and privileges after the candidate countries’ meeting the set criteria/conditions
- first formulated in 1993

## The Copenhagen Criteria (1993)

- 1) **economic** – a functioning market economy and the ability to cope with competitive pressure and market forces within the EU
- 2) **political** – stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities
- 3) **administrative** – ability to take on the obligations of membership (implement the rules and adhere to the goals of the Union)

# The Scope of EU Conditionality

- impact on CEE stronger than on the domestic policies of the EU-15
- conditionality included the *acquis* but also broadly conceived political and macroeconomic themes
- political criteria included a judiciary and prisons reform (BUL), economic criteria involved pension and welfare state reforms (SLO)

# Uncontrolled Areas of Cyprus

## Conditionality and its limits

- less effective in the countries with a history of (violent) ethnic conflicts
- high political costs for the national governments
- CRO and SER – (lack of) cooperation with the ICTY
- Turkey's recognition of the Greek-Cypriot state
- Status of ethnic minorities in LAT and EST



## EU and democracy in the member states

- the ability to sanction an EU member state is considerably weaker than an EU candidate country
- autonomy of EU institutions in such sanctions is limited
- if there is no compliance with the EU law, the Commission can turn to the CJEU
- limited and complicated procedures to deal with democratic backsliding

# Procedure 1:Sanctions

- proposed by 1/3 of EU member states or the Commission
- assent by 2/3 of MEPs (representing a simple majority in the EP)
- unanimity in the European Council (excluding the country under consideration and the abstentions)
- the Council by a qualified majority agrees on sanctions:
- voting rights suspension in the Council



## Procedure 2: Concern

- “a preventive (political) procedure”: states the existence of a clear threat to liberal democratic norms in a member state:
- Initiated by 1/3 of EU members, or by the Commission, or by the parliament
- requires parliamentary assent and a 4/5 majority in the Council ((excluding the country under consideration and the abstentions)

# Procedure 3: A new rule of law mechanism

- the argument that countries whose governments interfere with the rule of law do not deserve transfers from the EU budget; however:
- the EU can only cut the funding to if there is a concrete Treaty-based procedure to do so
- The only legal base is “the need to protect the financial interests of the Union”
- the regulation states sanctions can only be imposed if there is a clear link to the financial interests of the Union

# Other Possible Measures

- a threat of sanctions
- social pressures
- issue linkages

# Problems in Central Europe

- Austria 2000: entry into government of the far right FPÖ
- Hungary after 2010: new constitution and a series of constitutional laws – the central bank, media, NGOs, universities, electoral rules
- Romania 2012: attacks on the Constitutional Court, limiting presidential powers
- Poland 2015: weakening of the Constitutional Court and independence of judiciary, media, rights of the opposition

# Why democratic backsliding?

- how did the early frontrunners like HUN (and POL) become the most problematic EU members?
- democratic consolidation understood as a process of adaptation of political elites
- low levels of civic participation and weakly anchored political institutions were considered a minor problem

# Why democratic backsliding?

- they may represent the missing content of democratic political institutions, leading to the current wave of autocratization in CEE
- adoption of institutions and EU legal templates (minority protection, antidiscrimination norms) were adopted without being backed by coalitions of politicians, civic groups and voters

# Missing Liberal Consensus?

- Dawson&Hanley (2016): cohabitation of liberal and illiberal norms (the latter may even be stronger) led to corruption and a failure of EU conditionality) over time
- BUL: economic & technocratic version of liberalism adapted to existing illiberal norms (nationalism and social conservatism)
- CZE: an early coalition of liberal dissidents and economic technocrats was joined by economic elites of the old regime

# The “Other” Democratic Deficit

- Paradox: more democracy at the EU level (a stronger role of Parliament and parties, politicization of the Commission) may lead to authoritarianism at the lower (i.e. state) level
- a parallel with other federations (India, USA before 1950, Brazil, etc.): in some democratic federations, a sub-national authoritarianism may prosper



# Can an EU member state be an autocracy?

- the importance of 1. party politics and 2. fiscal policies:
- in federations, autocratic leaders at the sub-federal level may be an important part of governing coalitions at the federal level
- consequently, democrats at the federal level may overlook authoritarian policies of their allies

# Can an EU member state be an autocracy?

- fiscal policies: local autocrats may use federal financial transfers to support their clientelist networks to stay in power
- Orbán's Fidesz and Hungary as a model case
- Fidesz was, until early 2021, an important part of the EPP group in the EP, protected and defended by its powerful allies

# Hungary (and Poland) in the EU

- EPP leaders rejected criticism from other political factions as politically motivated
- (“a liberal-socialist conspiracy”)
- Fidesz has misused the EU funds to sustain its clientelist networks – people close to Orbán are the major beneficiaries of EU subsidies in HUN
- Orbán has also cultivated his own “clients” in other countries, e.g. Slovenia’s Janez Janša, Serbian leaders in Bosnia
- a mutual cooperation HUN-POL

# Recent development

- Ukraine as an EU candidate country (2022)
- a split in HUN-POL partnership, HUN as a Trojan horse?
- NATO enlargement (HUN and TUR link it to EU politics)
- 2023: EU Commission proposed to freeze some €7.5 billion from the regular EU budget earmarked for Hungary + €5.8 billion in grants (Recovery plan) – some of it released in 2024

# Official and Potential EU Candidate Countries

- Albania (2014, negotiations since 2020)
- Moldova (2022, referendum in 2024)
- Republic of North Macedonia (2005, negotiations since 2020)
- Montenegro (2010, neg. since 2018)
- Serbia (2012, neg. since 2014, halted)
- Turkey (1999, neg. since 2009, halted)
- Ukraine (2022)
- Georgia (U-turn in 2024), BiH, Kosovo