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CSDP MISSIONS AND OPERATIONS AS INSTRUMENTS OF EU CRISIS MANAGEMENT - THEIR ESSENCE, ROLE AND DETERMINANTS

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Abstract: The aim of this article is to highlight the essence, the meaning and the role of EU civilian missions and military operations conducted under the umbrella of the Common Security and Defence Policy (CSDP). The first two parts constitute an introduction which presents the institutional framework, scope and mandate of EU missions/operations as well as their nature. The subsequent parts constitute an attempt to answer the question of what distinguishes EU missions/operations and what their specificity is. In this context, the CSDP crisis management model is presented along with the significance of operations in building the EU's international identity and in strengthening the political dimension of European integration, especially in relation to security and defence policy. The main weaknesses and shortcomings of CSDP missions/operations have also been characterized. Thusly, eleven such weaknesses have been identified which, to a large extent, determine the shape, scope and nature of CSDP missions and operations carried out by the European Union.

Keywords: European Union, Common Security and Defence Policy (CSDP), EU missions/operations, civilian and military activities under the CSDP, crisis management.

Introduction and methodological aspects – the assumptions, subject, objective, questions, and research methods

Military operations and civilian missions under the European Security and Defence Policy and, subsequently, the Common Security and Defence Policy (CSDP) have been organised since 2003¹ and institutional and decision-making mechanisms have been established for such missions and operations.

¹ In this article, civilian expeditionary activities of the CSDP are referred to as “missions”. Military activities are referred to as “operations” (including EU military training missions, i.e. *non-executive military missions* described as the European Union Training Mission). The terminology is in line with EU practice and is also applied in EU institutions, including the European External Action Service. At the same time it has to be pointed out that in the Treaty on the European Union - in the Lisbon Treaty version - both civilian and military activities under the CSDP are referred to as “missions”.

My fundamental assumption is that CSDP missions and operations constitute a vital element in building the EU's international identity. The EU's activity in this regard should refer to the entire sphere of the EU's foreign relations. The operational activities of the European Union (the CSDP 's missions/operations) are to define its position as an effective actor in international relations and to play a stabilising role in international relations.

The choice of such a research topic as a case study of EU international activity is justified and intentional. EU missions and operations are a manifestation of the political sphere of European integration development as well as an expression of efforts to strengthen this component in the EU, and, in particular, the facets related to security and defence policy. With the operational criterion in mind, EU missions and operations are one of the EU's crisis management instruments and, in a broader perspective, are part of the EU's comprehensive approach executed in its relations with the outer world. They are also somewhat a reflection of the state of European integration in the political dimension. On the one hand, the objective and subjective scope of EU missions and operations is constantly expanding, which denotes the evolution of the CSDP. On the other hand, they are of limited scale and scope, which proves the difficulties posed by the development of the CSDP and, more broadly, by political European integration. Some researchers describe them as unchallenging or even unambitious whilst citing "their inability fully to resolve problems on the ground" (Menon, 2009, p. 230).

The research topic is intended to highlight the specificity and importance of CSDP missions and operations in the sphere of EU international activities. This analysis will allow the drawing of conclusions with regards to the determinants, premises as well as potential challenges related to the execution of CSDP missions and operations. The main objective of the research is, therefore, an attempt to comprehend the basic issues and concepts vital from the vantage point of the research question, and an attempt to reconstruct and, subsequently, examine the phenomenon of CSDP missions and operations, in particular:

- institutional and legal foundations and crisis management mechanisms within the CSDP, as well as the ways of formulating goals and shaping the principles and norms in this regard (who formulates them, what they encompass and what constitutes their normative and theoretical basis);

- operational activities of the CSDP, which create a specific model of conduct of the EU in this regard,
- trends, phenomena and processes related to the development of CSDP missions and operations.
- As a consequence of choosing such a research question and such objectives there is a need to obtain answers to the following research questions:
 - what is the institutional and operational basis of CSDP missions and operations,
 - what is the objective scope and the dynamics of the evolution of changes concerning CSDP missions and operations,
 - what distinguishes CSDP missions/operations, what is their specificity,
 - what are the characteristics of the crisis management model under the CSDP and what are its features,
 - what is the role of the EU as an actor in crisis management and conflict prevention in international relations,
 - to what extent are the operational activities of the CSDP compatible with other EU activities,
 - what are the determinants and premises affecting the coherence of CSDP operational activities.

Bearing the abovementioned questions in mind, I have formulated the following research hypothesis which is based on the assumption that CSDP missions and operations executed by the EU contribute to enhancing the EU's role as an actor in crisis management and conflict prevention. At the same time, their risk factor is low. They are carried out on a small or medium scale and they constitute one of a few - but not the most important - instruments (measures) of the EU's influence on the international environment. CSDP missions and operations should be perceived as complementary to other EU external activities in the context of the EU's comprehensive approach principle in the EU's international strategy, which is manifested by the fact that they encompass elements of development assistance, economic cooperation and CFSP, interrelated and coordinated with one other. The EU is therefore not a typical actor/subject in the field of international security.

Various research methods were required to write the paper. With the application of the factor method, I identified the factors and trends shaping the CSDP, including its missions and operations. The systemic method, however, was applied in the context of analysing the claims referring to the institutional and processual character of the EU's external relations, as well as showing these relations as a specific model of EU activity in the world. Due to the specific nature of my research topic, I also applied the legal and institutional analysis. To compile and evaluate the effectiveness of the CFSP (and CSDP), I used the quantitative and qualitative analysis. And finally, in my attempt to outline the direction in which the EU's foreign and security policy would develop, I implemented the scenario method.

The main objective of this article is to educate and broaden one's knowledge on the essence and importance of CSDP crisis management missions and operations, but also to develop research in this area and to present it in the context of general EU activity in the world.

The scope and mandate of CSDP missions and operations

The ESDP was to provide Member States with a flexible tool so that they would be readily equipped to respond to crises which threaten, directly or indirectly, their security. It should be noted that from the very beginning of the ESDP's existence (and subsequently the CSDP), two important restrictions have been taken into consideration with regards to that policy which, to this day, determine the essence and significance of crisis management operations.

Firstly, CSDP missions/operations are only to address broadly defined crisis management issues and cannot exceed that scope. According to Nicole Gnesotto, the EU's definition of the term "defence" is solely crisis management outside the EU, not a policy of defending its own territories and citizens (Gnesotto, 2012, p. 28). EU missions and operations deployed in crisis areas and those where the EU can use civilian and military means (so-called Petersberg tasks) include: joint disarmament operations, humanitarian and rescue missions, military advice and assistance missions, conflict prevention and peace-keeping missions, combat forces in crisis management including missions to restore peace and stabilize post-conflict situations. All those missions/operations can contribute to the war against terrorism by, *inter alia*, supporting third countries in combating terrorism in their territories (Article 43(1) TEU in the Lisbon Treaty version).

Secondly, the development of the EU's ability to act in the realm of its security and defence policy cannot undermine NATO's position as a fundamental pillar of European security. The ESDP, and currently the CSDP, is not an alternative to NATO. Indeed, it is quite the opposite. The CSDP is to contribute to the increase of the EU's international activity and at the same time it is treated, at best, as an instrument for the Common Foreign and Security Policy's (CFSP) implementation and not as a system of joint defence. Therefore, it does not incorporate the formation of the so-called territorial defence which remains in the hands of NATO. As Dariusz Milczarek notes "this restrictive interpretation is supported by the decisions made at the summits in Köln and Helsinki (respectively in June 1999 and December 1999 – author's note), under which the tasks of the CSDP were limited to executing the "Petersberg tasks" (Milczarek, 2013, p. 484). During those summits, it was reiterated that NATO would remain the foundation for the collective defence of its members and that it would continue to play an important role in resolving crises. It was also stated that the development of the EU's defence policy would take place without prejudice to the obligations arising from Article 5 of the Washington Treaty and Article V of the Brussels Treaty. It was also declared that missions/operations conducted by the EU should not interfere with nor replicate NATO operations. Pursuant to Article 42(2)(2) of the TEU, in the wording of the Lisbon Treaty, the CSDP respects the obligations arising from the North Atlantic Treaty for member states, which believe that their joint defence is carried out within NATO.

The terms "crisis management" and "peace-restoring missions" are not specified in the treaty and may therefore refer to military operations. Those, in turn, are not tantamount to armed interventions. EU military operations may not exceed the scope of Petersberg tasks; EU military operations' goal is to maintain or enforce peace through sheer presence, the prevention of conflicts and the strengthening of international security (Przybylska-Maszner, 2009, p. 11).

In the TEU in the Lisbon Treaty version, the institutional mechanism of the CSDP was based on the Council as an intergovernmental institution. It is the Council which, at the request of the High Representative of the Union for Foreign Affairs & Security Policy or at the initiative of a Member State, unanimously adopts decisions on undertaking an missions/operation (Article 42(4) of the TEU in the Lisbon Treaty version), specifying their purpose and scope as well as general conditions for their execution (Article 43(2) of the TEU in the Lisbon Treaty version) (Consolidated versions of the Treaty ..., 2012). Missions/operations involve Member States which express their consent (the Council's decision to execute an mission/operation is not tantamount to

the fact that the country will be willing to allocate its forces to that mission/operation) as well as third countries - non-member states, which provide adequate military or financial contribution. No UN mandate is required to commence a CSDP mission/operation, although every mission/operation undertaken has been mandated thus far. It is also customary for EU missions/operations to be undertaken with the consent of the countries interested, except when the country, on whose territory the mission/operation is to be executed, is in crisis and has no effective executive authority (which has not happened yet - as of May 1st, 2020) (Przybylska-Maszner, 2009, p. 16).

The scope and mandate of an individual EU civilian and military mission/operation "are the result of a well-defined process that combines a political assessment of the situation, various planning steps, and decision-making procedures"(Missiroli (ed.), 2016, p 52). The systemic structure of the CSDP is based on the relationships established between the Union and the Member States by the Treaties which obligate them to support the Union in fulfilling its primary goal in that respect, i.e. crisis management in the international environment (Góralski, 2009, p. 82). This relationship is complemented by the CSDP decision-making system. The High Representative of the Union for Foreign Affairs & Security Policy, under the direction of the Council and in close and constant consultation with the Political and Security Committee (PSC), supervises the coordination of the civilian and military aspects of missions/operations (Article 43(2) TEU in the Lisbon Treaty version). The organizational structure of an mission/operation is based on a political and military mechanism consisting, on one hand, of the Political and Security Committee - the PSC and its subordinate bodies (within the EU Council)² and, on the other, of the European Union External Action (which reports to the High Representative of the Union for Foreign Affairs & Security Policy) and the institutions operating within³.

Neither the Treaties nor the conclusions of the European Council impose any geographical restrictions on activities executed with its consent. However, regarding the geographical criterion, all EU military operations and civilian missions to date have mostly focused on two regions: the

² The Political and Security Committee – the PSC supervises the following: the European Union Military Committee - EUMC; the Politico-Military Group - PMG; the Committee for Civilian Aspects of Crisis Management - CIVCOM.

³ European Union External Action incorporates, besides geographical departments and departments dealing with supranational issues, the following institutions responsible for crisis operation execution: **The Crisis Management and Planning Directorate – CMPD**; European Union Military Staff – EUMS; The European Union Intelligence Analysis Centre – INTCEC; Civilian Planning and Conduct Capability, CPCC.

Balkans and, mainly, Africa. So far the European Union has executed (or is still running) a total of 36 missions and operations, half of which (9 military and 9 civilian) have been conducted or are still in progress in Sub-Saharan Africa⁴ (In December 2019 the Council established new a European Union CSDP civilian advisory mission in the Central African Republic - EUAM RCA. Full operational capacity of EUAM RCA was reached in June 2020).

Types of CSDP missions and operations

Due to the subject criterion, civilian missions and military operations should be distinguished under the CSDP; they have "the same goal but are run separately and differ significantly in some of their key characteristics"(Missiroli (ed.), 2016, p. 61).

Civilian crisis management missions are an important platform for the EU's external activities. As Andrzej Ciupiński notes, "there are a number of uncertainties, or at least ambiguities related to the terminology of such operations" (Ciupiński, Warsaw 2008, p. 280). The most succinct definition defines them as "interventions with a non-military personnel involvement in a violent or non-violent crisis to prevent its further escalation thus contributing to its resolution" (Ciupiński, Warsaw 2008, p. 280). Another definition describes a mission as one "...which involves the use of civilian assets to prevent a crisis, to respond to an ongoing crisis, to tackle the consequences of a crisis or to address the causes of instability" (Tardy, 2017, p. 9). "Another characteristic of EU civilian crisis management is that it is partly defined by default, i.e. by what it is not, in opposition to military crisis management (...): it brings together all crisis management activities (including police-related) that are of a non-military nature. Such opposition is specific to the EU as one of the only international security organizations that tries to make a clear distinction between the two types of activities (although the distinction can get blurred, for example when police activities are performed by Gendarmerie-type forces, or when CSDP civilian missions are manned predominantly or exclusively by military officers)" (Tardy, 2017, p. 10). Some researchers, however, believe that "the multidimensional nature of the EU makes it inherently better suited for civilian work when compared with NATO, whose mission has historically been military in nature. Others argue that, even if NATO were able to undertake civilian work in crisis

⁴ See: https://eeas.europa.eu/topics/military-and-civilian-missions-and-operations/430/military-and-civilian-missions-and-operations_en [accesses on 23 July 2020].

zones, the EU would still have a comparative advantage, given that it will never develop military capabilities on par with NATO "(Chivvis, 2010, p. 1). Thus, it should be stated that civilian missions constitute "an original EU institution", unparalleled to any international organization. The following types of civilian missions can be distinguished as parts of the CSDP: the Police Mission, the Capacity building Mission, the Border Assistance Mission (in other words: border missions or training and control missions), missions to strengthen the rule of law (in other words: the Rule of Law Mission), security sector reform missions, the Monitoring Mission (in other words: observation missions), and mixed civil-military missions.

Military operations under the CSDP constitute an important element of the European Union's external activity to ensure peace and stability. Unlike civilian missions though, military operations are far more expensive and incorporate a greater number of people, require extended preparation and comprise soldiers assigned by Member States involved in those operations.

Currently (as of May 1st, 2020) the EU is running 11 civilian missions (including a mission established in December 2019 – a civilian advisory mission in the Central African Republic - EUAM RCA). It is also running 6 military operations. A sum total of 5,000 people are involved in all missions and operations⁵.

The EU crisis management model under the CSDP

By running civilian and military crisis management missions/operations, the European Union shapes a specific model of conduct in that respect. It is not permanent; it evolves with subsequent institutional and legal changes within the EU itself and within the framework of the Treaties. Each of the missions and operations under the CSDP is determined by various conditions and premises. However, some common elements can be distinguished.

a) The EU as one of many structures involved in stabilizing a situation

The CSDP missions and operations conducted by the EU have been "organized in countries where the EU has been only one of many structures involved in stabilizing the situation" (Starzyk-Sulejewska, 2009, p. 124). As noted in one of the works: "CSDP missions/operations are

⁵See: https://eeas.europa.eu/topics/military-and-civilian-missions-and-operations/430/military-and-civilian-missions-and-operations_en [accessed on 23 March 2020].

deployed in an international environment characterized by the presence of a multitude of other actors involved in crisis management at different legal, political and operational levels" (Missiroli (ed.), 2016, p. 47).

b) Small and medium scale CSDP s operations and missions

Such missions/operations are run on a small or medium scale. Their role and significance should not be overestimated. The EU commences zero missions/operations, especially independent military ones from square one, without the UN's or other regional structures' involvement due to its current state of military development and civilian operational capabilities (Musioł, 2012/2013, p. 343).

c) A clear and transparent CSDP mission/operation mandate in accordance with the principles of international law

EU missions and operations executed under the CSDP are based on a clear and transparent mandate "...derived from recognized principles of international law. Every EU mission/operation has at least the official support of the UN Security Council or a direct mandate of the Security Council" (Starzyk-Sulejewska, 2009, p. 123). Ryszard Zięba notes that the EU skilfully sidesteps situations where involvement in an ongoing conflict would make it look as if it was trying to pursue its own interests or play the role of "world policeman" (Zięba, 2003, pp. 210-211).

d) The United Nations - a strategic partner of the EU

The EU points to the UN's leading role in shaping international peace and security and highlights the requirement to coordinate any civilian and military crisis management activities with the UN. As far as relations with the UN are concerned, the European Union refers to the principle of "effective multilateralism" (Hoffmann, 2010, p. 106). CSDP missions/operations are an example of the implementation of this principle which became the cornerstone for the Joint Declaration on EU-UN cooperation in Crisis Management, signed by the EU and the UN in

September 2003⁶. The EU was the first organization to sign a cooperation agreement with the UN⁷. In 2007 the Declaration was updated and the mutual obligations were extended (*Joint Statement on UN-EU Cooperation in Crisis Management*). Collaborative efforts between the two institutions have been formalized through successive Action Plans. In 2012 the EU issued its own 'Action Plan on CSDP support to UN peacekeeping' which consequently led to a 'UN-EU Strategic Partnership on Peacekeeping and Crisis Management' covering the period 2015-2018⁸. Between 2013 and 2015 the EU and the UN operated in parallel in Mali, the Central African Republic (CAR), RD Congo, Somalia, Kosovo and the Middle East. At the same time, we have to point to the challenges related to the execution of the partnership with regards to crisis management between the parties. In addition to those addressing such issues as joint strategic planning, division of labour, joint reviews and coordination of exit strategies, one of the most important issues, according to the UN, is the insufficient direct involvement of the EU (regarding the number of soldiers) in UN missions⁹. One of the reasons for this is the development of the EU's independent operational capabilities under the CSDP and the desire to primarily use that instrument at the expense of the UN missions' involvement (for political and geostrategic reasons, which will be presented here in below).

e) International regional organizations

Besides UN forces, international regional organizations (and their military missions) underpin crisis management activities and EU missions/operations only offer support to them. Such

⁶The parties agreed to establish a *joint consultative mechanism* at a working level to enhance coordination and compatibility in four fundamental areas including: planning, training, communication and best practices (Starzyk-Sulejewska, 2015, p. 279). The UN-EU Steering Committee was also appointed, bringing together representatives of the two organizations twice a year to discuss issues of common interest. "The UNSC meets annually with the EU's Political and Security Committee, and holds regular meetings on UN-EU cooperation with the UN Secretary-General and the HR/VP. Liaison Offices were also set up: currently the EU Delegation to the UN ensures this function, and in 2011 a UN Liaison Office for Peace and Security (UNLOPS) representing the three UN Departments responsible for peace operations and political missions (Department for Peacekeeping Operations, DPKO; for Political Affairs, DPA; and for Field Support, DFS) was set up in Brussels". (*EU-UN cooperation...*, 2015, p. 6), [http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/572783/EPRS_BRI\(2015\)572783_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/572783/EPRS_BRI(2015)572783_EN.pdf) (accessed on: 28 March 2020).

⁷"The Joint Declaration came in the context of the first instances of cooperation on the ground in 2003, namely in Bosnia and Herzegovina where the EU Police Mission (the EU's first CSDP mission) took over the policing mandate from the UN International Police Task Force, and in RD Congo where the EU deployed one of its first military operations (Artemis)". (*EU-UN cooperation...*, 2015, p. 6).

⁸In the crisis management domain, the EU Global Strategy of 2016 states that the CSDP could "assist further and complement UN peacekeeping through bridging, stabilisation or other operations". (Missiroli (ed.), 2016, p. 57).

⁹The uniformed personnel contribution of EU Member States is around 5% of total UN military and police personnel (in the mid-1990s it was around 30% and in 2010 around 8.3%). (*EU-UN cooperation...*, 2015, p.11).

a stance results from (the objective weaknesses of the EU aside) the EU's and some Member States' negative experiences. In the 1990s, a spotlight was shone on the helplessness of Western countries in the face of wars and conflicts, especially on the African continent. According to EU representatives, international regional organizations with their peacekeeping forces are vital in conflict prevention at the regional level and their activities should be tantamount to those of UN peacekeeping forces. At the same time, the EU supports regional security structures and institutions financially, politically and logistically (in Africa: the African Union, as well as sub-regional organizations, including ECOWAS, IGAD, SADC). EU military operations and civilian missions are of strictly limited mandate and nature adapted to the activities of the UN and regional organizations.

f) An integrated and comprehensive approach to crisis management

An integrated and comprehensive approach to crisis management is currently one of the CSDP's vital leanings which are stipulated by a number of documents including the European Security Strategy of 2003 and the EU Global Strategy of 2016. They are examined in three dimensions: security-development nexus, civilian-military synergies, and internal-external security nexus.

Firstly, CSDP missions and operations are one of many elements of EU crisis management. Conflicts and disputes cannot be resolved by force alone and, to this end, the EU utilises all instruments at its disposal which enables it to bring to bear long-term and very much needed changes in conflict areas without limiting itself to just temporary resolutions. N. Gnesotto points out that "The EU's intervention ensures that a whole range of non-military crisis management measures can be applied to complement its military activity" (Przybylska-Maszner, 2014; Barburska, 2020). In the European Consensus on Development from 2006, one can read that: 'without peace and security, development and poverty eradication are not possible, and without development and poverty eradication no sustainable peace will occur (Joint statement by the Council ..., 2006, p. 7, point 40).

Secondly, an integrated and comprehensive EU approach is also perceived through combining military and civilian crisis management capabilities. In crisis situations, "...there is no military or civilian activity only. Military operations always incorporate civilian elements, and civilian missions incorporate military elements" (Musioł, 2012, p. 79). These issues have been

adequately described by Snowy Lintern: "Notwithstanding the complicated development process, military capabilities could be used in civilian missions, and civilian capabilities could be used for military operations. Examples include: civilian or military aircraft/ships/vehicles for deployment or intra-theatre transport, including the potential use of centralized 'EU' equipment from the warehouse; civilian or military satellite/aircraft/drones for air surveillance (such as the Luxembourg civil patrol aircraft provided for surveillance in Operation Atalanta); civilian or military personnel for force protection (i.e. civilian personnel for EUTM, or military teams to protect civilian ships); civilian or military personnel for medical tasks (i.e. medical support or medical evacuation)" (Lintern, 2017, p. 36). What is more, there have been cases wherein military operations conducted by the EU in the first phase of said operations have subsequently been replaced with civilian missions. One such situation, for example, took place in the Democratic Republic of Congo. Operation Artemis, as it was known, was later replaced by three successive civilian missions: Eupol Kinshasa, Eusec DRC and Eufor DR Congo. In other cases, police (civilian) missions are supported by military operations. As Joanna Starzyk-Sulejewska notes, it "...proves the comprehensive and integrated nature of the undertaken missions/operations in almost every case, even though in individual cases they are clearly defined as civilian missions or military operations" (Starzyk-Sulejewska, 2009, p. 123). Snowy Lintern concludes: "The EU military is not like NATO, or even 'NATO-like', it is a small but important component of the EU's suite of tools to deliver external action. This, by definition, means that civilian-military synergies, linking an important military role with a much larger civilian response, are only likely to grow, in part as a response to the long-term evolutions of civilian crisis management" (Lintern, 2017, p. 40).

The third dimension of the integrated and comprehensive approach in crisis management refers to an even closer correlation between external action and the internal area of freedom, security and justice. The EU Global Strategy (EUGS) states that "Internal and external security are ever more intertwined: our security at home entails a parallel interest in peace in our neighbourhood and surrounding regions. It implies a broader interest in preventing conflict, promoting human security, addressing the root causes of instability and working towards a safer world "(EU global strategy. Shared Vision ..., 2016, p. 14). In the Global Strategy it is highlighted that "...the external cannot be separated from the internal. In fact, internal policies often deal only with the consequences of external Dynamics "(EU global strategy. Shared Vision ..., 2016, p. 17).

The EU as an actor in the field of crisis management and conflict prevention in international relations

Despite a number of CSDP weaknesses (resulting from the structure, nature, and essence of the EU but also having a financial, operational and institutional background – see: the next chapter of this article). "CSDP missions/operations are the most visible manifestations of EU activity in the international security domain (especially in fragile states), and have been the most tangible examples of the progress of the CSDP as well as of EU's security actorness" (Tardy, 2015, p. 17; Bassi, 2016). At the same time, as abovementioned, they constitute elements of a comprehensive and integrated approach of the EU to external conflicts and crisis situations, which are characterized by combining political, economic and development activities with military ones. According to Anand Menon: "The Union is unique among international organizations in its capacity to contribute to all three aspects of post-conflict stabilization: security (military and policing), economic and humanitarian, and political and institutional" (Menon, 2009, p. 228). As part of the Treaty of Lisbon, the European Union acquired "... a multidimensional set of instruments (political, economic, security), in order to promote a more comprehensive approach" (Bassi, 2016, p. 5). As Thierry Tardy rightly notes: "There is a theoretical match between the multidimensionality of crises and the multidimensionality of EU instruments that de facto makes the EU a prominent actor of crisis management"(Tardy, 2015, p. 41).

Therefore, military operations and civilian missions as well as preventive diplomacy activities are part of the EU's global strategy. These kind of operations "...became an important tool at the EU's disposal to deal with instability in a broader area" (Galantino, Freire, 2015, p. 5). "The diversity of civilian and military CSDP missions conducted since 2003 underpinning the EU's foreign policy with concrete interventions and contributing to make it a credible actor in the field of crisis management and conflict prevention" (Garcia-Perez, Glume, 2015, p. 168).

The construction of EU civilian and military operational capabilities in crisis management is also part of, as Luis Simón puts it, "the EU's foreign political ambitions", which were expressed in numerous EU strategic documents and treaties. These are: "Effective participation in managing the global system and contributing to international security as well as promoting stability and good governance in more distant European countries" (L. Simón, 2011, p. 11).

The EU's operational capabilities (military and civilian) are not only aimed at laying the foundations and establishing instruments for EU intervention in the world but, vitally, they are intended to authenticate the feasibility of conducting it. Hence, the EU's operational capacity under the CSDP is a message sent globally to strengthen the EU's position on the international stage. It also allows the Union to gain greater independence in conducting military operations and civil missions (in neighbouring countries or where the USA shows no interest in conducting such operations) (Rynning, 2011, p. 26; Pape, p. 10, 17).

Defensive realists perceive EU missions and operations in two ways. Firstly, they are seen as an expression of assuming greater responsibility for security by the Europeans, which is manifested by CSDP missions/operations conducted without the support of the US and - more broadly – NATO and, secondly, as a form of strengthening transatlantic relations ("...through cooperation under the CSDP, European countries maximize their power and influence and, at the same time, become a better partner for the US" (Czaputowicz, 2013, p. 13)) and NATO.

Catherine Gegout, however, referring to the views of structural realists, states that EU missions and operations are somehow aimed at "soft balancing" the US (Gegout, 2009, pp. 408-409). She portrays the European Union as an independent actor in terms of security, especially with respect to the United States. C. Gegout provides the *Artemis* military operation in the Democratic Republic of Congo of 2003 as an example. According to the researcher, it was an opportunity to manifest the EU's unity in the context of the divergent positions of Member States regarding the intervention in Iraq, and to show that the EU is capable of conducting independent military operations (without US and NATO assistance) on the international stage (Gegout, 2009, p. 408, 411; Gegout, 2005, p. 429; Pieper, Lak, 2019; Mazur, 2020).

Due to their specificity, EU civilian missions, especially those having security sector reform, police and the European Union Training Mission mandates (EUTM), are vital in shaping the normative area of stability and security in international relations. In the process of Europeanization (external) and socialization, the security systems of third countries (mission target areas) merge with EU legal and political standards regarding internal security, organization of the political system and national security as well as with the security management model. Its aim is to raise the level of security in target areas (Wojnicz, 2014, p. 272). At the same time, such activities strengthen the EU's position in those regions of the world.

In dogmatic terms, EU military operations are contrary to the idea of a normative and civilian actor. Ian Manners claims that the use of military force creates the risk of "weakening the EU's peaceful normative power in favour of a more robust, and potentially more violent, presence" (Manners, 2006, p. 194). However, an analysis of hitherto EU military operations shows that there is no contradiction between the concept of the European Union as a normative and civil power and the tendencies to develop its military dimension. The fact that the European Union undertakes military operations is not tantamount to renouncing its role as a "civilian" and "normative" participant in international relations. Two assumptions should be made here: the fact that the EU uses military force abroad is conditioned only by normative and civilian (non-military) objectives, and that EU military operations are not combat missions, rather they are training missions in their nature. Some researchers, basing their opinion on defensive liberalism, indicate that there is premise justifying the EU's use of force in external relations, i.e. the protection of human rights and fundamental principles. Stelios Stavridis notes that promoting democratic principles globally "...might imply the need for the occasional use of military means at all" (Stavridis, 2001, p. 9; cf. Milczarek, 2003, pp. 183-194). Others, however, believe that "...normative power alone may not be persuasive enough on some occasions to influence other states and groups to alter their lawless behaviour" (Trott, 2010, p. 18; see more in: Zajączkowski, 2019, pp. 44- 48).

CSDP missions and operations express the desire to strengthen the political dimension of European integration, in particular that related to security and defence policy. However, this does not mean, as mentioned above, that military powers at the EU's disposal will become a priority in EU international operations; Member States do not consent to that (even the President of France's ideas to strengthen the CSDP garnered no support)¹⁰. This is advocated by such arguments built around European values and the weakening of peaceful EU mission efficiency. A vital argument against undertaking such actions is also the strong position of NATO and the UN. To traverse the words of researcher Nicole Gnesotto, the real benefit of the EU as an actor in the security area arises from its comprehensive approach to ongoing conflicts and crises. Therefore, the CSDP 's missions and operations should be perceived, analysed and evaluated in that context only and not as a tool in itself to counteract wars and conflicts. CSDP missions and operations are not decisive,

¹⁰ Ch. Hill, R. Whitmann, B. White, as early as in the 1990s, claimed that the EU would remain a civil superpower even if it started to play a more significant role in European security since it would not be enough to transform it into a strategic actor.

they do not determine the course of a conflict. Hence, "CSDP operations shall not be considered as *the* response to any kind of problem, but only as one possible option, alongside other policy alternatives such as *inter alia* diplomatic or humanitarian action, restrictive measures (sanctions), or abstention" (Missiroli (ed.), 2016, p. 61). The Common Security and Defence Policy does not mean transforming the EU into a security actor in a strict sense.

Shortcomings and challenges

The achievements of civilian missions and military operations have contributed to a greater "credibility" of the EU as an important player on the international stage. However, their thorough analysis shows fundamental shortcomings and challenges with regards to political and defence integration. On the one hand, proper institutional and decision-making mechanisms for conducting civilian missions and military operations have been established, but on the other, there has been no significant progress in their development. The limited character of EU missions and operations is determined by a number of the following conditions and premises:

a) Intergovernmentalism for the win

The CSDP is an organisational, intergovernmental area of the EU's functioning, "...primarily governed by the logic and conditions of inter-state negotiations determined by the will to cooperate with Member States" (Starzyk-Sulejewska, 2016, p. 460). And it seems that nothing has changed in that matter. The CSDP remains and will remain "firmly" intergovernmental (Haesebrouck, 2015, p. 15). The decision-making system in that area is based on the principle of unanimity and this requires a political agreement between Member States. At the same time, as Adrian Hyde-Price (from a neorealist perspective) states that: "Europe's great powers will continue to jealously guard their sovereign rights to pursue their own foreign and security policy priorities" (Hyde-Price, 2006, pp. 217-234; Haesebrouck, 2015, p. 15). All this means that Member States' arrangements regarding the scope and objectives of the CSDP missions/operations are based on the lowest common denominator. Some experts note that, in order to increase crisis management capabilities, it would be necessary to at least exclude the deployment of European Union Battlegroups from unanimous decision-making procedures. It seems that this idea would contribute little to the CSDP's improvement, and could lead to even greater turbulence and

political divisions within the EU (similar to those extant while discussing the mechanisms of the mandatory relocation of refugees).

b) Different strategic cultures, interests, goals and determinants of foreign and security policies of Member States

EU Member States are not uniform in terms of strategic culture. Their attitudes towards the CSDP vary and take different forms; some belong to NATO whereas others are neutral and not involved in military activities under the CSDP. Some acknowledge the supremacy of NATO and the alliance with the US whereas some would like to be NATO independent. There are nuclear superpowers that are permanent members of the United Nations Security Council, and countries with symbolic military potential. There are large and small states, supporters of activities related solely to the defence of their own territory and those advocating interventions outside the EU. These differences constitute an obstacle in the unification of strategic cultures of European countries. The use of force is the issue that strongly divides EU countries and constitutes the greatest hurdle to the CSDP's development (Meyer, 2005, p. 545). There is no agreement between EU countries as to the motives, goals, methods, legal bases (internal and international) and approval (at internal and international level) of the use of force. Effective crisis management at the EU level is hampered by "...additional dependencies related to the nature of foreign policies of individual countries, such as there being no common external threat, geographically divergent zones of political influence, and different experiences of Member States in terms of the alliance and major geopolitical threats" (Starzyk-Sulejewska, 2016, p. 460).

Some researchers (taking into account the constructivist perspective) claim that these abovementioned differences are gradually being eradicated through socialization and the social learning of Member States. Christopher O. Meyer says that Member States have managed to reach a consensus on their use of force (which is obviously not tantamount to the eradication of differences in that respect)¹¹. Military force is used only to fend off attacks of ethnic groups in war-affected countries thus defending European values and ideas such as human rights, democracy

¹¹ The following are conducive to achieving greater similarity of strategic cultures of EU countries and building a European strategic culture: common experiences gained during EU civilian missions and military operations, the socialization of elites in common institutions and bodies of the CSDP and the process of mediatization of conflicts and wars. In his article, Tommi Koivula formulates a thesis that due to a number of EU military operations and involvement of soldiers from individual Member States in them, so called *military ethos* is created at the EU level. (Koivula, 2009, pp. 171–190).

and security. Military force can be used as a last resort, should peaceful measures turn out to be unsuccessful. As a principle, its use against civilian targets should be limited. What is more, the use of force must not violate international law and must be based on the principles of multilateralism, i.e. cooperation with international organizations (primarily the UN). The fact that the principle of neutrality among European societies as well as the defence cooperation through NATO/USA is weakening, it is conducive to the use of force (Meyer, 2005, pp. 543-546; see more in: Zajączkowski, 2019, pp. 40-44).

c) Battlegroups as an example of the lack of political will

The fact that the development of the CSDP is dependent on the uniform political will of Member States constitutes a significant limitation. "A number of the CFSP's shortcomings can be attributed to the lack of political will rather than insufficient instruments or procedures" (Przybylska-Maszner, 2009, p. 32). European Union Battlegroups are an example illustrating that state of affairs¹². They have never been deployed, even though, as Andrzej Ciupiński states, there have been opportunities to do so (e.g. they could have been sent to at least two operations in Africa - in the DRC in 2006 and to the Central African Republic and Chad in 2008) (Ciupiński, Warsaw 2008, p. 213). According to Beata Przybylska-Maszner, "unless EU battlegroups become a tool for crisis management operations, it will be difficult to increase operational response capacity" (Przybylska-Maszner, 2014, p. 12).

d) Only the strong ones count

When describing the CSDP and its missions and operations, realists highlight the "...naturally strong position of a state" (Rosiński, 2014, p. 252). The CSDP is controlled by the largest of the EU countries: France, Germany and, by the end of 2019, Great Britain. Daniel Fiott points out that within the CSDP there is a significant imbalance of power in favour of those countries. "In the CSDP it is not about equality but one dependent on Europe's two or three military powers for capabilities and strategic direction"(Fiott, 2013, p. 4; Grosse, 2019). The strongest countries will agree to bear the costs of cooperation under the CSDP as long as it strengthens their

¹² On 22nd October 2004 in Brussels, ministers of defence of the Member States approved the establishment of 13 battlegroups. As intended, "battlegroups" of 1500 adequately equipped soldiers should be capable of deploying in conflict areas within 15 days.

influence (in line with the views of neoclassical realists). Therefore, the CSDP will only thrive if it is in the interests of those countries. The first EU military operation outside Europe under the CSDP was conducted at the behest of France (similar to the majority of CSDP missions/operations in Africa) since it was of strategic interest to Paris. Germany's increased involvement in EU missions and operations, especially since 2015, has been related to the migration crisis, the escalation of terrorist attacks and Berlin's desire to strengthen its international position and was also an excuse to reform the German army. Sweden had done the same, using its soldiers' involvement in EU Battlegroups to execute structural reforms within the army. The three CSDP reform initiatives adopted by the EU in 2017 are mainly in Germany's and France's interests. Their aim is also to strengthen European integration in the context of Brexit and the presidency of Donald Trump. The initiatives refer to the establishment of the Military Planning and Conduct Capability (MPCC) as part of the EU Military Staff¹³, the establishment of the European Defence Fund financed from the EU budget and the activation of the permanent structural cooperation mechanism (PESCO)¹⁴ back in December 2017 (Zajęczkowski, 2019, pp. 11-16).

e) Internal and electoral pressure

Some researchers from the liberal school of international relations believe that the decisions of individual governments to participate in CSDP missions and operations reflect their attempts to meet voters' expectations (Pohl, van Willigen, van Vonnö, 2016, p. 65; Pohl, 2014, p. 192). Governments formulate their foreign policy "...not primarily with a view to shifts in international power or norms, but with respect to what their societies want" (although the former may influence the latter) (Pohl, 2013, p. 317). This is consistent with Andrew Moravcsik's new liberalism which claims that governmental foreign policy transpires from the demands and preferences of national social groups (Moravcsik, 2008, p. 237; Moravcsik, 1997, pp. 516-524). The internal pressure exerted on governments explains the fact that EU civilian missions and military operations try to avoid risk, are time-limited and are generally not particularly ambitious. States are afraid of internal criticism and backlash for being too involved in CSDP

¹³ MPCC will lead EU non-executive military missions, i.e. military training missions. Therefore, its role will coincide with the Civilian Planning and Conduct Capability – CPCC which has been operating since 2007.

¹⁴ The instrument was implemented into *acquis communautaire* in the Treaty of Lisbon, but is yet to be used. PESCO is to enable closer cooperation of the Member States with regards to the CSDP provided that specified requirements are met.

missions/operations, especially those of a military nature which carry the risk of human losses and entail significant expense. (According to Benjamin Pohl's logic, governments do not want to be accused of "...paying too high a price in blood or treasure"(Pohl, 2013, p. 317). Hence, Member States' involvement in missions/operations is merely symbolic. Their (personnel and financial) contribution is usually disproportionate to their possibilities. Therefore "...governments can pretend to be capable of influencing international events, without facing the risk of being accused of pointless activism"(Haesebrouck, Haesebrouck, 2015, p. 13; Pohl, 2013, p. 317). As a result, governments prefer civilian missions or non-combat military operations of the CSDP. The positions of individual Member States regarding the CFSP and CSDP are therefore "...tailored to societal preferences and priorities; that such actions would lack a credible strategic logic as the foreign policy objectives would be secondary to making domestic audiences feel good while avoiding (longer-term) risks and deflecting potential blame"(Pohl, 2014, p. 194). B. Pohl states that the development of the CSDP is determined by the fact that "EU governments are above all concerned with electoral survival" (Pohl, 2014, p. 200; see more in detail: Zajączkowski, 2019, pp. 21-26). EU civilian missions and military operations constitute some sort of emanation of that state of affairs and are the result of contradictory social expectations – the act of "doing something" by the authorities in the name of principles and values but at an acceptable cost. According to Pohl, it should be expected that EU missions and operations will continue in their current form, i.e. with a limited scope and mandate as well as limited objectives.

f) Prestige, security and economy

C. Gegout is a researcher who, in her analyses, as previously indicated, highlights the essence of realism with specific focus on structural realism. On this particular basis she proves that EU military operations (and civilian missions) are conducted following an accurate estimation of the cost and benefit distribution on three levels; prestige, security and economy. The European Union intervenes when it is in the interest of its largest Member States, when the risk of financial and human losses is kept to a minimum, and when an operation is conducted under Security Council resolutions and is acclaimed by the international community, primarily the United States. All this means that EU interventions, including those in Africa, are few and far between and are scope-and-time limited. (Gegout, 2005, pp. 442-443; Gegout, 2009, p. 412; see also: Zajączkowski, 2019, pp. 17-20).

g) The lack of mechanisms obligating Member States to greater contributions (financial and personnel) towards CSDP missions/operations (especially military ones)

The CSDP's institutional framework does not contribute to resolving the dilemmas of EU joint crisis management missions/operations. T. Haesebrouck, applying rational-choice institutionalism in his research, indicates two sources of the problem: the unanimity rule employed by the CSDP and the lack of formal obligation of the Member States to make (in the case of military operations) a financial and personnel contribution to CSDP missions/operations. A given country's consent to launch a CSDP mission/operation is not tantamount to direct involvement and requires no personnel deployment. However, in the case of military operations, only common costs are covered by all Member States, but they only account for approximately 10-15% of all costs¹⁵. According to Tim Haesebrouck, the lack of a centralized enforcement mechanism which would obligate states to a greater financial and personnel contribution towards missions/operations (especially military ones) results in the fact that "Member States will be tempted to try to ride cheap on the efforts of others, resulting in a pattern of small-scale and unambitious operations" (Haesebrouck, 2015, p. 14; Menon, 2011, p. 82).

h) No permanent command of military operations

According to the systemic criterion, EU military operations are conducted in accordance with the Berlin Plus agreement, i.e. with or, alternatively, without NATO funds and involvement. Since the establishment of the CSDP crisis management operation, only operation Althea in Bosnia corresponds to the Berlin Plus option. The EU mostly executes its missions/operations single-handedly without NATO funds and involvement and when it does so it takes advantage of the temporary command of EU military operations located in one of the following five countries - France, Germany, Greece, Italy and the United Kingdom. These countries obligated themselves to delegate command to operations should the need arise (such commands are established on the basis of national military centres) (Brylonek, 2014, p. 89). It is the duty of the Operational Commander

¹⁵EU military operation costs are divided into two major categories: *Nation Borne Costs*, i.e. their own costs borne by countries delegating contingents, and *common costs* - borne by all countries jointly, irrespective of their participation in an operation on the basis of their GDP (Art. 41(2) TEU in the Lisbon Treaty version). In February 2004, for the benefit of military operations under CSDP, the financing mechanism ATHENA was created for handling the common costs of EU military operations (operating since 1 March 2004). The costs of civilian missions are covered by the EU budget.

(OpCmr) to manage the Operation Headquarters (OHQ), i.e. the temporary command of EU military operations¹⁶. To date, no permanent command of military operations has been established (as opposed to civilian missions)¹⁷. According to Marek Brylonek "...such an approach solves the problem only partially. It has a number of disadvantages including delays in the appointment of an operational commander, the lack of a proper chain of command for military training missions and the *ad hoc* appointment of temporary command personnel" (Brylonek, 2014, p. 89).

i) The Europeanization of bilateral operations

Member States – those being former colonial states - often transfer their bilateral connections to the EU level due to their past which results in tighter economic and political ties with non-European areas. They are also the countries which determine the nature and scope of crisis management missions/operations in Africa and in many cases make decisions on involvement in a given region. Although a tendency towards the Europeanization of their military/political activities by individual Member States has recently become noticeable, it is not tantamount to any "communitarisation" of EU foreign policy. A great example illustrating this is the military operations undertaken by France against Mali and the Central African Republic. On the one hand, France attempts to Europeanize the conflict in Mali and the neighbouring area by deploying a mission/operation under the umbrella of the CSDP. It also highlights a number of challenges for European security related to that region. Such tactics seem beneficial for Paris because it avoids any possible accusations of attempted neo-colonialism. In addition, the recollection of a failed intervention in Rwanda (1994) is still a source of great controversy in France and defines the priorities of its policy in Africa to a great degree. On the other hand, France, as a strategic partner in the region, often pursues a policy parallel to EU activities. That certainly is not conducive to establishing an individual EU identity in international relations nor to strengthening the position of EU missions/operations in the region (Zajęczkowski, 2014, p. 11).

¹⁶ Such headquarters are established *ad hoc* for a given operation and are, once an operation ceases, subsequently disbanded.

¹⁷ In the case of civilian missions, the Director of the CPCC is a (permanent) civil Operational Commander (Civilian Operations Commander). The Director of the CPCC is formally Head of all operations, but each civilian mission has a Head of Mission in situ. The CPCC becomes the centre of command (Operation Headquarters).

j) The multidimensional character of CSDP missions and operations: Multiple actors in a multi-level, multi-pillar and multi-location governance system

EU missions and operations are conducted not only as part of EU activities but also as part of a number of initiatives of non-EU countries, international organizations (intergovernmental and non-governmental) and foundations, among other entities. As stated in one of the analyses "...multiple actors in a multi-level, multi-pillar and multi-location governance system shows clearly that the development and implementation of security and defence policies, such as SSR programs, is more complex than one would assume from a purely formal institutional point of view and that this goes beyond the formal ESDP actors and structures " (Justaert, Keukeleire, 2010, p. 9). The multitude of (non-EU) actors involved in a given area of an EU mission/operation gives rise to a number of challenges. "The risk of deadlock in policy-making and the difficulties of effective problem-solving are the result of the multitude of actors involved, their complex and sometimes rigid formal interaction mechanisms, their semi-overlapping loyalties and the significant differences in resources, priorities and approaches "(Justaert, Keukeleire, 2010, p. 19).

k) "A piecemeal" approach and not a comprehensive approach

The effectiveness of a CSDP mission/operation in a given region is related to the coherence of EU decisions and actions regarding external relations. As already mentioned in this article, CSDP missions and operations are only one of the elements of wider EU activity in the world. And therefore they should be analysed and evaluated as such. Practice shows, however, that no sufficient coordination mechanisms for external policy have been developed. "It is not just a question of actors' will to work closely together, but also a matter of logic of action, legal prerogatives, strategies and interests within the EU security governance" (Lavallée, Völkel, 2014, p. 16). This applies not only to the coordination between economic, political and defence components of external policy, where there is an unsurprisingly clear disparity in their development (we also deal with two different understandings of their functioning). This lack of consistency also occurs within individual components. In the case of EU missions and operations, there are not only challenges related to the development-security nexus, the civil-military nexus and internal-external security nexus, but also a high level of intra-EU tension which applies mainly to civilian missions. "Inter-agency rivalry is severe, and the lack of any significant agreement on a natural division of labour between the Commission and the Council is destabilizing the EU's

efforts" (Froitzheim, Söderbaum, Taylor, 2011, p. 53). "A coherent preventive approach to conflict and crisis depends on three factors: a clear definition of objectives, capacity, and the political will to act" (Cameron, 2004, p. 10). EU missions and operations visibly lack these three factors. At the same time, developing a strategy for a given region does not solve the problem of proper correlation and, hence, a more comprehensive approach of the EU to international operations. The Sahel and the Horn of Africa are prime examples which serve as proof. In other words, the "piecemeal approach" is still dominant. The Union itself acknowledges in one of its communications that "[...] it must now make further improvements and more consistently apply the comprehensive approach as a guiding principle to EU external policy and action" (Joint Communication to the European Parliament and Council, the EU's comprehensive approach ..., 2013, p. 13).

Summary

Past operations and missions under the CSDP arouse no controversy and are characterized by their low level of risk. The fact that they resulted in zero human casualties also seems to be pertinent. They are intended for small-and-medium scale operations outside the EU. Missions and operations undertaken by the European Union undoubtedly strengthen the EU's role as an actor in crisis management and conflict prevention; they portray the EU as a vital partner in international relations. At the same time, as indicated in the article, the EU has created a specific crisis management model under the CSDP which is characterized *inter alia* by the following elements: the close cooperation of a mission/operation with the UN along with international regional organizations as well as an integrated and comprehensive approach to crisis management. With regards to the latter - it should be noted that EU missions/operations constitute merely one of many tools the EU has at its disposal. They are vital, but not the only and certainly not the most important means of the EU to exert influence on the international environment. The EU has created suitable institutional and decision-making mechanisms for its missions/operations. On the one hand, there has been an observable evolution of the objective and subjective dimensions - missions and operations cover new areas (recently the migration issue), and more and more countries, also from outside the EU, are involved (which does not transpire into an increased number of personnel/soldiers directly involved in them). On the other hand, one should point out the weaknesses and shortcomings that determine the shape and scope of EU missions/operations.

These are, as abovementioned, the following: the intergovernmental nature of missions/operations and the CSDP itself, different strategic cultures, the interests, goals and conditions of foreign and security policies of Member States, the lack of unanimous political will of Member States regarding the development of CSDP, the lack of a mechanism obligating Member States to a greater contribution (in terms of finance and in the number of personnel) to missions/operations (especially military), and no permanent command of military operations.

CSDP missions and operations are a result of the state of European integration, the ambition to play a greater political and military role in the world (as evidenced by as many as 36 such missions and operations since its inception), and, at the same time, the fear of taking bolder steps towards political and defence integration (as showed by not launching EU Battlegroups). They are also the result of the ambition to become a global security actor and a visible desire to limit strictly military operations. Therefore, as emphasized in the article, the term "crisis management actor" is more suitable to describe the EU than "security actor".

The determinants, weaknesses, shortcomings as well as empirical studies of EU missions and operations indicated in this paper allow us to pinpoint several trends that perfectly illustrate the current state of development of EU missions and operations under the CSDP:

a) EU activities initially focused on military operations in both Sub-Saharan Africa and the Balkans. After a period of relatively intense activity, in particular on the African continent, during the first five years of the operationalisation of EU crisis management (between 2003 and 2008), the military component of CSDP became less prominent (Missiroli (ed.), 2016, p. 45). As of September 2020, there are no medium-to-large-scale ground military operations deployed under CSDP (operating since 2008, EU NAVFOR military operation Atalanta currently encompasses about 600 personnel). Newly established military operations/missions have an average of about 200-700 soldiers¹⁸.and these are usually military training missions. For the sake of comparison: the largest military operations are EUFOR Tchad/RCA (3700 soldiers and personnel), EUFOR RD Congo (2400 soldiers), and Operation Artemis (2000 soldiers).

¹⁸ The EUTM Mali mission currently encompasses 745 soldiers; The European Union Training Mission in Somalia (EUTM Somalia) – currently 200 soldiers, the EU Training Mission in the Central African Republic (EUTM RCA) – 181 soldiers.

b) Even though military operations and civil missions have different tasks and goals, their common feature is that "...no vital national interests have been at stake" (Engberg, 2013, p. 2). During such missions/operations the risk of financial and human losses is kept to a minimum.

c) One analysis assessing the first few years of military operations stated that "the EU has chosen to intervene in conflicts that have looked more like opportunities than challenges" (Engberg, 2013, p. 3). Although this opinion may be overly suggestive, it perfectly reflects the Member States' attitude towards the conducted missions/operations.

d) The EU establishes civilian missions more eagerly. On average, CSDP civilian missions are relatively small in size, totalling approximately 120 EU and local staff. CSDP civilian missions are relatively inexpensive and theoretically flexible (Tardy, 2017, p. 13).

e) Kacper Rękawek and Marcin Terlikowski write: "The Member States' approach to the crisis in Mali proves that they have lost interest in using CSDP structures and the political and logistical support of the entire Union to respond comprehensively to security crises. The nature of the EUTM Mali mission is consistent with the latest EU operational activity –missions such as EUTM Somalia, EUCAP Nestor and EUAVSEC in South Sudan are highly specialized, small-scale operations, and above all, they play a strictly auxiliary role in stabilizing security in the region. This trend, should it continue, will question any further expansion of the CSDP in a direction that would allow the EU to undertake more complex military or civil-military operations, which would constitute a fundamental, not auxiliary, tool for stabilizing the Union's neighbourhood" (Rękawek, Terlikowski, 2013). One should fully agree with this thesis. And it seems that this trend will not change in the foreseeable future.

f) CSDP missions/operations are "apolitical" and technical. As indicated in point e, they focus on a snippet of reality. They are not, and cannot be, the driving force in the region to which they are deployed.

g) CSDP missions and operations are neither ambitious nor sizeable. And this will remain the status quo in the future. As has been stressed several times in this article - they are, and will remain, one of the tools in the EU's external relations. Their effectiveness will, however, depend on the EU's greater coherence (i.e. greater comprehensiveness) of its activities in international relations.

h) In recent years, security has been one of a few areas in which France and Germany have managed to find common ground and have presented joint proposals in the EU forum, such as (as

already indicated in this article): Military Planning and Conduct Capability - MPCC, European Defence Fund or the activation of the permanent structured cooperation mechanism (so-called PESCO). In the context of the analysed EU operations and missions, these proposals will translate neither into their strengthening nor an increase in the number of soldiers or civilian personnel in EU expeditionary activities. Such situations are affected, among other things, by both countries' strategically differing perceptions. Paris advocates ambitious goals in developing EU security policy and wants joint operations in the southern neighbourhood of Europe, financed to a greater extent by the EU budget. Germany, however, - a state more reserved in the use of military instruments to solve crises and conflicts in the world - perceives the development of EU cooperation in a completely different manner. For Germany, the establishment of integrated military structures (and strengthening Berlin's position within them) is more important than their possible operational use.

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THE PERSPECTIVES OF EUROPEAN SOCIETY AND THE EUROPEAN COOPERATIVE AS A FORM OF ENTREPRENEURSHIP IN THE CONTEXT OF THE IMPACT OF EUROPEAN ECONOMIC POLICY

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Abstract: *The impact of European economic policy is felt in all areas of the existence of individual Member States. Its economic area is not an exception. In the context of entrepreneurship, the impact of European economic policy has also been reflected in the introduction of new legal forms of entrepreneurship. The primary concern is a European society and a European cooperative whose legislation has become part of the national legal order under European Union regulations. This article focuses on examining these legal forms of entrepreneurship. The main objective of the article is to comprehensively analyse the legislative aspects of European society and the European cooperative and to examine their legal regulation and status in the legal system of the Slovak Republic, especially using critical analysis and other scientific methods, we are looking for answers to selected application problems from practice. As part of the investigation we also use scientific and doctrinal interpretation, Slovak and foreign professional literature and case law. Comprehensive legal examination of European society and European cooperative in the Slovak Republic is the main objective of this contribution, which belongs to the field of commercial law with certain overlaps into economics and entrepreneurship.*

Keywords: European Policy, European Cooperative Society, European Society, Entrepreneurship in the European Union.

Introduction

The expansion of the European Economic Area as a result of the enlargement of the European Union included new Member States and has created new business opportunities for entrepreneurs, particularly in the area of new legal forms of entrepreneurship. In professional circles we encounter relatively little known terms “European joint stock company” and “European cooperative”. A European joint-stock company is considered to be a transnational European counterpart of a joint-stock company. As the first multinational type of company, it should bring

a number of benefits to entrepreneurs. This concerns in particular the possibility of the transfer without complications, and the possibility to carry out a cross-border merger is among the most important. European society is also seen as a symbol of a united Europe (Patakyová et al., 2020).

However, European society is not an instrument that fits the specific nature of cooperatives. Nor does the European Economic Interest Grouping meet the specific requirements of entrepreneurship in the legal form of cooperatives. The current European Community policy aims to create appropriate legal instruments to facilitate the development of the cross-border activity of cooperatives as a result of efforts to ensure a level playing field and efforts to develop their economic development. Cooperatives, unlike companies, are primarily communities of natural or legal persons with specific operating principles which differ from those of other economic operators (Prokopenko et al., 2015). These principles primarily include the principles of democratic structure and control and a fair distribution of net profit for the financial year. These principles include, in particular, the principle of primacy of a personal element over capital, which is reflected in the special rules on admission as a member of a cooperative, withdrawing from the cooperative and excluding a member of the cooperative, where the ‘one member, one vote’ rule applies, with the right to vote linked to a person, while at the same time the members of the cooperative may not exercise any rights to the assets of the cooperative. Cooperatives have equity capital on members’ contributions and their members may be natural or legal persons. These members may, in whole or in part, be the customers, employees or suppliers of the cooperative. If the cooperative is made up of members having the legal form of a cooperative, it is a ‘secondary’ or ‘second-level’ cooperative.

In general, entrepreneurship in the form of a European company and a European cooperative does not meet the presumed interest of entrepreneurs in the Slovak Republic. In our view, their lack of interest, as well as the vagueness and fragmentation of the rules, may result in the lack of interest in economics theorists and the law to examine this issue further, despite its undoubted importance in economic practice. That is why we decided to comprehensively examine the regulation of European society and the European cooperative from the point of view of valid and effective not only European but also Slovak legislation. Our intention is also in line with the structure of the article, which is divided into two chapters, the first of which comprehensively examines European society and the second examines European cooperative.

Theoretical background

The idea of a European company, Latin ‘Societa Europaea’, the abbreviation ‘SE’, as a transnational European counterpart of a public limited company, came into practice only by the adoption of Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European Company. Together with Council Directive 2001/86/EC of 8 October 2001, they constitute the basic legal framework for the regulation and status of a European company, which, for the most part, is determined by the law of the State in which its registered office is located. The primary Slovak law governing the status of European companies established in the territory of the Slovak Republic is Act No. 562/2004 Coll. on European Company, as amended (hereinafter referred to as the European Company Act). In cases directly regulated by a European regulation, the application of national Slovak law is directly excluded, while our law cannot regulate the problems chosen in a way different from the Regulation. According to Funtá (2018) the European Company Law does not deal with issues directly regulated by the Regulation, but only addresses issues that are left to national law as a rule of law. However, as Nosková (2019) states by amending national legislation, it ensures that our national legislation complies with the various provisions of the Regulation. As part of the investigation of a European company, he considers it necessary, first of all, to draw attention to the fact that it is a parallel to our joint-stock company.

Unlike it, however, it offers a number of advantages that make it at least and at first glance an interesting alternative in choosing the appropriate form for newly emerging companies. Above all, the purpose of European society is to facilitate the free movement of capital throughout the European Union and to unite company legal forms. If the company contains the abbreviation “SE” in the name, there will be no further need to examine whether this form of company provides a sufficient sense of security for business partners. As it adds Šlahor (2016) another important objective of creation was also the possibility of competing with large American and Japanese corporations and, for this reason, one of the main priorities was to create the conditions for the European Union to become the most competitive economy in the world. As Nováčková et al. (2018) states another benefit is saving up to 30 billion euros per year on administrative and other costs. The purpose is therefore mainly to remove obstacles to entrepreneurship resulting from differences in company regulations in different member states and from the existence of national boundaries for companies and people operating internationally.

Economic development, in particular through cross-border cooperation between cooperatives in the territory of the European Union, primarily hampered both legal and administrative obstacles. It was therefore necessary, according to Švec and Madleňák (2017) the basic objective of Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society is therefore to enable natural persons residing in different Member States or legal persons established under the laws of different Member States to form a European cooperative. As Nosková (2020) it is a precondition for this cooperative to have its registered office and its head office in one Member State and an establishment or subsidiary in another Member State. As it adds Bazén and Duma (2019) References to capital in Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society shall apply exclusively to capital. According to Kryvinska et al. (2020) and Prokopenko et al. (2015), the regulation also does not regulate other legal areas such as taxation, competition or insolvency. Therefore, in these areas and in other areas, only the laws of the Member States as well as European Community law apply. In accordance with Dudic et al. (2020) its capital shall be divided into members' contributions, the number of members and the amount of the capital of the European cooperative being variable.

According to Chehabeddine and Tvaronavičiene (2020) as regards the liability of the members of the cooperative if all members of the European cooperative have limited liability, the commercial name of the European Cooperative Society shall include an addendum 'with limited liability'. According to the scientific literature, the European cooperative's business can, in particular, be used to meet the needs of its members by encouraging their participation in economic activity. What should be emphasised, however, is that a European cooperative must not extend the benefits of its activities to non-members, but in particular it must not allow them to participate in such activities. Applying the principle of dissimilarity Funtá (2018) the implementing Slovak law governing the legal status of a European cooperative established in the territory of the Slovak Republic is Act No. 91/2007 Coll. on the European Cooperative Society, as amended (hereinafter referred to as the European Cooperative Society Act).

Objective and methodology

The main objective of the article is to comprehensively analyse the legislative aspects of the European society and the European cooperative and to examine their legal regulation and status

in the legal system of the Slovak Republic. In addition to the main objective, we have also chosen two milestones:

1. verify the assumption that the European company and the European cooperative represent prospective legal forms of business in the conditions of the Slovak Republic,
2. assess the rules of the two entities and, where appropriate, make proposals “de lege ferenda”.

We want to achieve our stated objectives, particularly through thorough study of legislation, scientific and scientific literature, as well as jurisprudence. Due to the nature of the scientific article, we use a number of scientific methods of knowledge suitable for the knowledge of the law. This concerns, in particular, the use of critical analysis to review the legal and regulatory situation as well as abstractions. By applying a comparative method, we make different views of economists and lawyers available not only on the appropriateness of regulation but also on the interpretation of individual legal institutes. In this way we strive for multidisciplinary scrutiny. Due to our own years of experience in the practice of law in the field of commercial law, we also use doctrinal interpretation. Selected legislation of European and Slovak law is an essential source of knowledge needed to achieve the main objective. According to us, the case law of Slovak courts is appropriately and meaningfully complemented by the aim of harmonising the interpretation of disputed legal institutes. Special and not less important place belongs to scientific and professional literature.

Results and Discussion

European joint-stock company

Slovak legislature European company as a legal person registered in the State of its registered office, and its registration and erasure is compulsory in the Official Journal of the European Union. In terms of company type, it is a capital company whose capital consists of contributions from shareholders divided into shares. While a commercial company is liable for its liabilities with all its assets, shareholders are liable for the liabilities of the company only up to the amount of their shares. Here we point out that while the capital of a public limited company is “only” EUR 25 thousand, the capital of the European company must be at least 120 thousand Euros, and can be expressed only in euros. However, save as otherwise provided in the Regulation, the capital of the European company, its maintenance and amendments, together with the shares

and other securities, shall be governed by the laws which would apply to a public limited company established in the Member State in which the European company is incorporated. According to Štefko (2019) he shares this view Duřová – Spiřáková et al. (2017) the possible derogation applies only to legal persons who have an abbreviation ‘SE’ in their business name or other designation, provided that they arose before the date of entry into force of the Regulation.

As stated in the specialised literature Bobenič Hintořová et al. (2020) the founding document of European society is the Statutes. The Regulation provides that a company is required to place its head office in the same Member State where the European company has its registered office. However, a company with its head office outside the territory of the European Union or another Contracting State of the European Economic Community may participate in its establishment in the territory of the Slovak Republic under certain conditions. In principle, however, according to Melovic et al. (2020) however, attention must be drawn here to the fact that European society cannot be founded in a successive manner and, except for an exception, cannot be established in a simultaneous way. In our view, this means, in practice, that it cannot be based on the mere subscription of shares, because it is a legal form primarily intended for more capital-intensive forms of business.

The key issue that we consider necessary to focus on is the way in which European society is founded. It is primarily a merger – a merger. The merger shall be the case of at least two public limited liability companies subject to the law of the different Member States of the European Union having their registered office and their head office in its territory. The company formed may also have its registered office in the territory of a third Member State. This is currently the most widespread way of establishing European society. Another, rather frequent way of setting up a European company is holding. However Patakyová et al. 2020 points out, however, that the establishment of a holding company by at least two capital companies, where they are governed by the law of another Member State or have at least two years of subsidiary or branch located in another Member State, are governed by the law of another Member State. The founding companies thus become subsidiaries of the newly created European company. The third, but not according to Sararu (2008) in practice, it is the creation of a subsidiary by subscriptions of shares by companies governed by the law of different Member States. The fourth option is to change the legal form by transforming a public limited liability company established under the law of a Member State. In practice it will be a situation where, for example, the Polish joint-stock company had a subsidiary

in Slovakia for at least 2 years, after the transformation it could become a European company. The last possible way is to establish a subsidiary of another European company. As he argues it also points out, however, that today, the easiest way to establish a European company in the form of a ready-made company can be considered to be the easiest way of establishing a European company, in particular because of the lengthy and overly complicated set-up process.

Governance and dissolution of European society

In the management of European society, legislation recognises the possibility of choosing from two different forms of internal structure. Such a decision, however, according to case law (Supreme Court of the Slovak Republic No. 5Obdo 11/2010) belongs only to the exclusive competence of the founders, who will determine their form, especially from the point of view that is more advantageous to them. From an internal governance perspective, European society can have two forms of governance. The first is a two-tier (dualistic) system that recognises the management body and the supervisory authority as two separate bodies of the company. This system is commonly known from already existing Slovak public limited companies, where the governing body is the Board of Directors and the supervisory authority is the Supervisory Board. Here again, the incompatibility of functions applies, which means in practice that the function of a member of the board of directors is incompatible with membership of the Board of Supervisors and vice versa. However, the advantage of this system is the separation of management and control, and the Supervisory Board becomes a good representative of the company's shareholders.

The one-stage (monistic) management system according to Macíková et al. (2018) in this case, the company is headed by a board of directors headed by the chairman. The main advantage of this form is to speed up decision-making processes, lower costs and simplify the system for smaller businesses.

From the point of view of personnel management, attention should also be drawn to the regulation, which directly guarantees the protection of employees. This concerns, in particular, the merger of companies as well as the conversion of a joint-stock company into a European company. The rights and obligations of the participating companies with regard to employment issues that existed at the date of registration of the European company shall pass on the date of registration. Unlike the Slovak public limited company, however, a specific element of the European company is mandatory employee participation in its management. This also plays an important role in the

very process of establishing this type of company, as it is not possible to set up this company without resolving this issue. Halasi et al. (2019) shall stress that employees' rights in the management of a European company are exhaustively established, including in particular the right to information and consultation, as well as the right to vote and to stand as a candidate, or to express consent or disagreement with the election or appointment of members of the board of directors or supervisory board of a European company. According to the Supreme Court of the Slovak Republic (1 Odo 47/2018) we believe that its purpose is to guarantee employees the right to be involved in matters and decisions affecting the life of their European society. However, other social and labour law issues, in particular the right of employees to information and consultation, as provided for in the Member States, are already governed by national legislation applied under the same conditions for public limited liability companies.

Selected procedures for resolving winding-up problems, winding-up shall be governed by the law of the Member State which would govern the company under the law of the Member State of the registered office of the European company. This is also true in the decision-making process at the shareholders' general meeting as stated Duma (2016).

European Cooperative Society

The establishment of a European cooperative is generally governed by the law applicable to cooperatives in the Member State of the future seat of the European cooperative. What is understood by the 'founding' process, however, has been dealt with more closely in the section on European society. Indeed, according to Srebalová et al. (2020) the establishment concerns, in particular, the question of compliance of the statutes with the law of the State of the seat of the European Cooperative Society. The registration of a European company shall be published in the Commercial Journal by an entry notice. However, the European Cooperative Society shall acquire legal personality on the day of its entry in the Member State of establishment in the register designated by that State. It is therefore compatible with its law on public limited liability companies. As with European society, the European cooperative can be established in 5 ways. First, five or more natural persons residing in at least two Member States. The second option is the establishment by five or more natural persons and companies or cooperatives established under the law of a Member State, resident or established in at least two different Member States or governed by the law of at least two Member States. The possibility of setting up companies or

cooperatives governed by the law of at least two Member States is also considered. The penultimate option is the merger of cooperatives established under the law of a Member State with their registered offices and headquarters in the Community. However, this is only possible provided that at least two of them are governed by the law of different Member States. Prokopenko et al. (2014) considers that the last possibility is to change the legal form of a cooperative established under the law of a Member State having its registered office and head office in the territory of the European Community. However, it shall be a condition for a branch or a subsidiary governed by the law of another Member State to operate for at least two years.

The capital of the European Cooperative Society shall be expressed in national currency, the minimum amount of which must exceed 30 thousand Euro. However, the establishment of the cooperative shall also determine the amount below which the capital cannot be reduced as a result of the payment of the compensatory shares to members who have ceased to be members of the European Cooperative Society.

Acquisition and termination of membership

Not only natural persons but also legal persons may become members of a European cooperative, provided that the statutes do not specify otherwise. Except in the case of the merger of cooperatives, where the members of the acquired cooperative become members of the acquiring European cooperative as the effect of the merger, the creation of a membership of a European cooperative shall be subject to the consent of the management or administrative body. The refusal of membership may be subject to an appeal to a member meeting which takes place after an application for membership has been lodged. However, the acquisition of such membership, in the opinion of the Supreme Court of the Slovak Republic 7 Obdo 69/2009 who are legal persons shall be deemed to participate in the activities of the European Cooperative Society by representing their own members.

As he warns Šimonová et al. (2019) even in the event of the disappearance of membership in the cooperative, we see several similarities with the commercial law of the classical cooperative in the Slovak Act No. 513/1991 Coll. The Commercial Code. Membership expires by withdrawal, cancellation in case of a member who is not a natural person, bankruptcy or death. Exclusion can only be considered because of serious breaches of Member States' obligations or actions contrary to the interests of the European cooperative. The transfer of membership rights to another member

or other natural or legal person who has acquired membership is also the reason for the termination. According to the decision of the Supreme Court of the Slovak Republic no 13 Obo 87/2011 in the event of an extension of the period of notice to more than five years, membership shall cease on expiry of the period running from the notification which was in force prior to the amendment of the Statutes.

Structure of the European Cooperative Society

There is also a clear impact of European policy on the governance of a European cooperative, when the legislature accepts two models. The first is the dual management method carried out by the membership meeting, the supervisory body and the managing authority. The managing authority shall be directly responsible for the management of the European cooperative and represent it in proceedings with third parties as well as in proceedings before the courts. It is an original jurisdiction which, according to Groeneveld (2020) can not be revoked by decision of the membership meeting. However, the legislation of a Member State may, by way of derogation, provide that the Executive Director is responsible for day-to-day management under the same conditions as for cooperatives established in the territory of that State. The member or members of the management body shall be appointed and dismissed by the supervisory body, not by the membership meeting but by the body. In the context of the incompatibility of the function, the principle of non-cumulation of function shall be applied. This means, in practice, that a member of the management body must not be a member of the supervisory body of the same European cooperative at the same time. However, the supervisory authority may appoint one of its members to act as a member of the management body. However, according to Havierníková et al. (2017) during this period, such a person shall be suspended from his duties in the supervisory authority. The managing authority shall elect, in accordance with the Statutes, a Chairperson from its members, who shall convene a meeting of the Management Authority under the conditions laid down in the Statutes, either on its own initiative or at the request of any member. However, any such request shall state the reasons for the convening of a meeting on a mandatory basis.

As further points out Markovic (2003) in addition to that regular information, the legislature has imperatively expressed the obligation of the managing authority to communicate without delay to the supervisory authority all information on events which could have a significant impact on the European cooperative. As in the case of the management body, the election of the

Chairperson of the Supervisory Body shall be entrusted to its members, who shall elect their Chairperson. If half of the members are elected by staff, only the member elected by the member's meeting may be elected president. The Chairperson shall convene a meeting of the supervisory authority, under the conditions laid down in the Statutes, at his initiative or at the request of at least one third of the members of the supervisory authority, or at the request of the managing authority.

Žulová and Kunderát (2020) emphasises that the dualist model allows the law of a Member State to provide that the supervisory authority may itself determine which types of action require its approval. However, the law of the Slovak Republic entrusted such powers to the Control Commission. The scientific literature (Nosková, 2020) points out that in the Monistic model for European cooperatives, this is not directly regulated by the regulation and does not make any direct reference to the possibility of national legislation. Within the framework of the management of the European company as well as the European cooperative in the Monistic model, the Slovak legislation allows the Board to reserve its approval also for decisions of executive directors, for which their statutes do not confer such competence.

In the monistic model of governance, it is a "administrative body" which manages the European cooperative and represents it in proceedings with third parties and in proceedings before courts or other bodies. A Member State may only designate the Executive Director to be responsible for normal management under the same conditions as in the case of cooperatives established in the territory of that Member State. The number of members of the administrative body or the rules for its designation shall be determined by the statutes. The Member State has been entrusted with the discretion to set a minimum and, if necessary, a maximum number. However, unlike the European Union, the Slovak legislation directly prohibits the participation of legal persons on the board of directors, which has at least three members, if employee participation is regulated pursuant to Commission Directive 2003/72/EC. Members of the administrative body and, where the statutes so provide, their alternates shall be elected by a member's meeting. The members of the first administrative body may be designated in the statutes. This is without prejudice to agreements on employee involvement. A Member State may therefore not take appropriate measures in relation to a European cooperative if the monetary model in relation to cooperatives established on its territory is not adapted. In this context, the Slovak law on the European Cooperative provides that the Board of Directors, in addition to managing a European

cooperative, decides on all its matters in which the competence of a member meeting or executive directors is not defined. Here, in our view, only the business management and the implementing law are likely to remain entrusted with the powers conferred on them. However, even on this issue Mucha (2019), it is convinced that the Management Board can reserve its agreement to those decisions of the Executive Directors for which this consent is not required by the Statute for a European Cooperative Society. It is therefore the same as that of European society.

The administrative body must meet at intervals governed by the Statutes, but at least every three months, to discuss the progress and foreseeable development of the business of the European Cooperative Society. In this case, too, the rule is to take into account, where appropriate, all information relating to undertakings controlled by a European cooperative which may significantly affect its further business or activity. Sararu (2014) in particular he focuses his attention on the length of his term of office. It considers that the members of the bodies of the European Cooperative Society may be elected only for the period specified in the Statutes, which must not exceed six years. If the Statutes do not impose other restrictions, the members of the bodies of the European Cooperative Society may also be elected again for a term of office specified by the Statutes. However, this must not exceed six years.

Distribution of profits

Despite the fact that a European cooperative does not have to be mandatory for the purpose of making a profit, the statutes must determine the rules governing the use of the net profit for each financial year. However, this in no way affects the mandatory provisions of national law under Mariš (2016) the statutes, without exception, under the threat of nullity, always provide for the need to set up a reserve fund in order to achieve net profit. Until the minimum capital of EUR 30 thousand has been reached, the allocation to the reserve may never be less than 15 % of the amount of net profit for the financial year less losses from previous years, which is followed by economic literature (Mariš, 2019)

Members of a European cooperative whose membership of the European cooperative ceases to exist, the legislature has withdrawn their entitlement to the resources allocated to the reserve fund. However, the articles of association may stipulate that the members shall share profits through a dividend in proportion to their participation in the business of a European cooperative or in proportion to the activities carried out for the European cooperative. The

available net profit, which is possible, but not necessarily distributed among the members of the cooperative, is the balance of the net profit reduced by the allocation not only to the statutory reserve fund, but also by, for example, amounts paid as dividends or unpaid losses from past periods.

Winding-up, winding-up, insolvency, suspension of payments and similar procedures

The procedures for resolving winding-up, winding-up, insolvency or suspension procedures shall be governed by the law of a Member State governing the cooperative under the law of the Member State of establishment of the European Cooperative Society. This also applies to the adjustment of decision-making at the membership meeting. At the request of the person who demonstrates a legitimate interest, or at the request of the competent authority, the court or other competent administrative authority of the Member State of establishment shall decide to cancel the European Cooperative Society if it finds an infringement, for example, in its formation procedure, the determination of the amount of the capital

The court or the competent administrative authority may, however, impose a time limit on the European Cooperative Society before the decision on revocation. If the European Cooperative Society does not recover within the time limit thus determined, the court or the competent administrative body shall decide to cancel it. The same procedure applies in the event that the European cooperative ceases to meet the requirements of the established registered office and head office in the same country. The Member State of establishment of the European Cooperative Society shall take the necessary measures to ensure the liquidation of a European cooperative which does not eliminate the illegal situation under the Regulation. However, it will ensure, through its legislation, the possibility of reviewing or lodging an appeal against a decision declaring an infringement of the Directive and the Regulation. Under the terms of the Slovak Republic, this obligation was implemented by amending Act No. 513/1991 Coll. The Commercial Code. The lodging of an appeal as an appeal against a court decision on the winding-up of the European Cooperative Society has a suspensive effect on the expiry of the time limit for the removal of the irregularity as well as on the winding-up procedure itself.

The commencement and termination of proceedings for the winding-up of the European Cooperative Society, including the voluntary winding-up, commencement and termination of the insolvency proceedings or other similar proceedings, as well as any decision to continue the

business of the European Cooperative Society, shall be published in the Commercial Journal by publication of a notice therein, without prejudice to the provisions of national law which require further disclosure.

In these cases, the net commercial assets shall be distributed in accordance with the principle of impartial distribution, which in practice means their transfer to another entity organised in the legal form of a cooperative which pursues similar objectives or serves the general interest. The second possibility is, however, if the law of the Member State of establishment of the European Cooperative Society allows it to apply Paragraph 259(3) of the Commercial Code by analogy. Such Slovak legislation directly provides for the distribution of the balance of the winding-up balance among the members in the manner laid down in the statutes.

Conclusion

The present article focused on a critical analysis of the legal aspects of European society and the European cooperative. In our view, we have been advised to meet the objectives set. By examining these transnational legal forms of entrepreneurship, we have identified a number of disadvantages in particular. The first is the impossibility of a European company in a form other than a public limited company. It is equally problematic that a natural person cannot establish a European society or be one of its founders. Furthermore, it would be reasonable, in our view, to assume that a European company, as a multinational legal form of companies, will be able to operate smoothly throughout the European Union. This is not true, however, because it has to establish itself in other Member States where it wants to do business. This is considered to be a separate undertaking, which must keep separate accounts and also pay taxes. In practice, this means that entrepreneurs can only do business in their parent country and, if they are interested in doing business in another Member State, have to set up another business entity (which is essentially an establishment). Thus, European society does not allow the direct entrepreneurship of a single business entity in several Member States of the European Union. We would be able to solve such a problem by amending the legislation that would enable entrepreneurship in all the Member States of the Union without the need to set up organisational units in the individual Member States. In the other countries of the European Union, the European company would only carry out its business by opening up establishments. However, what should be emphasised is the economic side of the operation, which translates into increased transaction costs and the need for adaptation in

the State of the new premises. Not only the European company and the European cooperative are subject to the legal regime of the selected country, whether all documents must be delivered to the registered office abroad and any future litigation will be settled at the place of establishment of the company or cooperative.

Another problem, particularly related to the establishment of a European society as well as cooperatives, is the lack of a single register of European companies and cooperatives. This objectively causes problems in the selection of a business name, with which further complications may arise in the change of registered office. Since individual business registers of Member States do not cooperate with each other or are not expected to be interconnected, there may be a situation in which several European companies or European cooperatives with the same business name will be established in several Member States. We consider a further disadvantage to European society and the European cooperative to be very high capital, and this certainly discourages small and medium-sized entrepreneurs in particular from choosing the legal form of doing business. A significant disadvantage for European society is also its impossibility of establishing a natural person, as it is primarily intended for large entrepreneurs. However, the legislature did not take into account the fact that, even within the European Union, it is small and medium-sized entrepreneurs who make up a substantial part of the business sector.

The European joint-stock company as well as the European cooperative are no longer new, but still unknown in public perception of legal forms of business. The European society and the European cooperative, as legal forms of business, bring a number of seeming advantages. However, they do not bring sufficient real benefits to entrepreneurs compared to other legal forms. In no way do they facilitate entrepreneurship in the European Economic Area compared to other legal forms. It is possible to agree with the opinions that the European public limited company as well as the European cooperative is only “undone the work of European officials.” In essence, it is only a worthless “legislative symbol of the unification of the European Union” Even after more than 15 years of existence in the current state it has no benefit for Slovak entrepreneurs, which is reflected in the absence of these legal forms of business in the annual statistics of established and extinct business entities in the Slovak Republic. For this reason, we do not consider it necessary to deal with ‘de lege ferenda’ proposals which would significantly improve their legislation. In conclusion, therefore, the European company and the European cooperative do not represent prospective legal forms of business under the conditions of the Slovak Republic.

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ARTICLE 7 PROCESS AND DEMOCRATIC BACKSLIDING OF HUNGARY AND POLAND. DEMOCRACY AND THE RULE OF LAW

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Abstract: *This paper examines developments in Poland following the 2015 elections and in Hungary since 2010, which included the gradual destruction of democratic institutions, challenges to the rule of law, as well as to the system of checks and balances. The authors consider the Ziblatt–Levitsky model (2018) as a meaningful framework for the analysis of the way in which the power structure was reshaped and have based their research on the classification set out in this model. Our objective is to present the political changes that took place in the two Central-Eastern-European countries during the last decade that resulted in the process under Article 7 being used for the first time in the history of the EU. The paper conclusion is that the path of de-democratization of Hungary and Poland is seen from the perspective of the EU and Council of Europe, as similar one. In actions taken toward both countries, the EU concerns mostly the principle of the rule of law.*

Keywords liberal democracy, democratic backsliding, Article 7, European Union.

Introduction

Liberal democracy essentially represents a value choice based on the synthesis of classical liberal values and the principle of the rule of law. It is a legal technique, a framework, an attitude, an approach, and a political value as well (Dahlberg et al. 2015). As democracy is fragile by its nature, it is always in danger of the development of authoritarian tendencies that can ultimately crystalize within the system. Such a situation can arise as the result of a legitimate response to an economic and/or political crisis, which very quickly places question marks on certain elements of the rule of law. We tend to think of Western-style democracy as the most progressive type of regime that satisfies the principles and moral foundations of democracy, i.e. ensures liberty and

equality, as well as the possibility of the pursuit of happiness (Szűcs 2018). However, history shows us a number of examples where liberal democratic systems have been unable to provide effective responses to challenges to itself or to guarantee the security of its citizens. A shadow of doubt is thus cast over its claim to legitimacy.

There is considerable literature on democratic backsliding and it indicates that some of the main reasons for democratic erosion are:

- populist-authoritarian forces (i.a. Inglehart and Norris 2019);
- threats to “human security” (terrorist attacks, crime, climate changes, natural environment destruction, mass migrations, etc.);
- use of the media to control information (echo chambers, polarization, disinformation);
- economic inequality and relative deprivation (i.a. Acemoglu and Robinson 2006).

Studies show that political actors begin to question the democratic set-up and to promote an alternative way of thinking for a number of reasons, which include: the fear, prevalent in transitioning societies, of being left behind in the race for progress; tensions arising from social differences and injustice; as well as the existence of different paths to economic development and their social consequences. Frustration is generated at all levels—individual, community, and government—which then manifests as an all-round erosion of faith in democracy (Justino and Martorano 2016; Griffin and de Jonge 2014). Politically active people seemingly respect fundamental democratic values, however in the cases many of them question traditional attitudes and norms claiming that a crisis situation has emerged and finally that effective action must be taken to resolve it (Levitsky and Way 2010). They then create a provisional, hybrid system which systematically damages the democratic framework and distorts political competition in their favour (Bozóki and Hegedűs 2018). During the last 5–10 years this process has reached an advanced stage and has inevitably resulted in the gradual establishment, both in Hungary and in Poland, of a very powerful state that may be described as a form of the ‘illiberal democracy’ (Zakaria 1997).

The focus of this paper is on developments observed in Poland after the 2015 elections and in Hungary since 2010, when the second Viktor Orbán government came to power and brought about the gradual destruction of democratic institutions, presented challenges to the rule of law

and to the system of checks and balances among the different branches of the government. In our view the Ziblatt–Levitsky model (2018) is a meaningful framework for the analysis of the way in which the power structure was reshaped in these countries; our research is based on the classification set out in this model. Significantly, the first two cases initiated under Article 7 of the European Union Treaty, which aims to provide a mechanism for the assessment and sanctioning of member states in violation basic values of the European Union, were against Poland and Hungary (European Commission, 2017c).

Article 7 is in particular focus now because the discourse on the procedure stipulated under it and the debate on the budget for the new EU financial period of 2021–2027 are happening simultaneously. The European Union—which plays a major role in ensuring the democratic functioning of member states—is currently unable, or perhaps unwilling to take effective measures in the Hungarian and Polish cases. The EU procedures also do not allow public disclosure of all aspects of the erosion of democratic norms in Hungary and Poland. However, from information available developments seem to be very similar in the two countries. Our objective has been to examine the political changes that occurred during the period under study in these two countries.

A good amount of research on recent changes in the Polish and Hungarian political systems have been conducted (e.g. Bruszt 2015; Przybylski 2018; Sadurski 2018). We propose to concentrate on differences as well as similarities in democratic backsliding there as discernible from the arguments of the EU and Council of Europe. The aim is to compare the allegations related to the two countries and to carry out an assessment from the point of view of democracy theory. Main research questions concerns two issues: what are the similarities of the process of de-democratization of Poland and Hungary resulting from EU documents in the course of the Article 7 process and which aspects of the functioning of democracy are particularly monitored under the Article 7 procedure.

Justifications for undermining the rule of law

Decision-makers justify efforts to undermine the rule of law with the argument that an efficient (powerful) government must react to social demands (fair) and challenges swiftly (responsible) and that such a reaction is as important as protecting basic liberal values. But such political actors also claim that the importance of adhering to rules and norms in certain situations may be questioned, or that frameworks may be realigned to fulfil the demands of the government

and those in power, which is even more in their own interest. Such contestations have also been observed in Hungary and Poland (Bruszt 2015; Przybylski 2018; Sadurski 2018). Consciously blurring the line between branches of government, questioning the independence of the judiciary, putting courts under political pressure, increasing the pliability of the civil service, and using the media for partisan and pro-government interests are not entirely new phenomena in the period following the transition to democracy (Rupnik 2016).

Thus government attempts to narrow down democracy are lawful in the sense that they are approved by the legislature; unsurprisingly they are also justified as attempts to improve democracy itself. According to Ziblatt and Levitsky there is cause for concern if a party and/or a politician:

1. Denies or doubts democratic norms and rules;
2. Denies the legitimacy of political rivals;
3. Tolerates or encourages violence;
4. Restricts the rights of political opponents and the liberty of the press.

These conditions are present in the political life of both countries, at times in obvious ways, in others less openly. However, it must also be noted that the reaction of the European Union has been different to the Hungarian and the Polish case. The reason is that the two countries pursued a ‘push and release’ political approach, exploiting the slow decision-making and political divisions within the European Union, effectively blocking direct confrontation (Meijers and van der Veer 2019). At the same time many similarities in the process of the backsliding of democracy (Drinóczi and Bień-Kacała 2018) can be seen.

The path taken by Viktor Orbán’s cabinet in Hungary since 2010 has been systematically adopted by the PiS (Law and Justice) party led by Jarosław Kaczyński in Poland since 2015. It was the openly acknowledged intention of the PiS to “turn Warsaw into Budapest by the Vistula River” (Karolewski 2019). Both politicians were active members of the roundtable talks on the regime change in 1989. They both argued that the transitions to democracy should be finalised, the mistakes of the political elite rectified, and the power to make decisions given back to the people (Csehi and Zgut 2020). They have a very similar ideological background and both pursue a nationalist/conservative agenda. Their ‘new compromise’, aimed at radically reshaping the political framework and readjusting the boundaries of democracy can thus be understood as a logical outcome of this base.

According to their approach, right-wing, community-based powers can represent national interests, protect the country and its citizens, and also rebuild the trust destroyed by left-wing liberals. Their rhetoric is very sharp against the left regularly described as a “traitor” that “sells out the country and serves foreign interests”. The two politicians also resemble each other in terms of the strongly populist, rabble-rousing, Eurosceptic, re-nationalising, propagandistic, centralising set of policies and political efforts that they espouse, while consciously building their own sphere of economic interest by rapidly expanding the new national capitalist class (Palonen 2018).

Procedure under Article 7 of the EU Treaty

Article 7 of the Treaty on European Union (TEU) sets out a procedure that authorizes the European Council to suspend certain rights of a member state, in case it is found to be in violation of the principles of democratic governance set out in Article 2. The idea was first introduced into European Law by the Treaty of Amsterdam because of the lack of a mechanism that could deal with states that acted against the values such as the rule of law and respect for personal freedoms, and could thus be a risk to European stability. The late introduction of such an ‘early-warning’ mechanism to European Law needs to be seen in the context of the changing circumstances of European integration.

When the European Community was established in the 1950’s the priority of the time was recovery and reconstruction and so the idea of excluding members and the need for creating a mechanism for the purpose did not draw much attention. However, over time the focus of the Community began to widen and became increasingly political. After the regime changes the Community welcomed the newly democratized Central and Eastern European countries, as well as new political challenges arising in existing political systems, ultimately led to the formulation of Article 7 of the Treaty on European Union (TEU). Article 7(1) states that:

On a reasoned proposal by one third of the Member States, by the European Parliament or by the European Commission, the Council, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2. Before making such a determination, the Council shall hear the Member State in question and may address recommendations to it, acting in accordance with the same procedure. The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

The step envisaged in Article 7 is taken when the situation is already alarming, but it can still be seen as a preventive and monitoring mechanism. What is significant is that the EU decided to protect the values of human dignity, freedom, democracy, equality, the rule of law, respect for human rights, pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men referred to in Article 2 of the TEU as an integral part of the European political culture and identity.

Action under Article 7 is, however, seen as a ‘nuclear option’, and from the political point of view is difficult to implement. In order to strengthen the Rule of Law, the European Commission proposed a new EU Framework in 2014, which sought to ‘fill a gap’ between the threat to the rule of law and the mechanism under Article 7 of the TEU. The rule of law, understood as a ‘legality; legal certainty; prohibition of arbitrariness of the executive powers; independent and impartial courts; effective judicial review including respect for fundamental rights; and equality before the law’, become ‘the vehicle for ensuring compliance with and respect for democracy and human rights’ (European Commission 2014).

In 2017 the European Council determined that a clear risk of a serious breach of the values referred to in article 2 of the TEU existed in Poland, which became the first country to be subjected to the procedure under Article 7. A similar determination was reached respect of Hungary in 2018.

Hungary¹

Central and Eastern Europe, including Hungary in the last three decades was an ideal place to learn the ways of democracy and establishing respect for the rule of law, are both long-term and challenging processes. In many cases, the rule of law principle is suspended when the state has been successful in implementing a basic institutional structure and in establishing a system of checks and balances.

Yet, citizens, especially the political elite go on believing that it is sufficient that this framework exists. In former Communist countries, reforms implemented during the transition to democracy led to private and political liberties being protected by the legal system and becoming

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generally accepted norms, so much so that no further struggles were considered necessary to protect them. Democracy becoming a ‘cliché’, a form without substance. Gradually, public perceptions and priorities began to change, leading to increased vocalization about the lack of an actual ‘transition to good living standards’ and dissatisfaction with low wages (Bíró and Nagy 2017).

This observation is also supported by value surveys created after the regime change at the beginning of the 1990s which identified attitudes crystalized by the distorted Hungarian employment structure, under which 60% of the adult population was either directly employed by the state or a significant proportion of wages were based on government redistribution mechanisms (Mihályi 2014, pp. 902–903). For this reason, a significant share of the Hungarian population in the transition period believed in paternalistic redistribution policies, and immediately turned to political reactions whenever such ‘acquired’ rights and benefits were felt to be in danger. The majority of Hungarians strongly protested austerity measures following the transition to democracy, just as they did radical modernization reforms after 2004 (Tölgyessy 2017).

“Extra governance” with a two-third majority

In Hungary, a crisis had already commenced in the summer of 2006 and went on to become even more severe. The public was surprised to discover that growth in the previous years was mostly funded on credit. The increasingly negative public perception hit rock bottom when a secret speech by Ferenc Gyurcsány, the socialist prime minister, acknowledging that the cabinet had lied to voters about the state of the country, was leaked. The almost immediate result was street riots throughout the country, including in Budapest (starting on 17 September 2006, the day of the leak.). The biggest opposition party, the right-wing/nationalist Fidesz (Alliance of Young Democrats) used this opportunity to keep the left-wing coalition under fire. With its encouragement protests continued till the 2010 national elections. Reform attempts by the government mostly failed and it continued to lose support. With increasing corruption and regular scandals, political problems deepened into a long-term crisis of morality and ethics.

The effects of the global financial and economic crisis of 2008 reached Hungary at this time, producing more shocks for the already shrinking economy. Unemployment rates rose sharply, tariffs of public utility services, and the value of instalments of loans based in foreign currencies skyrocketed. Finally, at the end of spring 2008, as the alliance fell apart, the coalition

government was dissolved. At that stage there was no doubt that for the largest opposition bloc, comprising Fidesz and its Christian-democrat partners, the time to rule had arrived. As a straight consequence the right-wing coalition won the 2010 elections with a two-thirds majority and then again in 2014 and 2018, thus their goals acquired the sheen of a democratic mandate (Zakaria 1997). The fledgling two-party system was disbanded, the left-wing socialist and liberal bloc having fallen apart. Fidesz was able to start introducing changes in the economic and social subsystems without any effective opposition (Glied 2014). A new era of Hungarian politics had begun, labelled by the new government as a revolutionary transformation ('revolution in the voting booth'). System-level transformations impact personal livelihoods, economic hinterlands of the political sides, the intelligentsia and turned social groups, professions and generations against each other, further straining the relationship of Hungary and the European Union, which was made worse by the migrant crisis commencing in 2015.

Benefiting from this advantage, the System of National Cooperation (NER) has been implemented as an opportunity for and an expectation of those who live, work, and do business in Hungary (Schmidt 2018). After the 2010 victory Orbán began working to replace the temporary framework for government, established during the transition to democracy. The announcement of the System of National Cooperation, and the entry into force of the new fundamental law on 1 January 2012, were important steps in this process. The fundamental law described Hungary as an independent, democratic country observing the rule of law, in which the state operates on the principle of power sharing; it also declared that public authorities control each other. According to O'Donnell (1998) where the constitutional legal order prevails and there is accountability for decisions, then the system of checks and balances can be said to be operable.

On the contrary, Dobson (2012) contends that democratic institutional frameworks can become hollow, when they are apparently functional, but are actually only decorative elements on the ruins of democracy. Orbán has from the earliest stages actively curtailed the system of checks and balances. He has been able to do so as he won and then retained a two-thirds majority in parliament, allowing his government to act as it willed. However on the surface the rule of law continues to operate, and different political actors, including the judiciary remain functional.

In the summer of 2014 (at Bálványos Summer School in Transylvania, Romania), Orbán openly declared that that Europe had seen the end of an era, the neo-liberal period that had followed the fall of Soviet domination [...], and that Hungary had to move away from liberal democracy.

Efforts to create and protect a unified nation would no longer be hindered by the overly individualist and pointless foundations of liberal democracy, illiberal politics based on nationalist pillars would prevail (Koroncai 2014). Orbán said that the new system outlined new norms, ideas and ideological constructions, which were based on and in accord with reality (Juhász, László, and Zgut 2015). The ‘national interest’ would enjoy absolute priority over anything else. The focus of government would be on rebuilding the nation.

Since the beginning of Orbán’s rule, Hungary has witnessed many examples of the weakening of constitutional institutions. The powers of the Constitutional Court have been curtailed and the process for the appointment of judges altered at multiple stages. Since 2015 in certain kinds of cases the courts have not dared to, or have been unwilling to make decisions that would be obvious if legal and constitutional principles were kept in mind. A concrete example of this conduct is the application of certain deferral tactics in the *lex CEU*² case, which had never been used in other procedures, even though they were lawful (Jakab 2018). With a two-third majority in parliament and an extremely weak opposition, there has been no possibility of internal political checks. The only obstacles in the way of the legislative majority have been European institutions and international pressure (mostly US and German) (Kelemen 2017).

A number of changes have been made in the judicial administrative system. The number of jurors was raised from 11 to 15 and their term extended from 9 years to 12. The term of the general attorney was increased from 6 years to 9. Following the election of (former Fidesz member) Péter Polt as the general attorney, his office rejected 300% more complaints of official corruption than in the period from 2006 to 2010.³ The government reduced the number of ombudsmen from four to one, and simply closed the office of the Commissioner for Data Protection. The National Law Enforcement Council was replaced by the National Office for the Judiciary (OBH) which was conferred with vast powers on a number of matters, including the total number of judges and the rules in respect of their appointment. However, this change was only partially implemented because of severe criticism from the European Commission.

² The Lex CEU introduced various measures to control the functioning of Higher Education Institutions, the aim being to make the operation of the Central European University in Hungary impossible.

³ See: Polt Péter kinevezése óta meredeken zuhan a politikai korrupciós ügyekben indított eljárások száma. 2015. február 6. <http://atlatszo.hu/2015/02/06/polt-peter-kinevezese-ota-meredeken-zuhan-a-politikai-korrupciosugyekben-inditott-buntetoeljarasok-szama> [accessed 29/03/2020].

Only pro-government members were elected to the Media Council—whose primary aim was supposed to have been ensuring the operation of a democratic media. The same happened with the National Media and Communication Authority, which provides radio frequency licences (Sárközy 2014). The public media has witnessed extensive centralisation, the independence of media service companies (TV, radio) was terminated and a monopolistic news agency was also brought under central control.

EU Criticism of the state of affairs in Hungary

The Venice Commission (VC), an independent constitutional law advisory body of the Council of Europe has continuously criticised (Council of Europe, Venice Commission opinions and reports—CDL/CDL-AD(2011/2012/2013/2014/2015/2016/2017/2018/2019)) the state of the rule of law in Hungary since 2011, and explained in its positions what reasons it has identified. These complaints are mostly centred around the weakening of the system of checks and balances and the degree of concentration of power. The Hungarian government has introduced such changes in the planned legislation. The VC has voiced concerns regarding the following:

1. the fundamental law⁴, stating that it fails to ensure transparency, and also regarding each of the amendments of the constitution.
2. restriction of certain powers of the constitutional court and the transformation of the judicial system, stating that Hungary violates the right to fair procedure. (It has also stated that the unprecedented powers of the chief judge should be restricted.)
3. legislation on freedom of information, and on the attorney general's office.
4. new election law adopted in 2011.
5. new church law.
6. legislation applicable to media regulation.
7. law on national minorities.
8. lack of transparency of organisations receiving support from abroad and the “CEU Act”, stating that the government did not consult stakeholders about the proposal. (Act LXXVI of 2017)

⁴ The Hungarian Government requested an Opinion on three legal questions arising in the process of drafting the New Constitution of Hungary CDL-AD(2011)001-e whereas the Monitoring Committee of PACE requested an Opinion on the new Constitution of Hungary CDL-AD(2011)016-e.

9. STOP Soros laws (2018), for non-compliance with international human rights laws, (they would authorise the minister of the interior to ban certain non-governmental organisations in case of national security risks.
10. special immigration tax.
11. special public administration tribunals (planned in 2019).

The attitude of the government is reflected in the fact that it has failed to even translate its position statements into Hungarian. Such documents have had to be published by non-governmental organisations, such as the Hungarian Helsinki Committee and the Hungarian Civil Liberties Union. Opposition parties have voiced their concern that they were not invited to the state media channels, and also that they have had to face serious restrictions in respect of their parliamentary work as well as in their participation in the public discourse. In 2019 the National Audit Bureau imposed severe fines on almost each of the opposition parties, claiming that they had misused budget funding provided to parties participating in the national elections, or that they had accepted funding illegally.

The migrant crisis and mandatory quotas

Starting in the early spring of 2015 an unprecedented wave of migration reached the Balkan countries and Hungary. The flood of migrants appearing in Central Europe—and heading toward Western Europe—posed an almost unresolvable challenge to the asylum management systems at the national and also the EU levels. The Hungarian government began criticising the immigration and integration policies of the European Union, particularly in relation to economic migrants, declaring that the EU had failed at adequate regulation. In addition, the Hungarian government rejected the “obligatory relocation quota” imposed after the European Commission announced a refugee emergency, stating that European solidarity required each Member State to take part in managing the crisis by accepting refugees in their countries.⁵ Hungary’s contention was that the migration crisis could not be resolved through relocation quotas, which would only delay any resolution. As Orbán asserted: “*Westerners want to get rid of the unwisely accepted migrants by*

⁵ The six-point action plan proposed the separation of refugees and economic immigrants, creating a list of safe countries, involving Turkey and Russia in finding a solution, and the participation of the United States, Canada and some South American countries.

allocating them to countries that protected themselves and had not let them in, such as Hungary.” (Szabó, 2017). The issues involved were clearly extremely complex and the European public was divided. There were no clear answers forthcoming from EU headquarters in Brussels, and the entire discourse on the future of the EU was affected.

On 24 February 2016 Viktor Orbán announced that the government would hold a referendum on the obligatory relocation quota. The government narrative on the referendum had two parts. In the first Brussels and along with it the liberal European elite was blamed for the whole problem. The key themes were that the EU migration policy and multiculturalism had both failed (Referendum, 2016). The second part of the narrative was aimed at reinforcing cultural concerns about Hungarian society and encouraging the already existing negative attitudes towards the mostly Muslim migrants. The referendum on the quota was finally held on 2 October 2016. The majority of votes were cast against the quota, but in the end the outcome was found to be invalid, as less than 50% of those eligible to vote had participated.⁶

The Hungarian government continued the anti-quota and anti-Brussels campaign (Glied and Pap 2016; Balogh 2016; Kacziba 2020). Budapest was not alone this time, since Slovakia also announced that and took legal steps to block the implementation of the quota (Gotev 2016). A Central European group made up of the Visegrad (V4) countries and in various cases Austria, Slovenia, and Croatia (Balogh 2017) have released similar political statements regarding the migration crisis. The government of Poland, serving its own domestic political objectives, also severely criticized the EU immigration policy.

In June 2017, the European Union initiated legal action against Hungary, Poland, and the Czech Republic, after the three countries formerly rejected the implementation of the EU decision regarding the compulsory relocation of refugees (Euractiv 2017).

Finally, on 16 January 2020 the European Parliament voted to continue the Article 7 proceedings launched against Poland and Hungary. In total, 446 MEPs voted for the proposal, 178 rejected it with 41 absent. Most members of the European People's Party (EPP) also voted yes. According to the position statement, the standing of the rule of law has deteriorated in both countries, and neither member has taken meaningful steps to ensure the prevalence thereof. The

⁶ The number of votes required for a valid referendum was 4.1 million, while in the end 3 418 387 valid votes were cast (41.32%). The share of 'no' votes was 98.36%, while 1.64% voted 'yes.' The high number of invalid votes shall also be highlighted (6.17%). http://valasztas.hu/hu/ref2016/1154/1154_0_index.html. [accessed 11/01/2017].

EP requested the Council of the European Union to prepare specific recommendations to the countries, and to also give deadlines for completion. The adopted resolution also suggests that the use of EU funding in the future shall be tied to observing the rule of law (Rule of law in Poland and Hungary has worsened, 2020).

Debate over the rule of law in Hungary

The debate over the apparent decline of the rule of law in Hungary became more severe in 2017 for several reasons; the primary ones being changes in the higher-education system and the Central European University (CEU) case, the treatment of asylum-seekers, and legislation related to civil society organisations, as well as the national consultation campaign launched by the government. The criticism against the Hungarian government focused on the adoption by the national assembly of an amendment to the higher-education law, requiring all higher-education institutions operating in Hungary, but issuing foreign degrees to be teaching institutions in their parent countries also (the US, in the case of the CEU). In the end, CEU opened its new campus in Vienna and also moved its US programmes there. George Soros, the businessman who funded the CEU, said at the inauguration: “*CEU has strongly protected academic freedom from the corrupted government of Viktor Orbán, while he intended to destroy the university.*” (Zsolt, 2019). The prime minister denied that the government attempted to close CEU, contending that national consultation was a democratic effort, and also that the act on civil society organisation follows the Russian and Israeli example. “*We would like to reform the EU, but our European commitment is undoubted,*” said Viktor Orbán. Frans Timmermans, the Vice President of the European Commission insisted on launching infringement proceedings against Hungary, because of the CEU legislation, since it was incompatible with laws of the EU. He also criticised the Hungarian government for the “false accusations” against the EU included in the national consultation campaign titled “Stop Brussels / About the Soros Plan” (European Parliament, 2017). The sixth national consultation campaign (National Consultation, 2017) surveyed public opinion on six different topics.

1. Public utility tariffs;
2. Promotion of immigration;
3. Countering international organisations supporting immigration;
4. Transparency of activist groups financed from outside of the country;
5. Keeping labour policies a national issue;

6. Keeping tax policies a national issue.

It had already been stated in the position statement of the European Parliament adopted on 17 May 2017 that the situation in Hungary justified the launching of proceedings against it which could result in sanctions being imposed. The EP statement referred to the plenary debate in April, including claims that the status of democracy and the rule of law had deteriorated severely in Hungary; that the disputed laws should be suspended or revoked; that the spending of EU funds should be more strictly controlled. Members of the European Parliament (MEP) requested the EU to initiate Article 7 proceedings and instructed the European Parliament Committee on Civil Liberties, Justice and Home Affairs to prepare a special report for approval by a plenary session.

MEP also called on the Hungarian government to suspend laws enforcing stricter provisions against asylum-seekers and NGOs, and to reach an agreement with the US authorities about the CEU. The report also repeated that the EC should enforce the October 2016 proposal calling on the Commission to bring into force a mandatory inspection mechanism in respect of the situation in member states and to bring out annual reports regarding breach of democracy, violations of fundamental rights and the rule of law.

On 12 September 2018, following lengthy deliberations, the European Parliament approved the report compiled by Dutch MEP Judith Sargentini on the state of the rule of law in Hungary (European Parliament, 2018). The document called on the Council to trigger Article 7 proceedings, i.e. to ascertain that there was a clear risk of Hungary breaching the founding values of the EU, because according to the document—in addition to other issues—the independence of the judiciary, the freedom of speech, the rights of minorities, the situation of migrants and refugees were causes for concern (Köves, 2018). The Hungarian government then used its own communication channels and several GONGOs (Government-Organized Non-Governmental Organisations that are pseudo-NGOs) to dispute the findings of the Report (Alapjogokért Központ, 2018), applying the frequently used strategy which is based on citizen's insecurity perception.

The government response was two pronged: first there was a challenge to the legal standing of the proceedings themselves, and then also cognitive dissonance and chaos were generated through the reinterpretation and laboured explanations of the terms. It was argued that there was no absolute definition of the concept of democracy, and that the rule of law had different meanings due to the different cultural/historical backgrounds of member states.

While in March 2019 Fidesz decided to voluntarily suspend its membership of the European People's Party, the parent organisation of Fidesz in European Parliament, it was also decided that the Hungarian party would not be kicked out immediately, that the audit would have to be completed. A so-called "Council of Three Wise Men" (consisting of Herman Van Rompuy, Hans-Gert Pöttering and Wolfgang Schäuble) investigated the status of the rule of law and compliance with the conditions of the EPP, reporting back to its chairman, Donald Tusk.

Poland

2015 elections – PiS success and rhetoric

On 25 October 2015, elections to the Sejm and Senate (lower and upper chambers of parliament) were held in Poland. The right-wing Law and Justice Party (Prawo i Sprawiedliwość, PiS) won the election with just over 37.5% of the vote⁷. PiS was able (for the first time in the democratic history of Poland) to form a government without the need for seeking allies in other parties that entered Sejm, with full control over the legislature and executive branches of government. President Andrzej Duda (former PiS member who had won the presidential elections just a few months earlier) appointed Beata Szydło (PiS) as the prime minister.

The reasons for the public support received by the PiS victory can be understood in terms of public disenchantment with the economic policy of the previous, liberal government (Civic Platform, Platforma Obywatelska, or PO), which had been caught between ideological compulsions and attempts to soften the blow of the effects of the European financial crisis. The reforms included raising the statutory retirement age and increasing flexibility in respect of labour laws and regulations. Although the macroeconomic situation in Poland looked healthy, there was feeling of no security of employment and social benefits were seen as unsatisfactory.

As in the case of Hungary, the securitization of the migration crisis discourse (Podgórzńska, 2019) also played an important role. At the same time, it is necessary to emphasize the effective use of social media by PiS in highlighting the scandals of the PO government and its liberal policies which were unacceptable by conservative part of society (e.g. regarding in vitro fertilization and minor expansion of the rights of transgender persons (Marcinkiewicz and

⁷ Formally, the PiS is dominant component of the coalition known as the United Right and include two smaller right wing parties—Solidarna Polska and Porozumienie Jarosława Gowina. Members of three parties were included in the final list of candidates to parliament.

Stegmaier, 2016). Another important factor that influenced the parliamentary success of the United Right was the victory in the presidential election of Andrzej Duda (Wojtasik, 2016).

The PiS government in action

The United Right government of Beata Szydło (led from behind the scenes by Jarosław Kaczyński) with its parliamentary majority quickly began to introduce many of the deep reforms of state structures and public policies announced in the electoral campaign. The uncompromising nature of the changes introduced led to a polarization between supporters and opponents of the government.

The government described its proposals as the “good change”— a major shift in the paradigm of the functioning of the state. During the earlier brief period when PiS was in power (2005–07), it had used the slogan of “IV Republic” to underline the need to begin a new form of government, without ties to the post-communist regimes. Reasons for public support for PiS were a number of social programs that had been announced and quickly introduced e.g. “Family 500+” introducing a 500-zloty (ca. 120 Euro) family benefit for each second and subsequent child or the possibility of early retirement (60 years for women and 65 for men). The “Apartment+” project was prepared to enable Poles to rent cheaper apartments, with the option of buying them. A regulation on a minimum hourly wage for work performed under civil law contracts was amended and a program enabling persons aged over 75 years to acquire certain drugs free of charge was also introduced.

In the area of education, the government reverted to the traditional age for starting school, which was 7 years. The previous government had lowered the age to 6. Changes in the core curriculum were introduced, the three-tier school system ended and was replaced by a two-tier model.

In other fields, the government made changes which had far reaching consequences, for example in relation to the media and national security. It created a volunteer Territorial Defence Force as the fifth addition to the Armed Forces; it also increased the powers of the intelligence agencies. It pressurized journalists from public media to leave their jobs and hired others who were ideologically close to the ruling party. It gradually ensured that privately held media companies also became less independent in their broadcasting policies and more favourable to the government. These developments polarized Poles deeply.

The government tried to make up for the increased expenses with new sources of income. It imposed new taxes, including one commonly known as the banking tax, levied on the assets of financial institutions. Szydło's government also attempted to "seal the tax system" and began the fight against the "VAT carousel", or fraud in respect of VAT taxes. Actions against "VAT fraudsters" became quite popular with citizens. The government announced a long-term vision for developing the national economic potential, describing it as an "Action plan for responsible development of Poland". Adopted in February 2016, it set out, among other goals, the reindustrialization of the country and making Polish companies more innovative (Ministry of Economic Development, 2016).

The "change of current policy and form of exercising power" announced in Szydło's government programme also caused a lot of controversy. In institutions of culture, diplomacy and public administration it meant layoffs. This can be seen as a process of "cleaning up the civil service" which had served previous governments.

The United Right government also initiated the "politics of memory" aimed at wiping out any sympathy for the communist system. It passed a law "on the prohibition of propagating communism or other totalitarian regimes through the names of organizational units, auxiliary units of the commune, buildings, public buildings and facilities, and monuments". The idea behind it was to finally rupture the community's links with the so-called post-communist heritage. In practice the enforcement of the law meant a change of street names.

A new prime minister was installed to try to repair Poland's damaged relationship with the EU on the issue of judicial system reforms (Przybylski 2018). However, the controversial changes of the previous United Right government were not withdrawn. Mateusz Morawiecki himself forced further changes in the judicial system.

Article 7 of the TEU against Poland

After the 2015 elections Poland began to be seen as a country in the midst of democratic backsliding. Due to the newly established right-wing government's changes, Poland has received a great deal of attention in international institutions and media. One of many controversial interventions by the new government was in relation to the judicial system. The laws that brought in changes in the composition and functioning of the Constitutional Tribunal and which seemed designed to curtail the independence of its judges became the first reasons for the European

Commission to begin action against Poland. Also, the Council of Europe, and particularly its advisory body—The European Commission for Democracy through Law (so called Venice Commission)—became interested in the situation in Poland⁸.

In December 2015 and January 2016 the Sejm adopted another set of sensitive laws, dealing with the media, the civil service, the Police, and the Public Prosecution Office (European Commission, 2017c). In January 2016 a debate took place in the College of Commissioners, which was followed by the launch of a dialogue and a request for information from the Polish authorities on the situation regarding the rule of law (European Commission, 2017a). First Vice-President Timmermans was mandated by the Commission to enter into a dialogue with the Polish institutions (European Commission, 2017c).

From February to July 2016 both parties exchanged a number of statements and held several meetings. In March 2016, the Venice Commission adopted its opinion “on amendments to the Act of 25 June 2015 on the Constitutional Tribunal” and called for a solution that would respect the judgments of the Constitutional Tribunal (Venice Commission of the Council of Europe, 2017). Simultaneously the European Parliament started a debate on the situation in Poland. On 13 April 2016, the Resolution urging the Polish Government to respect, publish, and fully implement the judgments of the Constitutional Tribunal was voted on. It included the statement that the effective paralysis of the Constitutional Tribunal in Poland posed a danger to democracy, human rights, and the rule of law. The Polish Government was urged to fully implement without further delay the Constitutional Tribunal’s judgment of 9 March 2016 and to implement the judgments of 3 and 9 December 2015 (judgements were confirming unconstitutionality of the amendments of the Act on the Constitutional Tribunal) as well as to fully implement the recommendations of the Venice Commission.

In the Resolution it was also stated that the EP supported the Commission’s decision to launch “a structured dialogue under the Rule of Law Framework” and referred to the possibility of the activation of the further procedure whereby a “rule of law recommendation” could be issued in case Poland did not comply with the Commission’s recommendations (European Parliament, 2016).

⁸ Venice Commission was invited to visit Poland and to study the reforms by the Polish government itself.

On 1 June 2016 the Commission, not satisfied with the solutions implemented by the Polish Government, adopted the Rule of Law Opinion to the Polish Government. As Timmermans said “There have been constructive talks which should now be translated into concrete steps to resolve the systemic risk to the rule of law in Poland. The Opinion adopted today presents our assessment of the issues at stake, building on the dialogue which started in January [2016 – *authors*]. On this basis we stand ready to continue the dialogue with the Polish authorities.” (European Commission, 2016a). The Polish Government was invited to address its concerns within three months.

On July 2016, the Commission adopted a Recommendation according to which Polish authorities (First recommendation) were supposed to act urgently to:

1. “implement fully the judgments of the Constitutional Tribunal of 3 and 9 December 2015 which require that the three judges that were lawfully nominated in October 2015 by the 7th term of the Sejm can take up their judicial functions in the Constitutional Tribunal, and that the three judges nominated by the 8th term of the Sejm to already occupied posts without a valid legal basis do not take up their judicial functions;
2. publish and implement fully the judgments of the Constitutional Tribunal of 9 March 2016 and ensure that the publication of future judgments is automatic and does not depend on any decision of the executive or legislative powers;
3. ensure that any reform of the law on the Constitutional Tribunal respects the judgments of the Constitutional Tribunal, including the judgments of 3 and 9 December 2015 and the judgment of 9 March 2016, and takes the opinion of the Venice Commission fully into account; and ensure that the effectiveness of the Constitutional Tribunal as a guarantor of the Constitution is not undermined by requirements inconsistent with the rule of law;
4. ensure that the Constitutional Tribunal can review the compatibility of the new law adopted on 22 July 2016 on the Constitutional Tribunal before its entry into force and publish and implement fully the judgment of the Tribunal in that respect;
5. refrain from actions and public statements which could undermine the legitimacy and efficiency of the Constitutional Tribunal.” (European Commission, 2016b).

Polish representatives responded on the basis of the official statement of disagreement on all the issues raised (MSZ, 2017).

As there was no satisfactory solution regarding the issues raised in June, the Commission adopted the second Rule of Law Opinion addressed to the Polish Government on 21 December 2016, concluding that there were still unsolved threats to the rule of law in Poland (European Commission, 2016c). Poland again disagreed with the Commission and stated that it did not perceive any threats to the rule of law (MSZ, 2016).

In July 2017 the Commission adopted a third Rule of Law Recommendation. In it the main concerns were repeated and new ones added, such as the unlawful appointment of the President of the Constitutional Tribunal, dismissal of Supreme Court judges, and introduction of the National School of Judiciary. A list of proposed remedies was also included (European Commission, 2017b).

The Rule of Law in Poland had already several times become the subject of debates and hearings in the General Affairs Council of the EU. In April the Commission also decided to launch an infringement procedure against Poland (European Commission, 2019).

Likewise, the Council of Europe is concerned about the rule of law in Poland. On 23 January 2020, the Parliamentary Assembly of the Council adopted a resolution on the functioning of democratic institutions in Poland stating that the actions of the Polish authorities “cumulatively undermine and severely damage the independence of the judiciary and the rule of law in Poland. Moreover, the reforms have made the judicial system vulnerable to political interference and attempts to bring it under political control of the executive, which challenges the very principles of a democratic State governed by the rule of law” (Council of Europe, 2020).

The Council of Europe underlined the excessive centralization of powers over the judiciary and curtailment of the independence of the prosecution service; it also referred to the way the government had ignored decisions of the Constitutional Tribunal. The changes which were particularly pointed out as threats to the rule of law in Poland were:

- ad personam merger of the posts of Minister of Justice and Prosecutor General (“the extensive discretionary powers over the prosecution service and the actual prosecution of individual cases itself given to the Minister of Justice, undermine the impartiality and independence of the Prosecution Service and make it vulnerable to politicisation and abuse”).
- changes in the structure of the National Council of the Judiciary (15 judges are no longer elected by their peers but by the Polish parliament—“this runs counter to the principle of

separation of powers and the independence of the judiciary. As a result, the National Council of the Judiciary can no longer be seen as an independent self-governing body of the judiciary”).

- the appointment and dismissal of court presidents by the Ministry of Justice, disciplinary proceedings against judges and the internal organisation of the courts (“this is compounded by the equally excessive powers given to the Minister as Prosecutor General and the absence of a counterbalance by a genuinely independent National Council of the Judiciary”).
- Changes in the Supreme Court (early retirement—“the composition, and manner of appointment, of the members of the disciplinary and extraordinary appeals chambers of the Supreme Court, which include lay-members, in combination with extensive powers of these two chambers and the fact that their members were elected by the new National Council of the Judiciary, raise questions about their independence and their vulnerability to politicisation and abuse”) (Council of Europe 2020).

Both the EU and the CoE can be seen to have concentrated their focus on the structure of the Polish judiciary. Clearly the growing political control over the judicial system is seen by European organizations as one of the most critical threats to democracy and rule of law.

The Present Situation

Finally, on 16 January 2020 the European Parliament voted to continue the Article 7 proceedings launched against Poland and Hungary. In total, 446 MEPs voted for the proposal, 178 against; 41 were absent. Most members of the EPP also voted ‘yes’. According to the EP position statement, the standing of the rule of law had deteriorated in both countries, and neither member had taken meaningful steps to ensure its re-establishment. The EP requested the Council of the European Union to prepare specific recommendations for the countries to follow, and also to set deadlines by when they had to be complied with. The adopted resolution also suggested that the use of EU funding in the future should be tied to compliance with the rule of law.⁹

⁹ See: EP-vita: A hetes cikk hatástalan, új eljárás kell. [EP-dispute: Article 7 is inefficient, new procedure is needed] https://index.hu/kulfold/eurologus/2020/01/15/ep_hetes_cikk_elorelepes_határozat_magyar_lengyel_fejlemenyek/ [accessed 03/02/2020]

The significance of the EU budget and funds

The current situation is that the 2021–2027 EU budgeting cycle is still under discussion and given the significance it holds for the functioning of the EU in the near-term future a sense of compromise is in the air. The EU's technocratic leadership has already started to tone down the proposals of political groups urging the implementation of sanctions. The existence of these parallel priorities suggests that the EU is ready to sacrifice the condition regarding the observance of the rule of law in the face of uncertainties related to the EU budget and funds. This is the reality despite the fact that the rule of law is at risk in more and more member states (Gostyńska-Jakubowska 2020).

Conclusion

The European Union has been facing a number of challenges over the last two decades and has been unable to give effective answers as a community. Throughout the whole continent there has been a gradual erosion of the belief in democracy and in the efficacy of supranational cooperation, as a result of permanent crises, financial and economic problems and, perhaps most significantly, migration-related challenges. This disenchantment has left the most prominent mark in the Central and Eastern European states, some of the newest members of the EU. In those countries the reaction of the political class to the uncertainties and economic challenges of the period has been to assume that the solution lies in making the nation-state stronger and that the means of consolidating and expanding state power, and their own, would be through the use of populist measures.

Poland and Hungary are significant cases of the erosion of liberal democracy within the EU. According to the *Varieties of Democracy* report for 2020 both countries belong to the small group of countries that 'have autocratized the most over the last 10 years' (V-Dem Institute, 2020). The goal of the paper was to compare the process of the de-democratization of the two countries from the point of view of the EU allegations. The paper aims to examine the mechanism used to destroy or modify or reshape the liberal democratic framework in Hungary and Poland rather than the reasons for what was done ((the *how* rather than the *why*)).

Comparison of the process of democratic erosion in both CEE countries reveals a very similar path of de-democratization: (1) crisis in the country leads to the victory of a party which ignites anger against the ruling parties (socialist-liberal in Hungary, centrist in Poland); (2) a

decisive victory in the elections allows for establishing a one-party government; (3) the government's narration emphasizes the need of a "new quality" of management for the country; (4) infringement of the checks and balances system, supported by the excuse that the government had the people's support, takes on increasing form; (5) the government's key actions are targeted against judicial independence (especially in the context of the constitutional court and councils responsible for nominating judges), public media, truly independent NGOs, the attorney general's office; (6) in both countries the issue of securitization of the immigration policy played an important role in the actions of the Fidesz and PiS.

However, the paper also shows that the EU actions, which were taken when the governments in Poland and Hungary made major changes in the above mentioned areas, concerns mostly the principle of the rule of law. Despite the fact that the process of political changes in both countries follows the Ziblatt and Levitsky's model, the EU, due to issues of procedural possibilities, is able to refer mainly to the threats of the rule of law. Among the values referred to in Article 2 of the TEU, the rule of law issue is underlined in the procedures against Hungary and Poland. Since the paper examines the EU actions in relation to democratic backsliding in the two CEE states from the perspective of political science, rather than the legal, conclusion can be that how could the EU protect liberal democracy mostly when the principle of the rule of law is under attack.

Finally, on 9 October 2020 European Parliament plenary session adopted the resolution on establishing an EU mechanism in order to protect and strengthen democracy underlining that only agree to a long-term budget if there is an opportunity that allows for EU funding to be reduced or suspended if a member state disrespects the rule of law.

Developments in both countries represent significant challenges to the ideology of the EU and its rules. The European Union which is regarded as a body that supports postmodern values should understand the reasons and process of democratic backsliding very well. What needs to be further researched is whether Poland actually modeled its reforms on Fidesz actions in Hungary or whether there is a general pattern of erosion of democracy, which is the same everywhere.

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THE SIGNIFICANCE OF THE BLACK SEA COUNTRIES OF THE THREE SEAS INITIATIVE RELATIONS WITH THE UNITED ARAB EMIRATES

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Abstract: *The Black Sea region has strategic geopolitical importance where the routes of Europe, the Caucasus, Asia, and the Middle East intersect. Ensuring stability and security in the Black Sea area is essential for emerging new security architecture. In search of balance, the challenges are met by the Three Seas Initiative (3SI) and the deepening of strategic relations with the United Arab Emirates. The UAE, anchored in the Euro-Atlantic partnership and with extensive influence, emerges as an interesting strategic partner. When analysing the Three Seas Initiative, it should be noted that the United States of America joined the implementation of 3SI, seeing it as an opportunity to pursue American interests in LNG markets, and in a broader geopolitical dimension, combining this initiative with projects in the Middle East. This research paper is the first to analyse the foreign and security policy of the two Black Sea countries, Bulgaria, and Romania that participate in the Three Seas Initiative, from the geostrategic perspective and relations with the United Arab Emirates. The research work is based on empirical research, and the results of which are largely derived from 10 years of direct observation, as well as the participation of the author of the article in many initiatives related to cooperation between all 3SI countries with the United Arab Emirates, among others as an Ambassador, Senior Advisor at Dubai Expo 2020.*

Keywords: Black Sea, United Arab Emirates, Three Seas Initiative, 3SI, Bulgaria, Romania.

Introduction

The Three Seas Initiative (3SI), announced in 2015 and formally initiated in 2016, is a new form of strategic cooperation between the 12 countries located between the Adriatic, the Baltic, and the Black Seas. Due to the immediate vicinity of this area with Russia, Turkey, the Mediterranean basin, and the proximity of the Middle East, as well as the strategic activity of the USA and China with all countries of this initiative, 3SI has a global dimension. The Black Sea

region has strategic geopolitical importance where the routes of Europe, the Caucasus, Asia, and the Middle East intersect. Therefore, this region shows both great opportunities for beneficial cooperation with Asia and the Middle East and vulnerability to threats arising from these areas. It is of key importance for the stabilisation and security of Europe, including the Common Foreign and Security Policy of the European Union. In this region, there are still active conflicts in Crimea and Georgia, and competition for strategic energy projects. On the other hand, Russia, and Turkey conduct military operations in Syria. In addition, Bulgaria and Romania, the Black Sea countries, the European Union, and NATO members have been participating in the Three Seas Initiative (3SI), being of fundamental importance for its implementation. Thus, the Black Sea region is an area of rivalry between the USA, Russia, Turkey, and the EU with the mutual influence of the Middle East (Joja, 2020).

Through the annexation of Crimea, Russia acquired most of the Ukrainian oil and gas fields located in the Black Sea. On the other hand, Turkey, by sending refugees from the Middle East to Bulgaria, may contribute to the destabilisation of this country with consequences for the entire EU area. Therefore, ensuring stability and security is essential in the Black Sea area to the emerging new security architecture. Conflicts between Turkey and other NATO members over its military engagement in the Mediterranean Sea, along with Russia, as well as the lack of unanimity among European Union members on the future of the Western Balkans, and the rivalry between the USA and China in terms of infrastructure investment, will contribute to many tensions in the structure of the global order. In such a situation, in search of a balance of power, these challenges are met by the Three Seas Initiative and the deepening of strategic relations with the United Arab Emirates.

Russia is demonstrating its imperial goals by increasing its military forces as well as its control over territories in the Black Sea region. This game is very dangerous for the entire architecture of global security. Russia has taken actions not only against countries aspiring to the Euro-Atlantic political, economic, and military structures, but also tries to get the support of Bulgaria, the EU, and NATO member, or Turkey, which is a member of the Alliance North Atlantic and allows Russia to take a hegemonic position in the region (Joja, 2019, pp. 2-3). In such an arrangement, the allied solidarity, which is the basis of the North Atlantic Treaty Organisation, is naturally broken. Moreover, Russia's increasing influence in the Black Sea basin is part of a broader Eurasian strategy. It is an element serving to increase presence, influence, and power in

the Mediterranean region as well as in the Middle East. One example is Russia's military cooperation with Turkey in Syria or Russia's activity in Libya in another constellation of interests.

Turkey joined NATO in 1952 to stop the imperial plans of the Soviet Union towards the Black Sea and the Middle East. Turkey has always wanted a dominant position in the region. Several months after the collapse of the Soviet Union, to maintain Turkey's leading role and importance in the region, in 1992 Ankara initiated the establishment of the Black Sea Economic Cooperation Organisation (BSEC). However, it was not an effective tool for implementing Turkey's foreign and security policy. Therefore, after nearly 20 years, the concept of 'strategic depth' of the Justice and Development Party (AKP) was adopted, which is now consistently being implemented. One of the assumptions of this doctrine is to use the geographical location of Turkey to build the main energy corridors in its area (Krzymowski, 2019, p. 322). In 2015, after the Turkish military forces shot down a Russian attack aircraft, the situation between Russia and Turkey was very tense. However, fairly quickly, after the failed military coup attempt in 2016 and the dramatic rise of anti-American sentiment in Turkey, which led to the USA being perceived as the main security threat, Ankara decided to enter into a strategic alliance with Moscow.

This article is the first to analyse the foreign and security policy of the two Black Sea countries that participate in the Three Seas Initiative, Bulgaria, and Romania, from the geostrategic perspective and relations with the United Arab Emirates. The research work is based on empirical research, and the results which are largely derived from 10 years of direct observation, as well as the participation of the author of the article in many initiatives related to cooperation between the countries of the Three Seas Initiative and the United Arab Emirates, including as Ambassador, Senior Advisor is Dubai Expo 2020 also responsible for the strategies and dynamization of all 3SI countries (except Poland) in UAE relations.

Therefore, the methods of empirical research, with particular emphasis on qualitative methods and inductive reasoning, were considered the most appropriate in finding an answer to the research question about the role and importance of cooperation between Bulgaria and Romania with the United Arab Emirates for the effective implementation of the Three Seas Initiative. For this purpose, the methods of document content analysis, case studies, comparative analysis, observation, and interviews were used. In this context, game theory and the theory of institutionalism were also useful. In addition, the author adopted Wendt's (1987) concepts, combining rationalist and reflection approaches. Thus, this article, using the above-mentioned

methods, both explains international relations in the topic discussed and shows the basis of the values of interests that shape changes. In addition, scientific realism combined with liberal institutionalism was applied in complement. The author of this article shows that despite the European integration process, including the Three Seas Initiative (all states are EU members), it should be recognized that states with their interests are the most important. Therefore, states, being rational entities, should be primarily analysed. In this way, it will be possible to explain the ongoing integration processes and see the real game of interests.

Bulgaria and Romania relations with the United Arab Emirates

Romania established diplomatic relations with the United Arab Emirates on August 1, 1989. Moreover, in less than a year, in June 1990, the Romanian Embassy was opened in the UAE capital, Abu Dhabi. Already in May 1991, the Romanian Prime Minister, Petre Roman, paid an official visit to the United Arab Emirates. On October 19, 1991, diplomatic relations were established between Bulgaria and the United Arab Emirates. In January 1992, the Romanian Consulate General in Dubai began its activity. On the other hand, in April 1993, the official visit of the President of Romania, Ion Iliescu, took place in the UAE. Thus, the first years of diplomatic relations were marked by visits to the United Arab Emirates at the highest level of Romanian leaders, including the president and prime minister. However, the following years of relations between the Romania and the UAE were characterised by their stable development, with consultations between the ministries of foreign affairs of both countries, but without visits at the highest level. In the case of Bulgaria, the 90s was a period that is not characterized by any dynamics in relations between the two countries.

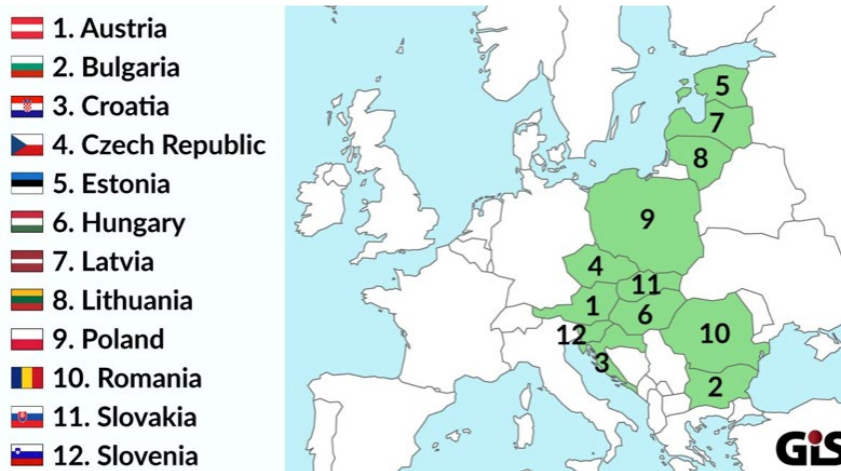
The beginning of the 21st century brought more interest to Bulgaria and Romania in bilateral relations with the United Arab Emirates and vice versa. Bulgaria's diplomatic mission, in the form of the General Counsellor in Dubai, was opened in 2001. The relationship between Romania and the United Arab Emirates once again reached a deeper level when in February 2002 the Romanian President, Ion Iliescu, re-elected to the office, paid another official visit to the UAE. This presidential visit influenced the decision by the Emirati company Dubai Ports World on a strategic investment in Romania. A few months after the war started in Iraq, in November 2003 Bulgarian President Georgi Parvanov paid an official visit to the United Arab Emirates. At the same time, the Dubai-based DP World corporation dealing with cargo logistics and servicing

seaport terminals received in November 2003 a long-term license to operate the Constanta South Container Terminal (CSCT) SRL. The facility is a modern and most important container terminal located in the Black Sea. This terminal is crucial not only for Romania's needs but also for a large part of Central and Eastern Europe. Therefore, it fits perfectly into the strategies of the Three Seas Initiative, for which the transport and logistics issue is one of the priorities. Moreover, due to the fact that it offers a fairly quick connection between Central and Eastern Europe and the Far East (DP World Constanta, 2020), it also corresponds to the 17 + 1 strategy. As a result of strategic investment and the deepening of relations between Romania and the United Arab Emirates, the UAE Embassy was established in 2004 in the Romanian capital, Bucharest. Over the next more than 10 years, relations between Romania and the UAE developed very well and steadily. It should be stated that in this period the relationship between Bulgaria as well as Romania and the UAE were not characterised by greater dynamics, both in the political, economic, or military dimension. However, it is worth emphasizing the visit in June 2009 paid by H.H. Sheikh Abdullah Bin Zayed Al Nahyan, Minister of Foreign Affairs and International Cooperation of the United Arab Emirates.

In 2014, due to the events in the Black Sea, in Ukraine, i.e. the annexation of Crimea, the countries of Central and Eastern Europe decided to tighten regional cooperation. In this context, in 2015, the concept of closer cooperation between the Adriatic Sea, the Baltic Sea, and the Black Sea emerged. At the same time, it should be recognized new impulses for their further deepening relations between Bulgaria and Romania with the United Arab Emirates. In May 2015, the Prime Minister of Romania, Victor Ponta, paid an official visit to the United Arab Emirates. During this visit and the talks at the highest level, the UAE's intention to undertake further investments in Romania, in particular in the agricultural sector, was announced. Moreover, the following agreements were signed during the Romanian Prime Minister's stay in the United Arab Emirates, i.e. an Agreement on mutual visa waiver for holders of diplomatic and special passports, and a Memorandum of Understanding regarding political consultations, higher education, and scientific research (MOFAIC, 2015). Consequently, a few months later, in January 2016, the Sharjah-based group Chemie-Tech DMCC announced its decision to invest \$ 63 million in Romania, in a factory that specialises in recycling used oil from the automotive industry. Moreover, it was emphasised that the UAE company plans to open a nationwide used oil collection network in Romania. It should be underlined that the project is the first investment of this type in Central and Eastern

Europe (Banila, 2016). At the same time, in January, Bulgarian Minister of Information Technology and Communications, Ivaylo Moskovski came to Dubai. During the visit, after a meeting with the UAE Minister of Economy, Sultan bin Saeed Al Mansouri, an Agreement on air services was signed (WAM, 2016).

Map 1: Three Seas Initiative countries



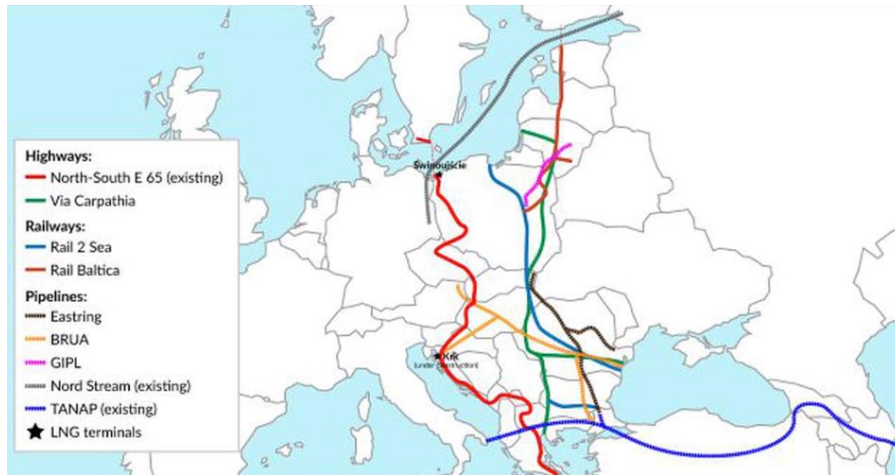
Source: <https://www.gisreportsonline.com/97,i.html>

The idea of closer cooperation between 12 countries located between the Adriatic Sea, Baltic Sea, and the Black Sea was formalized on August 25, 2016, by a signed Joint Declaration establishing the Three Seas Initiative. In October 2016 the UAE Minister of Economy visited Bulgaria. After the meeting with his counterpart, Bozhidar Lukarski, an Agreement on economic co-operation was signed (Tfaham, 2016). In the following year, 2017, Bulgarian Minister of Economy, Bozhidar Lukarski came to the United Arab Emirates, where, in addition to meeting with UAE Minister of Economy, Sultan Bin Saeed Al Mansouri, further were signed Agreements for Air Services and Establish Economic Relations. In April 2018, the Deputy Prime Minister and Minister of Foreign Affairs, Ekaterina Zakhariyeva, came to the United Arab Emirates. During this visit, an MoU on political consultations between the two ministries of foreign affairs was signed. Moreover, the official opening ceremony of the Bulgarian Embassy in Abu Dhabi took place. At the same time, in April 2018, the UAE Minister of Education, Hussain Al Hammadi, visited Romania to deepen relations between the two countries in the field of science and research. In

order to make joint decisions, during the visit, a meeting was held with the Deputy Prime Minister of Romania, Viorel Stefan, Minister of National Education, Valentin Popa, and the heads of universities as well as research institutions (MOFAIC, 2018a). One month later, the UAE Minister of State, Sultan bin Ahmad Sultan Al Jaber arrived in Romania to chair together with the Minister of Foreign Affairs of Romania, Teodor Melescanu, the first-ever meeting of the UAE-Romania Joint Committee in Bucharest. The partners emphasised the need to further use the strategic position of both countries, especially in the context of the development of trade. In addition, numerous agreements were signed during the visit, including an MoU founding the UAE-Romania Joint Committee, an MoU on cooperation, and exchange of media information between the Emirates News Agency, the WAM, and the Romania News Agency. Moreover, an MoU on agricultural cooperation, an MoU on cooperation in the sports sector, an MoU to enhance bilateral investments and cultural cooperation have been signed. In addition, the UAE-based Al Dahra Agriculture company has started to make agricultural investments in the Black Sea region. This initiative is in line with the United Arab Emirates' strategy of ensuring food security, a country that imports over 90% of its food. It is also worth emphasising that the chairman of the UAE delegation during his stay in Romania met with all of the most important people in the country (MOFAIC, 2018b). As a consequence, a few months later, in September 2018, the Ruler's Representative in the Al Dhafra Region in the UAE, H.H. Sheikh Hamdan bin Zayed Al Nahyan came to Romania. In order to deepen relations, especially trade and investment, during the visit, meetings were held with, among others, President Klaus Iohannis and Prime Minister Viorica Dancila (Alfaham and Mohamed, 2018). Continuing relations at the highest level, the following month the Romanian Prime Minister Vasilica Viorica Dăncilă paid a visit to the United Arab Emirates, along with a large delegation, including ministers and businessmen. During a successful visit, the ministers of foreign affairs of both countries signed an Agreement between the two governments on reciprocal property ownership rights for the diplomatic missions. The partners have agreed to work even deeper, especially between various clusters, including automotive construction, high tech, agriculture and food, energy, aerospace, mechanical, electrical, creative and cultural sectors, tourism, IT&C (including blockchain technology) health and medical sciences, constructions, maritime, textile, furniture, green energy, and logistics. As a result of dynamic relations at the highest level, both parties expressed their willingness to conclude a Strategic Economic Partnership in the near future (MOFAIC, 2018c). In October 2018, the Prime

Minister of Bulgaria, Boyko Borisov, paid an official visit to the United Arab Emirates. During the visit, the leaders of both countries decided to take action to prepare an agreement on strategic cooperation and to strengthen relations in all areas of cooperation, especially political, economic, security, cultural, and sports (Embassy of the Republic of Bulgaria, 2018a). In addition, during the conversation with the Prime Minister of Bulgaria, Boyko Borisov, the Crown Prince of Abu Dhabi and Deputy Supreme Commander of the Armed Forces, H.H. Sheikh Mohammed Bin Zayed Al Nahyan stated that they identified many common strategic interests in the field of economy, agriculture, construction, technology, and the military industry. In the context of the Three Seas Initiative and the role and importance of Bulgaria not only in the Balkan region but also for the Middle East, the interviewees emphasised the special importance of the transport corridors that Prime Minister Borisov has been negotiating with other Balkan countries. In this sense, the leaders of both countries underlined that the strategic location of Bulgaria should be used for mutual benefits, as well as in a broader geopolitical sense for the development of trade and economic agreements of the United Arab Emirates in Europe (Embassy of the Republic of Bulgaria, 2018b). As a result of the visit of the Prime Minister of Bulgaria, Boyko Borisov to the UAE, the areas of cooperation between the two countries were significantly deepened and expanded. Only a few weeks later, further official visits were made to the United Arab Emirates. One of them was the visit of the Minister of Education of Bulgaria, Krasimir Valchev. Another visit of the Minister of Interior Affairs, Mladen Marinov from General Attorney Sotir Tsatsarov. In addition, the UAE Minister of Food Security, Mariam Al Muhairi, arrived in Bulgaria that same month. Just two months later, at the beginning of February 2019, the Minister of Interior Affairs, Mladen Marinov, and the General Attorney, Sotir Tsatsarov again visited the United Arab Emirates (Sofia News Agency, 2019). In March 2019 the Emirati company DP World Constanta, managing the strategic sea terminal Constanta South Container Terminal (CSCT) SRL in Romania, received a license renewal for another 30 years, i.e. until 2049 (MOFAIC, 2019a). Thanks to this decision, DP World from Dubai will have an important role and significance in the implementation of some strategic projects of the Three Seas Initiative for a long, crucial period. The implementation of the 3SI road connection via Carpathia, which will run near Constanta, will be another strategic value for the Constant South Container Terminal.

Map 2: Three Seas Initiative projects



Source: <https://www.gisreportsonline.com/regional-integration-at-the-three-seas-summit,economy,2683,report.html>

Aiming to further deepen the relations between the states and concluding a strategic partnership, in June 2019 the Minister of Foreign Affairs and International Cooperation, H.H. Sheikh Abdullah bin Zayed Al Nahyan came to Romania. During this visit, His Highness held talks with, among others, the Prime Minister Vasilica Viorica Dăncilă and the Minister of Foreign Affairs of Bulgaria, Teodor Meleşcanu. The partners reviewed potential cooperation projects, including in the field of trade, agriculture, infrastructure, transportation, and Information and Communications Technology (MOFAIC, 2019b). In June 2019, a very important visit to Bulgaria took place, paid by the UAE Minister of Foreign Affairs and International Cooperation, H.H. Sheikh Abdullah Bin Zayed Al Nahyan, serving to clarify the scope of the strategic partnership. Moreover, during H.H. stay in Sofia, the UAE Minister, together with the Minister of Foreign Affairs of Bulgaria, officially opened the Embassy of the United Arab Emirates (Hussein and Salman, 2019). In order to deepen economic relations, the Deputy Prime Minister for Economic and Social Policy Mariyana Nikolova visited the UAE in February 2020. During the meeting with the UAE Minister of Economy, Sultan Bin Saeed Al Mansouri, they discussed many important

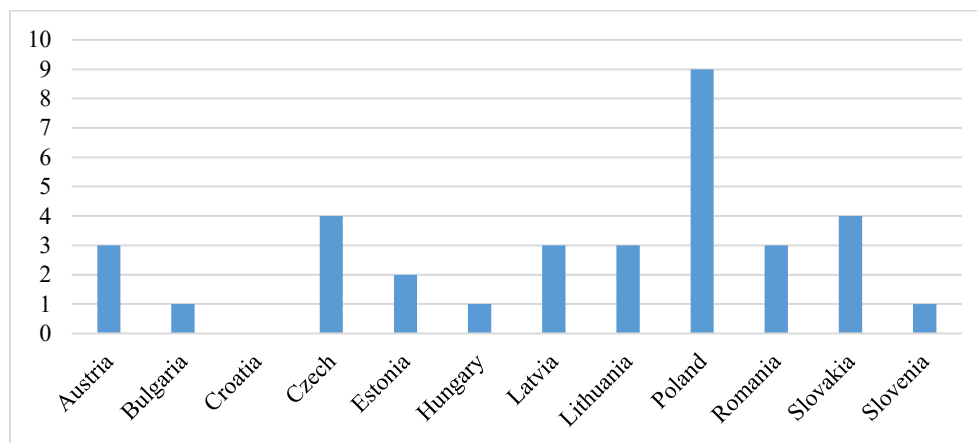
issues, including supporting small and medium-sized enterprises and creating a joint venture (Sofia News Agency, 2020).

Findings

After 2011, the countries of Central and Eastern Europe gained a much more important role and position in the foreign and security policy of the United Arab Emirates. Studies of twelve countries of the Three Seas Initiative and the most important official bilateral visits demonstrate that in the last 20 years every member of this project has recorded a visit at the highest level in relation with the UAE.

The charts below show the dynamics of the most important official bilateral visits, at the level of heads of state and government as well as ministers of foreign affairs, the economy as well as members of the royal family holding high state positions were taken into account.

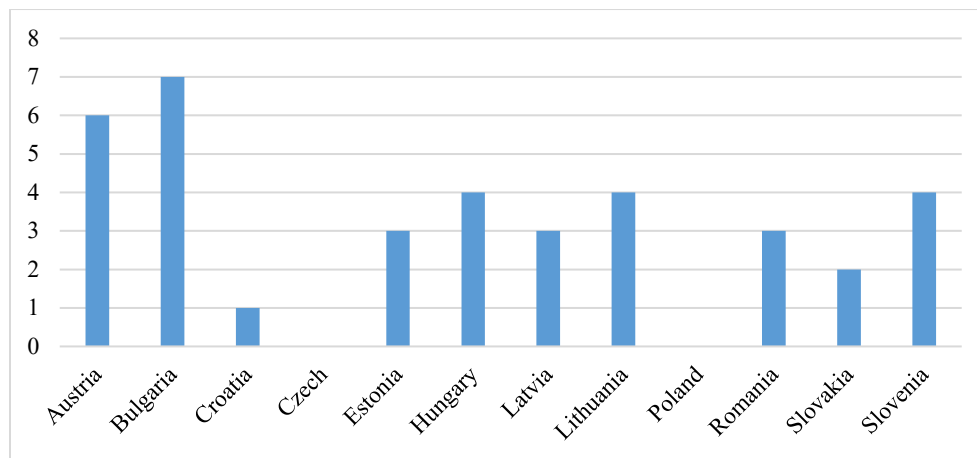
Figure 1: The most important official bilateral visits 2011-2015



Source: Own study based on data from government institutions.

In the period 2011-2015, Bulgaria recorded one of the lowest levels of relations with the United Arab Emirates in terms of top-level visits. On the other hand, Romania showed the dynamics of bilateral official meetings slightly higher than the average of all countries.

Figure 2: The most important official bilateral visits 2016-2020



Source: Own study based on data from government institutions.

After 2015, during the implementation of the Three Seas Initiative, the vast majority of 3SI members demonstrate great dynamics. Bulgaria is the clear leader of this ranking. On the other hand, Romania recorded the same level of dynamics of official visits.

An analysis of the foreign and security policies of all partners, as well as their geostrategic situations and challenges, demonstrate that there is still a large potential for expansion and deepening of relations. It should also be noted that there has been a huge increase in top-level visits between Bulgaria and the United Arab Emirates since 2015, which may be explained by the need to diversify strategic alliances. Bulgaria recorded the highest number of top-level visits of all 12 Three Seas Initiative countries. The situation of Romania, which demonstrates the same level of dynamics of visits with the UAE in the last two decades, is the result of a lack of recognition of the need to conclude new strategic alliances. Romanian foreign and security policy wants to focus primarily on relations with the USA and strengthening the role and position within NATO and the European Union. However, it should also be emphasised that for both countries of the Three Seas Initiative, which are members of the North Atlantic Treaty Organisation and the EU, the United Arab Emirates is a country focused on close, strategic cooperation with the Euro-Atlantic area. In 2004, the same year Bulgaria and Romania joined the North Atlantic Treaty Organisation, and the United Arab Emirates became a member of the NATO Istanbul Cooperation Initiative. Besides, it should be noted that the United Arab Emirates is the first Arab country to have an ambassador accredited to NATO. Moreover, the UAE is deepening its relations with the European Union, for

which the United Arab Emirates has become a strategic partner, as emphasised by the leaders of various European Union institutions. In addition, the United Arab Emirates creating a global new model of a green economy may be an interesting partner for Bulgaria and Romania in the implementation of the SDGs (Krzymowski, 2020, pp. 213-214). Therefore, the United Arab Emirates is an important strategic partner of the 3SI countries in the Black Sea region.

Geostrategic dimension

When Ukraine and Georgia chose the Euro-Atlantic course of foreign and security policy, traditionally Bulgaria and Turkey began to support Russia in strategic projects (Joja, 2019, p. 14). Among all the Black Sea countries, Romania is a leader in spreading Euro-Atlantic values.

Black Sea Strategy

The beginning of the 21st century is a period of important Romanian initiatives concerning the security of the region. Romania's foreign and security policy was based on two strategic goals, i.e. membership in NATO, which took place in March 2004, and accession to the European Union. On the one hand, this was due to the beginning of an increase in military power, influence, and demonstration by Russia, and on the other hand, it was important due to the instability of the Middle East and finally the beginning of the war in the not-so-distant Iraq in 2003. Under these circumstances, Romania intended to take an active position by initiating and organising the Black Sea Forum for Partnership and Dialogue (BSF) in Bucharest in June 2006, with the security of the region as one of its most important goals. A few months later, after Romania joined the European Union on January 1, 2007, this initiative became an EU project. In April 2007, during the German presidency in the European Union, Romania managed to push through the Black Sea Synergy project, which was to become an important element defining the EU's strategy towards the region. However, just a year later, on May 27, 2008, Poland and Sweden, as part of the European Union, initiated the Eastern Partnership, emphasising the EU's special relations with six countries, i.e. Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine, which were included in the Black Sea Forum for Partnership and Dialogue (BSF) and Black Sea Synergy. Moreover, the Eastern Partnership has raised concerns about competition with these initiatives. Therefore, the European Parliament underlined the need to create a similar like the Mediterranean Union - the Union for the Black Sea (Piskorska, 2012, p. 190). As a result, as Joja (2019, p. 8) points out, both Romania's

initiatives regarding the Black Sea basin did not bring the expected result. The European Union has not adopted a Black Sea Strategy. Besides, internal problems did not favour the effectiveness of its foreign policy and actions on the European Union forum. However, before the NATO summit in 2015 in Bucharest, Romania and Poland initiated cooperation of nine countries of NATO's eastern flank (B9) to deepen security cooperation not only within the North Atlantic Alliance but also in cooperation with the EU. In 2016, during the NATO summit in Warsaw, Romania took the initiative to establish a regional Black Sea Force. However, Bulgaria immediately announced that it was not interested in the project. In this way, Bulgaria blocked the implementation of this initiative, supporting a strong security guarantee by North Atlantic Treaty Organisation and enabling closer cooperation with countries aspiring to NATO from the region, i.e. Ukraine and Georgia. Additionally, Bulgaria has consistently continued its close strategic relations with Russia not only in the area of economy, investment, industry, and tourism but also by supporting Russian energy projects that make Europe dependent on gas from Russia through Turkish Stream, South Stream or Turkish Stream. In 2016, Poland and Croatia initiated the Three Seas Initiative (3SI), in which the Black Sea countries are an important part of it. The dynamics of this initiative shows its great potential and effectiveness in influencing both EU partners and the international environment.

Since 2011, Turkey has been taking active military operations in the Middle East and North Africa (MENA), mainly in Libya, Syria, Qatar, and Yemen. In addition, Turkey has established in Somalia the largest overseas military camp and in Sudan it leases the island of Suakin, deepening strategic relations with the country. For over 10 years, Turkey's foreign and security policy strategy has been based on the ideology of political Islam, which is operationally implemented primarily by the Justice and Development Party (AKP). Its goal is to establish Turkey as the political leader of the wider Muslim world (Occhiuto and Cafiero, 2020). Turkey, taking advantage of Qatar's conflict with other GCC members, has installed military forces in the Tariq Ibn Ziyad base in Qatar. Moreover, in Iraq, Ankara has established around 20 small bases, mostly of an intelligence nature. Additionally, in northern Syria, Turkey has six bases with a significant number of soldiers on a rotating basis. Moreover, Turkish diplomacy is a very active instrument in implementing geostrategic goals (Pivariu, 2020).

Bulgaria's foreign and security policy (2017-2021)

Bulgaria's current foreign and security policy is implemented on the basis of the Government Program 2017-2021, which indicates that although active participation in the European Union and NATO is the highest priority, the document emphasises that both organisations do not always define Bulgaria's coherent roles and international position as well as geopolitical interests. In addition, the geostrategic situation requires taking into account many factors, including Brexit, the migration crisis from the Middle East and North Africa, growing populism in the region, terrorist threats, and the uncertain structure of relations between the USA, North Atlantic Treaty Organisation, and the EU. Moreover, Bulgaria is dependent on Russia in the energy area. In such a situation, the Bulgarian government emphasises the need to continue strengthening relations with Russia, while trying to obtain the position of a mediator in the Black Sea region between Euro-Atlantic partners and Russia (Kandilarov, 2019, pp. 1,3). It is worth noting that when analysing the Balkans in terms of energy security, as much as 80% of the energy infrastructure belongs to Bulgaria with the possibility of affecting a large part of Europe. Therefore, this issue has the highest priority of Bulgaria's economic, foreign, and security policy. In 2019, Bulgaria took some steps to diversify its energy supply. On May 31, 2019, the Minister of Energy of Bulgaria, Temenuzhka Petkova, announced that in June 2019, using the Greek LNG terminal in Revithoussa and the Greek-Bulgarian gas connection (Sidirokastro-Kulāt), American LNG would flow to Bulgaria (Seroka, 2019b). On September 18, 2019, the state-owned company Bulgartransgaz, responsible for the gas transmission system, signed a contract with the Saudi Arkad consortium for the construction of approx. 500 km of the second section of the Turk Stream gas pipeline connecting Bulgaria and Serbia. The project is to be put into service in 2021 and its cost is estimated at EUR 1.1 billion. However, most of this amount is to be covered by a Saudi corporation, which will receive transit fees for 10 years after the pipeline will launch. Bulgaria, being completely dependent on Russian gas supplies, took some further steps in 2019 to try to change the situation, by acquiring American LNG from Greece and starting the construction of a new interconnector with Greece (IGB), which should be put into service after 2021. However, it should be noted that this project can only provide 9% of Bulgaria's gas needs (Seroka, 2019a). Due to the direct sensitivity of Bulgaria's politics and economy to the increasing competition between Euro-Atlantic partners and Russia in the region, the country is increasingly interested in cooperation with China under the 16+ 1 platform (now, after Greece's accession: 17+1), especially

in the context of Silk Road project. It is worth mentioning the strategic document ‘Vision for Bulgaria’, prepared by the Bulgarian Socialist Party, which is currently the second power in parliament, with an upward trend in support. This vision emphasises the need to deepen strategic relations with China and to establish a Global Partnership Centre in Sofia (Kandilarov, 2019, p. 5). Moreover, Bulgaria would like to use the IGB to be a Balkan Gas Hub, which would be used to transmit gas from directions other than Russia, and which would be directed to Central European countries. In this sense, a link between Bulgaria and Romania has been in operation since 2016, and the construction of the first section of the BRUA gas pipeline (Bulgaria-Romania-Hungary-Austria) has been underway since June 2018. This is taking place under the influence of American lobbying, in the face of Russian influence (Seroka, 2019b). So, there is a huge competition going on between the USA and Russia to shape the energy security of a large part of Europe for many years. Moreover, the United States of America is involved in the Three Seas Initiative, for which energy security is one of its strategic priorities.

Romanian National Security Strategy (2020–2024)

On June 30, 2020, the Romanian parliament almost unanimously adopted the new National Security Strategy for 2020–2024, which sets the foundation for deepening strategic relations with the United States of America and strengthening its role and position in the European Union and NATO. For the first time, in Romania’s security strategy, Russia was repeatedly explicitly mentioned as a country destabilising the situation in the Black Sea region. Romania recognises that Russia wants to use the EU’s European Security and Defence Policy and attempts to build European strategic autonomy as a platform for implementing its foreign and security policy (Krzymowski, 2009, p. 30). Therefore, the strategy provides for actions aimed at increasing the US military presence in Romania. For this reason, the document emphasises the need to expand Romania’s defence potential. Analysing the broader geostrategic aspect of military cooperation between the USA and Romania, in 2005 the two countries signed an agreement to provide Romania’s military infrastructure to the US military forces, which is used for operations in the Middle East. It is worth mentioning that since 2007, Mihail Kogălniceanu’s air force base has been located in Romania, near Constanta, where 1,300 American soldiers are stationed rotating. In addition, this base is an important multimodal transport hub for US military forces. In addition, its expansion and modernisation are planned, for which the Romanian government wants to allocate

over 2.5 billion euros. Another important part of the United States of America activity is its military presence in the Air Force base at Câmpia Turzii, in which the Romanian government plans to invest € 200 million, with additional USA support of \$ 130 million, to increase its operational capabilities. In addition, US soldiers use, among others, training grounds in Babadag, Cincu, and Smârdan. Meanwhile, since 2016, Devesel has three SM-3 missile batteries, the American anti-missile defence system, and several hundred American sailors. In addition, an armoured battalion of the American armed forces has been stationed on a rotating basis since 2017 under an agreement with the USA. It should be emphasised that currently, Romania is primarily seeking to establish a permanent military presence of the US troops, rather than a rotational one (Caľus, 2020). Also, worth emphasising is Romania's close military relations and military exercises with France and Germany, including those beyond the NATO formula, such as the Romanian French naval exercises, or the integration of the Romanian 81st Mechanised Brigade with the German Rapid Response Forces Division. In this cooperation, both France and Germany are seeking Romanian arms contracts (Pieńkowski, 2019).

Conclusion

From the beginning of 2011, i.e. the start of the so-called Arab Spring, relations between the United Arab Emirates and the European Union members, especially with the countries of Central and Eastern Europe, intensified. Additionally, this process was favoured by the situation related to the implementation of the Treaty of Lisbon, including the establishment of new instruments of the Common Foreign and Security Policy and the change of priorities in the United States of America foreign and security policy, i.e. transferring political, economic and security strategic priorities from the Euro-Atlantic and Middle East area to the Pacific region.

The transport and economic strategic element of the Three Seas Initiative made it possible to connect Europe, the Baltic Sea with North and Sub-Saharan Africa, as well as the GCC countries through the Black Sea region. Thus, Bulgaria and Romania are important parts of the 3SI. Moreover, with the support of the United States of America, they may not only constitute a crucial element of the European political, economic, and security structure but also have a significance in the global dimension, especially in the area of North Africa and the Middle East (MENA), including GCC (Repetowicz, 2017). When analysing the Three Seas Initiative, it should be noted that the USA is interested in the implementation of 3SI, seeing it as an opportunity to pursue

American interests in the LNG sector, and in a broader geopolitical dimension, combining this initiative with projects in the Middle East.

Analysing both the new National Security Strategy for 2020-2024 and the decisions and actions taken by the Romanian government and president, it should be emphasised that in the increasingly aggressive rivalry between the USA and China, Romania will definitely support the United States of America, believing that this country, in the long run, will remain the most influential country in the world. Especially since July 2020, the USA decided to strengthen the North Atlantic Treaty Organisation's south-eastern flank, including the Black Sea basin, and to increase the presence of American troops in this region. Moreover, in the emerging new global security architecture, a decisive factor will be the new identification of global interests by state actors, resulting in a new constellation of not only interests but alliances (Całus, 2020). Bulgaria, experiencing the dynamics of contemporary international relations, their multi-polarities, the complexity of the contemporary world economy, and the emerging new global security architecture, aims to diversify alliances. In this sense, the United Arab Emirates, anchored in the Euro-Atlantic partnership and possessing extensive influence, appears as an interesting strategic partner.

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ON MIGRANTS AND COVID-19 PANDEMIC – AN ANALYSIS

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Abstract: *In the present context of COVID 19 pandemic, the interlinkages between migration and health are once again on the international agenda. The relationship between migration and health is multifaceted and varies across migrant groups or individuals within groups. Sometimes, migration is driven by health issues, and in other cases the migration journey may worsen the health condition of the migrants and refugees, namely those migrating out of necessity. In Europe, the public health policies insufficiently address the health problems of the migrants, especially for displaced persons and irregular migrants. The impact of lockdowns and various socio-economic restrictions on the most vulnerable labour force are being investigated nowadays, and the SDG principle “no one is left behind” is seriously challenged. The article aims to reveal several traits of the present health crisis and its impact on migrants and refugees, the vulnerabilities exacerbated by the crisis, and to identify potential measures to be taken by host countries in order to reduce the negative impact.*

Keywords: migration, migration–health nexus, COVID 19 pandemic, migrants’ vulnerabilities.

Preliminary

Since the beginning of 2020, the world has been witnessing one of the most dramatic health crisis, namely the COVID-19 pandemic. Up to October 2020, according to World Health Organisation (WHO), more than 43 million confirmed cases and more than 1 million deaths were registered. Since October this year, the so called second wave is reported in several countries in Europe.

OECD launched a territorial impact analysis of COVID-19 crisis showing that more than half of the world’s population has experienced a lockdown with strong containment measures. This

analysis is so relevant from the perspective of crisis response and management. The report reveals 3 dimensions of the COVID impact on regions (OECD, 2020:2)

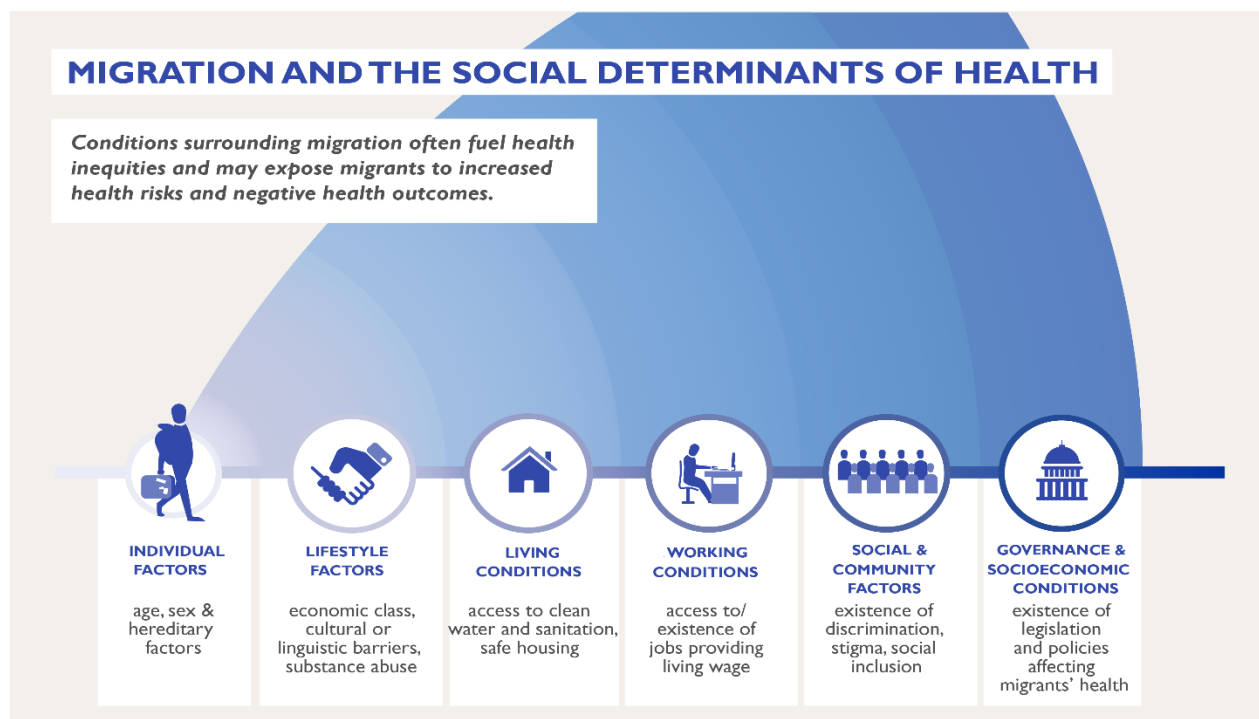
1. **Health/social impact:** some regions, particularly the more vulnerable ones, such as deprived urban areas, have seen higher caseloads and mortality rates than others. Vulnerable populations, including migrants and refugees too, have been more affected.
2. **Economic impact:** regional economic exposure to the crisis is varying based on an area's exposure to global value chains and specialisation in specific sectors like tourism or hospitality, at least in the initial stages
3. **Fiscal impact:** the crisis is resulting in increased expenditure and reduced revenue for subnational governments, and while its impact on subnational finance is not uniform, it is expected to be long-lasting.

According to IOM, 259 million international migrants and more than 150 million workers were registered in 2017. A genuine and sustainable integration of the migrants in the host country depends greatly on their access to labour market, housing facilities and healthcare services. Still, in most European countries the issues of availability, accessibility, acceptability and quality of health services for migrants are far from being properly addressed. Moreover, “while the 2030 Agenda calls for social protection for all and aims for universal health coverage, national legislation often excludes international migrants in an irregular situation from social protection and affords other categories of migrants, such as temporary migrants, only limited rights” (UN, 2018:77).

The migration-health nexus has been analysed by a variety of researchers and among the most relevant perspectives, we mention the following - *the human rights and social equity perspective*, focusing on migration as a social determinant of the health of migrants (Davies et al, 2006), *the social justice perspective* (Clapham et al, 2009 in Arloth, 2010), *the social exclusion* (Wilkinson&Marmot, 2003), *the climate change-migration-health nexus* (McMichael, 2020) or *the gender perspective* (Petrozziello, 2003, Ujano-Bataga, 2013).

We do consider the map proposed by Migration Data Portal a very useful one, for a better understanding of the interlinkages between migration phenomenon and health status of the migrants:

Graph 1 Migration – health nexus



Source: Adaptation of an infographic found in a World Health Organization (WHO)'s Commission on Social Determinants of Health (CSDH) report (2008:43).

© IOM's GMDAC 2017
www.migrationdataportal.org

Source: <https://migrationdataportal.org/themes/migration-and-health>

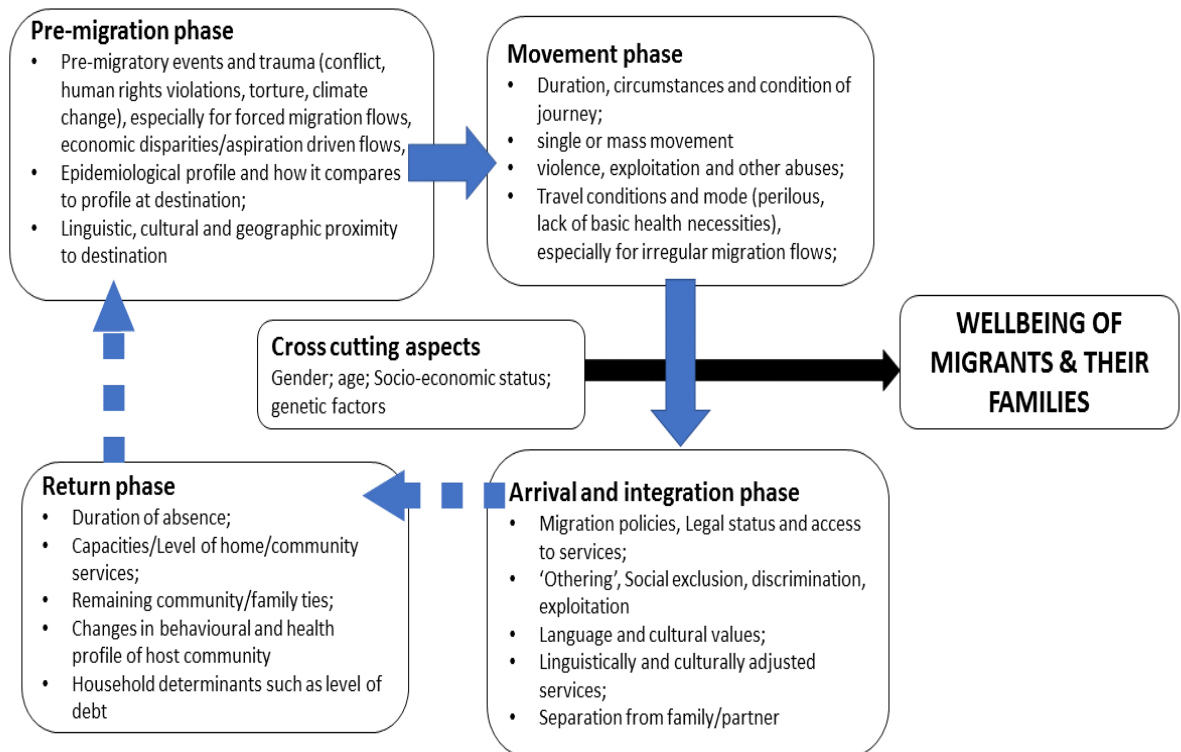
Starting from the individual factors, the way the host environment is preserving, enhancing or damages the health status of migrants is crucial. From *the push–pull theory* perspective, we find that some migrants leave their country of origin in search for a better life, for a functioning society that protects or upgrades their socio-economic status or for access to qualitative healthcare systems. Others are forced to return to their home countries due to health problems that impacts their capacity to perform jobs on the host labour market. And others try to escape an exploitative working environment in the host country that affects their physical and emotional state. For those migrating *out of necessity*¹ (refugees, asylum seekers), due to the hardships of their journey, their

¹ In the case of *circular/back and forth* forms of migration, it has been noticed a spread of health conditions or behaviours between destination and origin areas, affecting the health status of migrants. In the case of refugees and asylum seekers, the very limited access to healthcare services negatively impacts their health status.

health, and sometimes their lives are put at high risks. Therefore, access to healthcare services provided by the transition and host countries is a must.

Graph 2 Migration phases and health related factors

Factors influencing the health and well-being of migrants and their families along the phases of migration



Source: <https://migrationdataportal.org/themes/migration-and-health>

If we analyse the variety of factors that impact the migrant health status, we need to relate them to the main phases of the migration process, namely pre-migration stage, the movement phase, the arrival and integration in the host country phase and the return phase. For forced migration, the need to escape conflict, persecution or natural disasters, as an act of despair or an attempt to survive may turn migrants in *trauma carriers*, who need support in order to avoid more abuses in transit or destination countries. Upon their arrival, in absence of adequate assistance, their health status is worsening (risks associated to improper/crowded housing, poor sanitary

conditions, limited or poor quality food, sparse medical assistance etc.). For the economic migrants, the migration experience may have a significant impact on their physical and mental health (work related accidents, improper working conditions, various forms of work exploitation, etc.) and once they decide to return in home countries they may face failure in re-integrating in the home communities, another source for emotional distress. According to Hodges (2020), migrants are less likely to seek help, due to financial barriers, privacy concerns and social stigma. The mental health (in-depth analysis on the emotional and mental distress experienced by migrants have been carried out by Virupashka et al (2003) or Ujano-Batagan (2013), along with the physical one is seriously challenged in all the stages of the migration process, and the well-being of the migrants and their families depends both on the individual factors, as well as on the home and host countries conditions.

Migrant workers and their vulnerabilities

Usually, migrants are overrepresented in low skilled precarious jobs, as they are accessing the informal market, mainly the so-called *3D jobs (dirty, difficult and dangerous)*, risking de-skilling, social stigma, low incomes, lack of access to social benefits or very limited, if any, access to healthcare services (except for emergency care). In Europe “the highest shares of migrant workers are among the cleaners and helpers (38%), workers in mining and construction (23%), stationary plant and machine operators (20%) and personal care workers (19%)” (Fasani & Mazza, 2020: 1). UN estimates reveal that nearly 30% of the workforce in highly affected sectors by the present pandemic in OECD countries is foreign-born (Testaverde, 2020).

Still, regardless their presence on the primary or secondary labour market, once they are employed, migrants contribute more to the social security system than they benefit from - “migrants are vastly underserved by social protection systems around the world. They often pay taxes and contributions to these systems, but restrictive laws or administrative barriers limit their access to benefits. Over the long term, they are unlikely to constitute a disproportionate fiscal burden for destination countries” (UN, 2018:82).

In the same time, we should acknowledge that developed economies are in continuous search for skilled workforce, in the context of the alarming shrinkage of their native active population. If we refer to the present dramatic health crisis, we need to address the issue of *essential/key- workers* (those who perform jobs that are vital for the good functioning of the

economy and society, in the pandemic context). According to Gelatt (2020) and Fasani and Mazza (2020), 19% of key-workers in US and 13% of key-workers in EU are migrants, and most likely they may preserve the *privilege* to have a job, in today's health crisis.

The usual vulnerabilities faced by most migrant workers refer to weaker status on the labour market, compared to native workers, prevalence of temporary contracts, fixed term contracts or informal jobs, less amenability to telework jobs, low level of incomes and therefore reduced capacity for savings, limited access to welfare benefits (especially for irregular migrants whose residence status negatively impacts their access to social benefits), limited access to healthcare, risks associated to the termination of the fixed term contracts, etc. A special attention should be paid to seasonal workers, who are undervalued and under protected due to weak statistical tools to count them properly. Thus, "the risks for seasonal workers are well documented" and result from a combination of social and geographical isolation, precarious contracts and the harsh working conditions that come with the job"(Popp, 2020:3)

"The COVID-19 pandemic has revealed the reliance of many economies and public activities on migrant labour" (Popp, 2020:5). If we mention just those working informally in seasonal agricultural activities, we may realize the relevance of their contribution in today's crisis, despite the lack of protection provided by the host economies. During economic downturns, migrant workers are more likely to lose their jobs (Dustmann et al, 2010), to lose earnings, to reduce their ability to remit to their families back home, to exhaust their savings, to lose the chance to renew their residence documents and to be forced to return to or to become irregular migrants. This negative spiral may lead to their social exclusion, despite their efforts to preserve their fragile status in the host country. Therefore, we do believe that the host countries should pay attention to the socio-economic impact of the lockdowns and economic restrictions that are being imposed all over the world, on migrant workers and their families, who seem to lose the battle anyway due their vulnerabilities.

On one side, if we refer to essential workers, the pandemic associated health risks are considerable due to the fact that key migrant workers (working in health system, patient care system, hospitality sector - economic sectors that clearly require physical-proximity) are more exposed to contagion because they work in the frontline of COVID response activities. Probably, the advantage is represented by the limited risk to lose their jobs. Once infected, they still represent a risk for their families (they have reduced capacity to respect social distancing in small and

crowded housing facilities), so access to proper healthcare is so needed for them and their dependents, as well as access to a financial safety net provided by the host country.

The others, non-essential migrant workers face also high contagion risks due to crowded housing facilities (according to Goddin (2020), several coronavirus outbreaks have impacted crowded refugee camps, where medical assistance is sparse). “COVID-19 has heightened the problem, as could be seen across Europe when a disregard for social distancing and hygiene measures in the housing and working conditions for seasonal migrant workers led to outbreaks and even the death of seasonal workers (Popp, 2020:4), and due to the very nature of their jobs in informal market, that are also of physical proximity (elderly or children care, housekeeping, cleaning services, delivery, logistics, etc.).

Due to lockdowns and social distancing measures and subsequent fear of economic recessions, the whole interconnectivity that characterize the global world we live in has been dramatically affected. Moreover, many migrant workers couldn’t afford the luxury to stay home, some became unemployed, dried up their savings and faced poverty risks. The families back home benefit less from remittances. Their dependents living in the host countries face poverty, exclusion, lack of access to social benefits or educational and professional training programmes. For the undocumented ones, as well as for seasonal workers, the access to healthcare is so limited, placing them in an unprotected environment, with potential risks to further spread the virus. Social stigmatisation of the poor and sick foreigner is not new (Bauomy, 2020), and nowadays we unfortunately witness aggressive attacks on social media, as well outrageous behaviours towards the most vulnerable persons, as in other turbulent times. “However, compared to previous diseases outbreaks, the issue of stigmatization seems to have received unprecedented attention given the scale of the pandemic, the clear guidance on its naming (from WHO), its media coverage and related commentary on political instrumentalization” (IOM, 2020:1). The *spill over effects* of the social stigmatization have been highlighted by WHO, influencing not just the migrants, but the host societies as well, because “stigma can: drive people to hide the illness to avoid discrimination, can prevent people from seeking healthcare immediately and might discourage them from adopting healthy behaviours”. (IOM, 2020:2).

Some measures to be taken

In order to limit the rapid spread of the infections the SDG principle “no one is left behind” needs to be addressed, meaning that availability of healthcare services for migrants, irrespective of their legal status in the host countries is both urgent and vital. The gaps in several national health systems place native, as well as migrant population in vulnerable positions. Thus, including the migrants in response policies all over the world will definitely support not only the vulnerable labour force, but the native populations, as well.

Protecting the health and economic status of the migrants reduces the risks of transmission for the entire population and allows the host countries to preserve the so needed labour force, in essential activities, during pandemic times, and during economic downturns expected to impact us globally.

The main active measures proposed by the World Bank refer to the following (Testaverde, 2020:4):

- Extend or create social safety nets – they provide direct support either in the form of cash or in-kind goods and services to support consumption, compensate for expected higher prices, and prevent poverty associated risks. The existing safety net programs should be extended and migrants should become beneficiaries, with a special attention given to their needs (health related, economic related, or both). If such programs are not available, the present pandemic clearly asks for government to launch solidarity and support programs for the vulnerable members of the society;
- Promote employment retention policies – focused on motivating the employers to preserve the jobs of those at high risks to lose any income (deductions in social insurance contributions, tax exemptions)
- Design employment promotion policies focused on labour market mediation services that might help employers to find workers and jobseekers to access jobs.

Along with initiatives promoted by WHO, UN or IOM, our attention was caught by some clear statements on the migrants’ health and protection that have been launched by *Lancet*

Migration, an initiative of [migrationandhealth.org](https://www.migrationandhealth.org).² They ask for urgent measures to be taken in order to avoid huge labour market imbalances and post-pandemic economic turmoil:

- Urgent access to healthcare for all migrants & refugees throughout the response to Covid-19 – basically, it refers to immediate suspension of laws that limit migrants and refugees access to healthcare services and economic support programs;
- Inclusion of all migrant and refugee populations in prevention, preparedness for and response to Covid-19 – it refers to awareness and educational campaigns, and support service;
- Urgent relocation and reunification of unaccompanied minors, who are particularly vulnerable – the last massive migration inflows a relevant part is represented by unaccompanied children, exposed to serious emotional and physical distress (Cramarenco, 2018:107);
- Fast-tracking temporary accreditation of overseas degrees can help overcome the human resources deficit registered in most healthcare systems – this initiative will probably re-activate the whole process of diplomas and professional qualifications' recognition;
- Clear, transparent public communication is critical in pandemic response, including those facing linguistic barriers – access to relevant information campaigns;
- Governments should also actively counter racism, xenophobia and discrimination against migrants and refugees, through awareness campaigns - the rise of social stigmatization may be counterattacked by balanced, informed official discourse.

Concluding remarks

The on-going COVID-19 pandemic exacerbates, once again, some of the vulnerabilities faced by migrants and refugees worldwide. We need to acknowledge that they do not represent just a financial burden for the host countries or a threat to the health of the native populations. Both migrant key workers as well as those performing jobs in non-essential sectors of economy, along with refugees and asylum seekers that depend on the safety nets created by the host countries, should have access to healthcare services and financial support, to avoid facing disease and extreme poverty associated risks.

² Several resources might be found here: <https://www.migrationandhealth.org/migration-covid19>

The lockdowns and mobility restrictions seriously limit the migrants' ability to maintain jobs, to find other jobs when they are laid off, to access social benefits or appropriate housing facilities.

Our preliminary findings highlight the potential benefits of an inclusive approach in COVID-19 policy response, mitigating the 'no one is left behind' principle. The healthcare systems are under enormous pressure, a relevant portion of essential workers are migrant workers, so in order to protect both native populations and newcomers, decision-makers, entrepreneurs, NGOs and migrants' associations need to co-design efficient interventions, to control the pandemic and to identify appropriate support mechanisms for the economic sectors facing downturns.

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UNEMPLOYMENT AND GDP RELATIONSHIP ANALYSIS IN THE VISEGRAD FOUR COUNTRIES

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Abstract: *Unemployment rate is one of the most important macroeconomic indicators. The change of the unemployment rate is highly correlated with the phase of the economic cycle. The economic growth has positive impact on employment issues, while negative growth will result in increasing unemployment. In terms of the future economic outlook, we find it important to analyse the development of the unemployment rate. This study is addressing the analysis of unemployment rate in the V4 countries of the Central European region. It is focusing on examining the relationship between the economic cycle and the long-term unemployment rate in the region. We targeted to examine the productive age group of the population (20-64 years). This group has the greatest influence on development of the employment trends. We applied the method of regression analysis and descriptive statistics. We used Eurostat as a data source. Our research has shown that there is no close relationship between the real GDP and the unemployment rate.*

Keywords: unemployment rate, unemployment trends, labour market trends, employee, Visegrad Four countries

Introduction

The development of unemployment rate is a significant factor when analysing the economy. The indicators related to unemployment forecast the development of the economy in the

examined territory. These indicators will determine whether the economy is going through a better or worse period.

Unemployment is a changing phenomenon, so certain time intervals have to be examined to assess the long-term consequences. Our study examines the period between 2008 and 2019, as 2008 is indicated as being the start of the worldwide economic downturn. The economic crisis of 2008 is considered to be the second biggest crises since the big economic crisis of 1929-1933. Data collection to our research finished in 2019. According to Paweta (2018), the financial crisis of 2008 had impact on V4 countries only several years after the crisis started. The impact of the economic crisis has weakened since 2019, and the economy has bounced back on the track it was before the crisis, even surpassed the economic activity before 2018.

The current research focuses on the examination of Visegrad Four countries in terms of unemployment. These countries are situated close to each other geographically. As a result of „coexistence”, not only geographical, but also cultural similarities can be observed. Several historical events had taken place in their territories. Among these can be mentioned the WW II, followed by the era of socialism. The socialist era came to an end in 1989 with the revolutionary wave in the late 1980s and early 1990s. It resulted in the end of communist rule in Central and Eastern Europe and beyond, and the countries of Visegrad 4 started their parallel development. Since the Visegrad Four are also closely linked by the common past, it was relevant when the research started. The common past and history dates back to the personal union between the Kingdom of Hungary and the kingdom of Poland (1370-1384; 1440-1444), and the personal union between the Hungarians and the Czech (1305, 1419-1439, 1453-1457 and 1490-1516). These unions had impact on the surrounding countries, as well as significant was the impact of the Czechoslovak Republic (1918-1939 and 1945-1992). It is also important to mention the period between 1867 and 1918, the period of the Dual Monarchy. In the light of these historical facts we assume that common features and co-operation in field of the economy can also be detected nowadays. In terms of economic development the Visegrad Four countries are observed as a single region.

Theoretical background

The development of the world economy is influenced by a set of factors in a dynamically changing environment. According to Zeibote, et al. (2019), globalization as the most significant

phenomenon has an impact not only on the economic competitiveness but also on regional development. The effects of globalization differ in the selected regions depending on the degree of their economic development. Although globalization has the largest impact on the functioning of the business sector, the effects of it are widespread and shape the socio-economic condition of the whole country. The fact, that the regional disparities are influenced by macroeconomic and microeconomic factors is pointed out by Lazíková et al (2018). The economic performance, GDP and the unemployment rate are those macroeconomic factors that influence the regional development (Koišová and Havierníková, 2016; Vigliarolo, 2020). Kováčik and Mariš (2014) support these findings in their earlier work and provide detailed analysis of the impact of unemployment on the regional structure of the economy. Unemployment is considered by the authors to be one of the country's most serious economic problem, as it affects the overall working-age population and the social spheres. The most serious problem in this area is the structural unemployment of older people and the youth.

According to Nielsen et al. (2015), Mügge (2016), Wang and Le (2018), unemployment ranks among the leading macroeconomic indicators, significantly affecting the economic growth, which became a discussed issue among the experts. The problem of unemployment affects the vast majority of population as it determines the employment rate of citizens in a particular country. There are many determinants affecting the development of unemployment. This study will address several of them. The regions mostly affected by unemployment are those, which were not a magnet for large enterprises, surrounded by SMEs, which can ensure employment of sufficient number of people (Lorincova, Potkány, 2016; Žul'ová, Kunderát, 2020). The countries of the European Union and the countries of Visegrad Four (V4) are marked by significant regional disparities in the field of unemployment.

As reported by Mura et al. (2018) or Srovnalíková, Havierníková, Guščinskiene (2018), monitoring the unemployment is a prerequisite for sustainable development in the EU regions, while the role of the state is to manage the unemployment rate through introduction of government measures. Promoting employment is one of the crucially important policy objectives of the state, as it is closely linked to the economic growth (Hedvicakova et al. 2018; Prasetyo and Kistanti, 2020.). It can effectively reduce the economic and social inequality. These indicators are essential in terms of managing the country's economy, but they are also the starting point for management

of business activities. Forecasting the development of unemployment rate is of great importance in macroeconomic modelling (Čabla – Malá, 2017; Salama, Oláh, 2019; Kubák, et al., 2015).

The importance of research in the field of unemployment was emphasized by Čadil et al (2011), as unemployment in terms of public finances represents a significant cost item. Unemployment is a phenomenon characterized by serious socio-economic consequences not only for the unemployed, but also for their close environment and the whole society. The authors also reflect to the problem of unemployment that needs to be addressed comprehensively, as it affects several areas of the country's economy. It reduces the purchasing power of the population, resulting in decreasing sales of businesses, and lower amount of tax paid to the state budget.

The research of unemployment with a focus on selected Central European countries was also addressed by Xie et al. (2018). Our study is focusing on a narrow segment of Central European states, the Visegrad Four (V4) countries. The analysis performed by the authors lead them to conclusion that unemployment shocks are present only in two of the examined V4 countries, Hungary and Romania. These conclusions serve as an important basis for the government implementing economic, fiscal and monetary policy.

Since our article examines unemployment in the Central European countries with a focus on Visegrad Four countries, we will address our attention to the analysis of scientific literature related to the examined region. Tvrdoň (2013), Volek, et al. (2014), Megyesiová and Hajduová (2012), Mursa et al. (2018), Peráček et al. (2019), Tatarzak and Boichuk (2018) dealt with the issue of employment in individual sub-regions of the Visegrad Four countries. The authors primarily addressed the classical problems of unemployment, resp. employment. Scientifically interesting is the impact of increasing labour productivity, and the development of Industry 4.0, which will significantly affect the employment. Automation and robotics introduced in businesses are perceived positively, as they are decreasing the cost of employment and increase the production process. However, it is not good news in macroeconomic terms, because people becoming unemployed will become a high burden for the state budget. The government should allocate further costs to solve this problem.

The latest research results come from Kádár (2017), Koišová, et al. (2018) or Čulková, Janošková, Csikósová (2018). The authors above examined the relationship between the employment and the economic growth; education and the labour market, as well as subsequently analysed the development of labour market in the V4 countries. Industry 4.0 was addressed by

Volek and Novotná (2017), who emphasize the impact of industrial society on the economy and the labour market.

According to the research conducted, all current trends have an impact on development of the macroeconomic indicators of individual countries. Therefore, Zieliński (2015) highlights that employment policy in V4 countries must be an integral part of the macroeconomic policy management. In addition to tools applied, it is necessary to look for new ways and opportunities employing people, especially in border regions.

The research results of Poór et al. (2017) also point to this fact. The authors focused on the evaluation of atypical forms of employment in the border regions of two V4 countries, Hungary and Slovakia. They came to conclusion that it is necessary to increase the mobility of the labour force in order to provide flexible response to the regional labour market needs. Widespread application of flexible forms of employment will be one of the options reducing unemployment as an appropriate respond on current trends in the economy (Każmierczyk and Chinalska, 2018). These research results are supported by findings of Korcsmáros (2018), conducting a survey in the border region area. The findings of Kovács et al. (2018) highlight that motivational incentives serve to motivate the redistribution of workforce to regions with lack of qualified workforce. According to Makedon et al (2019), Lorincová, et al. (2018), Vetráková, et al. (2018), Ližbetinová and Hitka (2016), the sustainable development requires to pay attention on the management of human resources. Although the V4 countries are geographically close to each other, there are some cultural and other differences between them. These differences require a differentiated approach when employing people at different jobs (Lazányi, et al., 2017). According to Rainsford, et al. (2019), creating appropriate working conditions is one of the preconditions for effective absorption of the unemployed. 4. Chehabeddine and Tvaronavičienė (2020) also pointed out the differentiated conditions in regional employment policy and the regional management of human resources. According to authors, there is a significant difference between the innovative and classical economies, since innovation is driven by new ideas and application of methods that naturally attract the workforce and contribute to reducing the unemployment. Motivational tools applied in selected areas of the economic sector were also addressed by Karácsony (2017). Further authors, Ližbetinová (2018) or Nosková with Peráček (2019) focused on the importance of motivation and employment in the public and private sector. The results of their findings show that not all the methods and approaches can be applied universally, but the specificities of a particular

region, company or organization need to be taken into account. Bencsik, et al. (2017) also emphasized that the issue of employing people has to be approached differently. Their research findings can be supplemented by the results of further authors (Csehné Papp et al., 2017), who warn the attention on increasing differences on the labour market, which require a specific approach of human resource management represented by different generations.

Material and Methods

The main aim of our study is to address the development of unemployment in the Visegrad Four (V4) countries. We examined the data of the past twelve years, the period of 2008-2020. The research started in 2008, when the global financial crisis started, having significant impact on the labour market conditions, including the development of the unemployment rate. Our research was completed in the second half of 2020. The examined 12-years period provides a transparent picture of the effects of the crisis and the slowly stabilizing period. Our study focuses on people between the ages of 20 and 64. We compared the annual growth of real GDP with the annual rate of unemployment. The main purpose was to measure whether the change in real GDP has an impact on the unemployment rate or not. A linear regression model was used to determine the relationship between the two variables.

In order to obtain relevant research results, in addition to defined objectives and methods we used, several research questions were formulated.

1. How the unemployment rate in the examined countries is developing? What kind of trends can be observed?
2. Why the development of unemployment rate differed in Poland from the rest of the V4 countries? The Polish unemployment rate reached a peak three years later than in the rest of the V4 (2013).
3. What effect did the change in real GDP have on the development of unemployment rates?

Our data was obtained from the Eurostat database, and the calculations were performed using a statistical software.

Results and Discussion

Table 1 shows the percentage change in GDP in V4 countries compared to previous years. We observed a significant decline in GDP after the global crisis in 2009. The GDP declined by 4.7 units in the Czech Republic, 6.7 units in Hungary and by 5.5 in Slovakia. In contrast to the V4 countries mentioned, there was a slow growth in Poland. Apparently, as the economies of the Visegrad Four countries began to show development trend and started to recover from the crisis, a steady GDP growth can be observed annually until 2018. There was a slight drop in 2019 in all of the countries in the group.

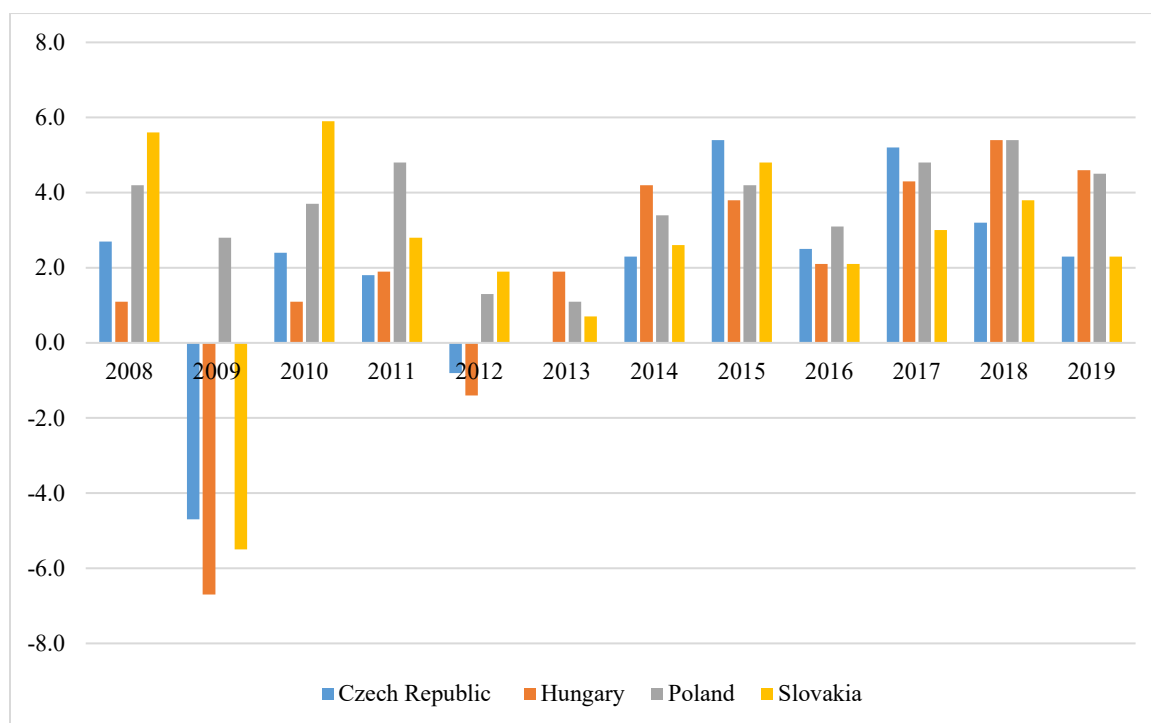
Table 1 Percentage change in GDP compared to the previous years (%)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Czech Republic	2.7	-4.7	2.4	1.8	-0.8	0.0	2.3	5.4	2.5	5.2	3.2	2.3
Hungary	1.1	-6.7	1.1	1.9	-1.4	1.9	4.2	3.8	2.1	4.3	5.4	4.6
Poland	4.2	2.8	3.7	4.8	1.3	1.1	3.4	4.2	3.1	4.8	5.4	4.5
Slovakia	5.6	-5.5	5.9	2.8	1.9	0.7	2.6	4.8	2.1	3.0	3.8	2.3

Source: own editing based on Eurostat database

Figure 1 shows the changes in aggregate GDP projected to the V4 countries in the period of 2008-2019. It is clear that the post-crisis period of 2008 shows the lowest point of economic activity in the examined countries (except Slovakia). The years until 2017 show a steady growth with stabilizing GDP growth. The highest growth in Hungary and Poland compared to the previous year was achieved in 2018 (5,4% both Hungary and Poland). The highest growth in Slovakia was in 2010, while the Czech Republic reached the highest growth in 2015.

Figure 1. Percentage change in GDP in relation to the V4 (2008-2019)



Source: own editing based on Eurostat database

As it was presented, the global economic crisis of 2008 was the most influential phenomenon at the beginning of the 21st century. During and after the crisis, thousands of companies went bankrupt, became indebted or merged with competitors. A high increase of unemployment rate can be detected until 2010. The unemployment rate showed an increase of at least 1% in all the V4 countries. The economic growth stabilized in 2010, which had a positive impact on the unemployment rate too. The year 2011 was a turning point following the economic crisis, since the unemployment rate fell in the examined countries (except in Poland). In terms of the V4, the Czech Republic became the country with the lowest rate of unemployment, levelling at 2.0%, while Slovakia had the highest unemployment rate of 5.6%. in 2019.

Table 2. The unemployment rate in V4 countries (2008-2019)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Czech Republic	4.3	6.5	7.1	6.5	6.8	6.8	6.0	5.0	3.9	2.8	2.2	2.0
Hungary	7.7	9.9	11.1	11.0	10.9	10.0	7.6	6.7	5.0	4.0	3.6	3.3
Poland	7.0	8.1	9.5	9.5	10	10.2	8.9	7.4	6.1	4.8	3.8	3.2
Slovakia	9.2	11.7	14.0	13.2	13.6	13.9	12.9	11.3	9.5	7.9	6.4	5.6

Source: own editing based on Eurostat database

The Czech Republic was the one among the Visegrad Four countries to survive the post-crisis period the smoothest way. This country had the lowest unemployment rate since the beginning of the economic crisis. At the beginning of the crisis, the unemployment rate in the country was 4.3%. The highest value of unemployment was reached in 2010 (7,1%). In 2012 and 2013 a slight increase in unemployment rate could be detected, which shows downward trend compared to 2014. By the end of the research period (2019), the unemployment rate dropped to 2.0 %.

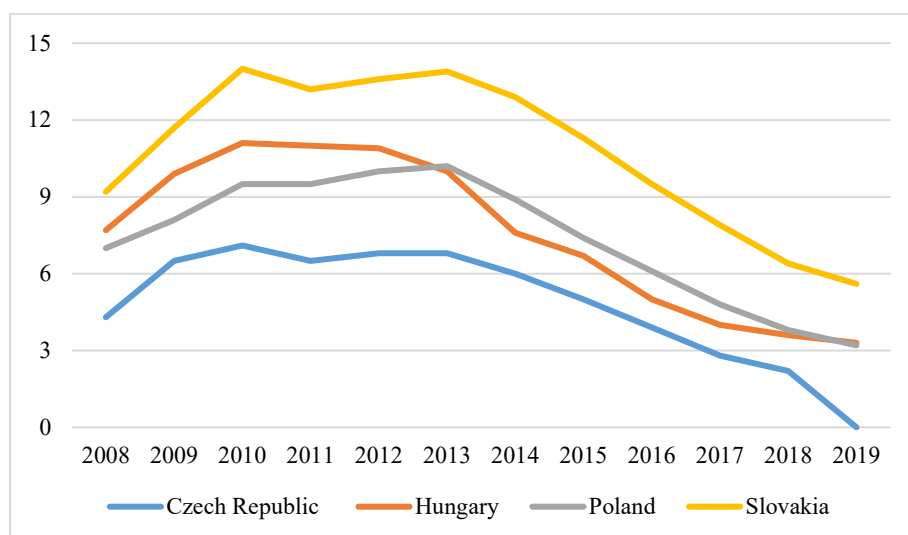
In Hungary, the unemployment rate increased by almost two units a year within two years following the economic crisis. A slow decline could be detected from 2010 to 2013. The highest unemployment was measured in 2010, when it reached 11.1%. The unemployment rate showed a downward trend from 2010 to 2019. By the end of the research period, the unemployment rate dropped to 3.3%. In Hungary, the unemployment rate halved following the global economic crisis.

Poland struggled in the post-crisis period. The unemployment rate increased from 2008 to 2013. It decreased by more than 1% compared to 2014. By the end of the research period, the unemployment rate dropped to 3.2 percentage points, which is almost half the initial rate. The unemployment rate fell to the lowest level in 2019.

Slovakia had the highest unemployment rate among the V4 countries in the examined period. At the beginning of the examined period, the unemployment rate was 9.2%. The country also experienced difficult years between 2008 and 2010. The unemployment rate increased by

4.8% during this period. In the early 2010s, many people were unable to find a job within a year. This also affected the unemployment rate, which started to increase in 2011. This trend turned to decreasing rate of unemployment in 2013, when the unemployment rate dropped by 1%.

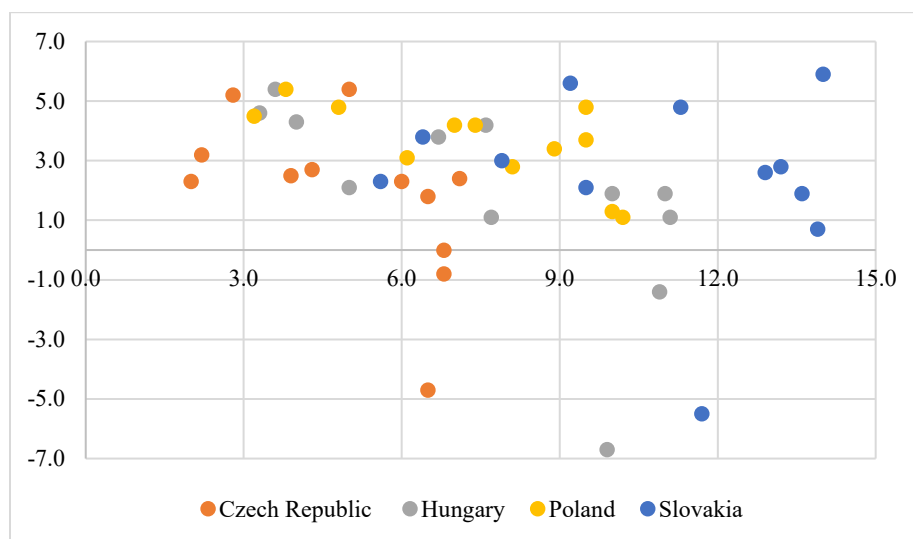
Figure 2. Distribution of unemployment in the V4 countries



Source: own editing based on Eurostat database

The following figure shows the relationship between the unemployment rate and the real GDP in the V4 countries. There are further differences between the countries based on the figure.

Figure 3. Relationship between the unemployment rate and the real GDP in V4 countries



Source: own editing

The following table shows the relationship between the unemployment rate and the development of real GDP based on a linear regression calculation.

Table 3. Linear regression between the unemployment rate and the real GDP

	Regression Statistics		Coefficients
Czech Republic	Multiple R	0.532667057	5.649439474
	R Square	0.283734194	-0.75948704
Hungary	Multiple R	0.636073765	7.118205425
	R Square	0.404589834	-0.695137281
Poland	Multiple R	0.66379529	6.325052591
	R Square	0.440624186	-0.368368713
Slovakia	Multiple R	0.124266756	3.826509017
	R Square	0.015442227	-0.123205172

Source: own editing

Based on the research results, it can be said that the change in real GDP has no significant impact on the unemployment rate in Slovakia. The regression value is 0.015442227. The regression value of 0.283734194 in the Czech Republic is not convincing at all. Among the V4 countries, Hungary and Poland have closed with the highest, but not at all convincing values. It can be also said that even these values are not so high (Hungary: 0.404589834, Poland: 0.440624186). In terms of the two parameters set, we can conclude that there is no strong correlation.

Conclusion

The first part of the study introduced the concept of unemployment and the literary overview of the issue. In addition, the partial results and findings about the unemployment were presented.

The research results introduced the development of unemployment rate in the V4 countries. In order to make the data easier to understand, we presented the obtained data of unemployment rate by using tables and figures. It was followed by the examination of annual changes in real GDP in the V4 countries. The changes in real GDP were compared to the unemployment rate of each country. Linear regression was used to determine the relationship between the unemployment rate

and the real GDP. Data were collected in a 12-years interval, reflecting the results from the period of 2008-2019.

The obtained results show a weak relationship between the examined factors. Based on this evidence, there was a weak relationship between the real GDP and the unemployment rate in the V4 countries during the examined period. Our research findings correlate with the research results of Paweta (2018), who emphasized that the crisis had impact on the economy of the V4 with a time shift. The research results show that the period following the economic crisis had influence on the economy and the labour market of the V4 countries. However, Poland is different from the rest of the countries. Both the decline in real GDP and the unemployment rate has lengthened in the Polish economy, so they experienced the fallback in smaller measure. Poland was the only European country to survive the 2008/2009 crisis without recession. The main reason was the macroeconomic stability of the country.

The results indicate further research to be conducted in order to get more details about the addressed issue. In order to expand our research, the application of further indicators is required, and provide analysis in terms of age and gender distribution.

Considering the current situation, when the world is heading towards the worldwide recession as a result of pandemic COVID-19, we would like to extend our future research by examining the economic indicators of this period. The results we plan to compare to the research trends outlined in the current article. The economic crisis caused by the pandemic COVID-19 also affects the economies of the V4. The Polish economy again seems to be the most resilient among the countries of the V4. The forthcoming months and the next year will be challenging for the countries, the indicators may vary depending on the scale of the crisis.

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**THE REPRESENTATION OF THE EUROPEAN UNION IN THE DISCUSSION HELD
BY THE LOWER CHAMBER OF THE POLISH PARLIAMENT
ON THE MIGRATION CRISIS IN EUROPE**

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Abstract: *The article uses the discourse analysis to recreate the images of the European Union unfolded from the debate held in the Lower Chamber of the Polish Parliament on 16th September 2015 on the information concerning the migration crisis in Europe and its repercussions for Poland, as presented by the Prime Minister. In the analysis the author adopted some methodological assumptions allowing him to capture the relationship between discourse and political practice. The author also emphasizes the significance of contextual framework as a requirement for reconstructing the discourse. The analysis points out the relative stability of divisions within the Polish integration discourse. The above-mentioned dichotomy was recreated using the following categories: (1) modified sovereignty and (2) self-determination (independence in decision-making). The article also stresses the continuation of this division within the analyzed debate, in which the following collective categories were distinguished: 1) the EU as a solidarity community and 2) the EU as the area of antagonized national interests.*

Keywords: Poland, the European Union, parliamentary discourse, migration crisis, solidarity, community, rivalry, particularism.

Introduction

The aim of this article is to recreate (reconstruct) the meanings – the ways in which the Polish Members of Parliament perceived the European Union (EU) in the debate held in the Lower Chamber of the Polish Parliament on 16th September 2015 in regard to the information on the

migration crisis in Europe and its repercussions for Poland, presented by the Prime Minister (Speeches, 2015).

The choice of the debate is by no means accidental. The migration crisis in Europe (2015) was one of the landmarks of the European Union crisis. Among the causes of the EU crisis one must list, *inter alia*, its internal systemic dysfunctions (manifested, for example, in its inability to act effectively in managing risk), originating in the course (scope) of the integration process so far. The inter-governmental dimension turned out to be the most sensitive and problematic issue for the efficiency of the EU as a whole (cf. Fehler, Cebul, Podgórzńska, 2017, pp. 173-174). The crisis fully demonstrated the power of particularisms, which can therefore be analyzed as characteristic elements hampering the integration process. As a result of the crisis, the importance of the EU internationally deteriorated (cf. Adamczyk, 2017, pp. 308-312). Therefore, it is assumed that the analysis of the above-mentioned parliamentary discussion, due to the significance of the moment for the EU – will allow us to reveal cognitively interesting constructions (different points of view) that will expand our knowledge on conditions and shape of the integration discourse in Poland.

The methodological assumptions of the discourse analysis

The research will be based on the discourse analysis method. Because of the ambiguity of this approach (cf. Szacki, 2002, p. 905), it seems necessary to make a few assumptions which will allow us to determine the scope (the possibilities) of discourse analyses. The analysis of the political or parliamentary discourse stands for attempts aimed at determining what images and meanings are created at the level of language practices (Rapley, 2010, p. 23). It should be noted, however, that the discourse assessment is disturbed by the ambiguity of the relationships between the object and its meaning. These limitations also stem from the fact that each person is involved in some language reality. Therefore, it is impossible to take a position outside discourse, as one cannot avoid subjectivity.

For the purpose of research it is assumed that the discourse is an event generalized by the political system and simultaneously generating its verbal and non-verbal significance (Rittel, 2005, p. 24). Although discourse analyses mainly concern the level of language practices, one cannot overlook the importance of communication process functions in a social system. Language cannot be isolated from the system as it is not a world in itself, automatically reproducing and updating

itself for some unknown reason. People try to recognize and understand complex existential situations and take specific actions, thus transferring their experiences onto the language level. This relationality of experience and language demonstrates the ontological condition of reference, as something that is linguistically recognized must exist somehow. To put it differently – something must exist in order to be identified (Ricoeur, 1989, p. 91). Therefore, it must be presumed that the language carries some, rather ambiguous, interpretation of the being (cf. Maurin, 1978, p. 7).

And although the relationship between the language of politics and political action may adopt various forms (which surely increases uncertainty as to the course of the relationship in this scope), it is worth paying attention to the observable relationship between language and the occurrence of particular political reality (cf. Waśkiewicz, 1998, p. 86). The existence of such relationship is confirmed by concepts and visions, known as ideation practices, consisting in projecting the desired political order (cf. Paruch, Trembicka, 2002, p. 8). Such concepts clearly constitute the emanation of the political awareness of a heterogeneous community. They are as diverse as the community itself. This means that they constitute an integral part of political life and as such, they must be granted the status of facts (Waśkiewicz, 1998, p. 87).

Yet another issue is to what extent discourse analyses enable us to explain complex decision processes. On one hand the official nature of speeches during parliamentary debates may be a kind of a veil for what is happening behind the scenes, where, in the absence of observers, some key decisions might be taken. On the other hand, it is during the parliamentary debates based on the rivalry between those in majority and the opposition that the permanent confrontation and negotiation of the meanings of the political language take place. In such conditions these meanings continuously update by reproducing, determining modified or new concept frameworks and reference points. The intensity of polarization of the parliamentary discourse and the considerable scope of involvement of debate participants are explanatory for how significant the meanings revealed by discourse analyses are. Thus the representative bodies play a special role in the power system. Their power stems from transparency that is unmatched by other institutions, transparency which yields them to considerable social pressure. Finally, they ensure the balance of social interests. However, this function can be performed only when there is opposition able to disturb the government. Thanks to the possibility of correcting and questioning the discourse of those in power, one party cannot own the discourse exclusively (Waśkiewicz, 2012, p. 277). Also in the

parliament, due to the possibility of polarization, the pressure of those in power to establish the rule of unity is, at least partially, overcome. Thus it constitutes an arena on which the political dispute is led.

It should be indicated that it is possible to analyze the discourse only when we know its context. Context can be defined as a specific system within which discourse-creating communications function. These communications are derivatives of the system, shaping it simultaneously. Context must be considered both in its narrower representation – from the angle of determinants of the parliamentary debate; and in its broader representation – taking into account relatively permanent factors determining the course of the process of Poland's integration with the European Union. While no one questions the statement that the text depends on the circumstances in which it was written and read (or uttered), it is incredibly difficult (as we have already shown) to capture this dependence (Wąskiewicz, 1998, p. 89). Nevertheless, we should always tie the area of the inquiry into language communication conducted within the discourse analysis with the non-textual dimension (Duszak, 1998, p. 13), as the reference point in a discourse analysis does not lie in language, but somehow outside the sentences (though it is by no means separated from them) and draws our attention to the process of discourse organization, namely to the frameworks in which meanings are created. These meanings have some driving force concerning the modification of such frameworks. Therefore, it is justifiable to talk of mutual and close interdependence of the system features and the features generated in the area of text influence (Grzegorzczkowska, 1998, p. 38). This interdependence indicates that the analysis of the discourse, namely interrelated sequences of language behaviors, determining and determined by a broadly understood communication situation (context), allows us to identify the goals that the discourse participants hope to achieve. Therefore they should be perceived as the announcement of specific actions (cf. Laskowska, 2004, p. 14; Rittel, 2005, p. 45).

A relatively comprehensive approach to this issue is offered by the concept of social constructivism. Its fundamental assumption lies in critical approach to knowledge and concepts considered to be obvious, while assuming that people's knowledge of the world is not accidental, as it is determined by permanent indicators (which need to be sought in history and culture). Critical reflection (deconstruction of paradigms) constitutes the ground on which it is possible to reconstruct the context. The knowledge of the context determines the possibility of understanding the text and decoding its meanings (interpretation). As far as participants of the communication

process are concerned, their involvement in the context is only natural. However, a researcher is outside a particular communication process, thus being outside context. It should be noted that the functional dimension of discourse analysis (possibilities of encoding and reconstructing) boils down to finding a level which will allow us to capture fundamental determinants of shades of meanings included in communications. According to social constructivism assumptions, this knowledge is generated, maintained and updated during social processes; therefore thought and action are connected by means of feedback, which, in turn, directs us towards seeking interdependencies between them (cf. Rapley, 2010, pp. 25-26).

The statement claiming that the social world is socially constructed is equal to acknowledging the interdependence between the meaning and materiality, which means that discourse is the driving force in the process of Poland's integration with the European Union, as well as in the perceived processes of integration and disintegration within the European space. By adopting this assumption, we assume that all aspects of the European integration process concentrate around a specific, central dialectic axis, for which the following categories and constitutive: 1) origin, 2) consolidation, 3) reproduction and 4) transformation of social phenomena within the scope of its influence (cf. Fairclough, Duszak, 2008, p. 8).

Thus, since all political institutions are human-made, even this basic circumstance indicates that it is possible to cognize them rationally, whereas the susceptibility to change demonstrated by materialized political creations only confirms creational capacities of the thought. Without such reflection they would have to be static and external, and as such, they would be inaccessible to the society (Waśkiewicz, 1998, p. 13). Therefore, the possibility of creating and transforming clearly demonstrates the power of a word. A speech is a specific form of reflecting this as well as the only available form of expression in which our existential situation materializes in a particular way. This image is not and cannot be coherent, since oppositions and differences of the appearing messages (their contradiction and ambiguity) constitute an inevitable product of communication (cf. Fleischer, 2005, p. 132).

The election to the Lower and Higher Chamber of the Parliament, held on 9th October 2011, gave Platforma Obywatelska (Civic Platform, PO) 207 seats, making the party once again the election winner. Prawo i Sprawiedliwość (Law and Justice, PiS) won 157 seats, Ruch Palikota (Palikot Movement, RP) won 40 seats, Polskie Stronnictwo Ludowe (Polish People's Party, PSL)

– 28 seats, Sojusz Lewicy Demokratycznej (Democratic Left Alliance, SLD) – 27 seats. One seat was taken by the German minority (Election outcomes. 2011). PO and PSL once again formed a coalition government (in 2007-2011 the government was also formed by the PO-PSL coalition). It should be noted that in 2007-2011 and 2011-2015 parliamentary discourse was dominated by the vision of the conciliatory European Union. On the other hand, after the parliamentary election of 28th October 2015 (Election outcomes, 2015), won by PiS (on its election lists there were also candidates from Poland Together and Solidarity Poland), this vision was abandoned and the concept of self-determination was revived (it had been implemented earlier in 2005-2007, initially in the minority government formed by PiS, then in the coalition of PiS, League of Polish Families and Self-Defense of the Republic of Poland). Also, in the next parliamentary election, held on 13th October 2019, PiS won again (Election outcomes, 2019).

The debate held on 16th September 2015 (Speeches, 2015) reveals the dichotomy in the way the European Union is perceived and how the relations between Poland and the EU are seen by representatives of the main parties in the Parliament. In an attempt to find relatively broad and general categories we can distinguish two opposing images of the European Union that appeared in the discussion, namely: 1) as a solidarity community (this image was mostly presented by PO) and 2) as antagonized national interests (as perceived mainly PiS). It should also be noted that this dissonance is by no means temporary. We can point at a relatively permanent division concerning the European Union matters among representatives of the main political powers in Poland, manifested in two totally different ways of perceiving the integration process.

The impact of the migration crisis should not be perceived as the cause of the crack described in the next part of the article. There is no doubt, however, that influenced by the modifying pressure of the crisis, the above-mentioned relatively permanent polarization system is being updated through the confrontation of different paradigms and, thus, it is being reinforced (deepened). The migration crisis context provides particular sides of the political conflict with justification for the constructs they believe in, thus emphasizing the dichotomy.

As described above, the dispute evolving around the migration crisis has its own place in the battle between two different visions of Poland's participation in the integration process, so visible in the Polish parliamentary discourse. In the first case (this stand has been adopted by PO, PSL and SLD), we observe a modified way of understanding sovereignty (independence) (cf. Cebul, 2018, p. 432). A typical element of this structure lies in the starting point, which is not the

category of national interest referring to a given state. The new concept of national interest, modified in the process of Europeanization (as a result of the EU pressure that Poland experienced when applying for the membership), includes the integration space, that is the structure of ties between the EU countries. These ties are treated as a specific system of connected vessels. In this approach, sovereignty is moved from the level of a country to the level of the European Union. Thus, we have here supranational sovereignty (cf. Czachór, 2006, p. 78). As a result of this shift, Poland's interest is each time considered (weighed) from the point of view of interests of the major EU players, perceived as integration leaders. The necessity to remain in the main integration flow is tantamount to the possibility of maintaining the entity status by Poland. Moreover, it allows us to build the image of the conciliatory European Union, to perceive the EU as a whole (the unanimous European Union, phasing out internal contradictions, thus the EU which is an area of security). This direction is also characterized by the belief that the advancing integration process actually contributes to eliminating particularisms within the European Union. This means that the interests of particular EU countries, as a result of Europeanization, become similar and gradually merge. The integration progress, therefore, is not seen as a threat to Poland's sovereignty, but it is treated as a factor that strengthens Poland, all member states and the European Union. This way of perceiving integration is additionally reinforced by the belief that it is objectively necessary to maintain the European integration as there is no alternative to it. This leads to the absolute requirement to maintain unanimity in the European Union, while all particular interests are treated as potential dangers to the integration process, which may, in the long run, lead to breakdown and disintegration.

In the second case (this position is represented mainly by PiS), the principle that explains the EU reality is the category of self-determination – decision independence, drawn directly from the classic concept of sovereignty – (cf. Cebul, 2018, pp. 432-333). What is interesting in this approach to perceiving the European Union is that the integration process is treated as a binding necessity. This lack of choice (lack of another path) paradoxically seems to be the source of specifically understood certainty in regard to the durability of the EU project. According to the self-determination concept, the only authorized entity having decision powers within a specific scope of matters is the state exclusively. The state itself becomes a reference point, which, in turn, leads to an increased degree of inconsistency with the environment. The European Union is mainly perceived as the space in which separate (particular) interests clash. It is generally seen as a place

of rivalry, a fight between particular states that want to win control over other states. Therefore, all postulates assuming further deepening of the integration process are interpreted only as attempts of other entities – aimed at permanently limiting the creation capacities (potential) of the country, gradually leading to the loss of sovereignty, to dependence and to elimination from the power game.

Seeking the causes of these constructs one should point at, first of all, the transformations occurring in international relations. In fact, international relations adopt some features of internal relations, which is particularly visible in the European Union (Czaputowicz, 2008, p. 33). The changes taking place within a given state are attributed to inevitable consequence of actions aimed at adapting to the international environment (cf. Łoś-Nowak, 2013, p. 231). They confirm significant accumulation of (creative and corrective) power located at the international level. This is undoubtedly the potential that often exceeds (in functional and effective aspects) the capacities possessed by particular state entities. As a result of changes, states seek confirmation of their existence by finding themselves in the space of diverse, extended and intensified exchange, which, as it turns out, may only happen in political and economic competition that gives the principle of a country growth its real sense (cf. Foucault, 2010, p. 294). One should also note that the category of relationality is gaining significance, leading to the establishment of an ambiguous imperative of the European balance, manifested in the clash between unanimity and multitude, permeating Europe (cf. Foucault, 2010, pp. 301-303).

Secondly, looking at the case of Poland, an entity which did not have an opportunity to shape the structure of a supranational system but tried to join it, it should be observed that the system had considerable possibilities to influence this entity, especially in the initial adjustment period. What is more, due to the specific situation of Poland, which in the pre-accession period could be described as a relation between the EU and its client, the power of the EU system actually determined the scope of the Polish state sovereignty in the long run, clearly shaping its potential and possibilities.

Thirdly, the activity of Poland in the international system in the communist period was frozen or largely limited due to the dominant position of the USSR in the Eastern Bloc.

Fourthly, in the communist period, societies and economies of the Eastern Bloc countries were also outside the global system. Simultaneously, the communist system created specific rules of functioning, differing from those of capitalist systems. After communism collapsed, the systems

of this region suddenly found themselves in the sphere of the global system influence and their dysfunctions and lack of competitiveness manifested dramatically. And although the countries started to look for adjustment possibilities both in the economic organization of the market and the corresponding state structure, for a long period of time a significant part of the solutions originating in the post-communist world had been merely attempts at meeting challenges related only to maintaining this new, peripheral status (Staniszakis, 1995, p. 47). This situation was extremely favorable to Western European transnational corporations, which were interested in the transformations taking place in Central and Eastern European countries. Corporations saw opportunities to conquer these attractive markets due to the lack of competition and their high absorption. Therefore, the process of the post-communist countries accession to the EU may be perceived, to a certain extent, in categories of specific annexation (Haller, 2008, p. 141).

However, in spite of everything, we need to emphasize that the offer of the Western states - presented at the beginning of the 1990s and containing a promise of modernization - gave Poland hopes of overcoming this peripheral status. It also became a necessity, as there was no other alternative offered to a country that was somehow isolated from the international system. The offer, however, required the implementation of a number of solutions which were to make the Polish system compatible with the Western structures. By accepting this offer, Poland initially became a client of the Communities and then of the European Union. Since May 1st, 2004, gradually familiarizing itself with the EU, Poland has been a participant of the integration process, seeking its own place in the integration environment and trying to define its place and role accordingly (cf. Cebul, 2018, p. 428). The consequence of the accelerated transformation, closely tied and dependent on the European integration, was the submission of the internal transformations in Poland, and, in fact, the state-creating processes, to the influence of external supporting and correcting mechanisms. For some political groups this was an objective necessity and the requirement for overcoming the peripheral status, for others – another form of dependence.

In the debate held on 16th of September 2015 (Speeches, 2015) one can easily notice the confrontation between PO and PiS, mainly due to the size of their clubs, although the dichotomy between them was also supported by the views of representatives of other clubs and parliamentary groups. Therefore, the contradictory images of the Union, distinguished in the discourse analysis, should not be treated as belonging only to those two political parties. The analysis reflects only those replies that contained elements of the EU image. For the needs of the survey, particular

speeches in the parliamentary discussion were assigned a code facilitating the identification of the speaker and the location of their speech in the debate structure¹.

Table 1. The structure of the Parliamentary discussion held on 16th September 2015

SPEAKER (CLUB/GROUP)	CODE
SPEECHES	
Ewa Kopacz (Prime Minister)	PRM-
Grzegorz Schetyna (Minister of Foreign Affairs)	MSZ-W1
Teresa Piotrowska (Minister of Internal Affairs)	MSW-
Rafał Trzaskowski (secretary of state in Ministry of Foreign	SSMSZ-
Rafał Grupański (Platforma Obywatelska)	PO-W1
Jarosław Kaczyński (Prawo i Sprawiedliwość)	PiS-W1
Stanisław Żelichowski (Polskie Stronnictwo Ludowe)	PSL-W1
John Abraham Godson (Polskie Stronnictwo Ludowe)	PSL-W2
Tadeusz Iwiński (Sojusz Lewicy Demokratycznej)	SLD-W1
Stanisław Wziątek (Sojusz Lewicy Demokratycznej)	SLD-W2
Ewa Kopacz (Prime Minister)	PRM-
Jarosław Gowin (Zjednoczona Prawica)	ZP-W1
CORRECTION	
Jarosław Kaczyński (Prawo i Sprawiedliwość)	PiS-S1
SPEECHES	
Patryk Jaki (Zjednoczona Prawica)	ZP-W2
Piotr Paweł Bauć (Ruch Palikota)	RP-W1
Andrzej Rozenek (Biało-Czerwoni)	BC-W1
Wanda Nowicka (independent MP)	PN-W1
Ludwik Dorn (independent MP)	PN-W2
Zbigniew Girzyński (independent MP)	PN-W3
Łukasz Gibała (independent MP)	PN-W4
Marek Poznański (independent MP)	PN-W5
Armand Kamil Ryfiński (independent MP)	PN-W6
Przemysław Wipler (independent MP)	PN-W7
Marzena Dorota Wróbel (independent MP)	PN-W8
Ryszard Kalisz (independent MP)	PN-W9
Tomasz Górski (independent MP)	PN-W10
QUESTIONS	
Zbyszek Zaborowski (Sojusz Lewicy Demokratycznej)	SLD-P1
Andrzej Kania (Zjednoczona Prawica)	ZP-P1
Tomasz Górski (independent MP)	PN-P1

¹ The structure of codes was standardized, which greatly simplified the labeling of particular speeches. In every code the first element indicates the role performed by the speaker, for example PO-W1 code tells us that this was a Member of Parliament representing the club of Platforma Obywatelska. The second element of the code informs us about the type of speech: W – stands for speech, P – question, S – correction, O – reply. On the other hand, the number allows us to single out each speech in the order of the debate. In the reconstructed images this system of codes was used to mark particular speeches.

Artur Ostrowski (Sojusz Lewicy Demokratycznej)	SLD-P1
Marzena Dorota Wróbel (independent MP)	PN-P2
Dariusz Joński (Sojusz Lewicy Demokratycznej)	SLD-P2
Marek Domaracki (Sojusz Lewicy Demokratycznej)	SLD-P3
Tadeusz Iwiński (Sojusz Lewicy Demokratycznej)	SLD-P4
Agnieszka Pomaska (Platforma Obywatelska)	PO-P1
Marek Poręba (Platforma Obywatelska)	PO-P2
REPLIES	
Rafał Trzaskowski (secretary of state in Ministry of Foreign	SSMZS-
Piotr Stachančzyk (secretary of state in Ministry of Internal	SSMSW-

Source: *Speeches*, 2015.

Looking at the contradictory images of the European Union - 1) the EU as a solidarity community vs. 2) the EU as an area of antagonized national interests - we should first of all emphasize that the differences within the elements constructing these images are determined by different ways of understanding the integration process, different methods of participation in the integration project, and thus different scopes of obligations resulting from the membership in the European Union. However, this dichotomy cannot be in any way treated as the reason to assume that Poland's presence in the European Union is questioned by one side of the dispute. Discourse participants consider the European integration to be a value, though admittedly, they perceive it differently.

The image of the EU as a solidarity Community seems to be reconstructed by politicians who feel threatened and insecure as to the possible consequences of the migration crisis to the durability of the European Union. An integral postulate in this image of the Community is the requirement to maintain unanimity in the European Union, to ensure that the EU lasts as a whole. In the narrations included in this set, speakers indicate that in order to overcome this problem we need solidarity, participation and shared responsibility: "we are in this great European Community, but being part of the Community carries obligations" (PRM-W1). The crisis here is a kind of a challenge, a test of durability of integration ties: "we cannot turn our backs to Europe. This is one of the greatest challenges faced by Europe and the European Union right now, this is a challenge which may shake the foundations of the European integration" (SSMSZ-W1).

The main threats to the unanimity of the European Union, in light of the narrative structures belonging to this category, are particular interests and egotisms inside the EU which are intensified in connection with the migration crisis. According to some MPs they constitute the destructive forces of the integration process: “turning our backs to those who need help (...) accounts for the fact that morally and mentally we withdraw from this Community” (PRM-W1). A similar view was presented by MSZ-W1, who indicated that Poland’s task is “to prevent the new division into the West and the East inside the European Union”. These fears of possible disintegration and weakening of ties inside the EU can be considered, it seems, as one of the reasons for the PO-PSL government’s readiness to accept immigrants. But it should also be noted that the consent in regard to the relocation mechanism is treated as an opportunity for Poland to become visible in the main integration flow: “we are a mature and responsible member of the European Union, helping to solve problems, not causing them (...) we all heard that Poland should pursue (...) more active policies within the European Union. Today, standing aside or turning our backs to this crisis is clearly below our ambition of playing a vital role in the Community and influencing its current policies”. Another argument justifying why it is necessary for Poland to support the EU countries affected by the crisis is “the memory of solidarity which the Polish nation received when it needed it from its partners in the European Union (PRM-W1). In this context, PN-W2 Member of Parliament mentions mutuality of obligations: “If within a certain whole we have relationships and interdependencies with others, it is sometimes good to control our immoderate appetites and fears and to reply positively to rational claims, fears and postulates of others, because the principle of reciprocation is valid, (...) I give you so that you could give me, there is reciprocation in services, in solidarity, this is what transactional policy is about”. A similar opinion is presented by SSMSZ-W1, who indicates that “the situation in the east of Europe is unstable”, and in the event of “increased migration pressure, the European Union will support us (...) if we look at what is happening in Europe, only totally irresponsible people may want the European Union as the whole to fail to meet this challenge”.

On the other hand, an integral assumption in the narratives classified as belonging to the second set - the EU as an area of antagonized national interests – is the thesis that Poland (its sovereignty) must be defended against the pressure of stronger EU countries and institutions: “to counteract incredible statements of such European politicians as Mr. Schulz. (...) We have the right to defend ourselves against the slander actions taken by deadly enemies of Poland” (PiS-W1). In narratives belonging to this set, one cannot find any fears of the EU breakdown due to internal disputes. Admittedly, the migration pressure constitutes a serious external civilization threat, but the crisis is not the cause of intensified particular interests within the EU. Such interests have long been visible – determining some kind of an objective (real) relationship system between the entities composing the European Union. Thus, relocation is not perceived as a test of solidarity inside the EU (as an attempt at saving the community), but as the test of strength (an attempt at consolidating dominance in the EU): “Germany accepted a relatively small group of refugees in Munich, (...) Then Germany closed its border and stopped railway links with its southern neighbors. This is German policy. They say one thing and do another. We are supposed to pay their debts, their debts are to be paid by the Central European countries” (PN-W8). The EU is perceived as an area in which contradictory interests clash. The European Union might stand a chance to become a real community in the future, but this requires changes and significant revaluations in the status of particular entities which compose it. Therefore, the relocation program is perceived as an attempt at imposing unfavorable solutions on Poland and thus questioning its status by the Union: “The European Union pays us, (...) they pay us for giving back to large and strong European countries – because they, not us, decide in Brussels – they took over a significant part of our decisions concerning our matters. They also have great regulatory powers over Poland, these powers have an economic value and a huge political value. We don’t get anything for free, we can say they buy it very cheaply from us” (PiS-W1). In this context, speaker PN-W6 also accuses government of favoring the party interests over the national interest: “Prime Minister Donald Tusk wants to be the president of Europe for the second term, therefore Prime Minister Ewa Kopacz has no choice but to join this political correctness and forget about our national interest”.

The narratives included in this group – instead of the thesis that we are obliged to show solidarity with the EU countries affected by the migration crisis – reveal, on the one hand, the formalized understanding of the EU membership: “we should help, (...) but with a safe method, namely financial one. It was mentioned here that it costs 2.8 billion dollars or that is the amount missing in order to maintain the camps from which we have this huge inflow of people into Europe. We can undertake to accept part of this obligation, proportionally to the share of our GDP in the European Union’s GDP. It is not high and it will not be a huge amount of money, though it will be a significant sum, anyway” (PiS-W1). On the other hand, the EU, or more specifically, Western European countries are reminded of their obligations towards Poland, including the “betrayal” committed in Yalta. It is clear thus that the actions at the EU level aimed at adopting the immigrant relocation mechanism are perceived as an attempt at confirming/consolidating the peripheral status of Poland: “There is, (...) also this argument (...) Juncker [president of the European Commission in 2014-2019 – K.C] raised it. (...) which refers to the emigration of Poles. Yes, that’s true that many, many Poles emigrated, (...) there were those who, especially in the 19th century, fought for your and our freedom, this fight created your obligations towards us, as a land of freedom, not the other way around” (PiS-W1). A similar construction is included in the reply of PN-P2: “Did anyone from the Polish side explain to Mr. Juncker that this huge emigration of Poles to Western Europe, (...) was in fact caused by the betrayal committed by the West, the betrayal of Poland, which took place during the World War Two and just after (...) the war”.

As I have already pointed out, the reference point in a discourse analysis lies beyond language. Therefore, drawing our attention to the process of discourse organization, namely frameworks within which meanings are developed and interact with structures (materialization), we need to point at the European Union system. As the analysis shows, all participants at the debate perceive the European Union, or, to be more precise, the structure of ties and interdependencies creating it, as a functional and organic environment for Poland. The EU seems to have certain “magnetic properties”. It becomes “a pole of attraction” for Central and Eastern European countries. On the other hand, Western European countries constitute a gradually expanding nucleus of the system, around which concentric circles are developing, marking various levels of economic development and stability (Czaputowicz, 1999, pp. 38-39). The system is perceived here as a set of elements affecting each other, individually and collectively, influencing individuals and teams constituting elements or parts of the system (cf. Dahl, Stinebrickner, 2007, pp. 51-53). Moreover

– according to our assumptions – systems are not static as they are specific structural processes which undergo transformations (cf. Czyżewski, 49-50).

Returning to the concept developed by Foucault (cf. Foucault, 2010, pp. 301-303), we should observe that the analyzed integration discourse is dominated by symbolic and material clash between unification and multitude, continuously reproduced within the system. It seems that this relationality should be analyzed at least in two approaches. Horizontally, the vision of the EU as solidarity Community (unity) *versus* the European Union as an area of antagonized national interests (particularism). Vertically, the vision of Poland *versus* the vision of the EU. In discourse analyses Poland and the EU are treated – as this paper demonstrates – as concepts – containers that debate participants construct within reference points available to them. The shape of these structures, on the other hand, determines the nature and scope of relations between Poland and the European Union.

The clash between unification and multitude observed in this analysis stems from a complex phenomenon of Europeanization – the consequence of joining the European integration process by Member States (cf. Paczeński, 2014). Progressing transformations in this scope are manifested in the tension between the thesis that states have powers to act independently in the international space and the thesis that their possibilities are determined by the structure of the international system (cf. Czaputowicz, 2009, pp. 29-30). By adopting this perspective we are able to look at Poland as a system, or in fact a sub-system, through which desired efficiency is achieved; efficiency is determined by the potential of the environment and achieved in connections between the state and its external entities – within the integration structure.

Although in political practice independence usually merges with dependence, the observed power (pressure) of the Europeanization process concentrates on considerations whether and to what extent an organized political community possessing a particular potential is able to overcome barriers (cf. Sułek, 2013, p. 49), namely: whether it may develop an ability to transform the environment, or whether the environment defines limits of its capacities, shaping it to a certain degree or even limiting it. Therefore, we can assume that both the direction and consequences of the Europeanization process remain debatable.

The essence of Europeanization lies in including state systems in an interstate system and a supranational process of decision making. Simultaneously, structures are undergoing constant modifications, which gradually build dependencies and the multi-level integrated political system

in the EU. Therefore, we can observe the top-down flow, from the EU level to the level of particular Member States (Grosse, 2012, p. 10). It should be noted that the European system creates a specific type of rationality (integration pressure) which, within ties and dependencies inside the system, continuously reproduces preference for unity. Unity is an indicator of permanence (validity) of the European Union system, and the fundamental task of each authority is to confirm its subject status. The ability to generate, reproduce and strengthen preferences for the values of the EU system by means of discourse plays a special role here.

The above-mentioned ability is, in fact, the essence of political reign. It ensures integrity of entities operating within a whole, such as the European Union. In this context we can quote the concept developed by PO. MPs from this party treat consistency with the center as an indicator of unity, a synonym of real participation in creating the EU. This vision seems to be highly consistent with the EU system functionality requirements. We should emphasize that this way of qualifying the concept developed by PO does not in any way determine which of the two visions of participation distinguished in the debate (PO *versus* PiS) ensures that our country maintains its subjectivity.

Regardless of this centrifugal force generated by Europeanization (specific integration pressure), integration provides an answer to the growing uncertainty in the globalization space. Therefore, as the analyzed narratives demonstrate, Poland experiences continuous threats and moves to the EU structure, as it offers the possibility of regaining balance. This structure constitutes an offer of political order, thus creating opportunities for regaining lost or threatened subjectivity. As demonstrated above, having joined the integration process, the country may regain its subjectivity, but such subjectivity may turn out to be superficial as the state structure is absorbed by these rational structures. The above-mentioned uncertainty generates different visions of the integration process and different visions of Poland's place and role in the process, presented by particular parties in the debate. The EU became an area and an instrument used in implementing Poland's internal and external policies. Moreover, uncertainty and fears concerning the future (durability) of the integration process, as shown in the analysis of narration structures, can be found in all participants of the Parliament discourse. Therefore, we can see that we think about Poland with reference to the European Union and in relationship with it. For PO the reference point in defining Poland's place and role in the EU is the image of the EU as Community (unity), whereas PiS perceives it as an integration area where particularisms fight to dominate the system. PiS narration structures are

characterized by seeing internal (certain weaknesses of Poland) and external threats (pressure of the EU, and, above all, pressure exerted by strong Member States). Such threats cause the feeling of entrapment, or are perceived as attempts of external forces to subordinate Poland to the European Union.

The debate analysis proves that competing representations of reality are generated within interdependencies between power systems (Poland *versus* the EU) or when these two systems clash or merge. One should not forget the specific functional duality of the system, which 1) is both the consequence of simultaneous influence exerted by Poland and the EU on discourse participants, and 2) has the capacity to shape these systems. Discourse may prove their validity, but it may also determine scopes and directions of change. The change of those in power due to election at the domestic level leads to changes to the narration determining vertical relationality: Poland *versus* the EU. The discourse reveals two ways of participating in the European integration process. PO sees conciliation as a method enabling us to eliminate contradictions between Member States and to join the main integration flow. It is assumed to ensure possibilities of co-participation in creating this process and simultaneously guarantee a position of beneficiary of the European integration. On the other hand, PiS claims it is vital to exhibit Poland's particular interests and to aim at maximizing them by testing the EU tolerance. This approach to participation puts Poland on the fringes of the integration movement dominating the EU. Paradoxically, if we take into account integrity and efficiency of the EU system, to which Poland belongs formally and functionally, this approach might (at least to a certain extent) turn out to be effective.

During the debate a motion was put forward to reject the information of the Prime Minister on the migration crisis in Europe and its repercussions for Poland. The Lower Chamber of the Parliament rejected this motion, thus accepting the information presented by the Prime Minister of the PO-PSL coalition government. 344 MPs took part in the voting. 148 MPs voted for rejecting the information (PiS – 103, SLD – 12, independent MPs – 12, Zjednoczona Prawica – 10, RP – 8, Biało-Czerwoni – 3). 189 MPs (PO – 165, PSL – 21, independent MPs – 3) voted against rejecting the information. 7 MPs abstained from voting, whereas 116 MPs were absent (Voting, 2015).

Conclusions

The above outlined dichotomy of the images of the Union (their incompatibility and related tensions aggregated by the participation in the integration system, that is, in the system of

interdependencies) may tempt us to adopt the thesis that such a clear division of the political scene may be dysfunctional (it may weaken Poland in the European Union). However, it seems more cognitively inspiring to treat this dispute as a factor maintaining the topicality and significance of the integration discourse. There is no doubt that the vision of the unanimous and conciliatory European Union gives us the sense of security, but political processes occurring in the EU can be more easily explained in categories of the fight of powers rather than by reference to the Community. Be that as it may, this dispute contributes to some kind of European synthesis (cf. Beck, Grande, 2009, p. 57), which may gradually lead to finding some *modus vivendi*. Finally, these contradictions should be looked at as some specific form of the being (cf. Pawlikowski, 1952, p. 427).

The dispute between PO and PiS is of prime importance in the analyzed debate. It is the most noticeable element of the debate due to the size of the parliamentary clubs. It should be noted that due to the progressing polarization in the Parliament, the pressure of the state authority striving at establishing the rule of unity is, at least, partially overcome. The Parliament is becoming one of the essential, though not necessarily appreciated, arena on which political dispute is actually held. It is in the Parliament that competitive discourses clash. The status of valid discourse is always granted to the discourse that constitutes the product of authority on the state level (thus being a discourse of the majority – owners of power instruments).

However, the dominance of this discourse – presenting the vision of the place and role of Poland in the EU (which, in turn, is a specific directional predisposition determining activities in the integration area) – can only be partial, since interpenetrating power systems of Poland and the European Union also generate discourse pressure and another confrontation occurs. This time we can observe the clash with the integration discourse (pressure of Europeanization). Admittedly, Poland abandoned its role of the EU “client” and became a co-creator of the integration process. Nevertheless, it still remains an area susceptible to the influence of the Europeanization process, in which the power of state clashes with the integration pressure. Europeanization draws its strength from the potential accumulated in the EU system. Its power also comes from the shift (at least to a certain extent) of subjectivity from the state level to the supranational level. And for the country this means the necessity to achieve functionality and to confirm its status within the European Union system. At the same time it seems that the EU structures may maintain functionality only if the center is able to create conditions for achieving integrity (phasing out

incoherence) with state entities (whose actions to some extent may appear dysfunctional to the EU system as a whole).

The PO-PSL government accepted the relocation system adopted at the European Union forum in 2015. However, following the election on 25th October 2015, representatives of the PiS government were obliged to implement policies concerning immigrants (cf. Adamczyk, 2017, p. 308). The PiS government did not give its consent for the acceptance of immigrants within the relocation system (cf. Adamczyk, 2017, pp. 312, 329). Also Hungary refused to participate in the relocation system. Controversies concerning this system adopted a very stormy form, as the refusal coincided with the charges brought by the European Commission and some EU Member States against Poland and Hungary over their violation of the values on which the European Union is based (Kosman, 2017, p. 288). On 23rd September 2020 the European Commission presented a new pact on migration and asylum – thus admitting that the previous pact did not meet its expectations and that the European Union was unable to repair it. The new system will be based on cooperation and flexible forms of support offered by particular Member States (Fresh start, 2020).

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A BRIEF ANALYSIS OF THE ENLARGEMENT PROCESS FOR THE WESTERN BALKANS STATES. SYNTHETIC EVALUATION OF THE INTEGRATION PATH WITHIN THE COMPETITIVENESS POLICY

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Abstract: *In the process of negotiations with the EU candidate countries, one of the acquis chapters related to the sectoral issues, is the competitiveness policy on the closure of which depends to a large extent the completion of negotiations. The Western Balkans region is at the same time a strategic priority for the European Union as well as a real challenge in terms of economic convergence due to the criteria that continue to lag behind the development and compliance with the aquis communautaire compared to the already member states.*

The aim of the present research is to present the EU legal framework related to the competitiveness sector trying to capture the challenges met on the path to integration in this regard, taking also into account the national economic and legal context of the Western Balkans countries (Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro and Serbia). The present analysis starts methodologically with a brief presentation of the general legislative framework with reference to the competing elements to be fulfilled in the enlargement process of the European Union and contextualized upon the economic realities of the Western Balkans states trying to capture at the same time the fulfilment level of the main criteria to be met in accordance with a free market economy and a strong competitive environment.

Keywords: Western Balkans countries, EU Single Market, economic integration, competitiveness.

Introduction

European economic integration is a complex process consisting in the formal-institutionalized consolidation of interdependencies between all spheres of national and international economic life of the member states.

According to the provisions of art. 3 (3) of the Treaty on European Union, the internal market acts for the sustainable development of Europe, based on balanced economic growth and price stability, a highly competitive social market economy, which aims at full employment and social progress, as well as a high level of protection and improvement of the quality of the environment.

The internal market has effects on both citizens and the business environment in terms of better employment and more business opportunities (Dobre, 2010, p.65). The advantages of achieving economic integration and consolidating an extensive internal market allow companies to achieve growth, enter other national markets and specialize in production. This in turn allows European companies to compete on the world economic stage (Foster, 2018, p.281).

We note, therefore, that the internal market is not an objective, but a means to economic and social progress. The evolution of the notion of common market, starting with the Single European Act (SEA), towards the new concept of internal market is the result of the efforts to assimilate the European market to a national market without any barriers. The Single European Act, signed on 28 February 1986 and entered into force on 1 July 1987, highlighted the shortcomings of the common market and drew up a program for its transformation into a single market by the end of 1992. According to Art. 8a of the EEC Treaty (text introduced by Article 13 of the Single European Act), „The Community shall adopt measures with the aim of progressively creating the internal market by 31 December 1992. The internal market shall consist of a market without internal frontiers, in whose territory the free movement of goods, persons, services and capital will be ensured in accordance with the provisions of this Treaty. "

Such assimilation will present a new configuration. In fact, until the Single European Act, the Community acted mainly by removing obstacles to trade in various forms, while since the assertion of this new legal institution - the internal market - the Community institutions have sought to support and strengthen a process convergence between national legal orders by establishing Community policies that allow for better economic integration. In other words, the conceptual evolution of the common market notion towards that of the internal market is in reality only a reflection of the evolution of the global project of European integration and, in particular, from an economic point of view (Boutayeb, 2009, p.21).

The internal market is the place where supply and demand meet, so no restrictions or conditions should be imposed for the entry of a product into the national market of a Member

State. These limitations or conditions may be represented by customs duties or the introduction of quotas and, in general, measures that may affect the free movement of goods, persons, services and capital, in a manner that restricts the economic activity (Popa Nistorescu, 2007, p.80).

The internal market is certainly one of the most important achievements of the European Union, due to the fact that restrictions on trade and free competition have gradually been removed between Member States, to the benefit of citizens and the business environment, to whom many business opportunities have opened up.

Moreover, the principle of free competition is the cornerstone on which the functioning of the internal market is based. However, European law does not adhere to the theory of "competition-condition", according to which competition should be seen as an end in itself, which prevails over any other interests, instead embracing the theory of "competition-means", conceived as a means to achieve other economic or political objectives, respectively, as an essential and privileged instrument of economic progress, which, however, can be sacrificed when this is demanded by a higher interest (Oprescu, Ciceo, 2017, p.406). In other words, competition policy can only be conceived in an indissoluble link with other Union policies.

At the same time, we can say that competition policy is a lever for achieving the goal of integrating national markets, on the one hand, by sanctioning the behaviour of businesses and Member States that prevent, restrict or distort the competition in the internal market, and on the other hand, by encouraging trade between Member States.

In a brief presentation, the main objectives of the EU competition law are the following: to maintain openness and unify the internal market; to ensure economic efficiency in the marketplace; to grant the conditions of effective competition and competitiveness; to protect the consumers (Kaczorowska, 2011, p.773).

Accession to the European Union

According to art. 49 TEU, "Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union". If until the 1995 accession wave, candidates had a relatively similar political and economic system, so that accession did not depend so much on the results of evaluations carried out by the Community bodies as on the concordant will of the Member States and the candidate country, after that time, more precisely, with the collapse of the communist bloc, we are witnessing a change of

perspective (Gyula, 2018, p.51). Thus, the disintegration of the communist has created the opportunity for expressing the desires of integration for the former socialist states, whose political-economic systems raised a lot of compatibility problems in relation with the existing ones in the EC member states and implicitly with the Community settlements.

EU accession has therefore become a long and complicated process of adjusting all the internal areas of the candidate countries to EU principles, values and standards. In order to guide the candidate countries on compliance path with the requirements of the accession reforms, the Copenhagen European Council of 21-22 June 1993 established mandatory accession criteria, as follows (Dubouis, Blumann, 2012, p. 745):

- a. Geographical criterion (the state must be located on the European continent)
- b. The political criterion (the rule of law, the existence of stable democratic institutions, the rule of law, human rights and the protection of minorities).
- c. Economic criterion (functional market economy, able to cope with competitive pressures and market forces within the EU).
- d. Ability to fulfil the obligations arising from the status of Member State (taking over the objectives of political, economic and monetary union; taking over the *acquis communautaire*).

To these criteria has been added the additional requirement introduced at the 1995 Madrid European Council, namely for the administration and the judiciary to be able to have the capacity to apply the *acquis communautaire*.

The Western Balkans states will also have to comply besides the general already mentioned criteria with other two supplementary groups of requirements formulated by the European Council of 1997 and 1999 (Uvalic, 2010, pp.53-86):

- *Western Balkans countries had to demonstrate their willingness to implement regional cooperation with neighbouring states, by actively participating in initiatives on regional cooperation and regional projects in various areas, in order to resolve common problems of mutual concern; and¹*
- *Western Balkans countries had fulfil all their international obligations, including collaboration with the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, the Dayton Peace Accords, the UN Security Council Resolution 1244, and so forth.*

¹ See for more informations Commission of the European Communities (1997), Conclusions of the General Affairs Council of 29 April, Brussels. and Commission of the European Communities (1999), Conclusions of the General Affairs Council of 21/22 June, Brussels

Taking a look at the current situation of the Western Balkan states, we can see their inhomogeneous status in terms of the EU accession process. The most advanced in the accession process are Montenegro and Serbia, for which accession negotiations are already under way (from 2012 for Montenegro and 2014 for Serbia). Therefore, these two countries are at a stage where they need to adapt their legislation and administrative capacity to allow the negotiations to be closed. Secondary, in the accession process we can name Northern Macedonia (candidate since 2005) and Albania (candidate since 2014). On 24 March 2020, ministers for European affairs gave their political agreement to the opening of accession negotiations with Albania and the Republic of North Macedonia (European Council, 2020). Bosnia and Herzegovina² and Kosovo³ are far behind, with only potential candidate status. It should be noted that, despite opposition from some Member States to the further enlargement of the EU and certain obstacles in the candidate countries, accession remains an important political goal for both the EU and all the countries of the Western Balkans.

Although none of the countries in the Western Balkans currently meet the accession criteria, the region has made great strides since the late 1990s. Overall, significant progress is undeniable both in terms of reforms and overcoming the devastating legacy of wars and conflicts.

Regarding the trade conditions with the European Union, since 2000 preferential agreements are in place at the moment, until at the end of this year, conditions that are eliminating (for almost all the trade sectors with a few exceptions) the custom duties and the quantitative restrictions and quotas. Even though those preferential conditions will expire at the end of this year, we are at the moment expecting the decision of the European Parliament and Council in connection with a potential extension until 2025 of this preferential exchange agreement (EC, 2020).

² Bosnia and Herzegovina's application for EU membership was submitted on 15 February 2016.

³ The Stabilization and Association Agreement entered into force in April 2016.

Brief assessment of the level of competitiveness for the Western Balkans States – facts and figures

Competition policy is essential in the economic environment of the European Union due to the fact that the main way to achieve economic objectives is only throughout competitive markets and also because internal market principles can fail or generate unsatisfactory results if restrictive practices at national level would create barriers to competition between Member States (Pelkmans, 2003).

The present insight into the state of the competitiveness frameworks for expressing the achieved level and key determinants from the perspective of the proposed research topic will try to identify significant analytical patterns and influential factors determining the current state of the economic competitiveness of the Western Balkan countries (Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia).

Therefore we intend to evaluate if the Western Balkan countries are still lagging behind the European Union member states in relation with the competitiveness level related to innovation and ability to fully compete within the EU Single Market or there have been made significant progress in increasing performance and competitive capacity.

Innovation is one of the key factors to be boosted in order for the national economy to be able to provide/supply value added products reflecting this way the ability to perform within a highly competitive European market. This fact is of a real importance for de investigated countries taking into consideration the fact that the Western Balkans countries are dependent on their export to the EU which at the moment accounts for more the 70 % of the total Western Balkans countries exports to the Single European Market (representing only 1.4% of the total EU trade). What is really important is to underline the idea that due to the fact that in 2000 the EU has granted autonomous trade preference to all the Western Balkans, there has been a rather rapid growth of the trade with the EU partners by almost 130%, summing up approximately EUR 55 billion in 2019, the Western Balkan countries increasing their exports to the EU by 207%. (EC, 2020).

The Global Competitiveness Report 2019 indicates some key results in relation with the current status of the main characteristics defining the competitiveness index of the Western Balkans states, elements related to aspects such as: institutional performance, infrastructure level of development, ICT adoption, macroeconomic stability, health, skills, product markets, labour markets, financial systems, market size, business dynamism and innovation capability.

Table 1. Country Ranking based on the Global Competitiveness Report 2019

Country	Albania 87 st /141	Bosnia and Herzegovina, 92 nd /141	Croatia 63 rd /141	Macedonia 82 nd / 141	Montenegro 73 rd /141	Serbia 72 nd / 141
Rank /141						
institutional performance	76	114	77	84	53	75
infrastructure level of development	98	84	32	75	83	51
ICT adoption	75	80	60	70	57	77
macroeconomic stability	104	64	42	82	104	64
health	46	73	47	64	65	76
skills	50	82	69	83	53	55
product market	75	108	86	110	42	73
domestic competition	120	124	108	126	52	98
trade openness	22	74	57	81	38	51
labour market	38	107	94	82	26	54
financial systems	102	80	63	83	44	82
market size	111	101	78	109	134	74
business dynamism	63	117	101	65	50	54
and innovation capability	110	117	73	97	69	59

Source: WEF, (2019) *The Global Competitiveness Report 2019*, Editor Professor Klaus Schwab, Retrieved from http://www3.weforum.org/docs/WEF_TheGlobalCompetitivenessReport2019.pdf

The table shows different stages of development in relation with the proposed criteria, the Western Balkan countries performing uneven as it can be seen, with quite large variations in a comparative analysis between them, Croatia reaching the best position ranking 63rd and surpassing the other analyzed states by 9 and even 29 positions in the total structure of the rank. We can identify the fact that in terms of the trade openness Albania and Montenegro are holding positions that denote a real openness towards transaction that are embracing the identified opportunities within the global markets. Moreover, we can underline here also the fact that in relation with the

last criteria, the innovation capability, Serbia is the country that performs best in this respect among the states analyzed within this research.

In 2018 Global Competitiveness Report, has indicated that the Western Balkans countries have score out of 100 points the following performing results: Bosnia and Herzegovina scored 54.73 points, Macedonia 57.33 points, Albania 57.61 points, Montenegro 60.82 points, Serbia 60.85 points, Croatia 61.94 points. (Trading Economics, 2018)

Based on the data provided by the European Commission Reports (EC, 2019, 2020) and also previously reflected by us in the Global Competitiveness Report 2019, in concern with the Western Balkans state of development toward the accession process we identified the fact that in general there are problems related to issues such as: a slow development of the institutional and regulatory framework and especially in concern with the secondary legislation implementation; the need to speed up the implementation of legislation on property rights and intellectual property as guarantors of an active and dynamic economic environment and fair competition; we notice significant progress in the legislative framework, being in some states respected, in Montenegro and Serbia to a large extent, in accordance with the *acquis* of the European Union, the institutional legal rules allowing to grant state aid only if restrictive conditions are to be met for the purpose of preventing distortions of competitive environment (as a negative example, in the case of Albania, the operational independence of the national authority with competences in the application of the competition policy has not yet been ensured, controls in this respect being still too low).

As for economic convergence, apart from the controversial adoption of the single European currency, Montenegro's indicators exhibit imbalances in areas such as unemployment and public debt (Corpădean, 2018).

We can strongly state that today's economic realities hinder the process of economic integration of the Western Balkans states, due to the increasing operational difficulties of the economic agents, the contraction of trade transactions with the European partner states to which they are interdependent, increasing unemployment rates and the deepening of the problems generated by the already existing structural difficulties. Moreover, we can mention here the real struggles existing in the current context of the harsh economic realities to reduce the current gaps in terms of the economic competitiveness as compared to the context of the European Internal Market.

Based on the presented facts we can say that it is imperative for the Western Balkans states to sustain the economic development of the strategic domains related to the competitiveness of the private sector as the main engine for strengthening economic processes with a high emphasis on areas that must stimulate innovation as a strong point in increasing the competitive capacity of companies within the Internal Single Market.

At the same time, we consider that it is absolutely necessary to concentrate investments in those areas that register development gaps compared to the level of EU member states, and which must also be focused on the fundamental principles and values of the European Union as promoters of credibility and also assuming the basic principles of the single market.

Conclusions

With a view to accession, it is imperative for the Western Balkans states to reform key areas, in particular the rule of law, competitiveness, regional cooperation and reconciliation. It is noted that there are still important bilateral disputes between the countries in the region, in respect of which a solution must be found, mandatory before the accession, as the European Union cannot afford to take over these disputes, assuming the instability and uncertainty of such a context.

Moreover, essential reforms in the private sector are needed so that the Western Balkans countries can sustain the functioning of market economy basic principles capable of coping with competitive pressure and market forces within the Union.

As previously presented, we identified within this research the imperious need for deepening the reform process for several areas of economic interest which are currently undergoing noting also the fact that all Western Balkans countries are having robust export figures as a key indicator of international competitiveness.

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SHORT SUPPLY CHAINS FROM AN INTERMEDIARY'S POINT OF VIEW

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Abstract: *In our increasingly globalized world, access to the right products and food is a central issue for all consumers. An alternative form of supply are local products, which can meet all or part of consumers' needs. These local products are local specialties and non-mass products, which are tied to local features, technologies, culture, and identity. Supply chains can also help to improve the viability and sustainability of producers. In order for these short supply chains to work well, there is a need for continuous feedback and evaluation, therefore supplier evaluation forms could act as the starting point of these chains. The supplier evaluation form can serve to support and develop these supply chains at the local level. The aim of this study is to present a short supply chain from an intermediary's point of view based on a case study. This method enables to gain a broader insight into the operation of local food chains. As the case study reveals, it is recommended for the members of these chains to apply supplier evaluation forms in order to maintain a better relationship between the partners. According to the experiences and conclusions a supplier evaluation system is defined by the authors.*

Keywords local product, supplier evaluation, short supply chain, modelling.

Introduction

Local products and specialties can be purchased directly to consumers and/or via an intermediary as well. The aim of this study is to present a short supply chain from an intermediary's point of view on the basis of a case study performed. Operating in local food chains can foster

viability in case of local products, when effective communication is maintained between the partners. Constant evaluation could be a key factor in case of well-operating supply chains, thus the application of supplier evaluation forms should be considered. The scientific relevance of this research is to draw particular attention to the relationship between the members of short supply chains and the importance of continuous evaluation. Firstly the literature on the three most relevant topics are discussed: local products, short supply chains and supplier evaluation forms. The most important definitions, characteristics and current research findings are mentioned. In the second half of the article, the case study of an intermediary is summarized and the research questions are answered. Finally, in the suggestion section the supplier evaluation system - defined by the authors – is represented.

Local products

The 1970s were the milestone of globalization, when multinational companies expanded in fast speed and a global economic system was created. (Varga et al., 2019) In today's modern world, the role of local products is reappearing. There is a growing demand for healthier food, therefore many consumers are eager to buy local products. These are not only good to substitute different kinds of imports, but to serve as adequate nutrients. (Hoop and Jehlička, 2017; Szakály and Berke, 2004).

Definition of local product

In scientific literature, there is no universally applied definition of local food. The main characteristic is the geographical concept meaning the distance between local producers and consumers. Furthermore, the social and supply chain characteristics are important terms as well. Considering the geographical concept, a radius measure is determined within which the local product is produced and sold. Distances may vary by country or even region, in some definitions a 100-mile radius is used, while in Hungary a 40 km radius is stated. Some production methods are also associated with local products, including reduced use of synthetic chemicals, environmentally-friendly production and sustainable production. The other concept is the short supply chain of local product, meaning that there is no, or only a limited number of intermediaries between the producer and the consumers. The social importance is that consumers are 'close' to

producers, so they can create and maintain a good relationship with each other, therefore information reaches consumers through personal communication. (Martinez et al., 2010)

Table 1: The most common local products

Agricultural products	Hand-made products
Products of vegetal origin (vegetables, fruits)	Wooden products (barrel, furniture)
Products of animal origin (egg, meat)	Products made from stone (furnace)
Processed products (pastas, dairy products)	Products made from iron (candlestick, kettle)
Bio products	Pottery and glass products
	Textile products (lace, embroidery)
	Braided product (baskets)

(Source: Own construction based on Eszterhai, 2014, pp.5-6)

Based on his review research, Csonka (2015) lists the six main characteristics of local products:

- geographical proximity of production and consumption,
- decline of the commercial sectors within the supply chain,
- contribution to sustainability and environmental protection,
- social embeddedness,
- dominance of small- and medium-sized enterprises,
- unique and special consumer value.

Sale of local products

Local products can be produced and sold by primary producers, small producers, family farms, craftsmen, private entrepreneurs, businesses, cooperatives. Most of the products are sold locally, within a 40 km radius long circle. Local products are suitable for promoting the area and generating revenue for the region. The main feature of local products is that production, processing and sales are as close to each other as possible, and the product reaches the consumer directly or through a single intermediary, so the supply chain is short. Some typical forms of selling local

products are the 'pick your own' actions, sale at infield, on the market, by roads, at different festivals and events, or to intermediaries. Nowadays, online sale is getting widespread as well, especially for hand-made local products. (Eszterhai, 2014) Horváth et al. (2019a) provide a short list of the most common places of sale in local products systems: roadside point of sale, home/yard of the farmer/producer, home delivery, producer's market, web store, pick yourself, guest table.

Short supply chains

Nowadays short supply chains are becoming increasingly popular among consumers, producers and non-governmental organizations. In North America and Western Europe short supply chains have multiple-decade-long history, and they are getting widespread in Hungary as well. Compared to the traditional mainstream models, short food supply chains provides something different. They are able to exploit local opportunities and resources, while being able to connect the producers with their consumers. (Chiffolleau et al., 2019) The competitiveness of the participants depend on their ability to work together, as it is much more efficient to compete as an entire supply chain. (Mesić et al., 2018) Short supply chains can be considered as sustainable strategies, providing a large variety of benefits for certain local areas. (Sachin et al., 2020). The sale of local products via short supply chains can contribute to the effective development of the countryside and to the creation of new workplaces. Furthermore, young adults are more likely to stay in their hometown. (Dajnoki et al., 2018) In work situations based on local values, stress and conflicts can be minimalised through similar norms and appropriate communication. (Szabó-Szentgróti et al., 2019). It is also very important to emphasise the value added activities that these supply chains can provide, and also the flexibility and resilience of these supply chains, allowing them to react better to certain disruptive events. (Tukamuhabwa et al., 2017)

Definition of short supply chains

Several different definitions of short supply chains exist, but they are generally characterized by there being a minimal geographical and cultural distance between producers and consumers. According to the European Rural Development Regulation (1305/2013) a short supply chain is 'a supply chain involving a limited number of economic operators, committed to cooperation, local economic development, and close geographical and social relations between producers, processors and consumers'. This definition highlights the social relations and economic

development as well. Ilbery and Maye (2005) state that: 'the direct relationship between the producer and the consumer involves construction of knowledge, value and meaning about the product and its provenance, production and consumption, the producer and the consumer themselves, rather than solely an exchange of a product. These two authors focus on knowledge exchange besides social relations. According to Peters (2012) the criteria for short supply chains are the number of intermediaries and physical distance: 'short supply chains are not only focused on the distance between production and sale of product, but also the number of links in the food supply chain, with the goal being to reduce this as much as possible'. Summarizing the definitions, the most important criteria of short supply chains are: reduced number of intermediaries, physical proximity, importance of social relations and cooperation, and rural economic development.

Marsden et al. (2000) state, that in short food supply chains the most important characteristics are the role of relationship between partners and the value constructed by them. They also believe that it is more necessary that information about the products reach consumers, than the distance or number of intermediaries between partners. Information can be written on the package or said directly to customers at the point of sale. The application of short supply chains has economic, social and environmental advantages. The economic advantage means that money is spinning within the local community and there is a higher profit due to reduced transport costs. The social advantages are that producers can create a closer relationship with consumers and product details can be known better. The application of short supply chains has a reduced environmental impact from transport and storage due to smaller distances. (Benedek, 2014) From the above listed advantages of short supply chains the economic advantage is the most quantifiable by applying financial methods. The reduction of transport costs can be measured specifically, by which the company can earn a higher profit or by the reduction of final prices and the enhancement of quantity at the same time.

Types of short supply chains

There are several classifications for short supply chains, but the most widespread is the classification by Renting and his co-authors. Renting et al. (2003) defined three different types of short supply chains on the basis of physical distance and the number of intermediaries. The *Face-to-face supply chain* means that the local producer sells the product directly to the final customer without any intermediaries. The second type is the *Proximate short supply chain* in which one

intermediary appears in the short supply chain (e.g. local shops, service providers, public institutions). In this context the sale of products is made locally, in a specific region. The third category is the *Spatially extended short supply chain* – products are sold not only locally but in different regions as well. In these chains consumers are usually not aware of the origin of the product and the region where it is coming from.

Supplier evaluation

The assessment of supply chains and their participants requires an extended knowledge about their environmental performance and aspects. Therefore, the evaluation and careful selection of certain suppliers are in fact anything but easy. (Tuni and Rentizelas, 2018) It is crucial to choose the adequate indicators and attributes of the suppliers in order to acquire reliable data, which is used for the evaluation. Without proper information, distorted results can be the outcome of the process, which can lead to false conclusions. (Clauß and Tangpong, 2019) Organizations that are able to manage suppliers efficiently, can be successful in the long-term. Application of supplier evaluation form can act as a starting point for that. Each organization has to decide whether they apply supplier evaluation or not. If they do, it is needed to define the main evaluation criteria which have to be in harmony with the organization's strategy. (Disselkamp, 2004) The supplier selection is a complicated process, which includes certain unpredictable factors, that may affect the outcome of the procedure. (Bilişik et al., 2012) The evaluation can improve the efficiency and performance of the supply chain, and can help the different participants improve the profitability and competitiveness. (Ashtarinezhad et al., 2018; Horváth et al., 2019b) The main factor of supplier relationships is the accurate and purposeful evaluation of suppliers. The aims of the application of supplier evaluation forms are the selection of the best supplier possible, the enhancement of suppliers' performance and controlling the relationship with suppliers (Vörösmarty and Tátrai, 2010). The purchase of local products should be supported, for which supplier evaluation can act as a basis, like advertisements or the application of local money as well. (Juhász and Varga, 2018)

Types of supplier evaluation forms

Szegedi and Prezenszki (2005) differentiate three distinct categories. The simple, categorical method is the simplest of them. The organization defines evaluation criteria to which the values are assigned. Usually, 3-7 value categories are applied in practice, in order to keep the

method simple. On the other hand, there is no numerical data involved supporting the details, therefore categories should be regularly supervised to minimize subjectivity (Szegedi and Prezenszki, 2005). Figure 1 is an example for the simple, categorical method.

Figure 1: Sample for simple, categorical supplier evaluation

Supplier Evaluation Form			
Name of supplier:			
Address of supplier:			
Code of supplier:			
Phone number:			
Date of supply:			
Name of supplied product:			
Number of products:			
Characteristics	Qualification		
	Low	Adequate	Excellent
Price		X	
Number of defective products			X
Number of damaged products due to transportation		X	
Accurecy of transportation			X
Payment terms	X		
Safety of packaging		X	

(Source: Szegedi and Prezenszki, 2005, p.93)

The second method is the Cost-based supplier performance evaluation in which costs are represented and examined in the ratio of prime costs. Ratios are determined on the basis of different cost categories and the performance of suppliers is compared based on these ratios. This method is advantegous because suppliers can be easily compared. On the other hand it requires a huge amount of information and time. The third category is the Complex evaluation/assessment procedures, to which several methods belong to. The common characteristic is the use of numerical data. In general, weighted factors are ordered to the most basic elements of procurement. This method is relatively easy to understand, but it is quite time-consuming. (Szegedi and Prezenszki, 2005)

The case study of Gusto Delicate

This section contains the aim and the method of this study, the introduction of Gusto Delicate and the answers to the research questions.

Description and method of research

The main goal of this case study detailed below is to represent short supply chains from an intermediary's point of view. The characteristics of short supply chains and local products, the relationships between partners and supplier evaluation is discussed.

This study is an exploratory research, therefore there is no hypothesis.

The research questions are the following:

- What are the characteristics of short supply chains' local products from an intermediary's point of view?
- What are the characteristics of customer-supplier relationships in short supply chains?
- What are the characteristics of supplier evaluation in short supply chains?

The scientific relevance of this study is to draw particular attention to short supply chains, which significantly define the livelihood of local producers and customers as well. The aim is to represent the importance of effective short supply chains in local economies.

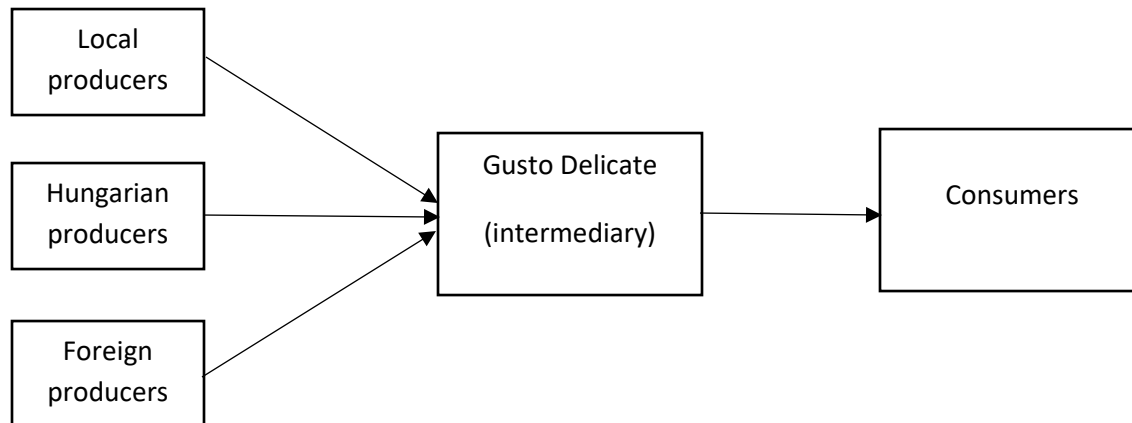
The intermediary of the case study is well-known in its region, it is important to represent a best practice from which other actors, especially intermediaries can collect ideas.

The Gusto Delicate and its short supply chain

Gusto Delicate (established in 2013) is a gastronomy shop and café selling premium quality products in Veszprém, Hungary. The mission of the organization is to popularize local products besides Hungarian and foreign ones. There is a wide range of products, approximately 3500 different ones such as beverages, chocolates, tea, coffee, pastas, jams and other specialities. The establishment of two other Gusto gastronomy shops in Tata and Győr reveals the successful operation of the brand.

Figure 2 represents the short supply chain of Gusto Delicate.

Figure 2: The short supply chain of Gusto Delicate



(Source: Own construction)

Supplier evaluation and customer-supplier relationship in case of Gusto

Gusto Delicate do not use formal, paper-based supplier evaluation form. Therefore, verbal communication and constant feedback between partners is of high importance. Emphasis is on mutual cooperation, because a successful partnership can provide several advantages for both sides. Local producers can target consumers through the intermediary, while Gusto can make a living by selling a huge number of products. The owner of Gusto Delicate defines some factors which have to be fulfilled by suppliers in case of a partnership. The organization finds it extremely important to constantly communicate with consumers, in order to get to know their opinions. Lesser known products have to be familiarized with consumers, for which the shop has a well-established strategy. This means a joint product display in cooperation with local producers in Gusto Delicate. This gives an opportunity for producers to present their products directly to consumers, which means personal contact. Customers can taste and share their opinions about the products. Certain products do not sell as well they should; in this case Gusto tries to find out the cause and solve the problem jointly with the producer. The above mentioned joint activities indicate that Gusto Delicate tries to maintain a mutually beneficial relationship with suppliers based on mutual trust and cooperation. The detailed description of the most important factors which have to be fulfilled by suppliers are detailed below.

1.Quality: It is one of the basic factors, because Gusto Delicate only merchandises premium quality goods, therefore outstanding and constant quality has to be ensured. Consumers are questioned about their opinion on quality, and standards are based on those.

2.Price: Gusto Delicate applies markup pricing. It is hard to find a price which is accepted by the producer and is profitable for Gusto as well. At the beginning some producers set their prices too high, the same on which they sell their products to final consumers.

3.Packaging: Packaging has to protect the product and the environment as well. Besides that the logistical and the marketing function is of high importance too. In the retail industry, the marketing function of packaging is outstanding. Consumers pick up on the product with the help of the package and the labels. Packages also inform consumers about product details. In some cases, Gusto Delicate gave advice to producers to change their package. For example there was a high quality and tasteful biscuit packed in a limp cellophane, which did not grab the attention of consumers. The sales manager of Gusto advised the local producer to redesign and change the packaging. The biscuits were packaged into a well-designed paper box, which resulted in the product selling five times as many as before. This example proves that cooperation between partners in short supply chains is beneficial for both sides, resulting in financial advantages.

4.Flexibility: Flexibility is important in case of quantity and transport as well. The suppliers of Gusto have to be able to react quickly to changing needs. Considering quantity, Gusto orders from suppliers based on demand. If certain products are sold in higher quantities, then they are ordered on a monthly basis, and are stored in Gusto's depot. During the holiday seasons (like Christmas or Easter), demand is naturally much higher. Due to some producers having smaller capacities, Gusto has to be flexible and order products in advance or help producers with transport.

5.Transport factors: The most basic factor of transport is reliability. Reliability means keeping the promises, such as on-time delivery in the right quality. Suppliers have to meet these requirements in order to maintain a partnership with Gusto. From some suppliers, who have a limited capacity for transport, the shop collects the products. Their suppliers meet these requirements.

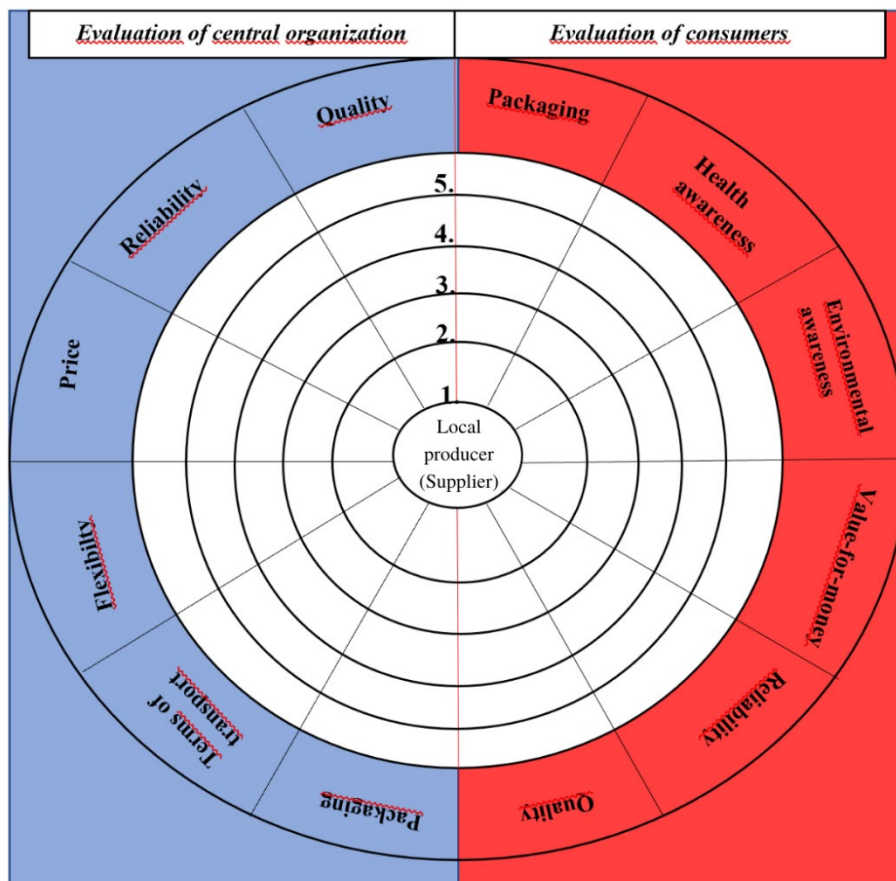
Gusto Delicate is in cooperation with approximately 200 different suppliers including approximately 50 local producers in the region. The relationships with suppliers are characterized by trust and tight cooperation. Constant verbal communication and feedback resulted in well-working partnerships. Gusto Delicate has to deal with several suppliers, therefore the application

of formal supplier evaluation forms could be useful. The owner is open to the idea of testing a written supplier evaluation form.

Suggestions

The scientific literature suggests the application of supplier evaluation form. In the Gusto Delicate case study, feedback is made through verbal communication. However, the sales manager thinks it may be useful to apply a written evaluation form as well. Therefore, the authors created an innovative supplier evaluation form, which can be beneficial for all supply chain members. In the centre of the *Double Evaluation Platform* is the supplier who is evaluated from two 'aspects'. On the left side, the evaluation of the central organization is presented, while on the opposite side the consumers' evaluation can be seen.

Figure 3: The Double Evaluation Platform



(Source: Own construction)

The main advantage of the model is that two evaluations can be seen on the same platform. Both the producers and the central organization aim to satisfy consumer needs at the highest level possible, that is why consumer evaluation is just as important as supplier evaluation. In case of Gusto Delicate the left side of the model is filled in by the organization. The collection of consumers' opinions can be made for example at the joint product displays by questionnaires. By totalizing the consumer opinions, the right side of the model can be filled in.

The application of the model is beneficial for the central organization, because it can compare its ratings with consumers' evaluation. Furthermore, the relationship with customers can be improved while collecting opinions. For suppliers it is advantageous because they receive two different evaluations at the same time, thus the strengths and weaknesses can be seen. Suppliers can develop their activities based on the evaluations. With respect to consumers, their needs can be fulfilled better thanks to the application of the model.

The method of the model is based on the simple categorical method in which the evaluation factors and value categories have to be defined. Usually 5-10 evaluation factors and 3-7 value categories are common. The evaluation factors and value categories of Figure 3 is an example, the organization can form it according to their strategy. According to the example, 1 is for weak performance, 2 is acceptable, 3 means convenient, 4 is good and 5 is for excellent. When defining the evaluation factors on the consumers' side, the central organization and the suppliers should interact.

The selected value category is marked by X in the model in each evaluation factor. In the right side of the model, the aggregated value of consumers' opinions is represented. After the central organization and the consumers have assessed the evaluation factors, the weakness and strength of the supplier becomes visible.

Conclusion

Summarizing the case study, it can be stated that customer-supplier relationships in short supply chains are characterized by the collaborative model. It is proved by the case study that joint activities and co-working can be beneficial and profitable for both sides. In the short supply chains of local products, verbal supplier evaluation is widespread. However in case of intermediaries cooperating with several suppliers, it is advisable to apply a formal supplier evaluation form.

Therefore the so-called Double Evaluation Platform was created by the authors to support the work of intermediaries.

In the center of the Double Evaluation Platform is the supplier who is evaluated from two 'aspects'. On the left side, the evaluation of the central organization is presented, while on the opposite side the consumers' evaluation can be seen. The conclusions are primarily based on the relevant scientific literature and the findings of the case study performed. Therefore, further research is planned to gain a broader insight into this topic. The future plan is to conduct a research with many intermediaries in order to get not only qualitative, but quantitative results as well. In addition, the testing of the Double Evaluation Platform in practical life is on the list as well.

Author contribution

Dr. Beáta Sz.G. PATÓ: Exploring the literature sources relevant to the research topic, conducting library research work for this; identification of topic-specific, relevant literature and processing of some literature sources - in the topic Short supply chains; Abstract; Introduction.

Dr. Ágnes Csiszárík-Kocsir: Exploring the literature sources relevant to the research topic, conducting library research work for this; identification of topic-specific, relevant literature and processing of some literature sources - in the topic Local products and Supplier evaluation.

Dr. Imre VARGA: Critical collision of the literature, collaboration of the processed literature into a coherent whole, finalization of the literature review.

Márk, HERCZEG and Ákos DOMINEK: Developing a list of structured questions in line with the research plan, identifying and designating the interviewee based on social capital, according to the research focus, and contact the interviewee, conducting the interview, recording information, preparing the case study with Gusto Delicate interviewee

Bálint, PATÓ and Fanni, KISS: Compilation of a draft case study and then writing of the case study based on the information gathered and recorded from the interviewee Gusto Delicate; Creation of The Double Evaluation Platform model, elaboration its conceptual scheme and the physical design and practical testing of the model; Conclusion

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THE PANDEMIC OF COVID-19 - A CATALYST FOR CHANGES IN THE COUNTRIES OF EAST CENTRAL EUROPE

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Abstract: *The pandemic of Covid-19 has been an unprecedented challenge to the majority of countries in the world. This article examines whether COVID-19 has strengthened or weakened the previously chosen path of development in four countries in Central and Eastern Europe - Slovakia, the Czech Republic, Hungary, Ukraine, and Moldova. The selected countries represent different transformation paths taken after the collapse of communism and allow for showing various reactions of governments to the Covid- 19 crisis. Therefore, we analyze the pandemic's effect on three major components of the developmental process – political, social, and economic and check whether COVID-19 has caused any changes in these three spheres. Also, we scrutinized the scope of the measures implemented by governments and their impact on their development paths. We found that while in the Czech Republic and Slovakia, the liberal democracy model has not been questioned, in Hungary, the earlier tendencies of backsliding from democracy have deepened. In the countries which are in the process of democracy-building – Moldova and Ukraine – the pandemic has not significantly affected the intensity of violating its principles, as they are still weakly established. Thus, the analysis of the first wave of the Covid -19 pandemic showed that it was not a catalyst for the change but tended to deepen and strengthen trends that existed before.*

Keywords: Covid-19, East Central Europe, development path, trust in government, democracy.

Introduction

The Post-Soviet region has been undergoing intense transformations since the 1990s. The changes included the abandoning of so-called real socialism/people's democracy states, with their centrally steered and planned economies. The countries of East Central Europe immediately declared their intent to "return to Europe" – which posed a daunting dual task for those which endeavoured to undertake the journey: the transformation of both the political and economic systems (Wagener, 2001, p.10). Thus, liberal democracies and free market economies were chosen

as the ultimate goal of the implemented changes. Opinions on the nature of those changes varied. While most academics saw them as modernization, at the same time one could hear experts claiming that they were only imitational changes, consisting in copying solutions and creating falsifications of Western European solutions. As Stark and Bruszt argue “neo-liberalism sees blueprints for the imitation of market institutions as the road to progress” but the communist past can be a burden to marketization and democratization (Stark, Bruszt, 1998 p. 5). Therefore, the institutional contexts and identities of political actors are important factors in transition. However, the argument can be heard that the transformation process did not concentrate sufficiently on social solidarity, democratic participation, public benefit or respect for individuals and their rights, and that the focus was on the impressive facade, not on the supporting structure (Krasnodębski, 2005). Thus, it is justifiable to examine the effect of a global crisis – such as the COVID-19 pandemic – on the development model adopted in the region. If the thesis regarding the superficiality of the transformation changes is true, the shock caused by the epidemic would have to be noticeable. In this article we argue that the pandemic caused by Covid-19 has become a decisive moment in the development model in East Central European countries. The economic effects may give rise to a political crisis, which may be the origin of a profound transformation of the national political system (Kriesi, Hutter, 2019).

In this paper we will examine whether COVID-19 has strengthened or weakened the previously-chosen path of development in some countries of the region. Therefore, we will analyse the effect of the pandemic on three major components of the process – political, social and economic – and we will check whether COVID-19 has caused any changes in these three spheres. Furthermore we will analyse the scope of the measures implemented by governments and their impact on their development paths. The cases which will be analysed and compared belong to the broadly-defined former communist countries¹ – Slovakia, the Czech Republic, Hungary, Ukraine and Moldova. Each of the selected countries adopted a different transformation path and for years remained a transformation leader in their categories: the Czech Republic and Hungary in the post-communist area, and Moldova and Ukraine in the Post-USSR area. Slovakia, on the other hand,

¹ They include both former Soviet republics – Ukraine and Moldova, and selected countries that historically belonged to the so-called ‘Socialist states in the Soviet sphere’ – Czechoslovakia (and after its break-up – the Czech Republic and Slovakia) and Hungary (Marciniak, 2004)

after the period of Mečiar rule in the 1990s – described as a “democratic dictatorship” – joined the leaders’ group in 1998.

Therefore, in the first part of this paper we reconstruct the approaches to development models in Central Eastern Europe and single out their components. Next we analyse the trajectories of transformation in the political, social and economic spheres and the measures introduced by the governments to mitigate the impact of the COVID-19 pandemic. This will allow us to assess the potential changes that may occur (or be occurring) as an effect of the crises.

Development model in Central Eastern Europe

As Claus Offe noted, in the 1960s and 1970s it was assumed (under the convergence theories) that the communist and the capitalist regions will come nearer to each other. i.e. that we would witness an assimilation of these different forms. Over time it became more likely that the East, as a result of its many years of mistakes and negligence “would collapse” (the spilled oil approach) and would join the Western world (Offe, 1997). The process of transforming the post-communist area and the accompanying challenges concerning the development of democracy became apparent, and the question became the extent of deep changes required. Three levels of the state organization required reforms: it was necessary to create a constitutional framework (requiring changes at the political and social level); and to rebuild the economy by moving from a centrally-planned economy to free market one. For some countries, as in the case of Ukraine and Moldova, it was also necessary to define the borders of the countries. Therefore, these countries faced the challenges associated with the simultaneousness of the changes (the co-called ‘triple transition’).

Most of the literature on the determinants of the type of political regime and necessary regime changes focused on broad structural factors that were thought to be conducive to either authoritarianism or democracy. The most widely studied factors of these were a series of socioeconomic conditions linked to economic development or modernization, including the level of per capita income, literacy and education, but also urbanization. According to classic modernization theory, low levels of these factors are conducive to authoritarianism, and higher levels are conducive to democracy. Because they are closely related to the level of economic development, countries are supposed to undergo a gradual, inexorable transition from authoritarianism to democracy as their economies develop (Deutsch, 1961; Burkhart and Lewis-

Beck 1994). Table 1 presents the issues connected with the broadly-described development model, which most frequently appeared in the democratization and transition literature and which seem to be the most sensitive to change during the crisis.

Table 1. The analysed development model of East-Central European countries

	Development model	
Political and constitutional	Social	Economic
social control of the political process free elections civil liberties and electoral rights protection of freedom of speech and freedom of the press	social participation/civic engagement public trust - trust in government social capital	free market increase of the GDP privatised and private property protection

Based on: R. Dahl, *Polyarchy: Participation and opposition*, Yale University Press 1973; R. Putnam, *Bowling alone: America's declining social capital*, Culture and politics, Springer 2000; C. Offe, *Varieties of Transition: The East European and East German Experience*, MIT Press 1997; A. Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ; P. Sztompka, *Zaufanie: fundament społeczeństwa*, Wydawnictwo Znak, Kraków 2007; K. Skarżyńska, *Aktywność i bierność polityczna*, [in:] K. Skarżyńska (ed.), *Psychologia polityczna*, Zys i S-ka, Poznań 1999; T. Skocpol, M. P. Fiorina, *Civic Engagement in American Democracy*, Brookings Institution Press 2004.

As far as the model of governing is concerned, the liberal democracy path was the preferred one. Frameworks were established for free economic trade, leaving social issues and stimulation for development of a civic society for some future time. As a result, institutions of the state – its most important part – were indeed established and functioned well, but on the lower levels old

practices and habits from the communist period prevailed (Wołek, 2012 p. 83). Yet, contrary to common expectations they did not embrace pro-democracy and pro-market values, but were subjected to the pressure of old practices and habits from the period of democratic centralism and state monopoly of the communist era. This was a hybrid system which can be assessed by using democracy indices.

Table 2. Freedom in the World 1990-2019 ²

Year		Czech Republic	Slovakia	Hungary	Moldova	Ukraine
1990	Political Rights	6	6	4	Part of Union of Soviet Socialist Republics 6	Part of Union of Soviet Socialist Republics 6
	Civil Liberties:	6	6	3	5	5
	Status	not free	not free	partly free	not free	not free
1995*	Political Rights	1	2	1	4	3
	Civil Liberties:	2	3	2	4	4
	Status	free	free	free	partly free	partly free

² Key:

Democracy Score

Democracy Percentage

Old Scale

CD = Consolidated Democracy	5.01-7.00	100 - 66.68	1.00-2.99
SCD = Semiconsolidated Democracy	4.01-5.00	66.67 - 50.01	3.00-3.99
T/H = Transitional / Hybrid Regime	3.01-4.00	50.00 - 33.34	4.00-4.99
SCA = Semiconsolidated Authoritarian Regime	2.01-3.00	33.33 - 16.68	5.00-5.99
CA = Consolidated Authoritarian Regime	1.00-2.00	16.67 - 0.00	6.00-7.00

2000	Political Rights	1	1	1	6	4
	Civil Liberties:	1	2	2	6	4
	Status	free	free	free	not free	partly free
2005	Political Rights	1	1	1	3	4
	Civil Liberties:	1	1	1	4	3
	Status	free	free	free	partly free	partly free
2010	Political Rights	1	1	1	3	3
	Civil Liberties:	1	1	1	3	3
	Status	free	free	free	partly free	partly free
2015	Political Rights	1	1	2	3	3
	Civil Liberties:	1	1	2	3	3
	Status	free	free	free	partly free	partly free
2019	Political Rights	1	1	3	3	3
	Civil Liberties:	1	2	3	4	4
	Status	free	free	partly free	partly free	partly free

Sources: https://freedomhouse.org/sites/default/files/2020-02/Freedom_in_the_World_1989-1990_complete_book.pdf; <https://freedomhouse.org/report/nations-transit> [Accessed 19 July 2020]

*in 1996 and 1997 Slovakia: Political Rights- 2, Civil Liberties- 4, status: partly free

One may mention here the Freedom House (FH) index, in which the Czech Republic, Slovakia and Hungary had been shown as being at the forefront of changes for years (Table 2) (Nations in Transit 1990-2019). Therefore, we singled out the elements of the development model (Table 1) which are also taken into account in the measure of democracy quality in the FH index. This allows us to show different stages of transformation before the pandemic erupted.

In analysing the place of the examined countries in terms of the ranking of their democratic liberties (Freedom in the World), we can observe three paths of democratization. The Czech Republic and Slovakia belong to the category of free or consolidated democracies, while two countries that once belonged to the Union of Soviet Socialist Republics (USSR) – Ukraine and Moldova – are still described as partly free or hybrid regimes. Hungary has the most interesting experiences in building democracy. Over the course of the last 10 years, it lost the status of transition leader and fell in many democracy rankings. At the beginning of transition, in 1990, Hungary was the only country in the East Central European region described as partly free, as opposed to other countries which belonged to the not free category. Considering the observed decline, it is important to check how the pandemic has affected democratic liberties in the region.

Social participation is an important indicator of democratization potential in East Central Europe. It is also closely connected with the issue of trust and social capital in post-communist societies, both of which are rather low. Trust is the foundation upon which the legitimacy of public institutions is built and is crucial for maintaining social cohesion (Letki, 2004). Maintaining a robust civic sphere of numerous associations and activities is invaluable and contributes to the quality of democracy. However, the civil society in East Central Europe has been regarded as weak and not particularly engaged in social activities. Marc Howard has pointed out three major factors as responsible for the weak level of civic engagement in the post-communist democracies: the legacy of the communist mandatory membership of state-controlled organizations; the persistence of private networks of family and friends; and the overall disappointment with the democratic transformation after the collapse of communism (Howard, 2003). These factors were significant in the initial stage of transformation, but later they evolved. Yet even some decades after the transition, political trust levels remain very low (Dimitrova-Grajzl, Simon, 2010). People are less likely to engage in institutionalised political actions – contacting a politician, working for a political party or organisation – or via non-institutionalised routes such as signing a petition or

joining a demonstration (European Social Survey, 2013). Public trust is important in democracies as it leads to greater compliance with regulations and is also necessary to increase market freedom. If we look at the trust in the government in Czech, Hungary and Slovakia we can see that it is below 50% and also below the EU average. The development of trust in the analysed societies still requires social and institutional changes. It can be, at least partly, facilitated by successful political and economic reforms that lead to democratic consolidation and economic growth, which have so far been lacking in Ukraine and Moldova. Both these Post-USSR countries have still not reached the endpoint of becoming democratic countries (see Table 2).

Table 2. Trust in governments in 2018 and 2020* (during the pandemic)

Country	2018	2020
Czech Republic	46.51%	52%**
Hungary	46.70%	43,4%
Slovakia	48.97%	63,6%
Moldova	26.47%	no data***
Ukraine	10.95%	9%

Source: <https://ourworldindata.org>; <https://news.gallup.com/poll/247976/world-low-ukrainians-confident-government.aspx>; https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2020/public_opinion_in_the_eu_in_time_of_coronavirus_crisis/excel-data/covid-19-online-survey_excel.zip [Accessed 12 August 2020]

* In case of data concerning trust it is impossible to present analogical time periods to present the values for all states – there is a lack of research that would make it possible to compare such data.

**In case of the Czech Republic, Hungary and Slovakia the questions in the survey refer to the overall support for government and reflect the answers summed up as ‘totally support’ and ‘tend to support’.

***Moldova held parliamentary election in February 2020. In March there was an additional government reshuffle

Also, when we look at participation in voluntary associations important for building social capital, even in comparison with other post-authoritarian states in Southern Europe and Latin America, Central Eastern Europe stands out with its “distinctly lower” figures. The OECD report shows that participation in voluntary organizations was lowest in case of Hungary and Slovakia (below 10%)³.

When we analyse the last issue – economic transformation – in the 1990s the choice of the free market economy was obvious. Governments often followed the recommendations of the International Monetary Fund and the World Bank in order to forget the omnipotent communist state and to choose a state playing a minimal role in the economy. Neo-liberalism won the battle, as no attempts were made at creating one’s own version of a strong state supporting economic development (Amsden, Kochanowicz, Taylor, 1994, pp. 17-51, 191-199).

Regardless of the evaluation of this choice, i.e. whether it was determined by the wish to join the dominant economic model or whether it was only an imitation, we should take a closer look at its economic parameters.

Table 3. GDP growth in the analysed countries

Year	Czech Republic	Slovakia	Hungary	Moldova	Ukraine
1990	0.1%	6.2% (1994)	-3.5%	-17.5% (1991)	-9.7% (1992)
1995	4.5% (1996)	7.9%	2.5%	-1.4%	-12.1%
2000	4.3%	1.2%	4.5%	2.1%	5.9%
2005	6.5%	6.6%	4.2%	7.5%	3.1%
2010	2.3%	5.7%	0.7%	7.1%	4.1%
2015	5.3%	4.8%	3.8%	-0.3%	-9.8%
2019	2.6%	2.3%	4.9%	3.6%	3.2%

Source: <https://www.imf.org/en/Countries> [Accessed 28 July 2020]

³ The question was whether respondents volunteered to work for any organization in the last year - <https://www.oecd.org/social/family/CO4.1-Participation-voluntary-work.pdf>. The report of OECD - Social Policy Division - Directorate of Employment, Labour and Social Affairs just included the Czech Republic, Slovakia and Hungary, so we cannot determine whether it was the lowest among the five analysed countries.

Table 3 shows the IMF information on GDP growth since 1990, and in order to see the trends better, only the values every five years are shown⁴. Following the initial transformation shock, in which all the analysed countries experienced a GDP decline, in the 1990s their economies recovered. While in the Czech Republic, Slovakia and Hungary we could observe an increase of GDP in the mid-1990s, Moldova and Ukraine lag behind in this process by approximately five years. In addition, the 2007-2009 economic crisis, which started with the collapse of the markets in the USA, brought massive damages to the Post-Soviet countries. In Ukraine, the 2013 political crisis and subsequent Euromaidan ‘revolution’, combined with the conflict in Donbas, which started in 2014, has further drained the state’s financial resources. It was only in recent years that some economic revival has been observed (Iwański, 2017). Moldova had problems with implementing the needed reforms and therefore did not receive the aid expected from international financial organizations, important for its economy to survive. This has resulted in further economic regress in this small country, which relies very much on external funds (Całus, 2016).

The pandemic and the development model – the empirical evidence

Politics

While Democracies have reacted to the pandemic in various ways, nevertheless in all the analysed countries states of emergency were implemented, which included, among others, the temporary limitation of civil rights and undermining the principles of democratic governance. Freedom of association, freedom of speech and movement, or the right to equal education were suspended for the sake of national security. However, they should be used only in extraordinary circumstances, which are clearly defined in the legal assumptions of the country (Gebethner, 1982).

Following the Varieties of Democracy (V-Dem, 2020) projects, we can distinguish six types of violations of democratic standards implemented as emergency measures during the Covid-19 pandemic. V-Dem data has shown that three of them in particular – restrictions on media freedom; discriminatory measures; and disproportionate limitations on the role of the legislature – have been most often violated in the analysed countries (see Table 4).

⁴ Admittedly, we were not always able to show full data for the selected years – this, however, is not of major significance, as our main goal was to show trends.

Table 4. Pandemic Democratic Violations (based on V-Dem six indicators)

	Indicators	Czech Republic	Slovakia	Hungary	Moldova	Ukraine
	time of emergency response	2020-03-12- 2020-05-17	2020-03-16 2020-06-13	2020-03-11- 2020-06-17	2020-03-17- 2020-05-15	2020-03-25 2020-04-24
1	No time limit on emergency measures	no violation	no violation	minor violation	no violation	no violation
2	Discriminatory measures	no violation	major violation	no violation	no violation	no violation
3	De-jure violation of non-derogable rights from the ICCPR*	no violation	no violation	no violation	no violation	no violation
4	Restrictions on media freedom**	minor violation	no violation	major violation	major violation	major violation
5	Disproportionate limitations on the role of the legislature	no violation	no violation	Some violation	no violation	no violation
6	Abusive enforcement	no violation	no violation	no violation	no violation	no violation

*International Covenant on Civil and Political Rights

** information on media censorship in 2019 from the V-Dem data set in order to account for structural limitations of media freedom.

Restrictions on media freedom

One disturbance in Pandemic Democratic Violations concerns limitations on access to information. There are a few isolated reports of the governments or government officials limiting media access to Covid-19-related information, but these were not systematic or ongoing.

In the Czech Republic, journalists were initially not allowed to be present at press conferences based on public health grounds, except for public media and two private TV stations. Later on journalists were allowed to participate in press conferences remotely through video conferencing (RSF, 2020).

In Hungary, the emergency measures have put strict *de-jure* limitations on how the media could report on Covid-19. These provisions are not limited to stopping the spread of disinformation on Covid-19, but include any reporting on Covid-19, such as the prevalence of the virus and the

government response. According to the Coronavirus Protection Act, spreading misinformation can be punishable with up to 5-year jail sentence.

In Moldova, the emergency measures *de-jure* allow the government to put some limitations on how the media can report on Covid-19. These provisions are explicitly limited to stopping disinformation on Covid-19, such as closing news websites that misreport on the origins or how the disease spreads. In Moldova media outlets are obliged to only use information on Covid-19 from the competent public authorities, in order to limit disinformation. In Ukraine, there were a few incidents which contained a limitation on media freedom. For example, the police aggressively pushed and broke the camera equipment of a journalist reporting on anti-lockdown protests on 29 April 2020. In other place, journalists had to leave a council meeting on 18 March (on the topic of the local budget) based on public health grounds (ICNL, 2020; The Audiovisual Council of the Republic of Moldova, 2020).

Discriminatory measures

The emergency measures have affected some groups' democratic rights and freedoms disproportionately. Democratic rights and freedoms are defined as freedom of movement, assembly, association, and expression. Infringements include, for instance, quarantines for specific social groups without an explicit virologic basis. In Slovakia, mandatory targeted testing and quarantines were introduced by government resolution for the Roma communities. Five Roma settlements were placed under quarantine by the military, despite a lower infection threshold for introducing a quarantine (1 percent) than established by government rules (10 percent) (Thoompail, 2020). Moreover, according to the available evidence the authorities did not put in place adequate provisions of food and medical supplies (Amnesty International, 2020).

Disproportionate limitations on the role of the legislature

The parliament has a key legislative role in a democratic state. This right can be passed on to the executive power only for the time specified in the constitution and in strict accordance with other legal provisions that may result from the constitution. The use of “rule by decree” introduced in Hungary enables the government to pass laws without the approval of the legislature. Therefore, the executive branch has the right to rule by decree on many issues, which may exceed actual

Covid-19 related issues due to the vague formulation in the emergency laws (IPU, 2020; Gall, 2020).

Social Trust

Public trust in the government's ability to manage the pandemic is crucial as it underpins public attitudes and behaviours during the time of pandemic. The success of governmental social control depends more on voluntary compliance than on government enforcement. We may wonder whether greater trust, apart from institutional solutions and economic activities, is a factor increasing the effectiveness of the fight against the pandemic. At the same time, we should also ask whether the actions of a government during the pandemic increased or decreased the level of trust. Most political systems in East Central Europe continue to be plagued by political instability and endemic levels of corruption (Tavits, 2008). In the communist times citizens of the analysed countries distrusted their non-democratic governments. However, in contemporary times it seems that trust no longer can be clearly broken down into regime types (Kleinfeld, 2020).

In a few cases, like in the Czech Republic and Slovakia, we could observe (Table 2) that trust in government increased during the pandemic. This is consistent with the trends that were visible also in many Western European countries, when at the outbreak of the pandemic there was a significant growth in the approval for government decisions. A decline of trust in the government was seen in Hungary and Ukraine, and in the latter case trust in those in power before Covid-19 was already one of the lowest in Europe (Bikus, 2020). In Hungary restrictive limitations were introduced and, most importantly, the prime minister's powers increased at the cost of the parliament for an indefinite period, which decreased public trust.

Just before the pandemic, Moldova held parliamentary elections and in March 2020 there were also some changes in the government. A similar governmental crisis was in place in Ukraine. The lack of political stability which characterizes Post-Soviet countries, often accompanied by a high level of corruption (Moldova occupies 120th place in the corruption perception index, while Ukraine is in 126th place⁵) is also reflected in democracy rankings. These two factors (lack of stability and corruption) might have contributed to the low level of trust enjoyed by incumbent

⁵ The ranking comprises 198 countries – 1st place means that corruption is the lowest. The higher the ranking, the more serious problems corruption poses, see <https://www.transparency.org/en/cpi/2019/results/ukr> [Accessed 12 July 2020]

government,⁶ and this explains the widely-varying evaluations of their actions during the pandemic.

As an analysis conducted by the European Social Survey suggests that lower participation rates in post-communist regimes can be explained by the political practices of those countries – such as a lack of good governance; continuing high levels of corruption; and relatively poor economic performance (European Social Survey, 2013). All of this can reduce trust and discourage people from engaging with politics. It suggests that citizens' engagement is likely to remain low unless future governments are able to improve their performance. During the pandemic in countries which had higher levels of trust in state institutions, governments could rely more on warnings, suggestions and regulations rather than on such severe measures as curfews or high fines (Walecka, Wojtas, 2020).

The Economy

If we want to check how the pandemic affected the free market economy model adopted in the analysed countries, we can only rely on forecasts, as up-to-date data is still unavailable

Table 6. The anticipated decline in GDP as a result of Covid-19

	Czech Republic	Slovakia	Hungary	Moldova	Ukraine
2019 GDP growth	2.6%	2.3%	4.9%	3.6%	3.2%
forecast	-6.5%	-6.2%	-3.1%	-3%	-7.7%
Difference between GDP growth in 2019 and forecasted decline	9.1%	8.5%	8.0%	6.6%	10.9%

Source: <https://www.imf.org/en/Countries> [Accessed 15 September 2020]

⁶ Seventy-eight percent of Moldovans believe that their country is governed in the interest of some people, and only 14% think that it is governed in interest of the majority of people. At the same time, the Church enjoys more trust from citizens in Moldova than any other body. The Orthodox Church in Moldova has denounced the potential use of a vaccine against COVID-19, calling it a satanic plan to microchip people, or introduce other foreign devices into the human body, see: <https://balkaninsight.com/2020/05/20/moldovan-church-denounces-covid-vaccine-as-anti-christian-plot/> [Accessed 15 July 2020]

As the forecasts on GDP changes show (Table 6), the countries of the region are faced with a projected large economic decline. The difference between the GDP growth last measured in 2019 and the forecasts of GDP decline in 2020 ranged from -6.6% in Moldova to -10.9% in Ukraine (Olchowski, 2020; Iwański, Matuszak, Żochowski, 2020)⁷. The governments reacted to this situation offering support for entrepreneurs, employees, or special packages for those working in the healthcare sector. The Czech Republic allocated the largest amount of financial means for such interventions – over 8 billion euro (Table 7), while Moldova – the poorest country – encountered the most acute problems. In analysing the nature of government aid we can notice that all countries, in spite of operating in the paradigm of a free market economy, took some actions in the spirit of social solidarity. It was presumed that a decline in the level of citizens' financial security would lead to social discontentment, which can be translated into declining support for incumbents. The common feature of the adopted aid measures was support for entrepreneurs and self-employed persons – exempting them from social insurance dues and some taxes so that they could survive the lockdown.

Table 7. Anti-crisis shields and their effect on the free market and ownership rights

	Fiscal solutions
Czech Republic	<ul style="list-style-type: none"> • fiscal package in the amount of CZK 233.7 billion (EUR 8.8 billion, 4.2% of GDP).; • payment of 80% of remuneration for employees in quarantine; • abolishing social insurance premiums paid by employers • lowering the VAT rate (from 15% to 10%) on selected services (accommodation, culture, sport); • paying 50% of the rent paid by entrepreneurs; • bonuses for social and healthcare service workers in the total amount of CZK 16.5 billion; • suspending the collection of income tax from individuals and corporations for the 2nd quarter of 2020.

⁷ In Moldova at the end of the first decade of 21st century money transfers from emigrants accounted for a third of the country's GDP. In Ukraine, transfers from emigrants are also an essential element of the whole GDP – in 2019, as bank transfers alone emigrants sent nearly USD 12 billion to Ukraine, which accounts for approximately 9% of its GDP.

Slovakia	<ul style="list-style-type: none"> • package for healthcare services – EUR 1.7 billion; • financial support for enterprises and self-employed persons; • increased unemployment benefits and sickness and care allowances; • postponement or resignation from collecting health and social insurance premiums for entrepreneurs;
Hungary	<ul style="list-style-type: none"> • aid package: HUF 245 billion (EUR 0.71 billion)+ (EUR 1.31 billion – HUF 450 billion for investments); • in sectors affected by covid-19 social insurance premiums were abolished and in other sectors – lowered until the 30th of June; • approximately 80 000 small and medium-sized enterprises (mainly in the service sector) were exempted from tax • the media received tax relief due to losses incurred in advertising revenue; • granting loans with paid interest and guarantees to Hungarian companies; • zero-interest loans to small and medium-sized enterprises
Moldova	<ul style="list-style-type: none"> • support for enterprises and households in a difficult situation, • widening unemployment benefits • tax relief for sectors affected by restrictions imposed by the government, • postponing payment of taxes until the middle of 2020
Ukraine	<ul style="list-style-type: none"> • UAH 64.669 billion (EUR 1.99 billion) for the pandemic fund; • resignation from property taxes, land taxes and penalty assessments as of March 2020; • 300% increase in salaries of medical staff working with Covid-19 patients and social insurance against illness • increasing retirement pensions; • medicines, medical and other equipment used in the fight against Covid-19 was exempted from custom duties and the VAT tax; • introducing price regulations for the quarantine period for 10 food products of social importance, 20 categories of individual protection and medicine products, and over 10 types of antiseptic products.

Sources: <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19>; <https://covidlawlab.org/> [Accessed 20 July 2020]

It is worth noting that in the Czech Republic and Ukraine healthcare sector workers and people involved in the fight with the pandemic received significant pay rises. One should also note

the clearly anti-free market solution adopted in Ukraine, namely the introduction of official prices for the quarantine period.

Discussion and conclusions

It is impossible at this time to unequivocally assess the responses to the pandemic and changes in the development model. The violations of democratic principles can be divided into two categories: those interfering with the rights and liberties of citizens, but not affecting the chosen development path; and those complementing the processes of building hybrid (non-democratic) regimes which were initiated before the pandemic. This means that while in the Czech Republic and Slovakia the liberal democracy model has not been questioned, in Hungary the earlier tendencies of backsliding from democracy have deepened. In the countries which are in the process of democracy-building – Moldova and Ukraine – the pandemic has not significantly affected the intensity of violating its principles, as they are still weakly established. Neither however, has it caused a reversal from the earlier development path.

If we look at the violations of media freedom it can be noted that the pandemic did not – except in the cases of Hungary and Slovakia – bring about a major change. Hungary has fallen from 84th to 89th place in the World Press Freedom Index, which means a decline in media freedom (World Press Freedom Index 2019, 2020), while Slovakia has improved its position during the pandemic by five places in the index. The second most frequent violation of democratic principles was the deterioration of the status of minorities and engaging in discriminatory actions against them. This has mainly concerned the Roma minority in Slovakia. Apart from the social changes, countries of the region have faced a huge economic decline (due to lockdown) and all governments have offered support for entrepreneurs, employees, and special packages for people working in the healthcare sector. The scale of government support in each case differs (see Table 7). The common feature of the state intervention in the free market, puts some limits on economic freedom.

In countries with consolidated democracies, which according to Freedom House (Nation in Transit Project) included the Czech Republic and Slovakia in 2019, a slight decline was observed in 2020, whereas in hybrid regimes – Moldova and Ukraine – an equally minor improvement could be observed. However, in both cases this did not change the classification of these systems within their categories. Only Hungary – described as a “coronavirus autocracy” – witnessed a change in its classification. Starting from 2015 Hungary fell from the category of

consolidated democracies to semi-consolidated ones, and the pandemic brought with it further anti-democratic changes. So one can argue in this case that Covid-19 has strengthened the development path chosen by the Orban's government and allowed for further movement towards autocracy. Currently, Hungary is only three points away from Ukraine in the democracy ranking index. Ukraine has never been regarded in FH index as a partly consolidated democracy, and its highest place was 46th (in the years 2006-2008) (Nations in Transit, 2006-2008).

It thus seems that an analysis of the pandemic as a catalyst of non-democratic tendencies is not clear-cut. We need to bear in mind that we are relying on data generated during the crisis itself, and that we will be able to discern fundamental changes only after a certain period of time. It should also be noted that all analysed countries introduced states of emergency – which means that actions limiting the right to assemble or the right to free movement were imposed in accordance with the constitution.

Post-communist societies demonstrate a low level of trust in their governments' activities, and only in two cases – Slovakia and the Czech Republic – can we note some minor improvement. In other countries we have witnessed the decline of trust enjoyed by those in power as a result of the implementation of "covid laws".

To conclude, the Covid-19 pandemic has not been a catalyst for change in the development model of the analysed countries. It has only deepened/strengthened the changes and trends that existed before the crisis, not brought about any significant change, or in some cases just brought some corrections to the development path. In a similar way Ivan Krastev argues that the coronavirus pandemic might only strengthen some tendencies, but it is not a disruptive factor (Krastew, 2020), which in our analysis can be confirmed in the case of Hungary. The other analysed states remain on the development paths they had chosen before the pandemic. Obviously, due to the timing of the publication of this paper – the pandemic is still going strong – we cannot draw firm conclusions concerning future changes to the development models.

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