The Rule-of-Law Reports Embedded in Political Conditions

The Impact of Domestic Politics on the Effectiveness of Rule-of-Law Monitoring

Gulay Icoz

27.01.2026 doi: 10.59704/4e8b520a6f572480

While the European Union is navigating both external geopolitical instability and internal challenges to constitutional norms, the question of how the Union protects the rule of law has become newly urgent. These pressures have made the annual Rule of Law Reports more politically consequential than ever – yet their impact still depends on the domestic conditions into which they are released.

Since 2020, the European Commission's annual Rule of Law Reports have become a central component of the EU's constitutional architecture, offering a systematic account of democratic resilience and institutional vulnerability across the Union. Yet the persistence of the rule of law crisis reveals a deeper political reality: the effectiveness of the Reports depends less on their design than on the domestic political conditions in which they land. Where governments are committed to democratic standards, the Reports reinforce existing reform trajectories. Where illiberal incumbents remain entrenched, they are easily deflected, reframed as external interference, or simply ignored.

This dynamic reflects a broader tension at the heart of the EU's constitutional order. The Reports have strengthened monitoring, transparency, and peer learning, but they cannot overcome the political shield that electoral legitimacy provides to illiberal governments. When incumbents win repeatedly, they consolidate authority, entrench institutional capture, and weaken the EU's leverage. When they lose, even briefly, space opens for rapid – if fragile – realignment with EU standards.

The trajectories of Hungary, Poland, and Bulgaria illustrate this pattern. Hungary shows how uninterrupted incumbency produces stagnation despite conditionality. Poland demonstrates how electoral turnover can unlock long-blocked reforms. Bulgaria reveals how reform windows can open and close quickly depending on political alignment and constitutional constraints. These cases underscore a central insight: the Rule of Law Reports matter, but their impact is mediated entirely by domestic political will.

Advantages of the rule of law reports

Between 2020 and 2025, the reports demonstrated their value as a reform-driving mechanism. The introduction of country-specific recommendations in 2022 marked a turning point, generating high levels of follow-up and sustained engagement. By 2023, approximately 65% of recommendations had been acted upon; in 2024, that figure rose to 68%, with nearly 20% fully implemented and 50% showing tangible progress. The 2025 Report confirmed that 57% of recommendations issued in 2024 had been at least partially implemented. Taken together, more than two-thirds of recommendations across 2022–2024 were followed up, underscoring the reports' capacity to embed reform dynamics and encourage compliance.

Beyond aggregate implementation rates, the reports catalysed significant institutional reforms. Poland advanced its Action Plan on the Rule of Law, separating the offices of Minister of Justice and Prosecutor General – a reform that enabled closure of the Article 7(1) TEU procedure in 2024. Romania revised its Justice Laws to reinforce judicial independence, leading to the closure of the CVM in 2023. Even Hungary, often cited as a persistent case of backsliding, introduced reforms to strengthen the National

Judicial Council and enhance transparency in the Supreme Court (Kúria). Structural improvements were also visible elsewhere: Slovenia implemented measures to increase judicial remuneration (2025), Lithuania provided new resources for the Ombudsperson and justice system (2024), Croatia adopted lobbying legislation (2024), and Estonia reformed public consultation in lawmaking (2025).

Taken together, these developments show that the Rule of Law Reports function not only as a monitoring tool but also as a catalyst for reform, strengthening resilience against democratic erosion across the Union.

Uneven implementation

Yet the same reporting cycle also revealed how uneven progress remained across Member States. While many recommendations saw at least partial implementation, politically sensitive areas – such as high-level corruption enforcement, lobbying transparency, and the functioning of judicial councils – continued to lag. Bulgaria exemplified this pattern: early advances on judicial staffing and SJC reform were followed by stagnation, repeated "no progress" assessments on corruption track records, and setbacks triggered by constitutional rulings. Similar divergences appeared elsewhere, with some systems strengthening judicial independence and civic space while others saw persistent weaknesses or outright deterioration. The result was a fragmented landscape in which reform momentum coexisted with entrenched vulnerabilities, underscoring the limits of the mechanism when domestic political conditions are unfavourable.

When I look at the existing analyses of the EU's rule of law framework, I see that most explanations for uneven progress focus on the nature of the instrument, not the political conditions in which it operates. Scholars emphasise that the recommendations function as *soft law*, relying on persuasion rather than binding force. Civil-society assessments similarly highlight a widening gap between diagnosis and consequences, noting that systemic failures persist despite increasingly detailed reporting. Policy experts argue that the EU has generated "much movement, little change" because governments that lack political will face few real costs for ignoring recommendations. Even broader analyses of the rule of law crisis conclude that progress has been made, but remains fragile and inconsistent, particularly where domestic resistance is entrenched.

My argument: electoral turnover as the key to reform

What I am arguing goes beyond these accounts. My claim is that the decisive factor is not simply that the recommendations are non-binding, but that illiberal incumbents have no incentive to comply with them at all. In my view, the mechanism works when political conditions allow it to work. The following sections examine Poland, Hungary, and Bulgaria in turn, tracing how these dynamics play out in practice and illustrating the conditions under which EU rule of law recommendations are either resisted or meaningfully implemented.

In Poland, the change of government in December 2023 disrupted a period in which no progress had been made on key EU rule-of-law recommendations. Before the turnover, broad immunities for top executives, impunity clauses, weak asset-declaration rules, the lack of separation between the Minister of Justice and the Prosecutor General, limited follow-up to Supreme Audit Office findings, and a constrained civic space all remained unaddressed. The new administration launched an Action Plan on the Rule of Law, joined the European Public Prosecutor's Office, and began dismantling PiS-era structures, enabling the Commission to close the Article 7(1) TEU procedure in May 2024. Judicial independence indicators began to recover, with perceived independence among companies rising from 18% in 2021 to 22% in 2024, and civil society space upgraded from "obstructed" to "narrowed" in March 2025. Yet progress remains constrained by President Karol Nawrocki, aligned with PiS, who has repeatedly vetoed or referred judicial reforms to the Constitutional Tribunal, slowing attempts to restore judicial independence. Preventative anti-corruption measures also remain weak, with no progress on lobbying rules and only limited progress on asset declarations. Poland's rule-of-law crisis highlights how presidential veto power and

captured constitutional bodies can obstruct democratic restoration even after electoral turnover.

On the other hand, in Hungary, uninterrupted political continuity under Fidesz has entrenched stagnation and deterioration. Limited, conditionality-driven reforms – such as strengthening the National Judicial Council, reforming the Supreme Court, and establishing the Integrity Authority in 2022 – were insufficient. In December 2023, the Commission concluded that the situation had not been remedied, maintaining the suspension of EU funds. Crucially, Hungary has shown no progress in politically sensitive domains: it has repeatedly failed to establish a credible track record of investigating or prosecuting high-level corruption with the 2023, 2024, and 2025 Rule of Law Reports each recording "no progress" on this core recommendation. There have likewise been no lobbying or revolving-door reforms and no effective oversight of asset declarations. Media independence remains compromised, civic space has deteriorated under the Protection of National Sovereignty Act and emergency powers under the "state of danger" have been repeatedly extended until November 2025.

By contrast, in Bulgaria, the electoral turnover of 2021 created an unusually favourable political environment for rule-of-law reform. The succession of anti-corruption-oriented parties and the emergence of We Continue the Change generated a rare moment of political alignment around judicial reform, enabling progress that had long stalled under previous governments. This reformist atmosphere helped drive the closure of the Cooperation and Verification Mechanism in September 2023, after Bulgaria fulfilled all outstanding benchmarks. Parliament adopted a mechanism for the accountability of the Prosecutor General, advanced judicial staffing, and initiated a comprehensive constitutional reform in December 2023 aimed at restructuring the Supreme Judicial Council (SJC) and limiting prosecutorial power. Yet this momentum quickly faltered: in July 2024 the Constitutional Court annulled key elements of the reform, reinstating unresolved concerns about the SJC's composition and functioning. Subsequent years saw no further progress on ending long-term judicial secondments, no advancement on strengthening the Inspectorate to the SJC, and persistently low levels of perceived judicial independence. Anti-corruption reforms also stalled. Although the Anti-Corruption Commission was restructured in 2023, assessments continued to record no progress on establishing a track record of high-level corruption prosecutions, while integrity standards for top executive functions, lobbying regulation, and transparency in state advertising remained weak. Challenges in law-making quality, a narrowed civic space, and ongoing concerns about media independence and journalist safety further underscored the fragility of Bulgaria's reform trajectory.

Conclusions

I believe that the Rule of Law Reports have strengthened monitoring, transparency, and peer learning across the EU, becoming an integral component of the Union's rule of law toolbox for addressing backsliding and guiding non-compliant Member States back toward shared democratic standards. Yet the effectiveness of the Reports – measured through qualitative indicators such as how many of the Member State–specific recommendations are adopted and the degree of substantive progress made on them since recommendations were introduced in 2022 – remains uneven. While there is clear evidence that many governments take the recommendations seriously, with more than two-thirds of all recommendations issued between 2022 and 2024 receiving at least some follow-up, politically sensitive reforms often stall, and implementation gaps persist where domestic resistance is entrenched.

Thus, this pattern reinforces the central argument of this blog: the Rule of Law Reports work, but only when politics allows them to. Their impact is mediated not by the strength of the instrument itself, but by the political conditions into which they are released. Where governments are committed to democratic standards – or where electoral turnover disrupts illiberal incumbency – the Reports can catalyse rapid and meaningful reform. Where incumbents remain entrenched, the recommendations are easily deflected, reframed as interference, or ignored altogether. The

mechanism therefore succeeds not as an autonomous driver of compliance, but as a tool whose effectiveness depends on the presence of political will, institutional openness, and democratic competition. In this sense, the Reports illuminate the EU's rule of law landscape, but it is domestic politics that ultimately determines whether that light leads to change.

This reality becomes even more significant at a time when the EU is navigating both external instability and internal pressures on constitutional norms. The effectiveness of the Rule of Law Reports will continue to depend on whether domestic politics create space for reform or close it off.

ABOUT THE AUTHOR

Gulay Icoz

Dr Gulay Icoz is a Visiting Research Fellow in Law and Social Sciences at Middlesex University, London.Dr Gulay Icoz is a Visiting Research Fellow in Law and Social Sciences at Middlesex University, London.

SUGGESTED CITATION

Icoz, Gulay: The Rule-of-Law Reports Embedded in Political Conditions: The Impact of Domestic Politics on the Effectiveness of Rule-of-Law Monitoring, Verfassungsblog, 27.01.2026, doi: 10.59704/4e8b520a6f572480.

Licensed under CC BY-SA 4.0.

Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20260127-172235-0.