

Thesis Reviewer's Report

Student: Chidimma Irene Madu
 Title: Impact of Good Governance in EU Law
 Supervisor: JUDr. Jana Janderova, Ph.D.
 Reviewer: Ing. Solomon Gyamfi, Ph.D.
 Reviewer's job title: Assistant Professor

Assessment criteria

	excellent	very good	acceptable	unacceptable	N/A
Achievement of the aims of the thesis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Use of appropriate methods	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Depth of analysis (in relation to the topic)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Structure and extent of the thesis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Use of Czech and foreign sources (including references)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Formal aspects (text, diagrams, charts)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quality of language (style, grammar, terminology)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Usability of the results

	high	medium	low	N/A
In theory	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In practice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other comments

The thesis aims to investigate good governance principles' impact on the framework and application of EU law while focusing on the case of Hungary and Poland. The thesis provides a comprehensive analysis of how governance principles, such as accountability, transparency, the rule of law, and proportionality, influence EU institutions and the compliance of all member states with EU laws. A qualitative case study approach was used to assess the effectiveness of EU enforcement mechanisms. The thesis structure is coherent, with chapters carefully arranged in a manner that transitions systematically from theoretical underpinnings to empirical examination and culminates in the formulation of policy recommendations. A chapter was created for the background of the study even though written well; it does not follow conventional thesis structure of the faculty. This created the issue of wrongly misplacing the thesis outline. Section 1.7 should be part of the introduction.

The thesis adeptly situates its analysis within established theories of EU governance, including liberal intergovernmentalism, neofunctionalism, and constructivism. A comprehensive review of extant literature is

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provided, with a focus on gaps in the existing body of knowledge. These gaps include the limited empirical assessment of the Rule of Law Conditionality Regulation and the role of political bargaining in compliance. The discourse surrounding the evolution of good governance in EU treaties (e.g., Maastricht, Lisbon) is particularly robust, establishing a nexus between historical developments and contemporary challenges. The qualitative case study approach is an appropriate methodology for exploring complex governance dynamics.

The empirical analysis thoroughly documents Hungary's democratic erosion, including judicial reforms, media restrictions, and defiance of ECJ rulings. The analysis of the EU's financial sanctions and their limited impact is compelling. It also researched the post-2023 transition towards compliance of the new Polish government, though the thesis could benefit from further exploration of the challenges associated with reversing reforms implemented since the PiS party came to power. The contrast between Hungary's notable resistance and Poland's hesitant reform efforts underscores the pivotal role of domestic political will in shaping these trajectories. The incorporation of Slovakia as an emerging case enhances the study's relevance. Tables and figures, including governance indicators and frozen funds, serve to enhance clarity. The conclusion of the study effectively synthesizes the findings, reiterating the centrality of political will and the EU's enforcement dilemmas. The recommendations put forth are particularly actionable, with a call to abolish unanimity in Article 7 and direct funding to civil society being of particular note. However, the thesis could explicitly address the trade-offs between sovereignty and supranational oversight.

While the research is well-structured and theoretically grounded, there are some issues that need improvement to enhance the quality of the thesis and ensure a great contribution to the field of EU good governance research and the administrative practices of the EU, as well as compliance with governance standards across the Union.

Section 1.5, which focuses on the assumptions of the thesis, could be more critical, acknowledging potential biases in case selection, thus the research overemphasis on Hungary and Poland while neglecting other backsliding states like Slovakia until later in chapter 5 (section 5.5). The assumptions, while necessary, should be built on certain bases carefully curated from the review of literature to help the researcher discover relational causes and effects to entrench the belief of the researcher; this also applies to the selection of the key good governance principles used in the analysis of the thesis. What was the reasoning to select these four principles (rule of law, proportionality, transparency, and accountability) as the key principles and not the other eight principles? The section (1.4) on limitations briefly mentions data constraints but fails to fully discuss how these might affect the validity of the thesis findings. From the literature review section, a more robust integration of divergent viewpoints, exemplified by scholars who contend that EU governance mechanisms are inherently flawed rather than merely underutilized, would enhance the literature review. The section on literature gap identifies key gaps but does not explicitly link them to the thesis's methodological approach. A systematic discussion of data analysis techniques was omitted. No justification was provided for the analytical framework employed. While ethical considerations are mentioned, they are not completely examined; thus, the potential for bias in reports from other sources is briefly alluded to without any in-depth discussion of the credibility of the thesis findings.

A more critical examination of Poland's reforms is warranted. While the post-2023 shift is acknowledged, the thesis falls short of a comprehensive investigation into the enduring influence of PiS within the judiciary and media. Section 5.5 on Slovakia's emerging backsliding appears to be less developed compared to the sections on

Hungary and Poland. Likewise, section 5.6 (Future Risks) would have benefitted from a more comprehensive integration of external factors, such as the rise of populism and the geopolitical pressures emanating from Russia.

The recommendations are pragmatic; however, they lack discussion of political feasibility, such as the extreme resistance of illiberal states to reforming Article 7. Additionally, the recommendations could be prioritized, for example, by determining which reforms are most urgent. There has been a scarcity of discourse regarding alternative enforcement strategies, such as leveraging civil society and peer pressure. A more explicit address of the thesis' limitations would be beneficial; for example, the potential reliance on secondary data for Hungary and Poland could be highlighted. The selection of Hungary's persistent backsliding and Poland's partial reform offers a valuable comparative lens. Nevertheless, while the utilization of secondary sources and public documents is imperative, it may impede the depth of insights into domestic political processes. The incorporation of interviews with EU officials or civil society actors could have enhanced the empirical analysis. Moreover, the inclusion of Slovakia appears to be an afterthought, and Poland's post-2023 reforms may face more rigorous scrutiny. Generally, the formatting of the thesis fell short, with needless spaces in-between sections and captions of figures are not correctly done as well as poor figure quality. The recommendations made herein are grounded on the assumption of an existing EU consensus, a premise that may not be universally valid. Not all the recommended resources were used in the thesis. No references found for more than half of the references below in the main thesis.

Mendes, J. (2020). Good Administration in EU Law and the European Ombudsman. European Constitutional Law Review, 16(2), 245–272.

Hofmann, H. C. H., & Morini, A. (2020). Administrative Law and Policy of the European Union. Cambridge University Press, 19(3), 65-89.

Grzeszczak, R. (2017). The Concept and Practice of Good Governance in the European Union. Central European Public Administration Review, 15(2), 7-27.

Egeberg, M., & Trondal, J. (2015). Researching European Union Institutions: Progress and Problems. Journal of Common Market Studies, 53(1), 162–178.

De Schutter, O. (2017). Accountability in the EU's Economic Governance: An Assessment of the European Semester. European Law Journal, 23(4), 292–316.

Craig, P. (2018). EU Administrative Law: Principles, Rules, and Institutional Structures. Oxford Journal of Legal Studies, 38(2), 255–283.

Ultimately, the thesis makes a valuable contribution to the existing literature on EU governance, particularly in its criticism of enforcement mechanisms. However, a more profound methodological reflection and a broader array of case comparisons, such as the case of Romania in addition to the three cases analyzed, would serve to enhance its empirical validity. Although the recommendations are practical, they could benefit from a realistic assessment of EU political dynamics.

Questions and suggestions for the defence

1. How do your chosen theories__ liberal intergovernmentalism, neofunctionalism and constructivism explain the divergent responses of Hungary and Poland to EU governance enforcement?
2. There is tension between national sovereignty and supranational governance, particularly in cases like Poland's Constitutional Tribunal ruling against EU law primacy, how does your framework account for this?

3. The thesis relies heavily on secondary sources (EU reports, CJEU rulings). Would you consider primary data, such as interviews with policymakers or judges, to assess on-the-ground compliance challenges and could that have impacted your findings?
4. Slovakia is flagged as an emerging risk. What preventative measures could the EU take to avoid another Hungary or Poland scenario?
5. You propose amendment to the unanimity in Article 7 TEU. Wouldn't this require treaty change, which is politically unfeasible given member-state resistance, explain?

Overall evaluation

I **recommend** the thesis for defence.
The proposed grade for the thesis: D

In Pardubice on 21.5.2025

Signature