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The Italian political response to the EU's rule of law initiatives (2013-2023): How far-right parties have affected the national position

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Ai miei Genitori,

per aver creduto e coltivato insieme a me ogni mio sogno.

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Introduction

Since 2010, the European Union has had to deal with the rule of law crisis (Closa and Kochenov, 2016). The debate on how to respond to this crisis has been developed in the context of the reluctance of the Member States to see supranational institutions deal with core state powers. This has led to the struggle to find and apply supranational mechanisms to effectively safeguard common values at the EU level that Member States could accept. This resistance is particularly notable considering Article 4.2 of the Treaty on European Union (TEU). This Article enshrines the duty of the EU to respect the national identity of its Member States. According to Martinico (2021), Article 4.2 TEU has been exploited to question supranational loyalty by sovereigntists and populists, especially by Hungarian and Italian sovereigntists, who believe the EU is also the source of a dangerous homogenization that affects the traditional values and the national identity.

The central hypothesis of this thesis posits that the inclusion of right-wing parties in Italy's government influence the country's stance on EU's initiatives concerning the rule of law in the EU. By focusing on Italy as a case study, the research aims to examine the political responses that have taken place within the country addressing the rule of law interventions by the EU.

Italian right-wing movements, characterized by their strong emphasis on protecting national sovereignty and autonomy, have adopted an approach that tends to be cautious towards EU attempts to defend the rule of law (Zappettini and Bennett, 2022). From their perspective, these efforts are often perceived as an "invasion" or encroachment upon the core powers of the state. In the eyes of these movements, the defence of the rule of law is seen as an area where the EU seeks to exert influence and control over national governments. They prioritize the autonomy of the nation-state and argue for a limited EU role in matters traditionally seen as within the purview of national governments, including the interpretation and application of the rule of law.

To demonstrate the perception of right-wing parties on the EU's efforts to safeguard the rule of law, my analysis will encompass both national and European levels. At the national level, I will scrutinize the dynamics within the Italian Parliament. This examination will

involve studying the decisions and behaviours of individual political parties, as well as their perceptions of the EU's involvement in matters pertaining to core state authority. This comprehensive assessment will include an analysis of legislative choices, an exploration of parliamentary debates, and an in-depth understanding of the rationale underpinning various political positions. Simultaneously, at the European level, I will delve into the activities of Italian Members of the European Parliament (MEPs).

This analysis will encompass tracking voting patterns on pivotal rule-of-law issues, examining Italian political parties' debates on the rule of law, and closely analysing their public speeches and official statements. The interactions of Italian political parties with other national and European political groups, in particular the Italian right-wing parties' support to Orbán's government will be a crucial area of study. By examining these components, my aim is to gain valuable insights into the positions held by Italian political parties on matters pertaining the rule of law and their impact on EU policies. Complementing this analysis, I will incorporate data from the evolving Eurobarometer surveys, which delve into the sentiments and trust levels of the Italian populace with regard to the European Union. The communication and messaging strategies employed by right-wing parties in Italy are expected to have the potential to influence public perception and trust in the EU.

According to Mudde (2010), nationalism understood as the ideological mobilization of ethnic or national identity for political purposes, is an integral feature of right-wing political populism. Even if it is transforming from a rather radical form to a more moderate stand, it is still characteristic of the right-wing parties in Italy (Alekseenkova, 2022). In contrast, the center-left Partito Democratico (PD) has a long-standing commitment to European integration, a legacy that stretches back to its precursor parties (Conti, 2017). According to Conti's 2017 study, which examines the attitudes of Italian political elites toward the European Union, the Partito Democratico plays a pivotal role in fostering pro-European sentiment, reinforcing the foundational values that drive European integration.

The independent variable in this analysis is the intervention by the European Union aimed at defending the rule of law, which is a fundamental democratic principle and a founding pillar of the EU, embedded in Article 2 TEU (Hillion, 2016). Recognizing the significance of the rule of law in maintaining the integrity and stability of the Union, the EU has established

various mechanisms and initiatives to address and rectify challenges to this principle within its Member States (Coman, 2022).

The dependent variable in this study is Italy's response to the EU's attempts to defend the rule of law. The response is analysed considering the political parties that constitute the government at different times, from 2013 to the current government led by Giorgia Meloni.

Chapter 1 sets the stage by exploring the broader context of the rule of law challenges within the European Union. While Hungary and Poland have received significant attention for their rule of law crises, it is crucial to acknowledge that rule of law problems exist across Europe (Closa, Kochenov and Weiler, 2014). The chapter highlights different Member States' diverse issues and proposed solutions to address these challenges. It will also introduce the "Copenhagen dilemma," which raises a critical question regarding the authority of the European Commission to react when the rule of law is undermined within Member States (Reding, 2013). The former Vice-President of the European Commission, Viviane Reding, highlighted concerns about the perceived lack of instruments available to the EU for monitoring and ensuring the independence of the judiciary once a Member State joins the EU (Reding, 2013). To address the Copenhagen dilemma, the Union has developed a range of soft and hard tools to combat the rule of law backlashes that will be analysed in the first chapter.

The constitutional and judicial reforms undertaken in Poland and Hungary have revealed a paradox (Heidbreder, 2011). While the enlargement process empowered the Commission in its relations with candidate countries, its prerogatives concerning Member States' commitment to the rule of law following accession remain weak, with evident surveillance and enforcement problems (Müller, 2013). This discrepancy has raised important questions about the effectiveness of existing mechanisms, such as Article 7 TEU, which stipulates sanctions in cases of serious and persistent breaches of common values by Member States. As the "guardian of the Treaties," the European Commission is crucial in ensuring that European Union law is upheld by both EU institutions and Member States (Kochenov and Pech, 2016). The Commission's infringement powers, laid down in Articles 258-260 of the Treaty on the Functioning of the European Union (TFEU), empower the Commission to take legal action against Member States that fail to comply with their obligations under EU law. However, when it comes to analysing a Member State's compliance with the values of Article 2 Article 7, TEU provides a specific procedure to address such situations. Article 7 was

introduced into the TEU in 1999, before the big Eastward enlargement, to address more comprehensive and serious violations of EU values, including the rule of law, due to some alarming developments then occurring in certain countries, like Austria (Kochenov and Pech, 2016). Article 7 TEU allows for the possibility of suspending European Union membership rights (such as voting rights in the Council of the European Union) if a country seriously and persistently breaches the principles on which the EU is founded as defined in Article 2 of the Treaty on European Union (respect for human dignity, freedom, democracy, equality, the rule of law and respect for fundamental rights, including the rights of persons belonging to minorities). Nevertheless, that country's membership obligations remain binding. In accordance with Article 7, on the proposal of one-third of EU Member States, of the European Parliament or of the European Commission, the Council, acting by a majority of four-fifths of its members, having obtained the Parliament's consent, may determine that there is a clear risk of a serious breach of these fundamental principles by a Member State, and address appropriate recommendations to it (preventive mechanism, Article 7(1) TEU). Moreover, the European Council, acting by unanimity on a proposal by one-third of the Member States or by the Commission and after obtaining the consent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of the values referred to in Article 2, after inviting the Member State in question to submit its observations. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of the Treaties to the Member State in question (sanctioning mechanism, Article 7(2) TEU). However, this mechanism has never been used. Critics argue that sanctions may not be the most appropriate way to address such cases, as they isolate the offending Member State from the rest of the EU without necessarily offering a solution to prevent future breaches of common values (Kochenov and Pech, 2016). Moreover, the unanimity requirement for sanctioning a Member State and the four-fifths majority vote for the alert procedure make the practical implementation of Article 7 challenging at the EU level. Recognizing the limitations of existing mechanisms, EU institutional actors have called for new tools to safeguard common values at the supranational level. Since 2011, searching for new mechanisms has become an urgent issue within the EU (Batory, 2016). The need to address the Copenhagen dilemma and strengthen the EU's capacity to respond effectively to the rule of law challenges has gained prominence on the EU's agenda.

The final part of the chapter describes the instruments introduced at the EU level to overcome the difficulties of applying Article 7 TEU. It discusses the Rule of Law Framework proposed by the Commission in 2014. It establishes a dialogue between the Commission and the Member State concerned, consisting of three stages: assessment, recommendation, and follow-up (Kochenov and Pech, 2016). The chapter also introduces the EU Justice Scoreboard, an assessment tool that provides an overview of the situation of the justice system in all Member States. It discusses the importance of the Scoreboard in the European Semester, a process of policy coordination at the EU level, where the Commission provides recommendations on the justice system based on this assessment. I will describe Regulation 2020/2092, introduced in December 2020, which ensures that the EU can financially sanction breaches of the rule of law principles that affect or risk affecting the EU budget by Member States. The scope of the Regulation was disputed from the outset (Coman, 2022). Indeed, initially centered on the respect for the rule of law, this piece of legislation underwent a major shift, becoming a Regulation about the EU's budget, certainly with a connection to the rule of law, but focused above all on the sound management of the budget and its protection (Coman, 2022). Baraggia and Bonelli (2021) suggest that despite the eventual Regulation being less ambitious than what the Commission initially proposed, its establishment still represents a significant advancement in the EU's toolbox for fighting against rule of law backlashes within the Member States.

Overall, chapter 1 provides a comprehensive understanding of the challenges faced by the EU in addressing the rule of law crisis and the mechanisms and initiatives introduced to safeguard European common values. It sets the foundation for the subsequent chapters, focusing on Italy as a case study to analyse how the different governments perceived the introduction of these mechanisms and how the parties' ideology shaped the effectiveness of the EU's response to the rule of law crisis.

Chapter 2 of my thesis examines Italy's political landscape, with a particular emphasis on the perspectives that successive Italian governments have held towards the European Union. The objective of this chapter is to reveal the diverse ideological positions that form the bedrock of Italy's relationship with the European Union and its associated systems of governance. This chapter seeks to provide a robust understanding of the varying perceptions held by different Italian political parties towards the European Union. This foundational knowledge is instrumental, as it sets the groundwork for subsequent analyses in the thesis. In particular, it

illuminates why different political parties in Italy may respond in divergent ways to initiatives from the European Union, especially those associated with the rule of law.

The chapter delves into the shifting political landscape, starting with the center-left governments of Enrico Letta, Matteo Renzi, and Paolo Gentiloni. These administrations played a crucial role in defining Italy's relationship with the European Union and its approach to governance issues and the rule of law. The center-left governments that ruled Italy during the period under analysis were characterized by their alignment with pro-European sentiment and a general inclination towards closer integration within the European Union. Amidst the repercussions of the 2008 economic crisis and the migration crisis, these governments emphasized the importance of European cooperation and saw the EU as a platform for addressing common challenges and advancing shared values. They viewed the EU's initiatives to defend the rule of law as crucial for upholding democratic principles, ensuring judicial independence, and safeguarding the integrity of democratic institutions. Under the leadership of Enrico Letta, Matteo Renzi, and Paolo Gentiloni, Italy maintained a cooperative stance towards EU governance and actively participated in European decision-making processes. These governments recognized the need for stronger supranational mechanisms to monitor and address the rule of law issues within Member States, as they understood that the credibility and effectiveness of the European Union were closely tied to the adherence to democratic principles and the rule of law. During their respective tenures and as part of the opposition, the center-left parties demonstrated a commitment to enacting domestic reforms to improve the rule of law, combat corruption, and strengthen democratic institutions. They view the EU's initiatives as an opportunity to bolster these efforts through collaboration and engagement with European partners (Letta, 2022). The analysis of the center-left's vision towards the European Union, which forms a key part of chapter 2, will be pivotal in understanding their subsequent attitudes and actions regarding the rule of law. By delving into the ideological stances and attitudes of the center-left towards the EU and its governance mechanisms, we can gain crucial insights into their propensity to uphold the rule of law. This analysis will help in framing their approach and responses to the EU's rule of law initiatives in the later parts of the thesis.

I will later explore the transition to Movimento 5 Stelle-led governments, significantly impacting Italy's response to the EU's attempts to defend the rule of law. The first notable shift from left governments stances occurred with the formation of Giuseppe Conte's government, marked by an unprecedented alliance between the populist Movimento Cinque Stelle and the

Lega party, creating the so-called yellow-green government. This unique coalition united right-wing populism and anti-establishment sentiments, creating a political landscape that challenged traditional political norms (Garzia, 2019). The entrenched beliefs and values that underpin the yellow-green coalition, notably the prioritization of national sovereignty and the reservations about supranational authority, fundamentally shape its attitudes towards the EU's interventions. As a matter of fact, the new government's response to the EU's initiatives to safeguard the rule of law reflected their scepticism towards supranational intervention and a focus on preserving national sovereignty.

Continuing this trend, the subsequent government, led again by Giuseppe Conte, saw the formation of a coalition between the Movimento Cinque Stelle and the Partito Democratico. Although seemingly incongruous due to their ideological differences, this alliance demonstrated the growing influence of populist movements in Italian politics. Interestingly, the Movimento Cinque Stelle's attitude towards the European Union appears to have been tempered during this coalition. The presence of the Partito Democratico, traditionally more pro-EU, had a mitigating effect on the Movimento 5 Stelle's stance (Capati and Impronta 2021).

Acknowledging the short-lived Mario Draghi government, which emerged as a technocratic administration primarily in response to the drafting, submission and implementation of the National Recovery and Resilience Plan (PNRR), is crucial. This interim government aimed to address the immediate challenges posed by the pandemic, counting on one of the most relevant public figures of the Italian political context, considered by many the saviour of Europe during the 2008 Euro-crisis. Mario Draghi supported and emphasized the importance of defending the rule of law. He acknowledged the partnership with Germany and France, who are also seen as defenders of the rule of law (Draghi, 2022). Draghi suggested that the choice of partners should consider ideological affinity and the protection of Italian interests, highlighting the need for partners who can help better protect Italians (Draghi, 2022). It implies that the commitment to the rule of law is crucial in selecting and prioritizing partnerships (Draghi, 2022).

Nevertheless, the propensity for populist and right-leaning governance persisted. This was clearly demonstrated in the 2022 Italian elections, where Giorgia Meloni triumphed and subsequently assumed leadership of the center-right coalition government. Giorgia Meloni, a prominent figure in Italian politics and the leader of the right-wing party Fratelli d'Italia (FdI),

gained significant momentum during the electoral campaign. Her party's platform resonated with a considerable portion of the electorate, capitalizing on nationalist sentiments, concerns about immigration, and scepticism towards supranational institutions like the European Union. Meloni's rise to power significantly shifted Italy's political landscape. Her party's success reflected the growing disillusionment with traditional political parties and their perceived inability to address pressing issues affecting Italian society (De Giorgi, Cavalieri and Feo, 2023). Fratelli d'Italia positioned itself as a defender of national identity and sovereignty from what they viewed as encroachments by external forces, including the European Union. The new government led by Giorgia Meloni brought a distinctive approach to Italy's response to the EU's initiatives concerning the rule of law. Their ideological stance emphasized the importance of national interests and rejected what they perceived as supranational interference in Italy's internal affairs. The government's response to the EU's attempts to defend the rule of law reflected a scepticism towards external intervention and an emphasis on protecting national sovereignty and autonomy. The analysis of Giorgia Meloni's government and its attitude towards the European Union will provide valuable insights into the interplay between populism, nationalism, and EU governance.

In essence, chapter 2 is foundational, providing the necessary context to comprehend the divergent reactions of Italian political parties to the EU's rule of law enforcement measures. This initial examination of political ideologies and their attitudes towards the EU will be instrumental in subsequent discussions and evaluations.

Chapter 3 of this thesis is dedicated to testing the central hypothesis, which suggests that the presence of right-wing parties in government in Italy influences the country's stance on EU's initiatives concerning the rule of law. It delves into how the ideological positioning of Italian political parties affects their perceptions and reactions to EU interventions. Through an in-depth analysis of debates, speeches, party communications, and voting records of Italian parliamentarians and MEPs, the study will explore how these parties' ideologies may change Italy's stance on EU's efforts to defend the rule of law. By closely examining the actions, policies, and rhetoric of successive Italian governments, this research aims to ascertain how the political orientation of the political parties composing the government influences and shapes the country's perception on EU's initiatives concerning the rule of law. Ultimately, by delving into these complex interconnections, this research contributes to the understanding of how political ideologies and communications at the national level can reverberate within

supranational entities, influencing the ability of the European Union to defend one of the principles upon which it is founded.

THE RULE OF LAW CHALLENGES WITHIN THE EUROPEAN UNION

1.1 The evolution of democratic principles and the rule of law in the European Union: from implicit foundations to constitutional core

Article 2 TEU states that the European Union is based on a set of values, including the rule of law (Hillion, 2016). The EU Charter of Fundamental Rights (CFR) preamble also recognizes the rule of law as a fundamental principle of the Union, and Article 21(1) TEU acknowledges its influence on the EU's creation, development, and enlargement (Hillion, 2016).

The rule of law is valued in many parts of the world as it implies the rejection of tyranny and rejects the partial and arbitrary enforcement of the law (Coman, 2022). The rule of law is a compound principle related to democracy and rights, also capturing the value of security in law and equal enforceability (Teitel, 2000). It also means more than this, not only because it is a compound principle, covering many other principles, but also because it is not a stand-alone value, but it is related to democracy and rights, also capturing the value of security in law and equal enforceability (Teitel, 2000). Lord Bingham (2007) expressed the belief that the essence of the rule of law is the principle that everyone within the State should be both constrained by and have access to the benefits of laws publicly and prospectively promulgated and impartially enforced through the judicial system. According to Krygier (2014), the rule of law has to do with the relationship between law and the exercise of power, particularly public power. As an ideal, it signals that law can and does well to contribute to articulating, channelling, constraining, and informing – rather than merely serving – such exercise (Krygier, 2014).

Since the 1990s, the European Union has actively promoted democracy and the rule of law on the international stage (Coman, 2018). Nevertheless, it is important to acknowledge that democracy was not initially in the DNA of the European integration project (Thomas, 2006). Judt (2005) argued that World War II created the conditions for a new Europe. The immense loss of lives during World War II led to a realization in the 1950s that peace could not be achieved through nationalism alone and that safeguarding fundamental rights could not be limited to individual states (Fabbrini, 2014). This understanding highlighted the need for additional norms and institutions beyond the nation-state to establish and maintain peace and freedom across Europe (Fabbrini, 2014). The treaties establishing the European Communities

aimed to address and overcome the severe political, social, and economic repercussions of wars (Coman, 2022). Until the question of democracy explicitly came on the table in the 1960s, the democratic foundations of the European Communities were rather implicit; in a time when numerous regional and international organizations were emerging, the Council of Europe had the responsibility and main objective of promoting democracy (Patel, 2020). During the initial stages of European integration, the primary focus was on economic cooperation to address common challenges rather than explicitly discussing democracy. The establishment of the European Economic Community (EEC), which eventually evolved into the European Union, was primarily motivated by the direct economic advantages that a common market would offer (Craig and de Búrca, 2021). Democracy was considered a less critical aspect since it was believed that peace and prosperity would be best assured through the guidance of a technocratic elite (Craig and de Búrca, 2021). The democratic foundation of the EEC was implicitly understood and considered a fundamental principle for membership. It was widely understood and accepted that only states embracing the principles of liberal democracy and the rule of law were eligible for membership in the European Communities (Magnetite, 2000). Not only did the six founding Member States have similar political structures, but they were also members of the Council of Europe and formally committed to the rule of law and the protection of human rights (Thomas, 2006). Moreover, the shared ideological affinity among the founding countries of the European Communities holds considerable significance. This ideological consistency was primarily due to historical and geopolitical reasons that influenced the political landscapes of these countries. Specifically, at the time of the EEC's inception, there was a strong Christian Democratic influence in the leadership of the founding countries.

By establishing the EEC, the founding Member States aimed to deepen their cooperation and integration, working together to achieve common goals and address shared challenges. Implicit in this endeavour was the understanding that a democratic foundation would be the bedrock of the European project, fostering trust and ensuring that decisions were made through inclusive, transparent, and accountable processes.

The question of democracy within the European Union gained significant prominence in the 1960s, particularly during Spain's bid to join the European Communities while still under the authoritarian regime of General Francisco Franco. In a letter addressed to Commission President Walter Hallstein in February 1961, the Ambassador representing Spain to the European Communities conveyed the Spanish government's strong desire to participate in the

European integration movement (Thomas, 2006). At that time, the European Parliament played a crucial role in shaping the criteria for membership to guide the integration process. In response to Spain's application, the European Parliament issued a report that strongly emphasized the importance of democratic credentials for countries seeking community membership. The Birkelbach report, as it came to be known, highlighted that governments without democratic legitimacy should not be admitted to the European Communities. It underscored the fundamental values of human rights, democracy, the rule of law, and fundamental freedoms as indispensable prerequisites for participation in the European integration project. Birkelbach and his colleagues interpreted the reference to "liberty" in the Treaty's preamble and its aspiration for "ever closer union" as the foundation for asserting that the Treaty imposed rigorous political prerequisites for membership (Thomas, 2006). "The guaranteed existence of a democratic form of state, in the sense of a free political order, is a condition for membership", the report asserts (Birkelbach, 1962). This report was pivotal in establishing a clear expectation that Member States must respect and uphold democratic principles and values. It sent a strong message that the European Union – at the time, European Communities - was more than just an economic union but also a community of nations bound by shared democratic norms and standards. The emphasis on democracy, human rights, and the rule of law as conditions for EU membership has become deeply ingrained within the integration process.

A significant milestone in the process of constitutionalizing the values of the European Union - the process that corresponds to the transformation of the community legal order from a traditional international organization into "a federal-type structure" (Weiler, 1991) - occurred in 1973 with the adoption of a declaration on European identity by the European Council during a meeting in Copenhagen (Stråth, 2002). This declaration introduced a set of principles that formed the core of the EU's identity and shaped its future development. Among these principles were representative democracy, the rule of law, respect for human rights, and social justice. Notably, this declaration was the first instance where social justice was explicitly mentioned alongside democracy and human rights, highlighting its increasing importance within the EU's Framework.

The process of constitutionalization continued to progress with subsequent treaties. The Single European Act of 1987, while not included in the body of the Treaty, mentioned in the preamble the promotion of democracy based on fundamental rights recognized in national

constitutions, the European Convention on Human Rights, and the European Social Charter. This acknowledgement further solidified the commitment to democratic values within the EU's legal Framework.

The Maastricht Treaty of 1992 played a pivotal role in addressing the democratic deficit within the EU and further advancing the process of constitutionalization. The Treaty aimed to reduce this deficit, enhance the EU's legitimacy, and foster a sense of shared values and belonging among Member States. It introduced provisions that contributed to the democratization of the EU and strengthened its legitimacy. The preamble of the Maastricht Treaty reaffirmed the principles of liberty, democracy, respect for human rights, and the rule of law, emphasizing their fundamental importance to the EU's functioning.

Adopting the Copenhagen criteria in 1993 further emphasized the significance of democracy as a prerequisite for EU membership (Hillion, 2014). During that time, the European Council meeting in Copenhagen marked a significant commitment to enlarge the European Union by including Central and Eastern European countries (Hillion, 2014). The political transformations following the collapse of communism in these regions prompted the EU to reassess its legitimacy, purpose, and role on the global stage (Coman, 2017). The prospect of EU enlargement to encompass former communist countries reinforced the notion that the EU had a responsibility to promote democracy through its policies both internally and externally. Consequently, in 1993, the EU outlined the parameters of its normative power by offering these countries the opportunity to become Member States and establishing specific political conditions at the European Council in Copenhagen. These conditions encompassed democracy, the rule of law, human rights, and the principles of international law, which became explicit aims of the EU in its relations with the rest of the world (Manners, 2002; Cremona, 2011). In Copenhagen, the European Council also established the conditions for accession: the Copenhagen criteria. The latter specifies the requirements that aspiring Member States need to satisfy. For a candidate country to be eligible for accession to the European Union, it must fulfil certain criteria. These include establishing stable institutions that uphold democracy, the rule of law, human rights, and the protection of minorities. Additionally, the candidate country must possess a functioning market economy and demonstrate the ability to handle competitive pressure and market forces within the EU. Furthermore, it must be capable of assuming the responsibilities of EU membership, including adherence to the objectives of the political, economic, and monetary Union (Hillion, 2014).

The Amsterdam Treaty, adopted in 1997 and enacted in 1999, marked another significant step in constitutionalization. It went beyond merely mentioning principles in the preamble and integrated these values into the body of the Treaties. Article 6.1 of the Amsterdam Treaty detailed the principles on which the EU was founded that are shared by all Member States. These principles include respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights (in the Treaty of Lisbon, "values" as listed in Article 2 TEU). By enshrining these principles within the Treaty, the Amsterdam Treaty further solidified the constitutionalization process and established a clear framework for the EU's principles and objectives. Notably, the Amsterdam Treaty also introduced Article 7, which empowers the Council to suspend the voting rights of a Member State that fails to respect the EU's values outlined in Article 2 TEU. This provision safeguards against any potential breaches of democratic principles and ensures that Member States uphold the core values of the EU.

Article 7 TEU provides a mechanism for addressing situations where Member States are in a "serious and persistent breach" of EU values, including the rule of law (Hillion, 2016). The European Council plays a central role in determining whether such a breach has occurred. The decision requires unanimous agreement based on a proposal by the European Commission or one-third of the Member States and the consent of the European Parliament. Before this decision, the Member State under scrutiny can present its observations. Suppose the European Council determines that a serious breach has indeed taken place. In that case, the prescribed sanction outlined in Article 7(3) TEU involves suspending certain rights derived from applying the EU treaties to the Member State in question (Hillion, 2016). The Council decides the suspension, acting by a qualified majority. With the Nice Treaty signed on February 26, 2001, a paragraph was added to Article 7 TEU. This addition was designed to govern cases where there might be an "evident risk" of violation of fundamental rights. The Council, deciding by a four-fifths majority of its members and with prior approval from the European Parliament, determines whether such a risk exists and makes appropriate recommendations to the concerned Member State.

As the values of the European Union have been increasingly integrated into the EU treaties, Articles 2 and 7 TEU have emerged as the constitutional core of the EU. Together with Article 49 TEU, which sets out the requirements for new Member States seeking accession, Articles 2 and 7 form the constitutional core of the EU (von Bogdandy, 2021). Specifically,

Article 49 TEU declares that any European country adhering to the principles outlined in Article 6(1) can seek EU membership. Article 6(1) itself specifies that the foundational principles of the Union include democracy, human rights, and fundamental freedoms. Additionally, the EU proclaimed a non-binding Charter of Fundamental Rights in 2000. According to Menéndez (2002), this Charter serves as a key reference point for interpreting the requirements laid out in Articles 49 and 6 of the TEU, thereby reinforcing its role as a guide for understanding the EU's core principles.

1.2 The Crisis of Liberal Democracy within the European Union

Despite the incorporation of the rule of law in the core values among which the EU is founded and all Member States share, recent years have witnessed significant challenges to this fundamental value. The global decline in commitment to the rule of law is not exclusive to the EU, as highlighted by Ginsburg (2019). In recent years, there has been a rapid erosion of the pillars of liberal democracy, including the rule of law, in several EU Member States (Müller, 2015). Notably, Hungary and Poland have faced significant challenges to the independence of their judiciary, separation of powers, and protection of basic liberties. Since 2010, both countries, governed by the Fidesz and Law and Justice (PiS) parties, respectively, have implemented reforms to diminish the authority of judicial institutions (Coman, 2018). Particularly, Hungarian Prime Minister Viktor Orbán has labelled his approach "illiberal democracy," prioritizing the "rights of the majority" over the rights of minority groups (Ginsburg, 2019). This erosion poses a significant threat to the EU's legitimacy, raising concerns about its adherence to the foundational principles it was built on (Coman, 2022; Müller, 2015). The emergence of illiberal tendencies in Hungary and Poland represents one of the most prominent contemporary challenges to the legitimacy of the European Union (Hooghe and Marks, 2019).

In Hungary, the erosion of the rule of law has been a cause for significant concern. Under the leadership of Prime Minister Viktor Orbán and his Fidesz party, Hungary has witnessed a series of legislative and institutional changes that have raised doubts about the country's commitment to democratic principles and the rule of law. One notable area of concern is the consolidation of power in the executive branch. The Orbán government has implemented constitutional reforms that have strengthened the position of the Prime Minister and expanded executive authority, leading to a concentration of power. Between 2011 and 2013, Hungary underwent a comprehensive overhaul of its constitutional system, as stated by Jakab and

Bodnár (2021), and this period also raised concerns about the government's influence over the media. In 2012, the new Hungarian Constitution entered into force, generating considerable discussion both domestically and internationally. The document replaced the country's previous Constitution, which had been in place since the end of World War II. The new Constitution sparked controversy. The Venice Commission, the Council of Europe's advisory body on constitutional matters, expressed several concerns about Hungary's Constitution. First, the Venice Commission found the process through which the Constitution was developed and adopted troubling due to its lack of transparency (Grabenwarter et al. 2011). It also highlighted the inadequate dialogue between the ruling party and the opposition and deplored the limited scope for meaningful public debate (Grabenwarter et al. 2011). Secondly, it criticized the large number of issues relegated to cardinal laws, which require a two-thirds majority to change. This includes areas like cultural, religious, and socio-economic policies, which, in the Venice Commission's view, should be open to regular legislative processes that usually require only a simple majority (Grabenwarter et al. 2011). Lastly, it raised concerns about the restrictions placed on the Hungarian Constitutional Court's authority, especially concerning matters of taxation and budget (Grabenwarter et al. 2011). Since 2010, there has been a notable consolidation of media ownership among individuals aligned with the ruling party, resulting in a decline in diversity and press freedom. The introduction of various laws and regulations has restricted the independence of the media and granted substantial control to the government over content and licensing, as highlighted by Coman (2022). These actions have drawn criticism from domestic and international observers, who argue that they undermine the free flow of information and contribute to a climate of restricted media freedom.

Specific provisions within the new Constitution have been the subject of meticulous scrutiny and pronounced criticism from both national and international experts, in addition to civil society organizations (Uitz, 2015). Key points of interest have included the restructuring of the judicial system, the comprehensive revision of the Constitutional Court, the incorporation of foetal life protection measures, the enshrinement of life imprisonment without the possibility of parole, the redefinition of religious institutions within constitutional parameters, and notably, the exclusion of sexual orientation from the list of grounds prohibited from discrimination (Uitz, 2015). Furthermore, concerns have been raised about the independence of the judiciary in Hungary. The Orbán government has introduced measures that allow for appointing politically aligned judges, potentially compromising the impartiality and

integrity of the judicial system. These changes have sparked concerns about the erosion of judicial independence and the potential for political interference in legal decision-making processes. Furthermore, the government decided to force the retirement of 274 judges, and in 2011, they prematurely ended the term of the former President of the Supreme Court, who had originally been elected for six years starting in June 2009, as mentioned by Coman (2022).

Under the Law and Justice Party (PiS) in Poland, similar challenges to the rule of law have emerged, as noted in the research by Sadurski (2019) and Coman (2022). The government has implemented a series of judicial reforms that have raised concerns about the independence and efficacy of the judiciary. Of particular concern is the modification of the Constitutional Tribunal, which plays a crucial role in assessing the constitutionality of laws. Changes to the composition and operation of the Tribunal have sparked worries about the judiciary becoming politicized. Critics argue that these reforms undermine the independence of the Tribunal and its ability to check government power effectively. Furthermore, controversial reforms have also been introduced for the Supreme Court, including lowering the retirement age for judges. Consequently, many sitting judges, including those critical of the government, have been forced into retirement, generating significant controversy (Coman, 2022).

Since 2010 in Hungary and 2015 in Poland, the governments of these countries have pursued a process of de-Europeanisation, as defined by Coman (2022), which involves repealing EU-related legislation and introducing controversial new provisions. This approach aims to dismantle the political systems established after the fall of communism in 1989. However, these are not the only noteworthy cases (Tomini and Gürkan, 2021). Over the past decade, the domestic situations in Malta and Slovakia have raised concerns following the murders of investigative journalists Daphne Caruana Galizia (in 2017) and Jan Kuciak and his fiancée Martina Kucnirova (in 2018) in Slovakia (Coman, 2022). Additionally, allegations of corruption involving Prime Ministers Boyko Borissov (GERB party) in Bulgaria and Andrej Babiš (ANO 2011 party) in Czechia have emerged (Coman, 2022). The Panama Papers scandal and the murders of investigative journalists have exposed connections between organized crime and high-ranking political figures, along with various dysfunctions that, if known earlier, could have hindered these countries' accession to the EU (Coman, 2022). The debates surrounding the rule of law in Romania, Malta, Slovakia, Czechia, and Bulgaria raise questions about the circumstances in which Europeanization may have initially faltered (Coman, 2022).

These cases highlight the need for the European Union to establish robust monitoring and enforcement mechanisms to effectively address the rule of law issues within its Member States. The EU must foster a culture of accountability, transparency, and respect for democratic principles and the rule of law across all its Member States. The rule of law backsliding is of great significance for the entire European Union, as stated by Pech and Scheppele (2017). It affects the country's citizens where this phenomenon occurs and has implications for other EU citizens residing in such "illiberal regimes". Furthermore, it indirectly impacts all residents within the EU through the participation of these regimes in the EU's decision-making processes.

Additionally, since the implementation of EU law primarily takes place within Member States, a government that disregards the fundamental principles of the EU can create legal gaps within the EU where the reliability of EU law becomes uncertain (Pech and Scheppele, 2017). This is particularly concerning when an illiberal governing party exerts control over the judiciary, as it threatens the proper, consistent, and effective application of EU law within the affected Member State. It also undermines the mechanisms at the EU level to ensure the uniform interpretation and application of EU law in Member States and to facilitate the enforcement of national court judgments throughout the EU (Pech and Scheppele, 2017). The interdependence among EU Member States is such that the effects of the rule of law backsliding cannot be confined solely to the country experiencing the backsliding. The consequences extend beyond its borders and have implications for the entire EU. The October 7, 2021, ruling K 3/21 from Poland's Constitutional Court has stirred significant controversy. The Polish Constitutional Court, which has been scrutinized by the Strasbourg Court for not being a legitimate court according to law and widely considered to be under the influence of the governing PiS party, took a contentious stance (Festa, 2021). It declared that certain provisions of the TEU, as interpreted by the Court of Justice of the European Union (CJEU), are incompatible with Poland's Constitution (Festa, 2021). Furthermore, the ruling outright rejected the long-standing principle that EU law holds supremacy over national legislation (Festa, 2021). In addition to being an expression of a European spirit that has been deteriorating for years in some Member States, mainly Poland and Hungary, the ruling K 3/21 merits attention because it makes clear that if this trend continues, it could undermine the fundamental principles that support very existence of the European Union: the rule of law and the primacy of EU law.

The rule of law deficiencies disrupt the very functioning of the Union's legal order based on mutual legal interdependence and mutual trust among its members. This argument has been made by both Member States and EU institutions, including the European Court of Justice: [. . .] essential characteristics of EU law have given rise to a structured network of principles, rules and mutually interdependent legal relations linking the EU and its Member States, and its Member States with each other, which are now engaged, as is recalled in the second paragraph of Article 1 TEU, in the process of creating an ever closer union among the peoples of Europe (*Slowakische Republik v Achmea BV*). This legal structure is based on the fundamental premise that each Member State shares with all the other Member States and recognizes that they share with it a set of common values on which the EU is founded, as stated in Article 2 TEU. That premise implies and justifies the existence of trust between the Member States that those values will be recognized and, therefore, that the law of the EU that implements them will be respected (Hillion, 2016).

1.3 Infringement procedures: Articles 258-259-260 TFEU

The rule of law holds a significant position in the primary law of the European Union, as highlighted by Hillion (2016). It is explicitly mentioned as one of the foundational values of the Union in Article 2 TEU, and EU institutions are specifically tasked with pursuing this objective (Hillion, 2016). While the values outlined in Article 2 TEU may not fall strictly within the scope of ordinary EU legislation, in the sense that the Union cannot adopt legislation based on this provision alone, they undeniably form an integral part of EU law as a whole (Closa et al. 2014, Hillion, 2016, and Pech, 2010). The EU already possesses a clear and robust constitutional mandate to uphold its fundamental values in all Member States (Müller, 2014). Moreover, from a legal standpoint, EU Member States have a duty to cooperate and assist the EU in promoting its values within and beyond, as Pech (2016) stated. Member states are not only obligated to respect the EU's values to maintain their membership rights but also because, as Member States, they are required to effectively support the Union and its institutions in fulfilling their shared and overarching goal of promoting these values, as enshrined in Article 3(1) TEU (Hillion, 2016).

As the "guardian of the Treaties," the European Commission is crucial in ensuring that European Union law is upheld by both EU institutions and Member States (Kochenov and Pech, 2016). The Commission's infringement powers, laid down in Articles 258-260 TFEU, empower the Commission to take legal action against Member States that fail to comply with

their obligations under EU law. The procedure starts with informal consultations between the Commission and the State suspected of violating EU rules. Then, the Commission can send a "letter of formal notice" to the Member State concerned. If dissatisfied with the reaction to the letter, it can give a "reasoned opinion" and, if non-compliance prevails, bring the case before the Court of Justice of the European Union. The European Commission typically employs informal consultations and persuasion to address non-compliance during the initial stages of the procedure. This approach aims to resolve issues without escalating them into open conflicts with Member States that are not complying with EU law. By engaging in informal discussions, the Commission seeks to encourage compliance and find mutually agreeable solutions to rectify the situation. The effectiveness of the European Commission's enforcement actions in inducing compliance with EU law is demonstrated by the fact that many cases are resolved early in the procedure, as noted by Börzel (2003) and Panke (2010). The Commission can initiate infringement procedures if it "considers that a Member State has failed to fulfil an obligation under the Treaties" (Article 258 TFEU). The Commission must base its proceeding on clear legal EU norms. However, regarding the EU's foundational values of democracy and the rule of law, these terms are not precisely defined in Article 2 TEU, as pointed out by Müller (2015). Regarding the infringement procedure, the main challenge lies in the circumstance that the Commission has construed its powers as confined strictly to the areas where concrete, specific provisions of the EU's *acquis* have been breached, as highlighted by Kochenov and Pech (2016). Nevertheless, there is no legal impediment preventing the Commission from utilizing the infringement procedure to investigate a range of diffuse and cumulative breaches of EU values in conjunction with EU principles, such as the duty of loyalty enshrined in Article 4(3) TEU, as noted by Scheppele (2016), or the requirement that Member States provide sufficient remedies for effective legal protection in areas covered by Union law, as stated in Article 19(1) TFEU (Kochenov and Pech, 2016).

As a matter of fact, in 2018, the Commission launched an infringement proceeding on account of a reform of the Polish Law on the Supreme Court that lowered the mandatory retirement age of judges. The Polish reform was challenged on two grounds by the Commission: first, on the ground that the new law prescribed mandatory retirement ages for female judges, by the age of 60 and male judges, by the age of 65, whereas those ages were previously set at 67 years for both sexes. According to the Commission, this infringed the principle of non-discrimination based on sex in primary EU law of Article 157 TFEU, and also secondary EU law as by the "equal pay for equal work" Directive 2006/54; second, the

Commission challenged the discretionary power of the Minister for Justice to prolong the tenure of judges of the ordinary courts to 65 for female and 70 for male judges. The Commission argued that this discretionary power award to an executive member amounted to an infringement of the principle of effective legal protection, which derives from Article 19 (1) TEU read in combination with Article 47 of the Charter.

The Commission argued that the mechanism of prolongation of service does not comply with the principle of judicial independence, which is inherent in a system of legal remedies ensuring effective judicial protection in EU law. The Polish government argued that applying Article 19(1) TEU ran afoul of the principle of conferral since the organization of the national justice system was a competence reserved exclusively for the Member States. With its judgment of June 24, 2019, rendered in Case C-619/18 *Commission v. Poland*, the Court of Justice laid a milestone toward establishing meaningful rule of law protection. The Court of Justice of the European Union ruled that the obligation outlined in Article 19(1) TEU to provide remedies for effective judicial protection of rights conferred by EU law included the requirement for Member States to ensure that their courts, in areas covered by Union law, met the standards of effective judicial protection, including judicial independence (*European Commission v Republic of Poland*, 2019). This decision was seen as a bold move by the CJEU, granting itself the authority to scrutinize domestic rules governing the organization of the judiciary in relation to the principle of judicial independence (Pérez, 2020). As a result, Article 19(1) TEU became a significant tool for monitoring and assessing judicial reforms in the face of increasing authoritarian tendencies in Poland and other Member States of the European Union (Pérez, 2020).

1.4 Article 7 TEU and its limitation

The unique nature of the values outlined in Article 2 of TEU can be understood from their association with a specific enforcement mechanism found in Article 7 of TEU, as explained by Sadurski (2010) and Besselink (2016). Article 7 was introduced into the TEU in 1999 to address more comprehensive and serious violations of EU values, including the rule of law (Kochenov and Pech, 2016). It grants the Council of the European Union the power to impose sanctions on any Member State that has committed a persistent and severe breach of the EU values outlined in Article 2 TEU. These sanctions could involve restricting certain rights derived from EU treaties, such as the right to vote on EU legal acts submitted to the Council for adoption, as

noted by Kochenov and Pech (2015). With the Nice Treaty, Article 7 TEU was further revised to enable the EU to adopt preventive sanctions when a Member State has a clear risk of a serious breach of EU values (Kochenov and Pech, 2015). Initially, it was believed that this provision would not need to be applied and would serve as a deterrent against any backsliding in democracy or the rule of law after EU accession, particularly for the new democracies in Eastern Europe, as discussed by Sadurski (2010).

Articles 2 and 7 TEU were primarily inserted into the EU Treaties for symbolic and dissuasive purposes. They aimed to reinforce the legitimacy of the EU by clarifying that the EU adheres to the fundamental principles of Western constitutionalism and to discourage national governments in Eastern European countries from engaging in any strategies that undermine democracy or the rule of law after joining the EU, for fear of triggering Article 7 (Kochenov and Pech, 2016). Beyond these provisions, the assumption of irreversible democratic rule of law-abiding nature among EU Member States was largely presumed, as evident from the lack of explicit powers or legal tools for the Communities to intervene in this area post-EU accession (Kochenov and Pech, 2016). Only with the Amsterdam Treaty in 1999 was an explicit requirement introduced, stating that only democratic states with a strong record of the rule of law and human rights could join the Union (Kochenov and Pech, 2016). The delayed inclusion of this condition and the establishment of a mechanism to prevent democratic backsliding after EU accession can be attributed to the belief held by key EU institutional actors in the transformative power of the EU before accession (Grabbe, 2014), as well as the perceived constraining effects of the EU's legal and regulatory Framework, which were thought to solidify the democratic transition.

When it comes to analysing a Member State's compliance with the values of Article 2 Article 7, TEU provides a specific procedure to address such situations. However, Article 7 is challenging to use. Article 7(2) TEU requires a unanimous vote in the European Council (excluding the country subject to the proceeding) for any sanctions to be imposed, making it nearly impossible to achieve under any circumstances. Additionally, if two illiberal national governments in the EU assist each other, activating Article 7 becomes impractical (Pech and Scheppele, 2017). Furthermore, the Council is not legally obligated to take action even if it determines that a Member State has breached the values outlined in Article 2 TEU, as explained by Kochenov and Pech (2015). This aspect underscores the predominantly political nature of

Article 7 TEU (Kochenov and Pech, 2015). Moreover, many argue that there are more suitable approaches to address such cases than sanctions, as they isolate the offending Member State from the rest of the EU rather than offering a solution to prevent the breach of common values (Coman, 2017). Given these factors, Article 7 has never been used for two main reasons: the thresholds for its application are virtually unattainable, as discussed above, and the existence of a political convention that deems it politically counterproductive to utilize this mechanism, as highlighted by Kochenov and Pech (2015). Consequently, the practicality of this mechanism at the EU level is questioned (Batory, 2016; Müller, 2013). In December 2017, the European Commission initiated the Article 7 procedure in response to risks related to respect for the rule of law and EU values in Poland. In March 2018, the European Parliament supported the procedure with a resolution. In September 2018, the European Parliament activated the Article 7 procedure for Hungary. However, despite the deteriorating situation in both countries in recent years, Member States, for the limits outlined above, did not vote to determine the existence of "a clear risk of a serious breach" of EU common values, which is the next step in the procedure.

1.5. The adoption of further tools to combat the rule of law backsliding

The effectiveness of the EU's transformative power has been called into question, as the European Commission's monitoring of candidate countries in areas such as democracy has demonstrated inconsistent outcomes in terms of the quality of democratic transformation (Kochenov, 2008) and unstable results, in terms of guaranteeing lasting change, as evidenced by the current situations in Hungary and Poland (Shekhovtsov, 2016). The emergence of unexpected "rule of law crises" (Reding, 2013) and the transformation of Hungary into an illiberal state led the Commission to recognize the limitations of its existing instruments in addressing the threats to the legal and democratic fabric in certain European states, as discussed by Kochenov and Pech (2016).

In his 2013 State of the Union address, former President of the European Commission, José Manuel Barroso, called for a new instrument that would bridge the gap between the Commission's infringement powers outlined in Articles 258-260 TFEU and the collective sanctions provided in Article 7 TEU, which he referred to as the "nuclear option" (Pech and Scheppele, 2017). Barroso believed neither of these existing options could effectively prevent or address the systemic rule of law crises, which prompted his call for a new instrument, as Pech and Scheppele (2017) discussed.

As explained by Heidebreder (2011), the constitutional and judicial reforms undertaken in Poland and Hungary revealed the following paradox: while the enlargement process empowered the Commission in its relations with candidate countries, its prerogatives with regard to Member States' commitment to the rule of law following accession remain weak (Müller, 2013). Kochenov and Bard argue that there is a total disagreement among all the actors involved regarding how to sort out the current impasse (Kochenov and Bard, 2018). According to them, this inaction helps the powers of the backsliding Member States to consolidate their assault on the EU's values even further. Blokker argues that the core problem concerning the rule of law consists of "backsliding states", which deviate significantly from the EU rule of law standards by claiming to defend democratic, majoritarian-based, national sovereignty vis-à-vis an alleged non-democratic and purportedly hegemonic EU (Blokker, 2021). Despite the gradual constitutionalization of values, the EU seems to lack the power of enforcement or the political will to use it when its common values are undermined. Since 2011, the search for new mechanisms to safeguard the rule of law has become an urgent issue within the EU (Batory, 2016).

As referenced by Viviane Reding in 2013, the Copenhagen Dilemma highlighted the challenge the European Union faced regarding enforcing its values and criteria after a Member State joined the EU. The Copenhagen criteria refer to the conditions that candidate countries must meet to join the EU, which include political stability, functioning institutions, the rule of law, and respect for human rights. Reding acknowledged that the EU had strict criteria for accession but lacked effective instruments to ensure the continued respect for the rule of law and independence of the judiciary once a Member State had joined (Reding, 2013). This raised concerns about the EU's ability to enforce its values and potentially undermine those values within its Member States. The constitutionalization of values within the EU aimed to strengthen the collective identity of the Union. However, it left open the question of how to ensure compliance with these values once a country becomes a member. If, in the beginning, there was an assumption that Member States would share these values and be able to address any issues that arose internally, the attacks on the rule of law in various Member States highlighted the need for new mechanisms to monitor and address potential violations of these values. The need to address the Copenhagen dilemma and strengthen the EU's capacity to respond effectively to the rule of law challenges has gained prominence on the EU's agenda.

To address the Copenhagen dilemma, the Union has developed a range of soft and hard tools as alternatives to Article 7 TEU to combat the rule of law backlashes. The debates that led to the establishment of these tools revealed, on the one hand, a strong tension between the preferences of Member States to design intergovernmental mechanisms of compliance and, on the other, supranational attempts to strengthen the political and administrative role of the Commission (Coman, 2015). This led to the struggle to find supranational mechanisms to effectively safeguard common values at the EU level that its Member States could accept. The debate on the rule of law and the need for new tools to uphold it has been developed in the context of reluctance of the Member States to see supranational institutions deal with core state powers. This attitude has been defined as new intergovernmentalism. New intergovernmentalism implies that the action of the Union is increasingly criticized by its Member States. It also means a tendency towards deliberation and consensus-building and the delegation to *de novo* bodies (Bickerton, Hodson and Puetter, 2015). Integration since Maastricht has been pursued via an intensification of policy coordination between Member States: deliberation and consensus-seeking in the post-Maastricht period they have imposed themselves as dominant norms regulating the relations between national actors (Bickerton, Hodson and Puetter, 2015). This coordination varies in its range of formality and its degree of institutionalization, but it consistently avoids transferring more powers to traditional supranational bodies, notably the Commission and the Court (Bickerton, Hodson and Puetter, 2015). The task and role of the Commission have been exercised in this new setting, which corresponds to less appetite of Member States for a more active role of supranational institutions.

The concept of new intergovernmentalism emerged in the Eurozone crisis and refers to a shift in EU governance towards increased involvement and influence of Member States at the expense of supranational institutions. This shift reflects a reluctance among Member States to further delegate core state powers, including matters related to the rule of law, to supranational institutions. In this context, the role of the European Commission, as a supranational institution, faced scrutiny and criticism. Member States were less inclined to support initiatives that would grant the Commission more power or authority in areas traditionally considered within the domain of national sovereignty. This reluctance was particularly evident regarding issues related to the rule of law, as Member States perceived it as a core state power that national institutions should safeguard.

In 2013, the European Commission initiated a consultation on the rule of law known as "Les assizes de la justice," which provided an opportunity for various stakeholders to share their perspectives. The Commission, the European Parliament, and the European Council aimed to strike a balance between Member States' resistance to enhancing the Commission's powers and the need for supranational mechanisms to effectively protect common values at the EU level, as explained by Coman (2015). Approximately 100 organizations, including Member States, NGOs, professional associations, think tanks, and academics, participated in the normative discussions on the rule of law in the EU and put forward concrete proposals to safeguard this value at the supranational level (Coman, 2016). During the consultation, two main ideas were put forward to address the rule of law challenges in the EU. One proposal involved revising the EU treaties, while the other focused on enhancing cooperation between the EU and other regional organizations, particularly the Council of Europe and its Venice Commission, as outlined by Coman (2022). Most Member States supported the second option due to the perceived unattainability of unanimity for a treaty revision and their general reluctance to delegate power to supranational institutions (Coman, 2022). Member States highlighted the presence of the Venice Commission within the Council of Europe as a reason to favor increased cooperation with this body. The Venice Commission, consisting of independent legal experts, provides assessments and recommendations on constitutional matters, including the rule of law. Member States recognized the value of collaborating with the Venice Commission to address the rule of law challenges and strengthen common values at the European level. Strengthening the Commission's cooperation with other international organizations and bodies was among the most widely supported ideas among Member States, as it allowed for externalizing the assessment and normative discussions on democracy and the rule of law in the EU polity, even though the latter were already enshrined in Article 2 TEU (Coman, 2022).

The European Union employs both soft and hard policy instruments to promote the rule of law. The most prominent coercive instrument is the procedure outlined in Article 7 TEU, along with the infringement proceedings that can be initiated to ensure compliance with EU law. However, in the past decade, the EU has also developed various soft tools to address the rule of law concerns. These include the European Semester (2011/2012), the EU Justice Scoreboard (2013), the Rule of Law Framework (2014), and the Annual Rule of Law Report (2020). Despite their creation, these soft tools have had limited practical impact. As a result, the adoption of Regulation 2020/2092 on a general regime of conditionality for the protection

of the Union budget took place at the end of 2020, aiming to strengthen the EU's approach. Additionally, the European Parliament has played a role by adopting various resolutions, such as its own initiative report on the Mechanism of Democracy, the Rule of Law and Fundamental Rights, and the establishment by the Council of the Rule of Law Dialogue. These instruments collectively contribute to the EU's efforts to address the rule of law challenges.

The European Semester was designed in 2010 under the presidency of Herman Van Rompuy, who established a task force to develop this new policy tool. It was created in the midst of the Eurozone crisis to strengthen the rules of the Stability and Growth Pact and address macroeconomic imbalances. The Eurozone crisis revealed a lack of compliance with these rules, leading to the need for increased pressure and coordination among Member States. Over time, the nature of the European Semester has evolved. Initially, it was seen as a tool to exert pressure on Member States. However, as the tool progressed, it became a soft coordination mechanism based on guidance and informal discussions among Member States. The European Semester takes place annually, with the Commission assessing the macroeconomic situation in the EU and then analysing the situation in each Member State. It proposes country-specific recommendations (CSRs) to address various areas for improvement. These recommendations need to be approved by the Council and endorsed by the European Council. While the process may seem straightforward, it is complex and offers insights into the independence of the Commission. For Member States, how the Commission describes their situation, and the nature of the recommendations are of utmost importance. The presentation of the situation in the report can impact a Member State's domestic and international reputation. Member States also pay close attention to the recommendations proposed by the Commission. In the Council, recommendations proposed by the Commission can be changed, but a reversed qualified majority vote is required, and an explanation is needed to alter the recommendation. This was seen as a way to empower the Commission vis-à-vis the Council, as the Council faces higher requirements to modify the recommendations. While the European Semester was originally designed for fiscal and macroeconomic policies, more and more policy areas have been integrated, including judicial reforms and the justice system. The justice system was included in the process in 2011, with the Commission providing assessments of the situation in all EU Member States. When examining the countries that have received specific recommendations, it is often observed that they are not only new Member States but also others. Since 2011, Italy has received the highest number of recommendations, followed by Slovakia, Croatia, Bulgaria, and Cyprus.

The EU Justice Scoreboard was introduced by the European Commission in 2013. It has since been published annually to provide an overview of the justice systems in EU Member States. The Scoreboard aims to assess the effectiveness, independence, and quality of the judiciary in each country and identify improvement areas. Although the EU Justice Scoreboard is a non-binding tool, it holds significant importance. This is because it is closely linked to the European Semester: the recommendations provided during the European Semester are based, in part, on the assessment provided by the Justice Scoreboard.

The Rule of Law Framework, established in 2014, serves as an early warning tool within the European Union. Its primary purpose is to facilitate a structured dialogue between the European Commission and the Member State in question to prevent perceived systemic threats to the rule of law from escalating. The Framework consists of three distinct phases: assessment, recommendation, and follow-up. During the assessment phase, the Commission evaluates whether there are clear preliminary indications of a systemic threat in the Member State. If such indications exist, the Commission issues a "rule of law opinion" to the concerned government. In the recommendation phase, if the Member State takes no appropriate actions, the Commission provides a 'rule of law recommendation' specifying measures and deadlines for resolving the situation. In the follow-up phase, the Commission monitors the implementation of the recommendation. If a satisfactory implementation does not occur, the Commission may exercise discretion in deciding whether to resort to Article 7 TEU, leading to the informal designation of the Rule of Law Framework as the "pre-Article 7 procedure" (Kochenov and Pech, 2016).

The Rule of Law Framework is specifically designed to address threats to the rule of law that are "systemic." This means that the Framework is activated by the European Commission when the national rule of law safeguards are deemed insufficient in effectively tackling these threats. One important aspect of the Framework is its institutionalization of collaboration between the European Commission and the Council of Europe (CoE), along with two significant CoE bodies: the Venice Commission and the European Commission for the Efficiency of Justice (Coman, 2022). This collaboration ensures a structured and coordinated approach to addressing the rule of law challenges, benefiting from the expertise and resources of these CoE entities (Coman, 2022).

However, the legality of this tool was contested, including by the legal service of the Council. The Council's legal service issued an opinion questioning the tool's legitimacy, arguing that Article 7 is the only provision empowering the Union to take action against Member States in case of violations of Article 2 (Council of the EU, 2014, 10,296/14). The Commission justified the creation of this tool as a preliminary step that did not claim new competencies but rather aimed to facilitate transparent dialogue between institutions and the concerned Member States. However, the Council's legal service argued that there was no need to establish a new tool since Article 7 already provided a precise supervisory framework with different phases. In its view, there was no legal basis for empowering the Commission to create a new supervisory mechanism (Council of the EU, 2014, 10,296/14). Despite this opinion, the Commission's idea of creating a preliminary tool received support from several Member States, including Italy, Belgium, Spain and even Poland, under the government led by the Civic Platform (PO) (Coman, 2022).

In 2014, the Rule of Law Framework was adopted and activated for the first time on January 13, 2016. The European Commission triggered the Framework in response to concerns about Poland's rule of law situation. Frans Timmermans, the Vice President of the European Commission, led the dialogue between the Commission and the Polish government. It involved discussions with the Polish Prime Minister and Minister of Justice. The dialogue stretched over a period of two years and included several visits by members of the Commission to Poland and discussions in Brussels, all aimed at finding a solution. The Commission expressed concerns that the measures adopted by Poland undermined the independence of the judiciary. In response, the Polish government provided justifications for the changes. Despite efforts to find a resolution, there was no progress in the dialogue. As a result, in December 2017, the European Commission decided to trigger Article 7 against Poland.

Kochenov and Pech (2016) have criticized the Rule of Law Framework (RLF) for its shortcomings, particularly the lack of clarity regarding the Commission's understanding of a "systemic breach." They argue that the Framework grants the Commission absolute discretion in deciding when to activate the instrument or progress from one phase to the next. Despite its soft nature, the Rule of Law Framework has been viewed as a modest step in the right direction. Scholars have noted that the instrument heavily relies on dialogue and persuasion between the Commission and the Member State concerned, which may be insufficient in cases where Member States transition from democratic regimes to autocracies (Kochenov and Pech, 2016).

In addition to the tools mentioned above, the von der Leyen Commission introduced an annual Rule of Law Report (RLR) in 2020. The report aims to proactively address and prevent emerging or deepening the rule of law issues and foster a culture of the rule of law within the EU. It covers various areas such as the justice system, anti-corruption measures, media pluralism and freedom, as well as institutional aspects related to checks and balances. However, the Rule of Law Report has faced significant opposition (Coman, 2022). As expected, the governments of Poland and Hungary strongly contested the report, expressing serious reservations about its concept, methodology, and sources of content. According to Polish Justice Minister Zbigniew Ziobro and Hungarian counterpart Judit Varga in a joint statement, the report cannot serve as a basis for discussions on the rule of law in the EU. They criticized the report for its arbitrary scope and lack of objectively selected reference points that could be equally applied to all Member States (Euractiv, 2020).

The Regulation 2020/2092 on a general regime of conditionality to protect the Union budget represents the most recent policy tool to complement the EU's rule of law policy. This Regulation, proposed by the Commission in 2018, was adopted in December 2020 by the Council and the European Parliament. It introduces a mechanism that links the allocation of EU funds to the adherence to the principles of the rule of law (Hillion, 2021): it allows for withholding EU funds from Member States that violate the rule of law principles. Adopting Regulation 2020/2092 faced significant divisions among Member States in the Council, with political and legal arguments being invoked to support or oppose it. The Regulation was adopted based on a disputed compromise reached by the European Council in July and December 2020 (Coman, 2022). Article 4(1) of the Regulation specifies the conditions for the adoption of measures, i.e., "breaches of the principles of the rule of law in a Member State affect or seriously risk affecting the sound financial management of the Union budget or the protection of the financial interests of the Union in a sufficiently direct way" (Regulation 2020/2092). Niels Kirst described this link to the Union budget as the "Regulation's big caveat" (2021). Others have criticized that the conditionality mechanism has been "watered down" (Platon, 2021). The Regulation's procedure is laid out in Art. 6 and comprises several steps of procedural rules. If the Commission believes to have found a breach of the principles of the rule of law in a Member State which affects the Union's budget, it will send a reasoned letter to that Member State (Art. 6 (1)). The concerned Member State can then address the findings of the Commission with a reply and by proposing remedial measures (Art. 6 (5)). The

Commission shall consider the Member State's observations before deciding if it wants to submit an implementing act to the Council to cut funds to the Member State concerned or cease the case. The Commission and the Parliament initially proposed a voting system using a reverse qualified majority. However, during the trilogue meetings, the Council pushed for using the usual qualified majority voting system. According to Kirst, a reverse qualified majority would have been an even more robust tool since it would have put the burden of proof upon the accused Member State (2021).

Suppose a Member State believes the Commission's proposal for an implementing act violates principles such as objectivity, non-discrimination, or equal treatment. In that case, it can request that the matter be discussed at a European Council meeting. This allows the Member State to challenge the Commission's claims and potentially delay or elevate the case to the political level. In these situations, the Council has an extended deadline of three months to decide.

The Conclusions of the European Council in December 2020 provide significant clarifications and limitations regarding the application of the Conditionality Regulation. They highlight that the Regulation should only be used when no other more effective means to safeguard the Union's budget exists. The Conclusions explicitly state that simply identifying a breach of the rule of law is not enough to activate the mechanism. The indispensable connection between the rule of law and the Union's budget is emphasized as a prerequisite for applying the Regulation. Furthermore, generalized deficiencies in the rule of law are explicitly excluded. These Council Conclusions effectively changed the original intention of the Commission's 2018 proposal, which aimed to address such generalized deficiencies in the rule of law. Therefore, the Conclusions reaffirm and reinforce the limited scope of the Regulation.

On March 11, 2021, Hungary, and Poland both initiated their actions of annulment against the Regulation. The core arguments from the applicants focused on three main issues: first, the inadequacy of Article 322 TFEU as an appropriate legal basis; second, the Regulation's inconsistency with both Article 7 TEU and Article 269 TFEU; and third, its conflict with the principle of legal certainty. According to Fasone (2022), the rulings handed down by the Court of Justice on February 16, 2022, on the annulment actions brought by Poland and Hungary against EU Regulation 2020/2092, are bound to fuel the European debate for a long time. It is worth noting that Hungary and Poland supported each other's action, while Belgium, Denmark,

Germany, Ireland, Spain, France, Luxembourg, the Netherlands, Finland, Sweden and the Commission intervened in support of the Parliament and the Council. The significance of these rulings goes beyond the specific cases: in its reasoning, the CJEU explicitly connects the Union's values, including the rule of law, with its constitutional identity. It asserts that the values listed in Article 2 TEU are not mere policy guidelines or intentions but form an integral part of the Union's very identity as a common legal order (*Hungary v European Parliament and Council of the European Union*, 2022). By using the concept of "identity", the CJEU implies that the EU, based on its constitutional law, cannot compromise on its values. The CJEU further confirms that the EU Treaties should be interpreted as granting the Union the power to defend its values (*Hungary v European Parliament and Council of the European Union*, 2022). It clarifies that the rule of law is a shared EU value that binds the Member States not only upon accession but at all times (*Hungary v European Parliament and Council of the European Union*, 2022). This appears to be a clarification of the "no reduction" test for the post-accession rule of law standards articulated in the *Repubblika* case law, during which the CJEU held that compliance by the Member States with values outlined in Article 2 TEU is a condition for the enjoyment of all the rights deriving from the Treaties and that a State cannot amend its legislation in such a way that would reduce the protection of the value of the rule of law (*Repubblika v Il-Prim Ministru*, 2021). As such, a Member State is required to ensure that any regression of their laws on the organization of justice is prevented by refraining from adopting rules that would undermine the independence of the judiciary (*Repubblika v Il-Prim Ministru*, 2021). Regarding the respect for the national constitutional identities of Member States, the CJEU acknowledges that a certain degree of discretion can be given to them to ensure the realization of the principles of the rule of law in their legal systems. However, the obligation to guarantee those fundamental principles cannot be subject to variation within the Union. The Court emphasizes that even the powers reserved for Member States under the EU Treaties must be exercised in compliance with EU obligations. Therefore, the CJEU concludes that the Union has the power to defend its values, including through financial conditionality, in cases of rule of law breaches, even if such breaches are attributable to an authority that a Member State considers to be involved in its sovereign action in areas fundamental to the exercise of its essential functions (*Republic of Poland v European Parliament and Council of the European Union*, 2022).

On April 27, 2022, the European Commission initiated the conditionality mechanism against Hungary. The Commission formally notified Hungary, in writing, about the factual

details and specific reasons why it believes that measures should be taken to safeguard the financial interests of the European Union due to violations of the rule of law. The allegations raised by the Commission encompass various issues, such as inadequacies in monitoring the utilization of EU funds, deficiencies in audit and transparency requirements, and shortcomings in public procurement processes. Additionally, the Commission expressed concerns about rampant corruption and the absence of judicial independence within Hungary. In December 2022, the Council, believing that the remedial measures proposed by Hungary on the basis of Article 6(5) of Regulation 2020/2092 were not fully adequate to address the findings set out in the Commission notification sent to Hungary on April 27, 2022, decided to suspend €6.3 billion.

Nevertheless, the scope of Regulation 2020/2092 has been disputed from the beginning. Initially intended to focus on the rule of law, the legislation underwent a significant shift, ultimately becoming a regulation primarily concerned with the EU's budget. While it maintains a connection to the rule of law, its main emphasis is on the sound management and protection of the budget (Coman, 2022). It transformed from a mechanism centered around the rule of law, with the Commission's proposal subject to reverse qualified majority voting, to a budgetary conditionality mechanism where decision-making power remains with the Council (Staudinger, 2022).

To conclude, chapter 1 aimed to offer an overview of the difficulties encountered by the European Union in confronting the rule of law crisis, as well as the measures and initiatives implemented to protect the fundamental values shared by European Member States. This chapter served as a basis for the subsequent chapters, which concentrate on Italy as a case study. The aim is to analyse how different Italian governments perceived the introduction of these mechanisms and how the ideologies of political parties influenced the effectiveness of the EU's response to the rule of law crisis. The analysis of Italy as a case study aims to provide valuable insights into the complexities of addressing the rule of law crisis at the national level within a diverse political landscape. Chapter 2 will delve into the intricate relationship between political ideologies and the European Union's pursuit of upholding the rule of law, providing a more nuanced comprehension of how diverse Italian political parties perceive the European Union's action. This analysis lays the cornerstone for the discussions that follow in the thesis. Specifically, it helps illuminate the reasoning behind the divergent responses of different Italian political parties to the European Union's initiatives, particularly those concerned with the rule

of law. This understanding is crucial in dissecting the complexities of the interactions between national and supranational levels of governance.

ITALY'S EVOLVING RELATIONSHIP WITH THE EU: POLITICAL PARTIES' INFLUENCE

2.1 The political context in Italy

The political landscape in Italy has consistently been characterized by systemic instability that has resulted in unstable government formation and operation. Especially when looking at the decade from 2013 to the present, which represents one of Italy's most unpredictable electoral cycles, some particular trends need to be addressed. Additionally, this period of time also coincided with the emergence of the crisis of the rule of law in the European Union. The backdrop of the rule of law crisis within the EU has added complexity to Italy's political landscape, prompting discussions about the country's position on issues related to sovereignty, governance, and EU integration. Understanding how Italy's political actors have navigated these challenges and their stances on matters concerning the rule of law within the EU will provide valuable insights for this research.

When examining the period from 2013 to 2023, three key national general elections stand out: February 2013, March 2018, and September 2022. The 2013 election was particularly critical, characterized by significant electoral volatility, as explained by Roberto D'Alimonte (2013). Many voters shifted their preferences during this election, driven by a wave of popular dissatisfaction and the rise of new anti-establishment parties, notably Grillo's Movimento 5 Stelle (M5S). The M5S gained almost nine million votes that had previously gone to other parties or had been lost due to abstention (D'Alimonte, 2013). The party ran alone against the two powerful left and right-wing alliances, bypassing the majoritarian electoral system's bias against third parties. In 2018, the sharp success of M5S with 33% confirmed that something transformative was happening in Italian politics, and this trend continued, culminating in the rapid emergence of a more radical right party in the 2022 election: Giorgia Meloni's Fratelli d'Italia (FdI). Furthermore, the period under scrutiny is of particular interest if we consider the outbreak of COVID-19 pandemic in 2020, with all its related issues, bringing an unprecedented economic and social crisis that significantly impacted Italy's political scenario (Russo and Valbruzzi, 2022).

In this context, the focus will first be placed on dissecting Italy's national election and the subsequent government formation processes for three distinct electoral periods: 2013, 2018,

and the more recent 2022, in order to develop a chronological understanding of the transformation of Italy's political landscape. The approach will start by visualizing and detailing the main electoral results. Following the electoral analysis, the formation of the subsequent governments will be explored. Once the electoral landscape has been scrutinized, the next sections of the chapter will transition into a detailed exploration of the stances of various Italian political parties vis-à-vis the European Union. This broad-based exploration will be integral in framing the responses of each party to the European Union's initiatives aimed at safeguarding the rule of law.

2.1.1 XVIIIth parliamentary term: the Letta, Renzi and Gentiloni governments.

The 2013 election in Italy resulted in an unexpected outcome, leading to a state of uncertainty as no coalition secured an absolute majority of seats for the first time since 1994. The electoral battle primarily involved the center-left coalition led by Bersani and the Partito Democratico (PD) competing against Berlusconi's center-right coalition. The center-left coalition emerged as the winner but with a very narrow margin of only 0.4 percentage points more in the Chamber of Deputies.

However, the most significant surprise came from the astonishing success of the Movimento 5 Stelle, an anti-establishment party that burst onto the political scene as a catch-all party. The M5S achieved remarkable success in the 2013 election, garnering substantial support from an evolving electorate (Russo, Riera and Verthé, 2017). In April 2013, President of the Republic Giorgio Napolitano tasked Enrico Letta, who was a Member of Parliament for the PD at that time, with the formation of a "government of broad agreement." The goal was to achieve a convergence between various political forces capable of securing a majority in both chambers of the Italian Parliament.

Enrico Letta's government assumed office on April 28, 2013, and its tenure lasted almost a year until February 22, 2014. On February 13, 2014, the Partito Democratico's national directorate, led by Secretary Matteo Renzi, endorsed a motion with a significant majority (136 in favor, 16 against, and 2 abstentions). This motion demanded the stepping down of Letta and proposed the establishment of a new government. Enrico Letta was then replaced by Matteo Renzi, who, upon assuming the role of Prime Minister, emphasized that one of his top priorities was to undertake constitutional reforms. Italy's institutional framework had seen minimal

changes since January 1, 1948, when the Italian Constitution came into effect after being approved by the Constituent Assembly on December 22, 1947. Renzi, beyond a series of ordinary reforms (Capano and Pritoni, 2016) sought to address this long-standing lack of significant constitutional revisions and aimed to initiate necessary reforms during his time in office. One of the major reforms was the abolition of symmetric bicameralism, aiming to modify the structure and functions of the Senate of the Republic. This move was intended to streamline the legislative process and make it more efficient. Additionally, Renzi proposed a new electoral law to replace the previous one known as "Porcellum". The new proposal, "Italicum," outlined a system of multi-nominal constituencies with the possibility of a double round and a majority prize. The goal was to enhance representation and increase the accountability of elected officials (Capano and Pritoni, 2016).

The "Italicum" law was approved in May 2015 through a confidence vote, underscoring the government's determination to pass the reform. However, in January 2017, the law was also recognized as partially constitutionally illegitimate, revealing the complexities and challenges in the reform process (Damiani, 2017). In April of the same year, a popular referendum was scheduled for December 4 to vote on the proposed constitutional reform mentioned above. Matteo Renzi took a personal stance on the referendum, stating on multiple occasions that if the reform were to be defeated, he would consider it a failure and the end of his political career. The referendum did not receive sufficient support, with 59.11 % of the votes opposing the proposed constitutional changes. In light of the defeat, Renzi announced his resignation as the head of the government. Following Renzi's resignation, his position at Palazzo Chigi was taken over by Paolo Gentiloni, the Foreign Minister, and a prominent member of the PD. Gentiloni led the government until the end of the 17th Legislature in March 2018, completing the remainder of Renzi's term as Prime Minister (Pantaleoni, 2017).

2.2.2 XVIIIth parliamentary term: the Conte, Conte II and Draghi governments

From 2018 onwards, Italian politics experienced a significant transformation characterized by the rise of populist right-wing parties and a growing scepticism towards the European Union. The 2018 election was marked by the overwhelming successes of the Movimento 5 Stelle and Lega, led by Matteo Salvini. The consensus of M5S, already evident in 2013, continued to grow in the 2018 election, with the M5S's voter share increasing from 25% to 33%. Essentially, one of every three Italians showing at the polls voted for the M5S, making it a prominent force

in the Italian political landscape. On the other hand, the center-right Forza Italia (FI) and the PD led Partito Democratico, led by Matteo Renzi, experienced losses, with the PD recording its worst result ever. Both the 2013 and 2018 elections demonstrated a clear trend of mainstream parties facing a decline in support, while anti-establishment populist parties, such as M5S and the Lega, gained significant traction (Chiaramonte and De Sio, 2018).

These emerging anti-establishment parties collectively garnered the majority of the votes, signalling a major shift in the preferences of Italian voters towards alternative political forces and the explicit rejection of ruling liberal elites and the established political order (Fraser, 2016). Specifically, the PD and Forza Italia experienced a significant decline in their combined results, dropping from 70.5% to 32.7%, while M5S and the Lega saw a substantial increase, rising from 8.3% to 50.1% (D'Alimonte and Mammarella, 2022). Despite the stark differences between M5S and the Lega, these two parties, which received unprecedented support at the 2018 general election and secured an absolute majority of seats in both chambers, managed to form a coalition government. This government, known as the yellow-green executive led by Giuseppe Conte (Conte I), was unique as it was the first populist government in Western Europe (Garzia, 2019). What set it apart was not just the inclusion of a populist party as a junior coalition partner but rather the fact that it was entirely composed of populist parties located on opposite sides of the political spectrum and without any mainstream ally.

Scholars extensively analysed the dynamics of the Conte I government formation in this context (Basile and Borri 2018). They identified a new way to describe the political space, employing a two-dimensional spatial account. The first dimension aligned with the economic left-right spectrum, while the second dimension related to issues like immigration, the European Union, and social conservatism (Giannetti, Pedrazzani and Pinto, 2022). The Lega and M5S attracted two types of populist voters. They represented distinct forms of populism: exclusionary populism for the Lega, anchored in cultural issues, and inclusionary populism for M5S, mainly driven by economic and political discontent (Basile and Borri, 2018). This complex landscape and the emergence of populist forces reshaped Italy's political dynamics and reflected the Italian electorate's changing preferences and concerns.

However, the yellow-green coalition proved to be short-lived. On August 8, 2019, Matteo Salvini, the Secretary General of the Lega, announced his party's decision to withdraw support for the government, leading to a government crisis and a call for early elections.

Subsequently, the Lega submitted a no-confidence motion against the Prime Minister to the Senate. Following the ritual consultations, the possibility of a new parliamentary majority between the M5S, the PD and Liberi e Uguali was noted. On August 29, President of the Republic Mattarella again gave Giuseppe Conte the task of forming the new government (Conte II), with Lega being part of the opposition.

Between 2020 and 2022, the COVID-19 pandemic struck and, with it, a series of political crises in Italy. The situation culminated in a government crisis when Renzi's Italia Viva party decided to withdraw support from Conte II's government. Hence, in February 2021, the social, economic, and political contingency urged for a rearrangement of the executive that had to manage the economic crisis and the relevant amount of resources arriving from the European Union in the context of the Next Generation EU. To address these challenges, a technocratic government led by former European Central Bank governor Mario Draghi, a highly respected figure in Europe, was called upon to manage and shape the country's future.

One of the key responsibilities of this government was to manage the resources allocated by the European Union, with Italy being the primary beneficiary through the National Recovery and Resilience Plan (PNRR). However, even with the new government in place, political instability persisted (Cerasa, 2022). Six months before the natural end of the legislative term, the M5S initiated another government crisis by expressing a vote of no confidence. This ultimately led to the calling of elections on September 25, 2022, as Italy continued to grapple with political challenges amidst the backdrop of the ongoing pandemic.

2.1.3 XIXth parliamentary term: the birth of the Meloni government

On September 25, 2022, Italian citizens headed to the polls. It was notable that voter turnout was the lowest in the history of the Italian Republic for parliamentary elections, reaching just 63.91%. The main political players included the center-right coalition, comprising primarily of Fratelli d' Italia, the Lega, and Forza Italia; the center-left led by Enrico Letta, with the PD, Alleanza Verdi e Sinistra, +Europa, and Impegno Civico; and the so-called third pole, represented by Italia Viva led by Matteo Renzi and Azione led by Carlo Calenda, a newcomer to the national political scene.

The recent election victory of the right-wing parties in Italy holds historical significance due to several noteworthy outcomes. Fratelli d' Italia, led by Giorgia Meloni, and Lega, led by Matteo Salvini, together achieved the highest percentage of votes ever recorded by right-wing parties in Western European history since 1945, surpassing even Austria's Freedom Party (FPÖ) in 2008 (Emanuele and Improta, 2022). Additionally, this election marks the third-best performance of populist parties in Western Europe since 2010, with Italy itself being the first in this regard during the 2018 election. The classification of populists is based on the "PopuList" dataset (Rooduijn et al., 2019), which includes Fratelli d' Italia, Lega, and the Movimento 5 Stelle as populist parties for the Italian case in 2022. Furthermore, the electoral performance of Fratelli d' Italia from 2018 to 2022 constitutes the third-largest electoral increase in Western European history since World War II, with a remarkable surge of +19.8 percentage points during this period. The emergence and popularity of populist leaders indicate Italian citizens' disenchantment with traditional politics and their search for more appealing alternatives to address the perceived deadlock in the country. In essence, the latest electoral outcomes in Italy signify a notable dismantling of the traditional political framework. This has been largely driven by the surge in populism and a prevailing yearning for transformation, which have become defining forces in shaping Italy's political terrain.

This dynamic political landscape significantly impacted Italy's stance on EU intervention in core state power, particularly concerning the rule of law. The rise of populist right-wing parties, especially the Lega and Fratelli d'Italia, together with the ambiguity maintained by the M5S regarding the relationship with the EU, brought forth a renewed emphasis on national sovereignty and a desire to assert greater control over domestic affairs. These parties capitalized on popular discontent, portraying themselves as champions of the people against the perceived encroachment of the EU on Italian sovereignty. On the other hand, left parties such as the PD and +Europa generally maintained a more pro-EU stance, supporting the importance of EU integration and cooperation. They highlighted the benefits of EU membership and sought to work within the framework of the Union to address issues such as the rule of law (Isernia and Longo, 2019).

The subsequent sections will delve into an in-depth examination of the evolving stances of various political parties throughout these years and how these shifts have impacted Italy's interplay with the European Union. Particularly, the analysis will focus on these parties'

perspectives regarding EU interventions in core state power, an essential facet in understanding the current and future dynamics of this relationship.

2.2 The European positioning of major parties currently represented in the Italian Parliament

The European positioning has long been a complex issue for the PD in Italy due to its dual nature – both Catholic-reformist and social-democratic – stemming from the merger of the Democratici di Sinistra with La Margherita. Before the PD's establishment, the Democratici di Sinistra had aligned with the Party of European Socialists (PES), while La Margherita founded the European Democratic Party. Until the 2009 European elections, PD's MEP maintained their original affiliations, belonging to different groups. However, it was later decided to create a unified group, first named the Alliance of Socialists and Democrats for Europe (ASDE) and later the Progressive Alliance of Socialists and Democrats (S&D), both affiliated with the PES (Isernia and Longo 2019). Only starting from March 1, 2014, did the PD officially join the PES, following a formal request for membership by then-Secretary Matteo Renzi, who had recently assumed leadership. The centrist factions within the party again questioned this placement after the 2019 European elections, but the proposal to join the new Renew Europe group was rejected by then-Secretary Nicola Zingaretti, supported by the social-democratic wing of the party (Patta, 2019).

Italy Viva, a party founded in 2019 by Renzi after his departure from the PD, immediately aligned with the S&D European group, transitioning to Renew Europe in 2020, and eventually joining the European Democratic Party one year later.

The European positioning of Forza Italia in the European Parliament has been more straightforward, likely due to the unquestioned leadership of its founder, Silvio Berlusconi, and the absence of significant internal factions. In 1994, Forza Italia joined the European parliamentary group Forza Europa, in which FI's MEPs constituted the majority. A year later, Forza Europa merged with the European Democratic Alliance, a nationalist and conservative-oriented group, leading to the formation of the Union for Europe (UPE). Since 1998, President Berlusconi chose to align with the European People's Party (EPP), within which Forza Italia remains today (Isernia and Longo 2019).

Similarly, the European placement of the Lega has been consistent since its inception as a strongly Euroskeptic party. Despite being part of the Italian government majority, Lega only managed to elect its first MEP in 2009. The party chose to join the European Alliance for

Freedom (EAF) parliamentary group, which included other strongly Euroskeptic parties like Marine Le Pen's National Front. From the EAF affiliates, the Movement for a Europe of Nations and Freedom (MENL) emerged in 2014, with Lega being one of its primary forces. This European party had an even more sovereigntist orientation than the EAF, advocating for the end of the common currency and the revision of EU immigration treaties. Since 2019, at the initiative of Le Pen, the party reorganized under the name Identity and Democracy (ID). Lega currently has the highest number of MEPs within ID, with 25 members (Isernia and Longo 2019).

As for Fratelli d'Italia, the party was part of the EPP until 2013, aligning with Forza Italia. However, since 2018, the party shifted to the European Conservatives and Reformists (ECR) Group, which is considerably more Euroskeptic and right-leaning (Isernia and Longo 2019).

Closing the list is the M5S, which elected its first MEPs in the 2014 European elections. Through an online referendum open to party members, they initially chose to join the Europe of Freedom and Direct Democracy (EFDD) group, alongside Euroskeptic populists like Nigel Farage's UKIP. The EFDD group was critical of what it saw as the EU's bureaucratic centralism. However, following the 2019 European elections, M5S's MEPs decided not to align with any specific party.

2.3 The stance of the center-left on EU governance and the rule of law

A promising method of studying the relationship between Member States and the European Union is to reconstruct how the EU itself is presented in the discourses of political elites (Lacroix and Nicolaides 2010). Reflecting on Della Sala's insights (2016), it's clear that every governing body develops its own story, which explicates the authority to rule, the reasons for it, the means of its execution, and the subjects of this rule. These stories essentially shape our beliefs and mental constructs related to political power and authority. A parallel can be drawn to the way the European Union has channelled efforts into creating a narrative to validate its process of integration (Brunazzo and Della Sala, 2016). Similarly, political elites have fashioned their distinct narratives designed to sway public opinion either in favor of or in opposition to this integration process.

To gain a comprehensive understanding of how Italian political parties have positioned themselves in relation to European law initiatives to defend the rule of law, it is crucial to delve

into the narrative that has developed within the Italian political spectrum regarding the role of European institutions and their interaction with Member States, particularly Italy. This understanding is vital for comprehending the evolution of Euroskepticism in Italy and the influence of party narratives in shaping public opinion.

It is essential to consider the significant impact of the 2008 financial crisis and the subsequent political landscape on influencing public sentiment in Italy. The crisis played a pivotal role in reshaping the domestic party system, creating an environment conducive to the rise of populist parties. Additionally, the implementation of austerity measures in response to the crisis marked a turning point in the EU's reputation, as it was perceived by many Italians as an external force imposing strict economic policies. However, it is important to note that this sentiment was primarily confined to the Italian public, while political and economic elites remained cognizant of the crucial importance of maintaining strong ties with the European system (Conti, Cotta and Verzichelli, 2016). They recognized the role the EU played in safeguarding European countries during the turbulent period of the 2008 economic crisis.

As noted by Diodato and Niglia (2019), the fourth Berlusconi government, which remained in office from May 8, 2008, to November 16, 2011, maintained strained relations with the European Union for an extended period due to the government's refusal to approve economic reforms that would safeguard Italy from a crisis caused by its high budget deficit and public debt.

It was only at the end of October 2011, after a lengthy internal negotiation within the majority coalition and persistent pressure from the EU, that Prime Minister Berlusconi agreed to implement some austerity measures. However, in the first half of November, it became clear that the government no longer had the necessary votes to continue its actions. Consequently, Berlusconi resigned shortly after the approval of the Budget Law and the Stability Law. The President of the Republic then tasked Mario Monti with forming a purely technical government supported by the votes of the entire parliament, except for the Lega (Diodato and Niglia, 2019).

As described in the previous section, from 2013 to 2018, the political landscape in Italy was characterized by a series of governments led by members of the PD. This period saw Enrico Letta, Matteo Renzi, and Paolo Gentiloni serving as successive Prime Ministers. During

this period, the PD-led governments pursued a pro-European agenda, aiming to address economic challenges and strengthen Italy's position within the European Union.

As the analysis commences from 2013, it is essential, to begin with an exploration of Enrico Letta's vision of Europe during his tenure as the Prime Minister of Italy. Letta, a prominent figure in the Italian political sphere, has repeatedly demonstrated a firm conviction in the interconnected fate of Italy and the European Union. This perspective, revealed in detail through his compelling 2013 address to the Italian Chamber of Deputies during the debate on confidence in his government, paints a comprehensive picture of his understanding of the European project and Italy's place within it (Giannetti, Pedrazzani and Pinto, 2022b).

According to Letta, Europe is not a relic of the past but a journey into the future (Letta, 2022). He views Europe as the political space where the hope that animated our society in the post-war reconstruction can be relaunched. Letta asserted that Europe was a journey belonging to everyone: its history is not written in spite of us but by us. He emphasizes the importance of universities producing graduates who could work anywhere in Europe and companies inventing products that were competitive at the continental if not global, level. He believes that thinking of Italy without Europe is a real limitation of our sovereignty, leading to the most dangerous devaluation, that of ourselves. It is not possible for him to separate Italian issues from European answers, in the fight against unemployment and inequality and in the defence and promotion of all rights (Letta, 2022).

Letta believes that we could have "more Europe" only with "more democracy" - with European parties, with the direct election of the President of the Commission, with a brave and concrete budget. He advocates for a move towards a federal Europe, an integrated political entity where decisions are made collectively. Otherwise, the cost of non-Europe, the burden of missed integration, and the risk of a monetary union without a political and banking union would become unbearable. Letta has expressed a firm belief in the necessity of further integration within the European Union. More recently, Enrico Letta has illustrated his program for a revitalized Europe, laying out his vision for a union that can successfully navigate the challenges of the 21st century. Central to his discourse was the idea of Europe as a bastion of protection and unity. He posited that amidst a world increasingly characterized by violence and unpredictability, the Member States of the European Union enjoy a privileged status. This status, he argued, is anchored in the shared values of dialogue, peace, and, most importantly,

the rule of law. He emphasized that these principles stand in stark contrast to the notion of "survival of the fittest," often prevalent in less structured and law-abiding international environments. Letta, however, did not shy away from recognizing the inherent fragility of the European Union. He acknowledged that the intricate construct of the Union is sensitive to the dissensions of individual Member States, which can lead to complications and even political paralysis (Letta, 2022).

This observation served as a launching pad for his call for reforms (Giannetti, Pedrazzani and Pinto, 2022b). He urged a reformation of the Union's political mechanisms to ensure its continued relevance and effectiveness. His most notable point was a call for the European Union to be freed from what he termed the 'stranglehold of the veto right.' He pointed out that this principle, which allows any member state to block decisions, was inhibiting the aspirations and potential growth of the Union. By modifying or even eliminating this power, Letta suggested, the Union could be made more responsive and less prone to gridlock, thereby better serving the expectations of its citizens. Beyond this, Letta underscored the need for a strengthening of the social dimension of the European Union, indicating that greater attention should be paid to issues such as inequality, poverty, and social justice. He also called for a maturation in the Union's approach to energy, security, and foreign policy, signalling that the EU needs to step up its efforts in these key areas to consolidate its role as a major global actor. In sum, Enrico Letta's vision for a 'New Europe' in 2022 revolved around the dual themes of preservation and reform. He articulated a profound respect for the foundational principles of the Union while acknowledging the need for change to address current realities and future challenges. This delicate balance, he argued, would ensure the continued vitality and effectiveness of the European Union in the years to come (Letta, 2022).

Moving on to Matteo Renzi, it is important to underline that Renzi's government demonstrated a significant willingness to cooperate with EU institutions, showcasing a supranational approach to the European project. Throughout its tenure, the government engaged in active dialogue with the European Union, seeking to align Italy's policies and reforms with broader EU objectives. Renzi's administration saw the EU as a crucial partner in addressing pressing challenges, such as economic recovery, youth unemployment, and immigration (Giannetti, Pedrazzani and Pinto, 2022b).

Italy's annual government report of 2014 on the national participation in EU affairs to the Parliament underscored Italy's contribution to the European integration process. Notably, it emphasized the intention to bridge the gap between Europe and Italy by fostering a sense of shared identity. This involved recognizing every citizen, city, and territory as an integral part of Europe, where decisions are made collectively, rather than viewing Europe as merely the location where decisions are imposed upon them. By promoting this self-awareness and inclusivity, the center-left aimed to strengthen the bond between Italy and the European Union, fostering a greater sense of ownership and participation in the decision-making processes of the EU.

Matteo Renzi frequently brought up the theme of European integration in his public speeches. The manner in which Renzi tackles these issues, however, is multifaceted (Brunazzo and Della Sala, 2016). In his 2014 speech to the Senate, requesting support for his new government, Renzi stated that the EU could be seen as a beneficial external force for Italy. Renzi's stance is that Europe shouldn't be perceived as "the root of our problems" and that Italy's finest attributes lie in its "European-Europeanist tradition." He argues that the democratic principles and liberties assured by this tradition represent Italy's future prospects, not just a reflection of its history (Brunazzo and Della Sala, 2016).

However, Renzi's discourse on the EU also signifies a departure from the traditional pro-European stance of the center-left. During multiple instances throughout Italy's Presidency of the Council of the EU, Presidency Renzi didn't hesitate to criticize the actions of the European Commission. He accused it of not adequately acknowledging the reforms initiated by the Italian government and of enforcing budget rules in a bureaucratic and shortsighted manner (Brunazzo and Della Sala, 2016). Furthermore, the Renzi government assertively challenged the prevailing "German-led EU" consensus in favor of financial austerity, expressing harsh criticism toward the European Commission (Carbone, 2015).

Renzi contended that strict adherence to austerity measures could stifle economic growth and exacerbate social inequalities in Southern European countries, including Italy. His government advocated for greater flexibility in fiscal policies to accommodate investments in growth-oriented projects. However, this assertiveness in making requests to Brussels can partly be attributed to political personalization and Renzi's career-oriented objectives, as pointed out by Coticchia and Davidson (2019). Renzi, a charismatic and ambitious leader, sought to

strengthen his political standing both within Italy and on the European stage. His actions were often driven by a desire to carve out a prominent role for Italy in EU decision-making, and he used the platform to raise his profile on the international scene. The influence of personal ambitions on shaping the country's political agenda was a novel development.

Renzi's approach to politics was characterized by a direct and dynamic style, which resonated with a portion of the Italian electorate. However, this increasing personalization of politics also fuelled tensions within his own party and led to divisions among center-left factions.

Nevertheless, it is important to recognize that the core of its initiatives was primarily domestically focused. Recognizing the urgent need for economic revival after the 2008 Eurocrisis and Monti's technical government, Renzi's administration made revitalizing the Italian economy a top priority. They pursued a series of ambitious structural reforms aimed at liberalizing labour markets, streamlining bureaucracy, and attracting foreign investments. These reforms were intended to make Italy more competitive on the global stage and strengthen its position within the European market.

Although he voiced critiques on some actions taken by the EU, Renzi's government maintained a collaborative and proactive approach towards European institutions. This nuanced stance allowed them to assert Italy's interests while remaining committed to the broader European project. This approach was in stark contrast to subsequent center-right and populist governments, which took a more confrontational approach towards the EU, using anti-EU sentiments as a means to appeal to their electoral base. Despite his critiques of the EU, Renzi aimed to see a stronger European Union. He believed that a shared European identity was crucial for the future success of the EU, which he saw as more than a mere bureaucratic entity (Renzi, 2014). His stance was unequivocal: the existence of a robust, shared European identity was not a mere preference but a necessity. He held that there was a profound, collective European identity that needed to be reclaimed. Without this, he believed, the European Union, as an entity, risked losing its relevance and effectiveness in the face of the challenges that lie ahead (Renzi, 2014). His belief in a collective European identity over nationalistic views represents a stark departure from the views of many right-wing political parties, which typically prioritize national identities over collective European identity.

The results of the European elections in May 2014 were a remarkable endorsement for the PD led by Renzi, as they secured an extraordinary 40.8% of the votes. They were followed by the M5S with 21%, marking their first electoral competition for the European Parliament. Forza Italia saw a significant drop in support, receiving only 16.8% of the votes, and even the Lega achieved a modest 6.1% (European Parliament, 2014).

These results were generally interpreted as a strong vote of confidence in Renzi's leadership, which legitimized his agenda of reforms. The prestige of the PD and its new leader, who was an unequivocal Europeanist, also allowed Italy to aspire to a more central role within the Party of European Socialists (PSE) (Francescon, 2014). It may have been the excessive sense of confidence induced by this vote that led Renzi to propose a constitutional referendum, linking it to his political fate (La Stampa, 2016). The clear defeat suffered in the December 2016 referendum ultimately forced Renzi to resign as prime minister.

As the 17th legislative term was nearing its conclusion, under the leadership of Prime Minister Paolo Gentiloni - who positioned his government in continuity with Renzi's government, as described by Poggi and Sorrentino in 2022 - divisions within the PD intensified. Concurrently, a concerning trend of Euroskepticism was emerging within Italy. In fact, among nations polled in the 2018 Eurobarometer survey, Italy stood near the bottom, with a mere 44% of respondents affirming their belief that Italy's accession to the European Union had been a beneficial endeavour. Under these circumstances, the rise to power of anti-establishment parties in the 2018 elections was less a surprise than a reflection of the prevailing sentiment. The ascendancy of Movimento 5 Stelle and Lega, which jointly constituted the so-called "yellow-green government" in 2018, triggered a marked shift in Italy's discourse regarding the European Union. Central tenets of this discourse, such as democracy, identity, and the rule of law, were profoundly affected, prompting a substantial re-evaluation of Italy's relationship with the EU.

2.4 The Movimento 5 Stelle led governments' stance on the EU governance and the rule of law

The yellow-green government has been formed as a consequence of the 2018 general elections, from which no clear majority capable of governing the country had emerged. The aftermath of these elections was marred by a protracted period of ambiguity and efforts to determine a viable and preferably consistent parliamentary majority.

After an extended period of negotiation, it became clear that the only feasible, albeit politically unexpected, solution was a coalition between the Movimento 5 Stelle (the real winner of the elections) and the Lega (which emerged as the most powerful party from the center-right), forming the "government of change", as labelled by Pedrazzani in 2018. The two parties managed to form the Conte I government (June 2018–September 2019). This was a surprising and, in some senses, "unnatural" collaboration between two political entities with vastly dissimilar political ideologies, diverse voter bases, and distinct regional strongholds.

Their individual electoral manifestos displayed very few commonalities, except for an unwavering commitment to take up the reins of government. They claimed to be the true voice of the Italian population, emphasizing their primary duty to safeguard the interests of Italian citizens. Both parties proudly embraced the populist underpinnings of their platforms, with a strong focus on reclaiming national sovereignty (Monaco, 2022). Their collective standpoint towards the European Union and its broader framework was largely negative, viewing it more as a limitation of national autonomy rather than an opportunity for growth and collaboration (Nelli Feroci 2019).

Both parties have openly shown their distrust of the European Union, portraying it as an institution that imposes limits on national sovereignty and as an obstacle to Italy's economic growth (Di Lieto and Mascitelli, 2018). This anti-EU narrative has been used by both the Lega and the Movimento 5 Stelle to legitimize their political position and mobilize their electorate.

This coalition marked a significant shift in Italian politics, with its insistence on a more nationalist and populist approach to government, which often led to clashes with the European Union over budget and immigration. In the regular narratives put forth by the leaders of the Lega and the Movimento 5 Stelle, the European Union is portrayed as an undemocratically elected super-structure ruled by unappointed bureaucrats (Nelli Feroci 2019). Furthermore, it is depicted as a set of regulations and institutions primarily designed to curtail national sovereignty, enforce constraints on the country, and, occasionally, advance the dominance of either Germany or France across Europe (Nelli Feroci 2019).

After the government was formed, the vehement opposition towards the EU moderately lessened. However, the heads of both political factions, Matteo Salvini, and Luigi Di Maio, continue to maintain a strong narrative criticizing the EU. In their view, the EU and its

associated rules are seen as a complex system of restrictions rather than a platform for opportunity. They perceive it as a constraint on Italy's progress rather than a power booster. Specifically, fiscal discipline regulations are frequently identified as the main culprit for Italy's frail economic condition. The allegedly forced austerity measures intended to manage deficit and debt are primarily held responsible for the cyclical effects on an already feeble economy. The imposed limits on public expenditure are seen as a major hurdle to implementing measures that could alleviate and reduce prevalent social discontent. Finally, the perceived lack of European solidarity in managing migratory flows is consistently highlighted as a critical issue for a country that believes itself to be disproportionately affected by the influx of immigrants and asylum seekers. Upon closer analysis, these arguments are primarily used in a tactical manner by the two majority parties to undermine the EU's legitimacy in the eyes of their respective supporters.

Under the Conte I government, scepticism towards the European Union was palpable in several key issues. One of the most contentious was the Italian budget proposal for 2019. The 2019 budget law sparked the first significant conflict between Italy's government and the European Union. Aiming to finance substantial pension reforms and citizen income, Italy initially proposed a budget deficit of 2.4 % of GDP for 2019 and an overly optimistic 1.5 % GDP growth. This not only contradicted existing regulations but also commitments Italy made previously, challenging the Commission's authority. The Commission deemed this proposal unacceptable and requested a revision (The Economist, 2018). The ensuing negotiations, under pressure from potential infringement procedures and the influence of financial markets, led Italy to reduce the deficit to 2.04 % of GDP based on a more plausible but still inflated 1 % GDP growth forecast. This process was marked by the Italian government's sharp criticism of the Commission, blaming Eurozone operational rules for impeding Italian economic growth and undermining its ability to fight poverty and boost employment.

Migration issues similarly led to disagreements between Italy and the EU, primarily driven by Salvini's and the Lega's hardline immigration stance. Italy took a tougher approach, closing ports to migrant-carrying vessels, tightening measures against NGOs operating in the Mediterranean, implementing stricter asylum application measures, and using migrants' predicaments as leverage for quota acceptances from other Member States. However, Italy could not secure a commitment from EU partners for burden-sharing in managing migration

flows, blaming the EU for its perceived inaction and lack of solidarity, despite the problem lying with individual Member States, not the EU as an institution.

In May 2019, while the Conte I government was still in office, Italy held elections for the European Parliament. The Euroskepticism of the Italian electorate favored Matteo Salvini's party, which secured 34.2% of the votes, followed by the PD with 22.7%, and a disappointing result for the M5S with 17% (Repubblica, 2019).

Just a few months later, the fragile yellow-green government was replaced by a collaboration between the M5S, the PD, and other minor left-wing parties, giving rise to the Conte II government (September 2019 to February 2021). One of the main reasons for this change was certainly the divergence in views between the Lega and the M5S on European issues. A striking example was the election of Ursula von der Leyen as President of the European Commission, where Salvini's party voted against, while the M5S was in favor (Lupo, 2020).

With the advent of the Conte II government, Italy's relationship with the EU took a turn. This was driven in large part by the inclusion of the Partito Democratico, a pro-European party, in the government coalition. The changing global landscape, brought about by the COVID-19 pandemic, also played a significant role in this shift. The crisis underscored the necessity of international cooperation and solidarity to tackle the unprecedented health and economic challenges. The global health crisis demanded collaborative efforts on an international scale, and the EU was a significant player in orchestrating these initiatives. As part of the measures to counteract the economic downturn caused by the pandemic, the European Union proposed the Next Generation EU scheme, a recovery package of €750 billion. This fund was targeted to aid Member States heavily impacted by the crisis, and Italy, being one of the hardest-hit nations, was set to benefit significantly.

The work of Capati and Impronta (2021) demonstrated that the PD played a significant role in moderating the Euroskeptic tendencies of the M5S, which led to a change in the Italian government's attitude toward the European Union. According to Capati and Impronta, this collaboration had a "mitigation effect" on the M5S's Euroskepticism. The presence and influence of the PD in the coalition tempered the Euroskeptic views of the M5S, leading to a softening of the government's overall stance towards the EU.

In his policy statement to the Chamber of Deputies on September 9, Prime Minister Giuseppe Conte articulated a definitive pro-European Union stance. He emphasized the necessity for a “stronger and more inclusive” Europe and acknowledged that emerging economic and environmental challenges could only be successfully tackled if the EU’s institutions were strengthened, suggesting a clear shift from previous isolationist tendencies. Conte redefined the concept of national interest in the context of broader European governance, indicating a departure from more insular perspectives. According to Capati and Impronta (2021), much of the government’s shift in attitude towards the EU can be attributed to the influence of the PD, the junior partner in the coalition. As per the PD’s insistence, Europe was to be the uncontested cornerstone of the new government’s actions: PD set its commitment to pro-Europeanism as a necessary condition for forming a coalition partnership with M5S (Capati and Impronta 2021)

The changing approach towards the EU was evident during the COVID-19 pandemic, moving from a focus on national sovereignty, which characterized the Conte I government, to an emphasis on international cooperation, with the Conte II government (Cavatorto, De Giorgi and Piccolino 2021).

When the pandemic first hit Europe in early 2020, Italy was the country most affected. Conte II engaged directly with European institutions and championed a strategy of multilateral cooperation (Cavatorto, De Giorgi and Piccolino 2021). The goal was to unite European nations in the fight against the crisis using a coordinated, supranational approach.

Cavatorto, De Giorgi and Piccolino argue that the COVID-19 crisis created what is called a “policy window”; in this environment, a mix of problem recognition, potential solutions, and power dynamics among key players shaped the decision-making process. This process involved intricate interactions across different levels of European governance, ranging from supranational to national. These dynamics formed a complex decision-making framework, which influenced both the agenda-setting and the final outcomes. Rallying European solidarity became a key part of Italy’s national strategy (Cavatorto, De Giorgi and Piccolino 2021). This approach helped strengthen Italy’s commitment to European unity, acting as a counterforce to internal political pressures for sovereignty.

Italy adopted a cooperative, pan-European approach to managing the crisis, choosing to work with its European partners rather than taking a purely nationalistic route. Conte II government sought closer cooperation with the EU in tackling the COVID-19 pandemic. This included joint procurement of vaccines, coordinated travel policies, and shared research into the virus. This contrasted with the Conte I government's earlier criticisms of the EU's alleged lack of solidarity during the pandemic's early stages.

The Conte II government's adoption in January 2021 of the PNRR under the Next Generation EU scheme further underscores Italy's strategic shift towards a more collaborative approach with the European Union. In accepting the EU recovery scheme, the Conte II government demonstrated its commitment to working closely with European partners. This decision signalled a pragmatic and cooperative approach to Italy's engagement with the EU, recognizing that European solidarity was critical to tackling the widespread impact of the pandemic. In December 2020, Giuseppe Conte highlighted the Italian government's dual strategy in responding to the challenges presented by the pandemic. On the one hand, Conte stated the government had taken measures to compensate for the damages inflicted by the crisis (Enti locali online, 2020). However, the government has not limited its approach to mere damage control: it has offered opportunities for a more effective restart and recovery. The ultimate aim of these efforts, according to Conte, was to allow the whole European system to quickly recover from the pandemic and to enable the European Union, viewed as a complex system, to return to competitive global markets as soon as possible (Enti locali online, 2020). He emphasized that this approach embodies a truly European vision. Contrasting this with past responses to similarly severe crises, Conte pointed out that this shift in philosophy is indeed epoch-making. In previous situations, the prevailing response was often austerity-focused, with a primary emphasis on debt containment. However, in confronting the COVID-19 pandemic, Conte noted that Italy, along with the EU, adopted a more proactive and comprehensive approach, balancing economic stability with the urgency of a robust and effective recovery (Enti locali online, 2020).

The dissolution of the Conte II was triggered by Senator Matteo Renzi, the leader of Italia Viva, specifically due to the resignation of Italia Viva's ministers, Teresa Bellanova, and Elena Bonetti. The instability of the majority forced the decision of the President of the Republic, Sergio Mattarella, to invite Mario Draghi – the former President of the European Central Bank – to form a new government in February 2021. At the forefront of the political

agenda at the time were pressing issues like the ongoing pandemic, the management of a large-scale vaccination rollout, and the development of the National Recovery and Resilience Plan.

It was around these critical matters that Draghi's government of national unity was formed, lasting from February 2021 until October 2022. This government enjoyed the backing of all political parties, with the notable exceptions of the right-wing Fratelli d'Italia and the minor leftist party, Sinistra Italiana.

2.5 COVID-19 crisis and Mario Draghi's technical government

At a particularly challenging time for Italy, grappling with the COVID-19 pandemic and facing significant institutional and economic stability risks, Mario Draghi's government was met with an expansive level of support. This allowed it to be classified among the "national unity" governments, with 535 deputies and 262 senators supporting it – marking it the third largest majority in Republican history, trailing only the Andreotti IV government (1978) and the Monti government (2011) (Fabrizzi and Poggi, 2022). The President of the Republic, Sergio Mattarella's remarks during the crisis, advocated for a highly qualified government that didn't align with any specific political formula (Fabrizzi and Poggi, 2022). He declared it his duty to call on all parliamentary forces to aid in the formation of such a government – not just any wide-ranging agreement government, but a specially tailored executive to combat an exceptional crisis situation (Fabrizzi and Poggi, 2022).

Regarding the formalization of Mario Draghi's appointment and the government's formation, President Mattarella felt no need for a second round of consultations after the exploratory mandate. Instead, he was convinced of the urgency to appoint a government leader to address dire emergencies (Mattarella, 2021). Mario Draghi's selection was predictable, as his name had been repeatedly mentioned in the context of possible leadership roles. Draghi, recognized for his pivotal role in rescuing the euro post the 2008 economic crisis and with a formidable resume, was seen as an asset, both domestically and internationally.

On February 3, Mario Draghi was asked to form a government. Interestingly, the resulting government included nine technical personalities, including Draghi, out of 24 ministers. These individuals held key positions such as economy, environment, infrastructure and transport, education, university and research, justice and interior. This signalled a strong reliance on expertise to navigate the country's challenges. Despite its substantial technical

component, the Council of Ministers was predominantly comprised of representatives from the political groups supporting the majority. The Movimento 5 Stelle, as the largest party in Parliament, received the highest number of ministries. The Partito Democratico, the Lega, and Forza Italia each held three ministries.

The scope of the Draghi government's agenda set it apart from its predecessors. From the outset, Draghi emphasized tackling the pandemic, completing the vaccination drive, addressing citizens' daily concerns, and rejuvenating the country as key challenges (Draghi, 2021). He highlighted the significant resources provided by the European Union, offering a promising opportunity for the country's future and social cohesion (Draghi, 2021). This broad interventionist approach was necessitated by the vast undertaking of managing funds like the Recovery and Resilience Facility (RRF).

The RRF is part of the Next Generation EU program, the €750 billion package, roughly half of which consists of grants, agreed upon by the European Union in response to the pandemic crisis. In his address to the Chamber of Deputies on February 17, 2021, Draghi outlined the need for structural changes in critical sectors such as taxation, public administration, and justice (Draghi, 2021). He underscored the state's responsibility to utilize instruments of research and development spending, education, incentives, and taxation (Draghi, 2021).

When analysing Mario Draghi's vision of the European Union, it's evident that he views it through a lens of interdependence and cooperation. For Draghi (2021), national sovereignty does not exist in isolation. Instead, it is intrinsically linked to broader regional and global networks. According to Draghi, in an interconnected world, even great powers cannot consider themselves self-sufficient, and this is particularly true for medium-sized countries like Italy (Draghi, 2021).

Hence, his vision for the EU seems to be a Union that, while respecting the individual sovereignty of its Member States, also fosters collaboration and shared responsibility. He understands that sovereignty, in today's context, cannot be seen as a country's ability to exist independently of others but rather as its capacity to influence and shape joint decisions and global trends. It can therefore be inferred that Draghi envisions a Europe where nations exert

their sovereignty not through isolation but through active participation and influence in common European policies and strategies.

Mario Draghi's vision of Europe is one of interconnectedness and collective progress. In his perspective, the future of Europe lies in deeper integration and cooperation among its Member States, enabling them to navigate the challenges of the 21st century more effectively. His view acknowledges the fundamental importance of nation-states for citizens, yet it recognizes that there are areas where individual states may not have the capacity to act effectively on their own. In these situations, according to Draghi, national sovereignty should be partially surrendered in favor of shared sovereignty (Draghi, 2021). The goal is to pool resources and decision-making capacities to enhance effectiveness in areas that are beyond the power of any single state to address satisfactorily.

Draghi's vision doesn't advocate for a blanket transfer of powers from national capitals to Brussels. Instead, he proposes a nuanced and strategic rebalancing of competencies. It is not a matter of opposing the European state to the nation-state, but of composing, within a single institutional and legal framework, different sovereignties exercised democratically at different levels of government (Fabbrini, 2021).

In the post-pandemic world, Draghi's vision becomes even more pertinent. The COVID-19 pandemic highlighted the interconnectedness of countries and the potential value of coordinated, supranational responses to global crises. In the post-pandemic world, Italy's existence is inextricably linked to Europe. A Europe where, according to Draghi, sovereignty is shared in a balanced and pragmatic way between nation-states and supranational institutions, a Europe that can effectively respond to the collective challenges of the 21st century.

For Draghi, the dynamic between European integration and nation-states is not a zero-sum game (where one party's gain is the other's loss) but a positive-sum scenario where all can benefit (Fabbrini, 2021). He believes that both the EU and individual states can grow stronger together. In his view, the EU should enhance its power by adopting a "common public budget" to aid countries during recession periods (Fabbrini, 2021). In Italy, according to Draghi, the PNRR should not just enumerate projects to be finished in the upcoming years but mainly define the goals for 2026 and what we're targeting for 2030 and 2050.

In his February 17, 2021, address to the Senate, Mario Draghi not only underscored the pro-European stance of his administration but also presented a bold, pro-European vision as the way forward to address Italy's national challenges. He effectively positioned the conversation about national priorities within the broader context of European integration, emphasizing that Italy's progress is inextricably linked to the success of the European Union. Draghi's pluralist vision of shared sovereignty and the rebalancing of competencies between the EU and its Member States resonates with the essence of the European project, which is rooted in the belief that unity, cooperation, and shared decision-making are the most effective ways for nations to achieve their goals and overcome challenges. This vision invites nations to reassess their roles within the EU, promotes the benefits of shared decision-making, and underscores the importance of collective action in tackling different issues which attack the founding values of the EU.

At the meeting of the European Council on June 24-25, 2021, Prime Minister Mario Draghi reminded the Hungarian Prime Minister:

“Article 2 of the EU Treaty is there for a reason: Europe has a long history of human rights abuses. Bear in mind that this Treaty, also signed by Hungary, is the same one that appoints the Commission as the guardian of the Treaty itself. It is up to the Commission to determine whether Hungary is in violation of the Treaty or not” (Marad, 2021).

The message Draghi conveyed is a strong endorsement of the values that underpin the European Union and the structures that have been established to protect them. He emphasized the importance of Article 2 TEU, which outlines the Union's founding values, including respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights. By referring to Europe's long history of human rights abuses, Draghi underscores the purpose of the EU as a project meant to prevent such abuses and ensure respect for fundamental rights. He implies that any violation of these values by a Member State, such as Hungary, is a matter of serious concern.

Draghi's comments also highlight the role of the European Commission as the guardian of the EU Treaty. This reflects his view that the Commission has an essential role in ensuring that Member States adhere to the Treaty's provisions and the values they enshrine. This shows

Draghi's commitment to the rule of law and the institutional structures of the European Union, recognizing the Commission's authority and the essential role it plays in upholding the Union's fundamental principles. Mario Draghi's vision for the rule of law is fundamental to his view of governance, both within Italy and within the larger European context. By emphasizing the rule of law and acknowledging the partnership with Germany and France — nations that are strong champions of this principle — Draghi is signalling his alignment with core democratic values. He underscores the rule of law as a foundational element of a healthy democracy and a prosperous society, as it provides predictability, ensures accountability, and protects individuals' rights.

In his approach to international relations, Draghi has been meticulous in selecting partners who not only align with Italy's economic and strategic interests but also demonstrate a strong adherence to the rule of law. In his view, partnerships should be formed and fostered not merely based on economic or geopolitical considerations but also on shared principles and values, such as the rule of law. This approach strengthens the unity and coherence of the European project, as it brings together countries with a shared commitment to democratic governance and legal integrity.

Draghi's vision of the rule of law, therefore, extends beyond the domestic context. He sees it as a shared value that binds the European Union together and as a crucial element in Italy's partnerships with the Union. His emphasis on this principle reinforces the idea of Europe as a community of values, where the rule of law is central to shared identity, cooperation, and progress. Mario Draghi's vision of the European Union is one of integral commitment and shared destiny. He sees Italy as a vital and inalienable part of Europe, affirming that without Italy, there is no Europe, and if Italy were outside of Europe, there would be less Italy (Draghi, 2021). His belief in the irreversibility of the choice of the euro and his advocacy for an increasingly integrated EU illustrates his commitment to the European project. He does not just see Europe as a union of economies but more fundamentally as a community of shared values and principles, embodying the spirit of the great Western democracies.

The programmatic declarations made by Mario Draghi marked a shift in Italy's approach to addressing the pandemic and its aftermath. It indicated an intention to move into a new phase of public intervention in the post-pandemic period. The proposed approach reflects an integrated strategy that intertwines domestic action, alignment with the National Recovery

and Resilience Plan, and compliance with European guidelines. Indeed, Mario Draghi's government agenda went beyond the immediate task of battling the COVID-19 pandemic. It extended to an intricate dance of aligning national policies with European Union guidelines (Fabrizzi and Poggi, 2022). It recognizes that Italy's post-pandemic recovery is inextricably linked with its role in the European Union and its ability to align its national policies with broader European objectives. His experience, along with his deep understanding of European financial and political systems, has allowed him to articulate a vision for Italy that goes beyond the immediate crisis. His goal was to achieve a robust recovery that not only addressed Italy's immediate needs but also positioned it as a strong and proactive player within the European Union, ready to seize the opportunities of a post-pandemic world.

Overall, Draghi's vision for the European Union and the rule of law reveals a leader who is committed to a path of unity, shared sovereignty, and legal integrity. His approach illustrates the potential for a balanced relationship between national sovereignty and integration within the EU, a relationship that could provide a blueprint for other Member States grappling with the same challenges. However, this period of strong pro-Europeanism primarily resonated with the economic and political elite. It seems that the grassroots level and broader social sentiment did not fully share this pro-European vision, reflecting a disconnect between political leadership and the populace. This divergence becomes evident in the 2022 elections, where the euroskeptic party Fratelli d'Italia, led by Giorgia Meloni, emerged victoriously, indicating a shift in national sentiment and a challenge to the pro-European trajectory envisioned by leaders like Draghi.

2.6 Giorgia Meloni's government and the primacy of national interests

The September 2022 Italian general elections significantly changed the country's political landscape. The winning coalition was led by Fratelli d'Italia, a far-right party, in partnership with the Lega, Forza Italia, and Noi Moderati. FdI's success was particularly noteworthy as they experienced a dramatic increase in support compared to the 2018 elections. In 2018, they had only secured 4% of the vote, but in 2022, they managed to obtain a staggering 26% of the vote, making them the party with the highest number of votes in Italy. In a pattern similar to the 2018 elections, the victory in the 2022 Italian general elections also went to an "anti-establishment" party.

FdI prioritizes discussions and policies related to the preservation of Italian cultural heritage, the protection of traditional values, and the safeguarding of national identity. The party employs a populist rhetoric, similar to the Lega, by appealing to the people's will and denouncing the existing elite. However, FdI's focus on "taking back control" centers more on cultural and identity-based concerns often associated with radical rights. These include apprehensions about immigration, the perceived influence of Islam on Italian society, and their opposition to same-sex marriages. Moreover, FdI's demand for the restoration of nation-state control is predominantly motivated by their opposition to the European Union's multicultural model, which they perceive as posing a threat to national values and identity (Basile and Borri, 2022).

Especially since the second party convention held in Trieste in 2017, FdI solidified its shift towards the radical right. The convention approved a document called the "Thesis of Trieste for the movement of the Patriots", which places significant emphasis on national identity, considering it the expression of a unified and homogeneous community sharing a common history, cultural heritage, and traditional values. FdI seeks to counter the perceived damages caused by progressive culture through the rediscovery of national identity, a return to traditional values, and renewing the sense of belonging to a single national community.

FdI positions itself as the protector of national interests and national identity. The party emphasizes the need to restore Italian sovereignty and proposes reforming EU treaties towards a confederal Europe consisting of free and sovereign states cooperating on strategic issues such as security, immigration, defence, and foreign policy. The main objective of FdI is to defend national borders and communities by restoring a sense of national belonging and pride (patriotism) among Italians.

Fratelli d'Italia's strong emphasis on sovereignty is not solely limited to the defence of borders. This perspective primarily stems from concerns about the influx of migrants from Islamic countries and the subsequent denouncement of what is perceived as the Islamization of Italy and Europe (Argenta, 2022). However, the party's commitment to sovereignty extends beyond this issue. It serves as a mean to safeguard against perceived encroachments by the European Union and its endeavours to enforce the values of the rule of law in all EU Member States (Ventura, 2022). Meloni herself has expressed solidarity with the governments of Poland and Hungary amidst their ongoing dispute with the EU on this very matter. She contends that

the EU exploits the notion of the rule of law as a weapon, wielding it mercilessly against the people of Poland and Hungary simply because these nations seek to preserve their national and Christian identity (Meloni, 2021).

Capitalizing on the growing Euroskeptic sentiment among the Italian population, Fratelli d'Italia has positioned itself as a proponent of an alternative Europe in terms of its functioning and cultural values. FdI argues that the European Union should be grounded in Christian and traditional principles, often invoking the triad of “God, Fatherland, and Family” (Argenta, 2022). The party perceives the EU as representative of unchecked globalization that undermines national distinctiveness. FdI contrasts this with their vision of a Europe rooted in the interests and identities of its peoples, presenting a classic populist narrative of “us vs them,” pitting the “Europe of bureaucrats and technocrats” against the “Europe of the peoples”.

In July 2022, during her visit to the European Parliament, Giorgia Meloni encapsulated her vision of the Union with the slogan “A Europe that does less but does it better”, calling for a confederal Europe that opposes the dominance of bureaucrats and rejecting any further steps towards a federal Europe. This stance aligns with the positions of Poland and Hungary, advocating for the restoration of the superiority of national constitutions and laws over European law. FdI believes that achieving this kind of Europe would require a revision of the EU treaties, as stated in their program for the 2018 national elections.

During an interview with Bruno Vespa in June 2023, Giorgia Meloni raised a thought-provoking question regarding using the rule of law to target governments that deviate from a particular mainstream ideology (Fratelli d'Italia, 2023). She asserted that the rule of law should not be employed to target political adversaries (Fratelli d'Italia, 2023). Meloni's statement suggests a concern about the potential misuse or manipulation of the rule of law for political purposes. She questions whether the rule of law is weaponized to selectively target governments that are divergent from the prevailing mainstream ideology. In her view, the rule of law should not be wielded to suppress political dissent or undermine governments based on ideological differences.

FdI's 2022 program for national election includes a chapter on “Italy as a protagonist in Europe and the world” and a second chapter on the “Efficient use of the National Recovery and Resilience Plan and European funds”. This reflects a vision of Europe as a mere instrument

for Italy, a source of resources, rather than a multi-level governance system or an international actor. FdI believes Italy should regain its prominence in Europe, the Mediterranean, and the international arena. They advocate for a foreign policy that protects national interests and the homeland. FdI embraces a “Europe of nations,” echoing General De Gaulle’s confederal perspective from the 1960s. On the economic front, FdI calls for a revision of the Stability and Growth Pact and European economic governance to ensure policies promoting growth and full employment. FdI reiterates the importance of respecting international alliances in defence, including adjusting defence spending in line with agreed parameters within the NATO alliance. Finally, FdI emphasizes support for the Italian Armed Forces, rejecting personnel cuts and advocating for enhancing educational paths in military academies and schools. Regarding migration, FdI proposes the defence of national and European borders as required by the Schengen Treaty and EU regulations. The party advocates for border control, blocking migrant arrivals, and cooperating with North African authorities to combat human trafficking. FdI suggests the creation of EU-managed hotspots outside of Europe to process asylum applications and the fair distribution of eligible individuals among the 27 Member States.

Notably absent from the 2022 program are any critical references to the euro or the rule of law issue. While up until 2020, in many occasions, Meloni has argued that EU attempts to enforce the rule of law in Poland and Hungary amounted to interference in national sovereignty and harassment of right-wing governments (Rosini, 2020), during the 2022 electoral campaign FdI has chosen to tone down its confrontation with the European Union, recognizing that Italy’s revival depends largely on the Next Generation EU funds. Moreover, there is no explicit position in favor of maintaining unanimity or addressing the primacy of European law over national law, as Meloni recently advocated.

FdI recognizes that the PNRR represents an irreplaceable opportunity for Italy that must be fully utilized. Meloni’s party has therefore accepted without controversy to modify the PNRR, as required by the implementation of RePowerEU, in response to the crisis arising from the conflict in Ukraine and the increase in commodity prices. FdI suggests redirecting resources towards energy, making Italy an energy hub for flows from Africa and the Eastern Mediterranean. They also emphasize the need to strengthen the spending capacity of EU funds, including granting the state the power to act on behalf of regions and local authorities unable to utilize them effectively. Despite these ambiguities that demonstrate an awareness that taking an explicitly anti-European position would cost them votes, FdI presents itself as a nationalist

party with an Atlanticist stance but not a pro-European one. This explains their opposition to the Draghi government, which emphasized both Atlanticism and Europeanism as the pillars of its actions.

Regarding immigration policies, both Meloni and Orbán advocate for stricter controls and a more restrictive approach to immigration. They emphasize the need to protect national borders and prioritize the interests of their respective nations. They have expressed concerns about the potential consequences of large-scale migration, particularly regarding cultural preservation and national identity.

The idea of a “Europe of people” is another common ground between Meloni and Orbán. They both advocate for a Europe that respects and preserves national identities, cultures, and traditions. They oppose what they perceive as a homogenizing effect of globalization and a dilution of unique national characteristics. They argue for a confederation of sovereign states that can cooperate on shared strategic issues while maintaining their distinct national identities.

The bond between Giorgia Meloni and the government of Hungary and Poland was evident in June 2023 when these two countries blocked an agreement on immigration that Meloni strongly supported. Despite being a proponent of the agreement, Meloni justified the position taken by Poland and Hungary, recognizing the complexities they faced in implementing certain aspects of the proposed deal. The disagreement arose from the obligation of “mandatory” solidarity, which required EU Member States to either accept migrant relocations or face a fine of €20,000 for each migrant not resettled. A similar issue regarding the relocation of migrants had also occurred in 2015 (European Commission, 2015). During the EU Council summit in June 2023, the agreement on the so-called external dimension of migration had the backing of the majority of the Member States, including Italy, where Giorgia Meloni’s influence and support were notable. However, Poland and Hungary’s resisted to this aspect of the agreement and their concerns created a deadlock among the EU leaders. Though a supporter of the agreement, Giorgia Meloni defended Poland and Hungary’s stance, acknowledging their track record of hosting millions of Ukrainian refugees and their limited financial support from the EU. In her statements, Meloni understood and respected the two countries’ determination to safeguard their national interests, even if it meant opposing a broader EU consensus (Il Foglio, 2023).

Giorgia Meloni firmly upholds the view that the rule of law is fundamental to state power and sovereignty. She staunchly opposes any form of interference in Italy's internal affairs, considering it an infringement on the country's sovereignty. For Meloni, the ability to govern and uphold the rule of law within national borders is an essential expression of Italy's autonomy as a nation and a member of the European Union (Meloni, 2022).

In response to recent statements made by French European Affairs Minister Laurence Boone regarding monitoring Italy's rule of law after the formation of a new government, Giorgia Meloni expressed strong disapproval (Meloni, 2022). Meloni deemed the comments as an unacceptable interference of Italian sovereignty. She hoped the statements were misinterpreted and expected the French government to deny any intention of meddling in Italy's affairs as a sovereign state and EU member.

It is important to note that while her rhetoric might have softened since assuming the role of Prime Minister, her underlying political philosophy remains consistent. The softer tone should not be mistaken for a shift in fundamental beliefs. There appear to be signs of continuity between Meloni's approach with the policy pursued under Draghi's leadership. However, this continuity can be considered as a strategic maneuver aimed at bolstering Italy's influence on the European stage while simultaneously ensuring domestic political support. This strategy is especially pertinent given Italy's status as the primary beneficiary of the Next Generation EU. Meloni seems to be carefully navigating the delicate balance between advancing Italy's interests within the European Union and not alienating her core voter base at home. By maintaining a consistent stance on EU policies, particularly those related to Next Generation EU funding, Meloni can reinforce her position as a strong and reliable leader at the European level. Simultaneously, this approach allows her to secure crucial support within Italy, where the benefits of EU funds are substantial and highly valued. At the core of Meloni's agenda and political vision remain the principle of national interest supremacy. She values the preservation of national identity and protection of sovereignty as paramount to her political course. Thus, while her tone towards the EU might have shifted to a more moderate note, her belief in the primacy of national interests remains unwavering. Meloni's political journey, as such, serves as a reflection of a broader, ongoing discourse about national sovereignty in an increasingly integrated European landscape.

TESTING THE HYPOTHESIS: IMPLICATIONS FOR THE EU'S LEGITIMACY IN DEFENDING THE RULE OF LAW

3.1 The perception of the Italian left on the EU's attempt to defend the rule of law

In 2014, the political situation in the Italian center-left was largely influenced by the PD's substantial victory in the European Parliament elections held in May. The government led by Matteo Renzi, formed only two months earlier after the resignation of the Letta government (thus another PD-led executive), emerged decisively strengthened from that round of elections, which saw the Partito Democratico even achieve the highest percentage of votes among all individual political parties in the European Union. Internationally, Renzi found himself almost unexpectedly playing a leading role among the leaders of European socialists. There was no shortage, as is almost inevitable in the political arena, of criticism of the Italian prime minister from the opposition; however, it was clear that the Italian center-left had received a mandate from voters to continue on the path of defending the rule of law and implementing the reforms desired by Europe. Standing in front of the European Parliament, Renzi declared that the time had come for Italy to assume its responsibilities as a founding member of the EU and called it a mistake to blame Europe for the failure of national policies in individual states. Referring to the rise of anti-European parties in France, UK, and Italy, he said the damage created by the economic crisis and austerity policies had left a deep wound that could only be healed with a common European growth and investment strategy to reboot the economic system. To deal with high unemployment at home, Renzi asked the European Commission, newly chaired by Jean-Claude Juncker, for more funds to finance public investment. In response, Germany proposed a softer interpretation of EU budget rules, a move that was rightly interpreted as a guarantee of European support for Italy.

As Italy assumed the rotating presidency of the EU in July 2014 for the subsequent six months, Prime Minister Matteo Renzi garnered a standing ovation at the European Parliament in Strasbourg (Vincenti, 2014). His stirring and inspirational address, which deviated from the usual agenda, centered on reimagining a fresh vision for Europe (Vincenti, 2014). During the Italian presidency inaugurated by Renzi, the General Affairs Council of the European Union had the opportunity to take an important step, with the adoption on December 16, 2014, of the Conclusions on the Rule of Law (Porchia, 2015), committing the Council of the European Union to establish a dialogue among all Member States within the Council to promote and

safeguard the rule of law in the framework of the Treaties. The primary objective of these Conclusions was to promote the cultivation of a culture that upholds the rule of law within the European Union (Porchia, 2015). This approach relies on the sharing of national exemplary practices to facilitate mutual learning among Member States (Porchia, 2015).

The Conclusions on the Rule of Law adopted in December 2014 make it clear that the rule of law is one of the essential elements of European identity, so the institutions have a duty to safeguard and promote it. This choice underlies the ineffectiveness of punitive mechanisms for those states that delay or fail to uphold the rule of law. As explained in the first chapter, Article 7 of the TEU, according to which, in the case of a clear and persistent risk of violation of values relating to the rule of law, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of the Treaties to the Member State in question, is very challenging to activate. The application of the Article 7 procedure has so far been invoked only twice: against Poland in December 2017 and against Hungary in September 2018. Hungary's position is certainly more critical, and recently a resolution passed with a large majority by the European Parliament called the country ruled by Orbán an "electoral autocracy" (Genovese and László 2022). Indeed, since the new constitution adopted by Orbán in 2011, the country had moved unequivocally away from the rule of law (Tarquini, 2013).

With respect to the risk in Hungary of serious violations to the rule of law, the Italian center-left has actually taken some initiatives. In September 2018, a motion under the first signature of Graziano Delrio, head of the PD group, was tabled in the Italian parliament to try to commit the Italian government to support a tough stance in the EU against Hungary. In his speech, the member of the Italian Parliament Ivan Scalfarotto (PD) pointed out several times the interdependence between the democratic values of the EU and those of the Italian Republic: "respect for human dignity, respect for freedom, respect for democracy, respect for equality, respect for the rule of law, respect for human rights including those of minorities. These are words in which all the Italian people recognize themselves, not only as components and as members of the European Union but as citizens of our Republic, which was born on these values" (Scalfarotto, 2018).

Scalfarotto continued his speech by listing the European values betrayed by Orbán's Hungary:

“[...] the functioning of the constitutional system and the electoral system, the independence of the judiciary and other institutions and the rights of judges, corruption and conflicts of interest, privacy and data protection, freedom of expression, academic freedom, freedom of religion, freedom of association, the right to equal treatment, the rights of persons belonging to minorities, including Romani and Jews, and protection from hate speech against such minorities, the fundamental rights of migrants, asylum seekers and refugees, and economic and social rights” (Scalfarotto, 2018).

Scalfarotto's speech also touched on the issue of the rule of law in Italy, which was perceived to be exposed to the risk of authoritarian drifts like those in Hungary. At that time, the Italian government was headed by Giuseppe Conte, the first prime minister not belonging to the center-left area after three consecutive PD-led executives (Letta government, Renzi government, and Gentiloni government). Although formally independent, Conte represented at that time the Movimento 5 Stelle, a party with ambiguously "euroskeptic" positions. It becomes clear, then, that the PD's stance, expressed through Delrio's motion, can be interpreted as a warning to maintain the close connection of Italian institutions with European ones, in order to avert any anti-democratic drift.

The motion tabled in parliament by the PD was supported by the Movimento 5 Stelle, while the Lega, which took a decidedly more anti-European stance, voted against it. The two main governing parties thus found themselves on opposite sides of the issue of defending the rule of law in Europe. It is a vote that says a lot about the internal problems of the first Conte government and the reciprocal influence between Italy's national politics and European EU policies.

Scalfarotto's speech closed with an exhortation to the government, on behalf of the entire Partito Democratico, to pass the motion condemning Hungary in order to follow up on the application of Article 7 procedures and thus send a clear and unambiguous message for the defence of European institutions and the rule of law:

“When I see members of other parties talking about solidarity with the Hungarian people, I would like to recall that solidarity with the Hungarian

people cannot be expressed only towards the majority of the Hungarian population. Solidarity should be extended to the entire Hungarian population, including those who do not share the same views as Orbán, because expressing solidarity only to a majority of a country means forgetting that there may be significant minorities... We must remember that to join the European Union, certain requirements and parameters must be met” (Scalfarotto, 2018).

The ambiguity of the Movimento 5 Stelle regarding European policies certainly reflects the underlying ambiguity of this party with respect to the traditional division into left-wing and right-wing parties. In fact, the M5S has never made a secret of considering itself transversal with respect to political positioning: neither right-wing nor left-wing. An essentially populist position, which when it came to deciding on sanctions against Orbán's Hungary resulted in what Iacoboni in "La Stampa" called "a giravolta," that is, a volte-face.

After voting on September 12, 2018, in the European Parliament in favor of activating Article 7 against Hungary, the Movimento 5 Stelle in fact presented a joint motion at the Chamber of Deputies of the Italian Parliament - Molinari and D’Uva n 1-00047 - signed together with the Lega at the end of the same month, which essentially redefines the position of the government and in particular the M5S. In fact, the joint motion recalls that the process envisaged for sanctions against Hungary can take a long time, and therefore commits the government to do two things. The first statement poses no issues and simply suggests: "The government will be active to uphold and further the foundational values of the Union." In contrast, the second statement, as highlighted by Iacoboni (2018), fundamentally shifts the significance of the M5S vote in the European Parliament. According to the motion signed by party leaders, both the government is now tasked with evaluating the potential grounds for initiating infringement proceedings against Hungary. Fundamentally, the Movimento 5 Stelle acknowledged at the European Parliament that there are grounds to activate the infringement procedure, voting in favor, but a few days later changed its mind completely, arguing that the Italian government has yet to verify whether or not the activation of Article 7 is based on valid grounds. In contrast, the Partito Democratico, more clearly aligned in the center-left, maintained a position of firm condemnation toward Hungary and support for the European Union.

It is interesting to note the discontinuity in relations with the EU caused by government changes in Italy, because it is indicative of how different political forces relate to European institutions. Take the Gentiloni government, for example, compared to the Conte I and II governments. Gentiloni, Renzi's successor, led a government with a large majority in parliament from December 2016 to June 1, 2018. During this period, Gentiloni has always supported the idea of a strong, cohesive, integrated Europe. We have just seen, and we will see more in the next section, that during the first Conte government this support for European policies cracked, became more uncertain.

During the period of the Gentiloni government, Enrico Letta, as President of the Jacques Delors Institute, advocated for the approval of a new system of punishment for EU member countries that stray from the rule of law. In fact, referring to Hungary and using a football metaphor, he declared, "The tools available to the EU are insufficient when faced with such challenges. We must harden our stance with respect to these countries, but above all we need to have effective measures. [...] Europe needs to have a yellow card to use against such countries. At present it can only go straight to a red card" (Barbière, 2018).

Following the tenure of Prime Minister Gentiloni, Italy underwent a period characterised as a populist interlude with the formation of the executive branch led by the coalition of Lega and the M5S, known as the Conte I government, marking a departure from the series of center-left governments that had held power in the previous. This ideological shift was also evident in the government's stance toward rule of law initiatives, with a notable lack of support. In contrast, following the withdrawal of Lega from the coalition government and the formation of a new executive, still led by Conte but with the PD alongside the Movimento 5 Stelle (along with other minor parties), Italy's support for the principles established and defended by the EU increased again. Thus, it can be reasonably assumed that the PD exerted a "mitigating effect" on M5S Euroskepticism, leading to a change in the government's attitude toward the EU. Indeed, the Conte II government's adoption of a more pro-European approach than the previous government, chaired by the same political leader, is clear evidence of the influence exerted by the center-left party. It is interesting that the opposite did not happen, i.e., that it was not the M5S that influenced the PD's adherence to European policies, and the same has occurred in other countries as well:

“From a comparative perspective, the Conte II's governing formula does not constitute a rarity in Western Europe. Indeed, [...] Euroskeptic parties are in coalition governments with mainstream parties in Spain and Finland. Specifically, Podemos in Spain and the Left Alliance (Vasemmistoliitto) in Finland both stand as junior coalition partners to the Social Democrats-- i.e., the Spanish Socialist Workers' Party (PSOE) and the Finnish Social Democratic Party (SDP). Such government experiences suggest that when a mainstream party joins a coalition with a Euroskeptic party, that government ends up with a pro-European approach. Specifically, in Spain, the Euroskeptic Podemos underwent a normalization process during its partnership with the PSOE while the Marin government in Finland adopted the pro-EU program of the previous Rinne cabinet” (Capati, Improta, 2021, p. 3).

On closer inspection, party positioning on the European issue has been crucial in the process of forming Italian governments over the past two decades. In the case of the first Conte government, it was precisely a common anti-European or euroskeptic sentiment of the Lega and M5S that had paved the way for the yellow-green coalition. Overall, the Italian party system has been characterized by an increasing politicization of the European issue, which has led to polarization: it would be difficult today to propose to the public an anti-European center-left party and a fully pro-European right-wing party. There may be marginal exceptions to this rule, but they are precisely exceptions.

National parties have played an important role in acquainting the Italian population with the founding principles and policies of the EU, in the case of the center-left by incorporating Europeanism at the core of their political vision, and in the case of the right-wing by taking positions that are skeptical of or opposed to a cession of part of national sovereignty (in fact, the denomination "sovereigntist" has become widespread to refer to the position of those who claim Italy's right to develop a policy completely independent of EU influence) (Carrieri 2020b).

For obvious reasons, within the European Parliament this polarization is much less evident: almost all groupings are staunchly pro-European when it comes to recognising the importance of the rule of law. The European People's Party (EPP)- to which Orbán's Fidesz's

party belonged to until 2021-, the Party of European Socialists/Progressive Alliance of Socialists and Democrats (PES/S&D), the Alliance of Liberals and Democrats for Europe/Renew Europe (ALDE/RE), the Greens/European Free Alliance (Greens-ALE), may be critical of some individual measures, but not of the founding principles of the EU and its vision of the rule of law (Carrieri 2020b).

As anticipated, the PD can be seen as mitigating the Euroskepticism of the M5S, which led to an obvious change in the attitude of the Conte II government compared to the Conte I government. Quickly comparing the two governments, we can see that the outcome of the 2018 general election was a confirmation of the fluidity of the Italian political system, which had brought to power a coalition formed by the sovereign-nationalists of the Lega and the populists with euroskeptic tendencies of the M5S. The Conte II government, with the PD replacing the Lega, was welcomed with relief and satisfaction by European political leaders, who particularly appreciated the appointment of Roberto Gualtieri as Minister of Economy and Finance (Capati, Improta, 2021). As a matter of fact, Gualtieri was previously a MEP from 2009 to 2019, where he chaired the Economic and Monetary Affairs Committee from 2014 until 2019. Emblematic of this change is the support given by the Movimento 5 Stelle to the election of Ursula von der Leyen as President of the European Commission in 2019 (Capati, Improta, 2021).

By the time the negotiations for the formation of the PD-M5S government coalition came into being, PD Secretary Nicola Zingaretti had already set as a *sine qua non* a return toward Europeanism. "The pressing challenge of migration flows and the economic downturn were now to be discussed in a spirit of open cooperation with the EU, ending the populist drift of the previous coalition" (Capati, Improta, 2021, p. 9). The principles of European liberal democracies and respect for EU institutions and directives were considered by the PD as an essential reference point of the new government, a precondition for sitting at the negotiating table with the M5S. The choice for Conte and his party of reference at that point was between giving up governing and calling new elections, or accepting the PD's demands, thus putting aside their own Euroskepticism.

It is certainly no coincidence that Paolo Gentiloni (PD) was proposed by the new Italian executive as European Commissioner for Economic and Monetary Affairs: he is a staunch pro-European, on excellent terms with then-German Chancellor Angela Merkel and French President Macron. Before taking office in Brussels, Gentiloni said, "I am a patriot, and I will

try to make it clear that the best way to protect the national interest is to do so in the European dimension" (Capati, Improta, 2021). Another highly significant appointment was that of Vincenzo Amendola as minister of European Affairs, replacing the conservative Lorenzo Fontana (Lega). The latter repeatedly stated that he would defend Italian interests at EU institutions (Capati, Improta, 2021).

The effect of the PD's action led to an immediate improvement in relations with the European institutions. Vice President of the European Commission, Frans Timmermans, whose relations with Conte I and its budgetary policy was at least as tumultuous, also greeted the new government, acknowledging "it is good for Europe that we've got a government in Italy that is clearly committed to pro-European lines and finding common solutions with the rest of the European Union" (Timmermans, 2019).

In January 2020, the Conte-led government came out in favor of EU enlargement to the Balkan states and Bulgaria's entry into the Eurozone (Redazione ANSA, 2019). At the same time, the Covid-19 virus was also beginning to spread in Italy, whose very serious consequences on health and the economy undoubtedly contributed to weakening the executive until Conte's resignation exactly one year later (in January 2021).

Measures to counter the spread of the virus and its consequences have inevitably conditioned government action, including EU policies. Italy, along with Spain, Portugal, Greece, France, Ireland, Belgium, Luxembourg, and Slovenia, has in fact asked the Union for European bonds (Eurobonds) to finance extraordinary measures to support the population and businesses (Governo Italiano, 2020). Refusal by other states prevented the approval of Eurobonds, but a month later, in April 2020, Conte happily announced the EU's establishment of a fund (Recovery Fund) to help the countries most affected by the pandemic, including Italy. The management of funds for vaccine research and purchase has also been developed at the EU level with Italy's active participation.

Draghi's subsequent government remained in office from February 2021 to October 2022. The very assignment of the task of forming a government to Draghi, former president of the European Central Bank, can be seen as an effect of the now close ties between Italian and EU institutions, and thus it was in a sense obvious that the new "national unity" executive would continue on the path of maximum cooperation with the EU.

More recently, a leading PD figure like Enrico Letta has placed an even higher value on defending the rule of law because of the external threats posed by Putin's Russia. Putin's autocratic Russia is indeed the most vivid example today of what lies at the opposite extreme of the rule of law and the founding values of the EU:

“Europe is our protection. Because, in a world of violent people, we are privileged and fortunate to live in a political space whose founding values are dialogue, peace and the force of law, rather than the law of the strongest. Europe is irreplaceable. [...] The European Union has the ambition to be a power of values: it projects interests and values not through force, but through rules, peace, culture, a unique way of life and model of development. On the other side is Putin, who opposes the force of law with the law of force, delivering a clear message to the world: there is no room for alternative models to his, a mix of new power politics and old imperialism” (Letta, 2022).

Considering the pivotal role assigned to European institutions in collectively defending the rule of law, Letta has advocated for a more ambitious vision of the European Union, one that transcends national boundaries—a federal European Union. The initial aspect of this program entails eliminating the current right of states to employ a veto in specific types of votes, as well as unanimous voting. Letta's vision envisions a European structure organized as concentric circles. This model includes a federal Union operating within the framework of a broader confederation. The purpose is to simultaneously pursue both enlargement and deepening, considering them complementary rather than mutually exclusive. Implicit in this approach is the ability to advance federal integration even if certain Member States are not willing participants, while still allowing them to maintain their membership in the broader confederation (Castaldi, 2022).

3.2 Questioning the EU's interventions: the Italian right and the weakening of EU's initiatives

We have seen, in the previous section, that the Italian political spectrum has taken a fairly clear position regarding the defence of the rule of law in Europe: in the center-left, the PD has led the pro-European front, managing to partially involve even the M5S, while the right-wing

parties have stiffened on nationalist and sovereigntist positions. In this section we will therefore go on to analyse in more detail the influence of the Italian right wing on European Union initiatives.

With regard to Lega, it is interesting to note that the party at its origins had a very strong regional, federalist or even independentist (the most extreme fringe) and therefore anti-nationalist vocation. It was also not so explicitly sided to the right, coming across as ambiguously populist. Over the years, especially under the leadership of Matteo Salvini (his secretariat lasts from 2013 to the present), Lega has, on the contrary, transformed itself into a political force rooted in all regions, nationalist and much more conservative. This has led to a shift in the main target of criticism by the party and its voters: in the early 1990s, the Lega's "enemy" was the central government ("Roma ladrona," according to the expression of the former secretary Umberto Bossi), guilty of crippling the economy and freedom of the North, while regional identity was defended mainly in opposition to Southern Italians.

Today, after the nationalist turn under Salvini's secretariat, the identity defended by the Lega is the Italian identity, which is considered to be at risk because of increasing migration flows, particularly from Africa and Muslim countries. Consistent with this viewpoint and the government's evolving stance, the Lega party has shifted its focus from criticizing the "Roma ladrona" to targeting the European Union. The EU is now portrayed as responsible for neglecting Italy's economic interests, fostering immigration, and infringing upon the sovereignty of its Member States.

Fundamentally, under Salvini's leadership Lega has turned into a sovereigntist party, which sees EU interests as opposed to national ones. As a result, the political action of its deputies and senators has been oriented over the past 10 years toward a weakening of European policies, both in their implementation in Italy and in the rest of the EU. This is also true with regard to the defence of the rule of law, and the case of possible sanctions on Hungary is again the most glaring and significant case.

Repeatedly, Salvini and other leading members of Lega have defended the Orbán government and its policies, arguing that the EU should not interfere with the internal affairs of member countries. An emblematic example is given by the party secretary's statement to the European Parliament on April 26, 2017: "Mr. President, ladies and gentlemen, it seems to me that the 500 million Europeans are ruled by puppets and marionettes. While terrorists are

shedding blood in Europe, we are preoccupied with making a case against Hungary - Mr. Orbán, hang in there - we are concerned with Romani's rights, fake refugees, Soros' billions and not with a legitimately elected government" (Salvini, 2017).

The reference to terrorists relates to Islamist attacks committed in Europe in those years, responsibility for which, according to the Lega, is also linked to migration flows, which are not sufficiently countered - again according to the party - by the EU. The Hungarian government is a "legitimately elected" one, and this is more important in the sovereigntist perspective than any respect for the rule of law. When Orbán decided to defy EU principles in order to pursue a more authoritarian policy that is more independent from EU directives, the Lega perceived it as an example to follow, insofar as contacts were forged between the leadership of the two nationalist parties whose only common ground remains anti-Europeanism and anti-immigration (Mosca, 2018).

Praising Orbán's Hungary, Salvini recalled that "the Hungarian people and government have had the strength to defend and control their currency, their central bank, and their borders" (Salvini, 2017), implicitly stating that the introduction of the Euro and the central authority of the ECB were two changes disadvantageous to Italians, as were EU policies on immigration. The speech concluded by flipping the perspective, portraying the EU as an authoritarian menace to the sovereignty and freedom of its Member States: "Mr. Orbán, on behalf of the Northern Lega, on behalf of millions of Italians, thank you for what you do, thank you for what you will do, thank you for resisting the diktats of the European Soviet Union. Long live freedom! Long live Hungary!" (Salvini, 2017).

At the time of the opening of the Article 7 procedure against Hungary, not only the Lega but the entire Italian center-right came to Orbán's defence, indeed identifying a reason to recompose themselves: in favor of national sovereignty, against EU "interference". Even Forza Italia's leader Berlusconi, considered the most moderate and pro-European within the Italian center-right, announced that he had personally spoken with the Hungarian prime minister and would defend him before the European Parliament. More pronounced was the position of Fratelli d'Italia led by Giorgia Meloni, as they attempted to redirect the discussion of the rule of law's erosion towards the realm of anti-immigration propaganda: "Sanctioning Hungary because it refuses to be invaded by illegal immigrants is simply madness. We stand by Viktor Orbán and the Hungarian people. It is not Orbán who betrays the founding values of the EU,

but those in the EU who open the doors wide to uncontrolled immigration, humiliate the rights of peoples and deny the sovereignty of nations" (AGI, 2018).

In November 2020, the issue of Hungary's and Poland's respect for the rule of law had an important new development, which allows us to analyse the behaviour and influence of Italian parties. Indeed, in the context of the Covid-19 pandemic, the European budget provided for the allocation of funds (in particular the RRF) to support the recovery from the pandemic, but since these and the other EU funds were conditional on compliance with a rule of law clause, Hungary and Poland decided to veto the budget. This was a kind of political retaliation by the two states to try to exerting pressure on the EU institutions (Rosini, 2020).

The center-left immediately asked the center-right opposition to distance itself from the action of Poland and Hungary, but exactly the opposite happened. According to Giorgia Meloni, the true form of coercion originated from the European Union, which was pressuring two sovereign states to conform to its directives, thereby restricting their ability to shape their own domestic policies without the risk of losing access to the Recovery Fund. In addition to the recurring topics of immigration and national border security, the leader of Fratelli d'Italia argued that the fundamental point of contention between Poland, Hungary, and the EU revolved around the defence of Christian heritage (Rosini, 2020). This argument directly echoes Orbán's position, though it is primarily propagandistic in nature. In reality, the activation of the Article 7 procedure was not based on these cultural arguments but rather on concerns related to the rule of law. Notably, members of Lega, Fratelli d'Italia, and Forza Italia did not address the specific issues raised by the EU. These issues included the erosion of the separation between judicial and political powers in Poland following Prime Minister Szydło's reforms in 2017, as well as concerns related to press freedom and the criminalization of NGOs in Hungary (Rosini, 2020).

More reasonable and debatable is the stance of Carlo Fidanza, a member of Fratelli d'Italia, regarding the possible hypocrisy with which European institutions apply the defence of the rule of law and other shared principles: "You have stammered about Turkey", he says referring to violations of fundamental rights in that state, "with the proposal of bland individual sanctions while Sultan Erdogan is ruling in the Mediterranean, the Middle East and the Caucasus. You fill your mouths with big words like rule of law and do not have the courage to withdraw Turkey's candidate status. This is not the Europe we want" (Fidanza, 2020).

Almost at the same time as the issue of the EU budget freeze and the Recovery fund, Hungary found itself at the center of a new controversy with the European Union, this time over the passage of a law considered to be harmful to LGBTQ+ rights. Again, there was unanimous support for Orbán's government from Italy's center-right parties. Statements issued by the leadership of Fratelli d'Italia, the Lega, and to a lesser extent Forza Italia, reaffirmed Hungary's right to legislate on this and any other issue without outside interference and without being penalized economically or politically. In essence, the Italian right-wing aligned itself with the governing right-wing forces in Hungary, asserting that safeguarding democracy must also encompass the right of nations to determine their own legislative frameworks.

When examining the issue in detail, it becomes evident that Hungary's actions against the LGBTQ+ community started with the approval of the constitution in 2011, which made egalitarian marriage between same-sex couples illegal. However, the most recent controversy arose from laws passed in 2020 and 2021. These laws included a ban on adoption for same-sex couples, a ban on legally changing one's gender, and a ban on disseminating information, including films and texts, about homosexuality or transsexuality in schools. These regulations are more restrictive and discriminatory than those in place in Italy and nearly all other EU states. Importantly, they can be seen as an attack on the rule of law and a restriction of press freedom and information dissemination. Italian right-wing parties, with the exception of Forza Italia, which holds more liberal views, have viewed these Hungarian laws favorably.

The Hungarian government has defended the law prohibiting the dissemination of information about LGBTQ+ sexuality in schools by arguing that it safeguards parents' rights to oversee the sex education of their children and protects minors from exposure to LGBTQ+ "propaganda." However, many human rights organizations and moderate to left-wing European political groups argue that this measure hinders students from receiving a comprehensive and impartial sex education. Critics have also pointed out the striking resemblance between this law and Russia's legislation, which has banned "gay propaganda" since 2013 (ISPI, 2021).

When Ursula von der Leyen announced that the EU would initiate a new infringement procedure against Hungary in response to the discriminatory law on sexual information in schools (AGI, 2021), the Italian right-wing parties extended their political support to Orbán's government. Their aim was to establish themselves as the leading opposition to what they perceived as a European "anti-democratic" trend. They framed it as an attempt to impose progressive legislation, even on populations that dissented from such policies. Orbán himself

has always tried to take advantage of representing himself before his voters as "under attack" by European institutions, described as hostile to the self-determination of peoples (ISPI, 2021).

Giorgia Meloni voiced her opinion that the suspension of Recovery Plan funds to Hungary amounted to blackmail (Redazione ANSA, 2021). She argued that the real motivation behind this measure was not primarily the high levels of corruption in the Orbán government but rather the enactment of the law that prohibited the dissemination of LGBTQ+ information in schools. According to Meloni, the actions of the EU represented "yet another unacceptable political blackmail against the legitimate government of a sovereign nation" (Redazione ANSA, 2021). She contended that Hungary was merely defending its prerogatives as outlined in the existing treaties. She criticized the EU's inconsistency, accusing it of violating treaties and regulations while targeting Viktor Orbán, all while claiming to uphold the principles of the "rule of law" and "Europeanism" (Open Online, 2021).

The result of the September 25, 2022, general elections in Italy led to the formation of a right-wing government led precisely by Fratelli d'Italia, along with Lega, Forza Italia, and Noi Moderati - UDC. Although the government is still in office, it is certainly possible to examine in detail how it has related to the EU on the issue of the rule of law.

With the right-wing forces now constituting a parliamentary majority in Italy, there is a potential for them to pursue an agenda that diverges from the concept of the rule of law championed by European institutions. In an article published in "Democracy Reporting International" just before the elections, Tsereteli (2022) pointed out the risk that an FdI victory could lead Italy toward a presidentialism reform (actually envisioned in this party's program), thus taking power away from the Parliament and centralizing it in the hands of the executive power. Additional concerns included the independence and efficiency of the judiciary, pluralism and freedom of information, and the fight against corruption (Tsereteli 2022).

These concerns, along with those for LGBTQ+ and migrant rights, were widely shared by progressive and moderate EU parties. "Based on Meloni's previous proposals for constitutional change, one can predict that if she accumulated sufficient support, she would take a path similar to the one taken by the Polish and Hungarian governments, putting the rule of law and fundamental rights in danger," Tsereteli (2022) writes again. Meloni's subsequent appointment as prime minister was thus accompanied by strong fears about Italy's ability to keep on a path of cooperation with European institutions, and respect for the rule of law.

The first test for the new majority was the vote in the European Parliament on the 75% freeze on cohesion funds allocated by the EU to Hungary. In fact, a resolution, which was later passed with 416 votes in favor, 124 against, and 33 abstentions (Il Fatto Quotidiano, 2022), called for tying the disbursement of the funds to the adherence to the principles of the rule of law: MEPs from the Lega and Fratelli d'Italia voted against the resolution, while Forza Italia was in favor. This rift in the government majority's foreign policy can be explained by Forza Italia's membership in the European People's Party, a force that is certainly more pro-European than Identità e Democrazia and the Group of European Conservatives and Reformists, to which Lega and Fratelli d'Italia belong, respectively.

While Forza Italia's MEPs alone may not have had the numerical strength to alter the voting balance significantly, their support for the resolution carries a discernible political message. Even within Italy's most Euroskeptic government to date, Forza Italia has opted to maintain its commitment to upholding the rule of law in Europe, despite the potential strain this choice could place on its relationship with other majority forces. However, the situation for the future remains uncertain, especially when we consider that Forza Italia is one of the parties that has put the rule of law in Italy most at risk in the past, at a time when its leader Berlusconi had opened a serious conflict of interest over the independence of the media and the judiciary (Sabelli, Savio and Carbone, 2013).

Lega and Fratelli d'Italia were keen to point out that their vote against sanctions for Hungary "has nothing to do with proximity to illiberal models" (Il Fatto Quotidiano, 2022), but PD members took the opportunity to remark that "Meloni and Salvini are outside the pro-European axis" (Il Fatto Quotidiano, 2022).

In September of the same year, another important vote in the European Parliament sanctioned a further step toward Hungary's political isolation: a motion tabled by the Green Group condemning the Orbán government's systematic attempts to undermine European values was passed with an even larger majority than the previous one (433 in favor, 123 against, 28 abstentions) (De Girolamo, 2022a). Hungary has been boldly called an "electoral autocracy," meaning a state in which electoral votes are still provided but lack the minimum standards of democracy that underpin the rule of law. This move was also interpreted in the light of the Hungarian government's ambiguity toward the Russian invasion of Ukraine. Again, Lega and Fratelli d'Italia lined up to defend Orbán's line, while Forza Italia contributed its vote to the approval of the motion (Del Re, 2022).

The effects of Fdi and Lega's support for Orbàn proved decisive in late November 2022, when at a meeting of ambassadors from the 27 EU member states, 11 countries (including Italy) managed to release the 7.5 billion in cohesion funds that the European Commission had frozen pending reforms that would bring Hungary back to the rule of law. In this occasion, the ideological affinity between the sovereigntist parties in power in Italy and those in power in Hungary has been complemented by the support of France and Germany, both concerned about Orbàn's ability to block important measures by leveraging the right of veto as a tool of international blackmail (Mauro, 2022). This was in essence a trade-off, by sacrificing Hungary's intransigence on respect for the rule of law. However, the European Commission chose not to modify its recommendation to suspend 65% of the commitments for three operational programmes under cohesion policy, amounting to €7.5 billion. Subsequently, the Council, deeming that Hungary's corrective actions proposed under Article 6(5) of Regulation 2020/2092 were insufficient in addressing the issues outlined in the Commission's notification sent to Hungary, opted to withhold €6.3 billion in December 2022.

Finally, the most recent developments on the infringement proceedings against Hungary over the aforementioned "anti-LGBTQ+" law deserve attention. In April 2023, 15 EU Member States supported the European Commission in taking Hungary to the Court of Justice for human rights violations, but the center-right Italian government chose to side with Orbàn once again. The fact is even more relevant if we consider that the Meloni government this time was isolated from its main European partners: France, Germany, Belgium, the Netherlands, Spain, Portugal, Denmark, Austria, Sweden, Finland, Greece, and Slovenia, in fact sided with the European institutions (Il Fatto Quotidiano, 2023). The Meloni government has changed the position of the Draghi government, which had endorsed the declaration of May 17, 2021, committing to protect the fundamental rights of LGBTQ+ individuals, as well as the letter from the heads of state and government to the presidents of European institutions on June 24, 2021 (Il Fatto Quotidiano, 2023).

Consistent with this political choice, the Meloni government continues to obstruct the recognition of adoption for homosexual couples, a choice that has already been condemned by the European Parliament (Il Fatto Quotidiano, 2023). Hence, it can be asserted that the longstanding support extended to Hungary by Lega and Fratelli d'Italia over the decades. We can therefore say that the now decades-long support given to Hungary by Lega and Fratelli d'Italia, has not only allowed Orbàn's government to limit its international isolation within

European institutions, but is now manifesting itself, given that these two parties hold a governing majority, in policy decisions resembling Hungary's. This likeness, especially on the issue of LGBTQ+ rights, could potentially expose Italy to procedures and condemnations for failing to adhere to European principles on the rule of law. According to MEP Reintke, of the Green Group, there is "absolutely a risk of an 'orbanization' of Italy. [...] There may be developments contrary to the rule of law in Poland and Hungary, but Italy is a founding country and one of the largest in the Union" (Alliva, 2023).

3.3 Public response and EU's legitimacy vis-à-vis changing governments

The involvement of Italian public opinion in the events related to defending the rule of law in Europe can serve as a valuable test case for the hypothesis put forth in this thesis. First, we can see that the EU has undertaken increasing efforts over the years to give public opinion in Member States the perception that the Union has a positive influence on the economy, stability, freedom, and respect for citizens' fundamental rights. Too often, in fact, European citizens have perceived EU institutions as being "distant" from their interests and not sufficiently legitimized from a democratic point of view (Europe Direct, 2015).

The lowest point touched by public perceptions of the legitimacy of European institutions is the failure of the referendum to adopt the European Constitution: in May 2005, the victory of the "No" vote in a crucial state like France, later followed by an identical result in the Netherlands, put an end to the project. The new constitutional charter was shelved and replaced by the Lisbon Treaty, concluded in 2007 and entered into force in 2009. In response to this crisis of consensus in public opinion within certain states, the EU adopted a plan in 2007 called "Together to Communicate Europe" (Europe Direct, 2015), and the following year "Debate Europe," focused on citizen participation in policy and decision-making. The Commission's communication is based on the fact that EU policies affect everyone's lives, and therefore must be fully rooted among political actors, while respecting national democratic traditions, as well as in everyday political dialogue. They must be discussed and debated in town halls, regional assemblies, national parliaments, television broadcasts, or on the Internet. (Europe Direct, 2015)

Despite the European Union's efforts to increase citizen participation and reshape the image of Europe, as opposed to the portrayal by parties like Fratelli d'Italia which depict it as a bureaucratic and oligarchic entity often favoring interests distant from the common good,

there are still significant challenges. This is evident in recent data collected during the winter of 2022 through the Eurobarometer survey, which is specifically designed to monitor public opinion within the EU. According to the Eurobarometer survey, many citizens are still unaware of how the European institutions work: 39 percent of the 27,000 respondents to the survey admit that they do not know how the EU works (Openpolis, 2022).

If we look at the communication of right-wing parties on European issues, we can see that most criticisms have remained unchanged for ten years, despite the historical and political changes that have taken place. Only criticisms of austerity and the euro, which were much more frequent in the past, have decreased (Demopolis, 2015), but attacks continue to be directed toward policies on countering illegal immigration, and to a lesser extent toward what are considered interference by European institutions in the domestic politics of Member States.

The uncertainty of the data for the M5S, in which 37% of voters view the EU negatively, 29% positively, and 34% do not express an opinion, illustrates quite clearly the ambiguity that has characterized the actions of both the Conte I and Conte II governments, including about defending the rule of law in Europe. A parallel can be drawn with the European orientation of Forza Italia's electorate, which shows a striking similarity, as noted by Angelucci and Emanuele in 2020.

If we look at the communication used by the Italian center-right before and after the birth of the Meloni government, described in more detail in the previous section, we can identify a few main lines. One of the primary communication strategies employed by Lega and Fratelli d'Italia involves a systematic effort to discredit any involvement by European institutions in the domestic policies of states, especially when it concerns the rule of law, irrespective of specific cases. The support demonstrated to a leader like Orbàn by these parties serves as a key illustration. Their defence does not revolve around substantiating claims that Hungary upholds fair and independent justice, safeguards civil rights, effectively combats corruption, and so forth. Instead, it consistently refuses to delve into the specifics of these issues, pivoting on a broad principle: the EU should not possess the authority to intervene and compel a sovereign state to amend its laws. Framing the political discourse in this manner serves the purpose of undermining European institutions and eroding the EU's capacity to effectively intervene in instances of rule of law violations. The primary argument put forth by the Lega and Fratelli d'Italia revolves around the idea that citizens within individual states should possess the right to self-determination, enabling them to adopt laws of their choice

without being answerable to external, supranational institutions under any circumstances. This viewpoint reflects a somewhat oversimplified and partial interpretation of democracy, wherein the sole determinant of importance is the majority vote. The argument put forth by Lega and FdI essentially contends that there should be no higher authority than the majority will. Consequently, they assert that if Hungarian citizens elect a party that advocates for limiting the freedom of the press and expression, especially for LGBTQ+ individuals, no external entity should have the right to interfere and prevent them from implementing such policies.

It could be argued that Members of the European Parliament were also democratically elected and, therefore, possess a legitimate democratic mandate. However, the key contention here is that, from the perspective of nationalist parties, decisions made outside a country's borders by political representatives, primarily elected by foreign voters, cannot be deemed as having the same legitimacy as decisions made within the nation-state. What nationalist and sovereigntist parties fundamentally reject, as it is ingrained in their ideology, is the notion of belonging to a community beyond the national one. Their perception of the EU's interventions in defence of the rule of law stems from this foundational principle. From Lega and Fratelli d'Italia's standpoint, the EU should have a limited role, primarily centered around facilitating a common market and making technical-economic decisions.

With respect to Europe and its conception of the rule of law, the goal of the Italian right wing in its years of opposition to center-left governments has been to get the message across to voters that Italian and European institutions are "competing" for the same decision-making power. This emerges implicitly from most of the statements reported in the previous section. This juxtaposition between the national interest and the EU interest, usually exposed by taking the EU's "too soft" policies on illegal immigration as an example, has likely allowed euroskeptical parties to help diminish public support for European institutions.

The electoral triumph of right-wing parties and the subsequent rise of the Meloni government have not brought about a radical shift in the relationship between Italian institutions and the EU. However, as we've observed, concerns have been expressed from various quarters that such a shift might occur, potentially leading to a deterioration in the rule of law in Italy. Regarding communication, Lega and Fratelli d'Italia continue to emphasize the right to legislate based on the popular mandate obtained through elections, asserting the importance of avoiding external constraints and influences from Europe. Nonetheless, up to this point, instances of friction have mainly arisen in connection with the topic of illegal

immigration and, in certain municipalities, the refusal to register the birth certificates of children born abroad to same-sex couples. It will be the coming months or years that will clarify whether the aggressively anti-European and sovereigntist communication of the Lega and FdI will result in a move away from the rule of law, following the path opened up by a decade of support for Orbán's policies and discrediting the authority of the EU, or whether the moderate line represented in the government by Forza Italia will prevail, partly because of the external threats that are compacting European public opinion.

The communicative strategy employed by right-wing parties appears to have yielded some success, as reflected in the trend of declining trust and approval of the European Union among Italians, at least until 2020 (Carrieri, 2020a). In 2020, a survey commissioned by CISE indicated that 42 percent of Italians held a negative view of the EU, and one in three Italians would consider leaving the EU (Angelucci and Emanuele, 2020). When we correlate these findings with voting intentions, a significant polarization becomes evident: the majority of the electorate for Fratelli d'Italia and Lega expressed a desire to leave the EU (60% and 65%, respectively), while an overwhelming 96% of voters for the PD preferred to remain within the EU (Angelucci and Emanuele, 2020). This situation underscores the potential impact of the right-wing parties' communicative strategy on shaping public perceptions of the EU and, consequently, influencing support for EU-related policies. However, it's noteworthy that the perception of the EU among the Italian population underwent a notable shift following the war in Ukraine.

Since Russian illegal attack on Ukraine, people to have more confidence and hope in a strong and cohesive EU against external threats: 65 percent of Europeans and 48 percent of Italians now consider membership in the Union a positive thing (De Girolamo, 2022b). The fact that these threats come from Russia, a state significantly distant from the European parameters for the rule of law, and Hungary's notably ambiguous stance, add an intriguing dimension to the challenge faced by the Italian sovereigntist right. This shift in perception is significant as it indicates a change in the Italian population's attitudes toward the EU, potentially influenced by external events such as the war in Ukraine. It suggests that even though right-wing parties' communication strategies may have previously affected public opinion, external factors can also play a role in reshaping attitudes towards the EU.

If Hungary continues to align itself more closely with Russia on political matters, it could pose a significant challenge for Italy's Lega and Fratelli d'Italia parties to maintain their

support for Hungarian Prime Minister Viktor Orbàn without facing potential backlash from their electorate. This is especially relevant considering the broader sentiment among European citizens towards Russia. Recent data reveals that only 10 percent of Europeans hold a positive opinion of Russia, a marked decrease from 30 percent in 2018 (De Girolamo, 2022b). Furthermore, there has been a notable shift in the priorities of the European population, with 32 percent now emphasizing the importance of democracy and the rule of law, compared to 25 percent in the past (De Girolamo, 2022b). In Italy specifically, 40 percent of the population believes that the European Parliament should primarily focus on defending democracy. These changing dynamics in both public opinion and international relations suggest that Lega and Fratelli d'Italia may find themselves compelled to adjust their communication strategies in a more pro-European direction. The growing emphasis on democracy and the rule of law, combined with the declining perception of Russia, could lead these parties to reconsider their alignment with Orbàn if it risks undermining their standing with voters who prioritize European values and democratic principles.

We are currently at a pivotal moment in history, marked by a notable increase in consensus and trust in the European Union. This growing trust could potentially lead to the establishment of more stringent criteria for ensuring that EU Member States adhere to the principles of the rule of law. This development is particularly significant in light of the external threat posed by Russia, a nation that stands in stark contrast to democratic principles. The ongoing conflict and tensions in Ukraine have heightened the sense of urgency and unity within the EU. Citizens across Europe are increasingly recognizing the value of their membership in the European Union. They have become deeply attached to the principles of freedom, democracy, and the rule of law, which the EU upholds. The turmoil in Ukraine has served as a stark reminder that these values cannot be taken for granted. As European Parliament President Roberta Metsola aptly stated, "With the return of war to our continent, Europeans feel reassured by being part of the European Union." In this context, the EU has emerged as a vital guardian of these principles, providing a sense of security and solidarity to its citizens.

This shift in perception and the collective realization that democracy is not guaranteed underscore the importance of strengthening and safeguarding the rule of law within the EU. It suggests that there may be a renewed commitment to ensuring that all Member States uphold democratic values, as the EU's role in preserving these principles becomes increasingly evident and vital in the face of external threats. Prior to the war in Ukraine, the right-wing

communication strategy had effectively framed EU intervention in matters of the rule of law as an encroachment on core sovereign powers. This narrative had contributed to a negative view of the European Union among its citizens, as evidenced by the declining trust and approval ratings until 2020. However, the invasion of Ukraine marked a pivotal turning point. It not only reshaped the geopolitical landscape but also had a profound impact on the priorities and perceptions of European citizens. Democracy and the rule of law emerged as crucial and non-negotiable values for the majority of Europeans. This shift in perspective was further reinforced by the conflict, which underscored the importance of a unified and values-driven EU response to external threats. This transformation is particularly evident in Italy, over half of the population now identifies the defence of common values as a top priority (De Girolamo, 2022b). This demonstrates a significant departure from previous sentiments and aligns with the broader trend across European Member States.

The war in Ukraine, with its implications for democracy and the rule of law, has served to galvanize support for the European Union. Citizens across the continent have come to recognize the EU as not only an economic union but also a guardian of fundamental democratic principles. This shift in public sentiment has the potential to shape the political landscape in the upcoming European elections, with political parties expected to respond to the heightened importance placed on democracy and the rule of law.

3.4 The broader implications for EU's efforts in safeguarding the rule of law

Thus far, we have explored the EU's unwavering commitment to upholding the rule of law, not only through policy actions but also via a comprehensive communication strategy. This approach includes disseminating the notion that the rule of law is an indispensable principle enshrined in the treaty binding all 27 Member States. The EU has further bolstered its efforts through targeted information campaigns and surveys designed to assess individual governments' adherence to the rule of law. In the preceding section, we delved into the effectiveness of this strategy, revealing that it has indeed yielded positive results. European citizens have exhibited a heightened awareness of the paramount importance of the rule of law, especially after the outbreak of war in Ukraine.

One of the discernible outcomes resulting from these factors is a polarization of political alignments and their corresponding communication strategies. Liberal and moderate left-leaning parties across various countries, including Italy, have coalesced around pro-European

stances. They consider the adherence to European treaties and institutions as integral components of their political ideology. Conversely, parties rooted in a distinctly nationalist ideology have increasingly solidified their positions along sovereigntist and euroskeptical lines. Consequently, they have made distrust in the EU a central tenet of their political agenda and communication efforts (Coman, 2022). This polarization has led to a distinct ideological divide, with one camp advocating for deeper European integration and the defence of European values, while the other emphasizes national sovereignty and skepticism towards EU institutions. The dynamics at play within this ideological divide have significant implications for the future of European politics and governance.

One of the intriguing consequences of the polarization brought about by EU actions and communication is the tendency to categorize any anti-European stance or a stance aimed at enhancing national sovereignty, even if it doesn't directly impact the rule of law, as inherently "right-wing." This categorization holds true for a substantial portion of the electorate. In the contemporary political landscape, the terms "liberals" and "leftists" have become increasingly interchangeable, just as "sovereigntists" and "rightists" are often used interchangeably. This represents a notable departure from a few decades ago when the term "left" typically referred to post-Marxist and socialist parties, which might have exhibited a significant nationalist inclination (Barana, 2023).

However, in today's political landscape, it would be challenging, if not impossible, to envision the PD entering into a coalition with a Euroskeptical right party. This is due to the fact that the PD's ideological and identity components have evolved to be fundamentally incongruent with sovereigntist positions. Conversely, the experiences of the Letta and Renzi governments illustrate that a political equilibrium can be achieved between the PD and center-right parties, based on shared liberal and pro-European values and identity.

Additionally, the EU's persistent defence of the rule of law has had a notable impact on immigration policies and the broader public discourse. Sovereigntist parties, including those in Italy, have consistently directed their criticism towards immigration policies, using this issue as a focal point to question the legitimacy of European institutions when it comes to challenging specific laws or policies implemented by individual Member States (Mitsilegas, 2015). It's worth emphasizing that the question of immigration has maintained its central position in the Lega's communication strategy. This emphasis began around the time of Salvini's leadership, coinciding with the party's shift away from regional and federalist/independentist orientations.

For over a decade, the Lega's political identity has been explicitly rooted in its commitment to combat illegal immigration and address issues of crime, which many voters and their representatives believe are linked to immigration policies. While not as exclusively focused, Fratelli d'Italia's communication also frequently revolves around the themes of combating illegal immigration and the perceived consequential increase in crime associated with it.

In the narrative put forth by FdI and Lega, the EU has consistently been portrayed as the primary adversary of anti-immigration policies. On numerous occasions, members of these parties have framed the defence of the rule of law by European institutions as a way to promote immigration, particularly from African and Islamic nations. Despite the EU taking concrete steps to address irregular migration flows, such as its support for the FRONTEX program in the Mediterranean (Mitsilegas, 2015), the public discourse in Italy has largely been shaped by right-wing rhetoric. According to this rhetoric, the EU's underlying agenda is to facilitate the entry of as many illegal immigrants and migrants as possible into its borders (Salvatori, 2023).

The defence of the rule of law has, in certain instances, become intertwined in the perception of a segment of the predominantly right-wing electorate with issues related to illegal immigration. It has been associated with concerns about an excessive tolerance of crime attributed to the influx of illegal immigrants and refugees lacking economic means. Within this narrative, Europe has consistently been held responsible for these challenges, fostering the belief that national and EU interests are not aligned. In some cases, this narrative has even intersected with conspiracy theories originating from sovereigntist circles. These theories depict European institutions as subservient to major financial interests, often personified by figures like billionaire Soros, who are allegedly motivated by the desire to bring large numbers of cheap laborers into the continent (Salvatori, 2023).

In more recent times, accusations have emerged, particularly among right-wing circles, suggesting that Putin has played a role in financing immigration from Africa and the Middle East into Europe. The motive behind this alleged involvement is believed to be the destabilization of social peace and the economies of European countries. According to this theory, the EU is not seen as an accomplice of the Russian president, as in the case of Soros, but rather as a victim of its own perceived excessive tolerance and leniency toward immigration. This argument directly ties into the debate around the defence of the rule of law, which a segment of the right-wing electorate views as a contrived issue aimed solely at

obstructing the popular demand for stronger leadership and stricter policies concerning immigration and crime.

Effectively safeguarding the rule of law in Europe hinges not only on the EU institutions' ability to communicate persuasively but also on their capacity to dispel sovereigntist rhetoric. This rhetoric often conflates the defence of civil and human rights with the promotion of illegal immigration and combating crime. Simultaneously, it is essential to emphasize that the rule of law cannot condone inhumane and discriminatory treatment of migrants or other minority groups, especially LGBTQ+ minorities who are affected by legislation in countries like Poland and Hungary. Additionally, it should underscore the obligation to uphold international laws regarding the reception and treatment of individuals falling under the legal status of refugees.

Conclusion

The central objective of this thesis was to investigate the positioning of Italian political parties towards the European Union's rule of law internal policy and instruments. Specifically, the initial hypothesis posited that inclusion of right-wing parties in Italy's government affects the nation's stance on EU's efforts to defend the rule of law.

Since 2010, EU institutional actors have grappled with what has come to be known as the "rule of law crisis" or a crisis concerning the values enshrined in the Treaties. Despite the existence of Article 7 within the Treaty on European Union, which outlines a procedure to address situations characterized by a "clear risk of a serious breach" or a "serious and persistent breach" of EU values enlisted in Article 2 of the Treaty on European Union, implementing Article 7 has proven to be a formidable challenge. Recognizing the limitations of existing mechanisms, EU institutions have developed different tools for safeguarding the respect of rule of law within the EU. Especially since 2011, pursuing such mechanisms has gained significant urgency within the EU (Batory, 2016). This urgency became particularly pronounced after reforms initiated by Hungary's Prime Minister Viktor Orbán and political developments in Poland, which raised substantial concerns regarding the preservation of the rule of law within these Member States.

These instances shed light on the imperative for more effective mechanisms to address EU rule of law challenges. The urgency surrounding this issue prompted EU institutional actors to explore different approaches to protect and reinforce the rule of law. Discussions within the EU focused on identifying mechanisms that would enable more decisive and efficient responses to the rule of law challenges while respecting Member States' sovereignty.

Chapter 1 of this thesis offered a comprehensive exploration of the challenges faced by the EU when addressing the rule of law crisis, outlining the various mechanisms and initiatives introduced to safeguard European common values. This chapter was the cornerstone for subsequent chapters, which centered on Italy as a case study.

The rule of law crisis exposed a delicate balancing act between upholding the sovereignty of Member States and ensuring the effective functioning of the EU's legal and political framework. Against the backdrop of these efforts to protect the rule of law, some Member States exhibited reluctance when it came to permitting supranational institutions to intervene in matters that pertained to their core state powers, particularly in relation to the rule

of law. Italy, in particular, under governments led by or composed of right-wing political parties, exemplified this stance.

Italy's political landscape has been characterized by persistent systemic instability, resulting in frequent changes in government and significant political turbulence. Especially since 2018, Italian politics underwent a profound transformation, marked by the rise of right-wing parties and an increasing skepticism toward the European Union.

Through the lens of Italy as a case study, this research delved into the country's responses to EU interventions aimed at addressing rule of law issues, starting from 2013. Italian right-wing movements, renowned for their staunch emphasis on safeguarding national sovereignty and autonomy, adopted a cautious approach when it came to EU efforts to promote and protect the rule of law. They often perceived these EU initiatives as unwarranted intrusions into the core powers of the nation-state. From their perspective, the EU's commitment to upholding the rule of law seemed like an arena where the Union was overstepping its bounds by attempting to exert excessive influence and control over national governments. These movements consistently advocated for the precedence of national autonomy and advocated for a limited role for the EU in matters that traditionally fell under the purview of individual Member States, including the interpretation and application of the rule of law.

To conduct this research comprehensively, a primary reliance was placed on public speeches and official statements made by Italian politicians in parliament and other public forums, as well as tracking their voting patterns on critical rule-of-law issues, both at the national and European level. Through the meticulous analysis of these speeches, statements, and voting behaviours, the opinions, and arguments of Italian politicians regarding the rule of law and the role of the EU were scrutinized in detail. Additionally, an exhaustive review of official party platforms, policy documents, and political manifestos was undertaken to gain insights into the positions of political parties on matters related to the rule of law and the EU's ability to intervene in national affairs.

The primary objective of this investigation was to gain an understanding of how Italian political parties perceive and approach the EU's activity to uphold the rule of law. This endeavour involved evaluating whether their positions and rhetoric had a positive or negative impact on the EU's efforts in this critical domain.

Moving on to Chapter 2, I delved into Italy's evolving political landscape, beginning with the center-left governments led by Enrico Letta, Matteo Renzi, and Paolo Gentiloni. These

administrations played a crucial role in shaping Italy's relationship with the EU, influencing their governance approach and stance on the rule of law. They were characterized by a strong alignment with pro-European sentiment, placing significant emphasis on European cooperation and portraying the EU as a vital platform for addressing shared challenges. They viewed the EU's initiatives related to the rule of law as essential for upholding democratic principles and safeguarding vital institutions.

The transition to Movimento 5 Stelle-led governments represented a noteworthy shift. The yellow-green government led by Giuseppe Conte, an alliance between the Movimento Cinque Stelle and the Lega party, prioritized national sovereignty and exhibited skepticism toward EU interventions in rule of law matters. Subsequent governments, especially Conte II government, witnessed fluctuations in the attitude of the Movimento Cinque Stelle, partly influenced by the dynamics of coalition politics. As illustrated, the inclusion of the Partito Democratico, a traditionally pro-European entity, in the new coalition led to a substantial shift in Italy's approach to the European Union. The prior Euroskepticism, more pronounced during the Conte I government, underwent a profound transformation during the Conte II administration, largely influenced by the PD's presence. The PD's proactive and pro-European ideology acted as a "mitigating factor" against the earlier Euroskeptic tendencies prevalent within the Movimento Cinque Stelle, the other major party in the coalition. This "mitigation effect," as referred to by Capati and Improta (2021), played a pivotal role in fostering a more cooperative and collaborative relationship with the European Union, which proved crucial in the context of the COVID-19 pandemic. In this light, the PD's pro-European stance assumed a critical role in shaping the government's strategy, driving it towards more integrated and cooperative solutions while promoting synergistic efforts with the European Union.

The chapter also sheds light on Giorgia Meloni's ascent to power, leading the center-right coalition government. Her party, Fratelli d'Italia, capitalized on nationalist sentiments and displayed skepticism toward the EU while accentuating themes of national identity and sovereignty. The government's response to the EU's rule of law initiatives exhibited profound reluctance toward supranational interference. Exploiting the growing Euroskeptic sentiment among the Italian population, Fratelli d'Italia positioned itself as a proponent of an alternative vision of Europe in terms of its functioning and cultural values. FdI argued that the European Union should be grounded in Christian and traditional principles, often invoking the triad of "God, Fatherland, and Family" (Argenta, 2022). The party perceived the EU as representative of unchecked globalization that eroded national distinctiveness. FdI juxtaposed this with their

vision of a Europe firmly rooted in the interests and identities of its peoples, presenting a classic populist narrative of "us vs. them," contrasting the "Europe of bureaucrats and technocrats" with the "Europe of the peoples".

Chapter 3 of this thesis was dedicated to testing the central hypothesis, which posited that Italian right-wing political parties, through their actions and rhetoric, affects Italy's position on EU's initiatives related to the rule of law. This chapter delved into how the ideological positioning of Italian political parties shapes their perceptions and responses to EU interventions.

Concerning the rule of law issues in Hungary, the Italian center-left took noteworthy actions. Notably, in September 2018, Graziano Delrio, leader of the PD group, initiated a motion in the Italian parliament aimed at urging the Italian government to adopt a resolute stance within the EU regarding Hungary. During deliberations on this motion, Italian Parliament member Ivan Scalfarotto, representing the PD, underscored the interdependence of democratic values between the EU and the Italian Republic. He emphasized that values such as respect for human dignity, freedom, democracy, equality, the rule of law, and human rights, including minority rights, were not only shared by EU Member States but also by the citizens of Italy. These values were deemed fundamental, both within the European Union and as foundational principles of the Italian Republic (Scalfarotto, 2018).

The motion presented by the PD in parliament garnered support from the Movimento 5 Stelle, while the Lega, which had notably adopted an anti-European position, opposed it. This division on the matter of safeguarding the rule of law in Europe underscored significant internal challenges within Conte I government and highlighted the intricate relationship between Italy's domestic politics and its stance on European Union policies.

The Movimento 5 Stelle exhibited substantial ambiguity in its approach to European policies, reflecting its overarching reluctance to align with traditional left-right political distinctions. Initially, the M5S voted in favor of activating Article 7 against Hungary in the European Parliament in 2018. However, they subsequently reversed their position by jointly presenting a motion with the Lega, stating that the Italian government needed to assess the validity of grounds for initiating infringement proceedings against Hungary. This shift in stance sharply contrasted with the Partito Democratico's clear condemnation of Hungary and its support for the European Union. The M5S's evolving position underscores its political

adaptability and the challenges in categorizing its ideological orientation, especially concerning EU-related issues.

Italian right-wing political parties, in particular Lega and Fratelli d'Italia have consistently placed a strong emphasis on national sovereignty and exhibited skepticism toward EU interventions, even in situations where concerns about the rule of law and individual rights have arisen. Their alignment with nationalist and sovereigntist forces within Europe, particularly Hungary's government led by Viktor Orbán, has been a defining characteristic of their approach to EU governance. Both Lega and Fratelli d'Italia share a common perspective when it comes to defending Italian national interests and identity. Both parties advocate for the restoration of Italian sovereignty with the primary objective is to safeguard Italy's borders and communities while nurturing a sense of national pride and belonging among Italians, thereby promoting patriotism. In the 2022 program of the Fratelli d'Italia, there is a noticeable absence of critical mentions regarding the euro and the rule of law issue in the EU. This shift in tone can be considered as a strategic move to access EU funds for Italy's recovery while not alienating the domestic voter base. Despite the softened rhetoric, Meloni's core belief in prioritizing national interests and sovereignty remains unchanged. Her political journey reflects a larger ongoing debate about national sovereignty in an increasingly interconnected European landscape.

This strong emphasis on sovereignty goes beyond border defence and is deeply rooted in concerns about the influx of migrants from Islamic countries, which both Lega and FdI perceive as a threat to Italy and Europe's cultural and national identity. Additionally, both parties are highly critical of what they view as the European Union's overreach in enforcing the rule of law across all EU Member States. They have expressed solidarity with nations like Poland and Hungary in their disputes with the EU over this issue. Giorgia Meloni, for instance, has argued that the EU weaponizes the concept of the rule of law to unfairly target nations that are striving to preserve their national and Christian identities.

Two significant implications emerge from the research findings. Firstly, the way in which right-wing parties in Italy portrayed the European Union had a substantial influence on the perceptions of Italians toward the EU. This influence was substantiated by data from Eurobarometer surveys, which revealed a notable impact. In particular, the communication strategies adopted by right-wing parties contributed to a decline in trust and approval of the European Union among Italians, particularly until the year 2020 (Carrieri, 2020a). According

to a survey conducted in 2020 by CISE, it was revealed that 42 percent of Italians held a negative view of the EU, and one in three Italians contemplated the possibility of leaving the EU (Angelucci and Emanuele, 2020). A significant polarization emerged when these findings were correlated with voting intentions: the majority of Fratelli d'Italia and Lega voters expressed a desire to exit the EU (60% and 65%, respectively), while an overwhelming 96% of voters for the Partito Democratico favored remaining within the EU (Angelucci and Emanuele, 2020). The rhetoric of Italian right-wing parties, emphasizing the preservation of national sovereignty and downplaying the role of supranational institutions like the EU in domestic affairs, played a pivotal role in shaping public perception. This narrative successfully framed EU intervention in matters of the rule of law as an encroachment on Italy's sovereign powers. Consequently, trust and approval ratings of the EU dwindled among Italians.

Secondly, the research highlighted the longstanding support extended to Hungary by Lega and Fratelli d'Italia over the years. This support not only prevented the isolation of Viktor Orbán's government within European institutions but also had broader implications. The right-wing political parties in Italy, particularly Lega and Fratelli d'Italia, have consistently aligned with and supported Viktor Orbán's government in Hungary, reflecting a shared ideological perspective. This alignment is rooted in their sovereigntist and nationalist outlook, which sees the European Union as a threat to national sovereignty and autonomy. Their support for Orbán extends to issues related to the rule of law, as they argue against EU interference in the internal affairs of Member States.

Lega and Fratelli d'Italia, under the leadership of Matteo Salvini and Giorgia Meloni, have repeatedly defended Orbán's government, asserting that the EU should not intervene in Hungary's domestic policies. Furthermore, these parties have downplayed or ignored specific concerns raised by the EU regarding the rule of law, such as the erosion of the separation of powers in Poland and issues related to press freedom in Hungary. Instead, they have framed their support for Hungary in terms of safeguarding national identity, Christian heritage and defending the right of nations to determine their own legislative frameworks. The defence of the rule of law has, in certain instances, become intertwined in the perception of a segment of the predominantly right-wing electorate with issues related to illegal immigration. It has been associated with concerns about an excessive tolerance of crime attributed to the influx of illegal immigrants and refugees lacking economic means.

Furthermore, Italian right-wing parties have extended their support to Hungary's restrictive laws on LGBTQ+ rights, including bans on same-sex adoption and the dissemination of LGBTQ+ information in schools. They argue that these measures are in line with protecting traditional values and parental rights, aligning closely with Viktor Orbán's conservative social policies.

In summary, the Italian right-wing political parties' stance on Viktor Orbán and Hungary is one of unwavering support, emphasizing national sovereignty, conservative values, and resistance to what they perceive as EU interference in member states' internal affairs, even when these actions raise concerns related to the rule of law and individual rights.

However, as history has often shown, external factors can exert a substantial influence on political dynamics. In this case, COVID-19 pandemic and the war in Ukraine emerged as a watershed moment.

Since the emergence of the global health crisis caused by COVID-19, that Cavatorto, De Giorgi and Piccolino call a “policy window”, the European Union has made significant efforts to combat the spread of the coronavirus, bolster national healthcare systems, save lives, and address the pandemic's socio-economic impact at both the national and EU levels. These actions culminated in the Commission's proposal for a Recovery Fund and adjustments to the multiannual budget, which provided an unprecedented level of support to help countries overcome the crisis.

At the end of April 2020, a significant majority of Europeans (69%) expressed a desire for the EU to have a more substantial role in dealing with crises like the Coronavirus pandemic (Eurobarometer, 2020). This suggests a growing expectation for the EU to take a stronger leadership role in crisis management. This shift reflects a growing confidence in EU institutions and mechanisms, signifying a belief that the EU is better equipped to offer coordinated and effective solutions compared to individual Member States. It also signifies a recognition of the transnational nature of contemporary challenges, especially evident during the COVID-19 pandemic, where issues such as the free movement of people and goods within the EU necessitated a cohesive, cross-border approach. Furthermore, this desire for an enhanced EU role reflects a call for consistency and uniformity in crisis management strategies across Member States, particularly in matters such as border controls, testing, and vaccine distribution. Importantly, the aspiration for a stronger EU role may signify Europe's global leadership ambitions, particularly in the realm of international health and crisis management.

When it comes to the Russian aggression of Ukraine, the conflict highlighted the essential role that the EU plays in preserving democracy and the rule of law, not only within its borders but also as a collective defender of these principles in the face of external threats. This realization has led to a profound shift in public sentiment in Italy and across Europe: in Italy nowadays over half of the population now identifies the defence of common values as a top priority (De Girolamo, 2022b).

In particular, Italians, who had been influenced by the euroskeptic communication of right-wing parties for years, began to display a renewed sense of trust in EU actions. The war in Ukraine served as a stark reminder that democracy is not guaranteed and that unity within the EU is crucial for safeguarding democratic values. The EU's role as a guardian of these principles became increasingly evident and vital in the face of external aggression.

This transformation in public sentiment highlights the dynamic nature of politics and the power of external events to reshape attitudes. It underscores that while political parties and their communication strategies can exert influence, they are not immune to shifts in the broader geopolitical landscape. The war in Ukraine has reaffirmed the importance of the EU in the eyes of Italians and Europeans at large, positioning it not just as an economic union but as a protector of fundamental democratic principles.

In conclusion, this research journey has demonstrated that the Italian right-wing parties have affected the national position at supranational level on the EU's rule of law policy. However, the impact of external factors, particularly the war in Ukraine, has begun to reshape these dynamics. As the EU gains recognition as a guardian of democracy and the rule of law, there is potential for a more positive and supportive stance among Italians, marking a critical juncture in the evolving relationship between Italy, its right-wing parties, and the European Union.

The shifting priorities of the European population, including the growing recognition of the EU as a defender of democracy and a decreasing perception of Russia, could prompt Italian right-wing parties to reassess their alignment with leaders who raise concerns about democratic principles. However, despite these potential changes, the recent example in April 2023, where the Italian center-right government again sided with Orbán while other 15 EU Member States supported the European Commission in taking Hungary to the Court of Justice for human rights violations, suggests that the Italian far-right's alignment with Orbán remains largely unchanged.

This situation highlights the persistence of political and ideological alliances among Italian far-right parties. Nonetheless, it underscores the challenges and complexities that these parties may encounter as the EU's role as a defender of democracy and the rule of law continues to evolve in response to external challenges and changing public perceptions.

The Hungarian government's ambiguous stance on Russia's war and the evolving geopolitical landscape could prompt right-wing political parties, especially in Italy, to reconsider their strategy. As political parties seek to maintain and consolidate their voter base, they may find it necessary to adjust their positions and communication strategies to align with changing public sentiment and priorities. Lega and Fratelli d'Italia will likely face pressure to adjust their communication strategies to better reflect the changing attitudes of their electorate. Voters who prioritize European values, democratic principles, and a strong stance against Russia's actions may demand more clarity and consistency in their party's position on these issues. Adjusting their strategy to align more with the EU's stance on Russia and the rule of law could help them maintain their relevance and appeal to a broader segment of the electorate.

The conflict in Ukraine has triggered a profound re-evaluation of the EU's role and values, culminating in increased support for a stronger and more cohesive Union. The defence of common values, particularly democracy and the rule of law, has become a central pillar of European unity and resilience in the face of external challenges. This transformative shift in the European political landscape is expected to drive a recalibration of party manifestos and strategies, with a renewed emphasis on safeguarding these fundamental principles. It underscores the enduring importance of democracy and the rule of law as the cornerstones of the European project and reflects the evolving priorities of its citizens in an ever-changing global context.

With the upcoming European Parliamentary elections in 2024 on the horizon, we can anticipate a significant shift in the political discourse surrounding the defence of the rule of law within the European Union. Since the outbreak of the war in Ukraine, there has been a noticeable transformation in public sentiment across EU Member States. Citizens are increasingly recognizing the significance of democratic values and the rule of law as essential foundations of the European project. This growing awareness is expected to exert influence on the platforms and promises put forth by political parties in their election manifestos.

The external geopolitical landscape also plays a pivotal role. The ongoing external threats to the EU, particularly from Russia, have amplified the importance of presenting a

unified front on matters of democracy and the rule of law. In response to these external challenges, political parties are likely to emphasize their commitment to defending these principles both within the EU and in their foreign policy approaches.

Given these dynamic factors, political parties competing in the 2024 European Parliamentary elections are likely to present more ambitious proposals and strategies for bolstering the rule of law within the EU. This could encompass a range of measures, including proposals for enhanced monitoring, enforcement mechanisms, support for civil society, and diplomatic initiatives aimed at promoting democratic values both within the EU and globally.

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