Rule of law backsliding may be defined as the process through which elected public authorities deliberately implement governmental blueprints which aim to systematically weaken, annihilate or capture internal checks on power with the view of dismantling the liberal democratic state and entrenching the long-term rule of the dominant party. This address will explain how current Hungarian and Polish authorities have been building electoral autocracies with the aim of establishing de facto one-party states before offering a critical assessment of the EU institutions’ so far unsuccessful attempts to prevent or roll back rule of law backsliding in these two countries. It will also be argued rule of law backsliding is a decisive issue for the whole EU because it not only affects the citizens of the country where this phenomenon is happening, but it also affects both EU citizens residing in any such ‘illiberal regime’ and, indirectly, all residents in the EU through these regimes’ participation in the EU’s decision-making processes and the adoption of norms that bind all in the EU.

Laurent Pech is Professor of European Law, Jean Monnet Chair of European Public Law (2014-17) and Head of the Law and Politics Department at Middlesex University London. Laurent is also a Visiting Professor of Law at Bordeaux University and a member of the editorial board of Hague Journal on the Rule of Law. He specialises in EU Public Law and has lectured in a variety of subjects including EU Constitutional Law, EU Internal Market Law, EU Competition Law and European Human Rights Law. Challenges to the rule of law within the European legal space have been his main area of research for the past ten years. His most recent scholarly publications focusing on the rule of law include: ‘Rule of Law Backsliding in the EU: Learning from past and present failures to prevent illiberal regimes from consolidating within the EU’ (2017) Cambridge Yearbook of European Legal Studies (co-authored with Professor Scheppel); ‘Better late than never: On the European Commission’s Rule of Law Framework and its first activation (2016) 54(5) Journal of Common Market Studies 1062 (co-authored with Professor Kochenov); ‘The EU as a Global Rule of Law Promoter: The Consistency and Effectiveness Challenges’ (2016) 14(1) Europe-Asia Journal 7; ‘Monitoring and Enforcement of the Rule of Law in the EU: Rhetoric and Reality’ (2015) 11(3) European Constitutional Law