

## Joint Dissertation Review

Name of the student:	Ketevan Sushanashvili
Title of the thesis:	Analysis of Polish Judicial Reform in the Line of Recent ECJ Judgment - Commission vs. Poland (24 June 2019)
Reviewer:	Prof. Dr. Ivo Slosarcik

### 1. KNOWLEDGE AND CONNECTION TO THE FIELD

(relevance of the research question, research objective, literature review):

Relevant topic interesting from academic perspective.

Research question is formulated relatively vaguely (necessity and reasonability of the Polish judicial reform) and, consequently, it is difficult to test it.

Sufficient literature review. Polish resources (most likely due to language barrier) are missing. Recent book Poland's Constitutional Breakdown (OUP 2019) written by W. Sadurski could be helpful to contextualise the research problem.

### 2. ANALYSIS

(methodology, argument, theoretical backing, appropriate work with sources):

Methodology is described relatively briefly and vaguely. However, thesis quotes a sufficient number of sources and connects them with individual issues of the problem researched.

### 3. CONCLUSIONS

(persuasiveness, link between data and conclusions, achievement of research objectives):

Thesis provides an overview of key issues of the judicial reform and the potential EU and/or international response to it.

What is missing, is more elaborated analysis of distinction between the infringement procedure and the article 7 TEU (for instance, page 7). More specifically, why the Commission used the infringement procedure simultaneously with the article 7 TEU procedure against Poland and how use of this procedure (and argumentation by the CJEU) differs from previous case-law on judicial reforms in the EU states, in particular in Hungary under government of V. Orban. Further, role of the Commission in both procedures is somehow confused – e.g. the sentence „However, this procedure does not have a prospect of success in the future because of the lack of full support vote from the Commission.” (p. 13) is missing the fact that the blocking element in the article 7 TEU procedure is the Council, not the Commission.

### 4. FORMAL ASPECTS AND LANGUAGE

(appropriate language, adherence to academic standards, citation style, layout):

No significant objections. However, the thesis could benefit from an additional proof reading. Words are occasionally missing from sentences, such as: The concept of the rule of law as defined in the case of the ECJ” (p.14) – I believe that the author meant „case-law” instead of „the case.”

### 5. SUMMARY ASSESSMENT

(strong and weak point of the dissertation, other issues)

Thesis provides (taking into consideration its limited length) a solid overview and limited analysis of the judicial reform in Poland since 2015 and the reaction of the European Commission and the Court of Justice of the European Union.

<b>Grade (A-F):</b>	B - C
Date: September 22, 2019	Signature: Ivo SLOSARCIK