European Union accession policy

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Introduction

Enlargement has been a permanent item on the agenda of the European Union (EU). Since its creation the EU has had no fewer than six enlargement waves, changing its size from six through nine, 10, 12, 15, 25, up to 27 member states. Nevertheless, only in the last two decades did enlargement become a really ‘hot’ policy due to the two enlargement rounds of 2004 and 2007. These saw 10 former communist Central and Eastern European countries (CEECs) and two Mediterranean states (Cyprus and Malta), most of them largely falling behind the EU-15 in political and economic terms, join the EU. In the near future enlargement is likely to stay on the EU agenda as new candidate countries, such as Croatia, the Former Yugoslav Republic of Macedonia (FYROM) and Turkey, are already preparing for membership. On top of these, the remaining countries located in the Western Balkans (Serbia, Montenegro, Kosovo, Bosnia and Herzegovina, and Albania), currently enjoying Stabilisation and Association Agreements (SAAs) with the EU, are queuing up for membership. Last, but not least, former Soviet states such as Ukraine and Georgia, lying at the (south-)eastern borders of the enlarged EU, and at present subject to the EU neighbourhood policy, have already expressed their wish to become part of the EU, although the neighbourhood policy as such seems to exclude this prospect.

This chapter aims to analyse EU enlargement policy based on the last two enlargement rounds of 2004 and 2007, to Central and Eastern Europe (CEE). When preparing these accessions the EU developed for the first time in its history a formalized procedure based on political and economic conditionality. To start, the contribution takes a closer look at the reasons behind enlargement. The different goals of the policy are exposed, using arguments from rationalist and constructivist theories. The second part of the chapter then outlines how the EU developed its accession policy in answer to the events in CEE of 1989 leading to the end of the Cold War. The features of the process, both in theory and in practice, will be expounded, as well as the instruments used. Subsequently, the third part cautiously deals with the first consequences of the process. Based on the results of the previous sections, the last part will focus on the current and future enlargement developments in the southern and eastern part of the continent. As such, the chapter will provide an overview of the main debates and fields of research within the EU enlargement literature. This will enable us to contribute to the discussion on the
borders of the EU and its role on the European continent and beyond. In sum, unfolding the EU’s enlargement policy will allow for a better understanding of the Union’s role on the global scene.

Why? Reasons behind enlargement

After the events of 1989 in CEE, the then 12 EU member states did not know what to do with this ‘forgotten’ part of Europe. Did they have to offer the CEECs full membership or would mere economic co-operation suffice in order to stabilize the region? Parallel with the political debate heard at the EU negotiation tables, a lively discussion emerged in academic circles about the arguments behind enlargement. This debate was basically covered by two theoretical schools: the rationalist and the social constructivist approach. Each of them underlines different motives for enlargement, both for the EU and the CEECs.

Seen from the side of the CEECs the ‘rationalist’ reasons to seek EU membership in the early 1990s were rather straightforward (Moravcsik and Vachudova 2003). Considering their political and economic leeway, joining the EU would bring them substantial benefits. Once full members of the EU, they would benefit from the agricultural, structural and cohesion funds, and at the same time have unrestricted access to the European single market. On top of this, they would receive financial and technical assistance in order to consolidate their transition to liberal democracy and to modernize their economy. All these benefits in the long run would turn out to be higher than the costs of adapting to the EU model, although the latter would also prove to be considerable, especially in the short term (Hafner 1999: 793ff.).

On the other hand, the balance between the costs and benefits of an eastern enlargement for the EU itself was less clear cut. In terms of benefits, security and economic reasons can be discerned. First, after the end of the Cold War, CEE remained a very unstable region, threatening the Union’s security at the eastern border.\(^1\) The transformation was a delicate process with substantial chances for relapse, proven by the conflict in the former Yugoslavia. Second, by including the CEECs in the Union’s single market, the EU hoped to create new possibilities for trade and investment for the existing member states, resulting in economic growth inside the Union. Furthermore, access to primary resources and labour at low cost in the CEECs would benefit the EU’s competitiveness on the global scale. Third, by expanding the EU would strengthen its position in the world. As a ‘regional actor’ (Bretherton and Vogler 2006) it would extend its system of governance beyond its borders (Raik 2006), by which it would be expected to become an ever more important ‘global actor’.

Looking at the cost side, however, several motives can be distinguished for being ‘reluctant’ (Torreblanca 2001) about enlargement. First, the process would entail institutional costs: decision-making would become more difficult, possibly resulting in a watering down of the integration project. Second, financial costs had to be taken into consideration. Without a deep reform of the existing agricultural, structural and cohesion instruments of the EU, the process of enlarging to the poorer CEECs would not only mean a significant decrease in funding for the old member states, but would possibly also put too much pressure on the EU budget.

As was argued by several authors (Baldwin, Francois and Portes 1997; Grabbe and Hughes 1998; Moravcsik and Vachudova 2003), these costs and benefits were unequally distributed among the member states, giving rise to a group of ‘drivers’ of enlargement (states with a clear interest in it) and ‘brakemen’ of enlargement (states expecting more losses than gains) (Schimmelfennig 2001: 49–53). Within a rationalist logic this disagreement was solved with side-payments and concessions from the part of the winners of enlargement (such as Germany), to the so-called losers of the process (such as Spain and Portugal).
Gradually, in the course of the process, social constructivist authors started to challenge these rationalist explanations, claiming that mere material costs and benefits were not able to explain the decision to enlarge (Fierke and Wiener 1999; Sjursen 2002; Sedelmeier 2000). They argue that the decision as such, to grant memberships was motivated by immaterial concepts such as identity, norms and ideas.

In their view the eastern enlargement has to be understood as an expansion of the European liberal community, characterized by collective values (such as democracy, rule of law and social pluralism), which are laid down in the EU treaties and define its goals and working methods. States that share these values, as was the case with the CEECs after the events of 1989, try to be part of the organization. The EU, in turn, will only admit such states when they share its community principles. This explains why the EU regarded the application of the CEECs as legitimate, contrary to countries such as Belarus that so far do not adhere to these standards. In this line of thought a lot of attention is paid to the discourse and the rather immaterial arguments that were heard during the process, referring to a common history and identity and creating a strong ‘political imperative’ or even a ‘moral obligation’ to enlarge to CEE in order to overcome the Cold War division of the continent.

Thus, while rationalists see the enlargement as the result of a utilitarian analysis of costs and benefits for both partners, social constructivists emphasize the importance of the creation and expansion of a community of collective values and norms. Frank Schimmelfennig (2001) has successfully combined the best of both explanations. He agrees with the rationalists that a self-interested cost-benefit analysis shaped the preferences of the EU member states on the question of eastern enlargement. However, it cannot account for the very decision of the EU to move from association with, to full membership of, the CEECs. If egoistic economic and security concerns were the only reasons to enlarge eastwards, its aims could have been met by offering co-operation agreements only. Initially the EU indeed limited itself to these kinds of agreements with the CEECs. To explain why it shifted to the offer of membership, Schimmelfennig (2001) introduces the mechanism of ‘rhetorical action’ or the strategic use of norm-based arguments. By referring to the Community’s pan-European orientation and liberal constitutive values, the ‘drivers’ of enlargement were able to shame the ‘brakemen’ and argumentatively ensnare or ‘rhetorically entrap’ them in a firm commitment to enlargement. The ‘negative consensus’ resulting from this had the consequence that the process in practice could not be vetoed (Sedelmeier 2000: 188). The CEECs also used this strategy. They interpreted statements made by the EU, as in the preamble of the Treaty of Rome, about eliminating ‘the barriers which divide Europe’, as a promise of membership and urged the EU member states to live up to these commitments. Or, as Fierke and Wiener (1999: 725) put it, they turned the earlier ‘promises’ made into ‘threats’.

In sum, the explanations given in the literature for enlargement differ across the distinct theoretical schools. Each school provides evidence to support a particular vision of the role of the EU in the world. Whereas rationalists consider the EU to be a power, trying to maximize its economic and security interests in the world, the constructivists consider it to have ‘civilian’ or ‘normative power’ (De Ridder, Schrijvers and Vos 2008), by means of which it can spread its sphere of democracy and prosperity through enlargement.

How? Developing a formalized accession procedure

The first enlargement waves of the EU in the 1970s and 1980s were not characterized by a streamlined procedure. They were not carried out according to a clear template, nor were they based on official, pre-set criteria. This changed in the early 1990s in answer to the membership aspirations of the former communist countries. However, this did not happen immediately after
the events of 1989. As many member states were at first rather ‘reluctant’, the European Community (still the EC at that time) limited itself initially to bilateral trade and co-operation agreements and aid programmes such as PHARE,² with the most advanced CEECs in terms of democratic and market reform. As these arrangements could not satisfy the membership aspirations in CEE, association negotiations were opened in December 1990, again only with the most advanced countries, being at that time Hungary, Poland and Czechoslovakia. In these agreements, providing for a gradual creation of a free trade area and for political dialogue and co-operation, the prospect of membership still remained vague.

Due to the disagreement among the member states and other priorities such as the Maastricht Treaty, it eventually took the EU four years before it could officially answer the membership aspirations of the CEECs. At the 1993 meeting of the European Council in Copenhagen, the heads of states decided that the CEECs could join the EU, provided they fulfilled certain conditions: the ‘Copenhagen criteria’. Although these conditions were not strictly speaking new and had been adopted with previous accessions (such as the enlargement to southern Europe), they were for the first time explicitly laid down.

The criteria the Community put forward in Copenhagen are threefold (European Council 1993). To become eligible for EU membership a country had to be in the first place a liberal democracy, with stable institutions guaranteeing the rule of law, human rights, and respect for and protection of minorities. This political requirement was the criterion par excellence to decide whether accession negotiations could be started with a country or not. The second condition was economic in nature and required each candidate country to have a functioning market economy, which was able to cope with competitive pressure and market forces within the Union. The third condition demanded that each future member state complied with and implemented all the existing EU legislation (the *acquis communautaire*) and shared all the common political, economic and monetary goals of the Community such as the economic and monetary union and the Schengen Agreement. This meant that, contrary to the situation for some older member states (such as the United Kingdom), opt-outs were not allowed for the new member states. On top of these three ‘basic’ criteria the EU added two more criteria later in the course of the process: (1) the condition of ‘good neighbourliness’, requiring that candidate countries peacefully settle their border conflicts and respect one-another’s minorities; and (2) the condition to possess enough ‘administrative capacity’ to implement the *acquis*.

Finally, a further criterion set at the EU Council in Copenhagen did not concern the performance of candidate countries, but rather that of the EU itself. The EU had to be institutionally ready to welcome new members, meaning that it had to adapt its delegation, decision and voting procedures in order to ensure that widening (enlargement) would not come at the expense of deepening (further integration). Indeed, the latter fear continues to be voiced today with regard to the possible accession of Turkey. This condition led in the past large-scale enlargement to difficult negotiations among the 15 member states, which were only concluded at the European Council in Nice in 2000. As the outcome of this summit was poorly received in many member states, the discussion was reopened in a later stage, leading ultimately to the creation of a new constitutional treaty in 2007: the Lisbon Reform Treaty.

Following the decision in Copenhagen the EU would gradually develop a formalized accession procedure, which we might term a common EU enlargement policy. This policy is characterized by several interlinked features (discussed in greater detail below): holding the carrot of membership and of financial and technical assistance; imposing democratic and *acquis* conditionality; gradually developing firmer institutional relations with the candidate country; negotiations in a bilateral, intergovernmental setting while holding on to the principle of differentiation; and asymmetric power relations between the two sides of the process.
While holding the carrot of membership and of financial support, which the candidate countries are eager to obtain (see above), the main instrument the EU uses in its accession policy is conditionality. The policy of conditionality mainly follows a ‘strategy of reinforcement by reward’, not by punishment (Schimmelfennig, Engert and Knobel 2003: 496–97). Under this strategy, the EU pays the reward, or carrot (membership and funding) if the candidate state complies with the conditions. It withholds the reward, though does not punish by inflicting extra costs, if the government fails to do so. This strategy of conditionality was already used in the initial co-operation and association agreements and pre-accession PHARE support granted in the early 1990s. It basically characterized the whole enlargement process from the start (Dimi-trova 2002: 175).

Various direct instruments of conditionality were used (Grabbe 2001: 1020ff.), such as: benchmarking and monitoring in the successive annual Commission Reports and Accession Partnerships; providing models and templates of good governance and best practice; giving advice and developing twinning projects; and, most importantly, providing financial and technical assistance as intermediate rewards. With these tools the Commission tried to keep the candidate countries committed to the fulfilment of the accession criteria. Its regular progress reports listed the achievements made, meanwhile indicating for each candidate state separately where further progress was needed. These reports were made public, by which the effect of the strategy of naming and blaming was increased.

When assessing the Union’s enlargement policy we need to distinguish between democratic and *acquis* conditionality, reflecting two distinct phases in the accession process (Schimmelfennig and Sedelmeier 2004). In the first phase the EU and the candidate country focus predominantly on the fulfilment of the democratic criteria. Once these are met, the accession negotiations can start, mainly dealing with the rather ‘technical’ process of implementing the *acquis*. With regard to the democratic criteria, the past enlargement to CEE has taught that the EU used these to meddle in domestic affairs, which strictly speaking goes beyond its competences (Pridham 2002: 960). Over the years, the policy of democratic conditionality was fleshed out to include more substantive democratic criteria, such as the independence of the judiciaries, the pursuit of anti-corruption measures, the pluralism of the media, the importance of local government, an involved civil society, and the protection of rights relating to gender equality; all issues that were never monitored in the old member states. By demanding more from future members than from old ones, the EU applied ‘double standards’, which the former had to accept in order to show their commitment to membership.

Research has, in addition, pointed at the often contradictory and diffuse nature of EU conditionality, particularly when it comes to *acquis* conditionality (Hughes, Sasse and Gordon 2004; K.E. Smith 2003). As the different EU actors (directorates-general (DGs) and member state governments) involved do not always act univocally, they often tend to give ambivalent signals or change their interpretation of and the relative importance of certain criteria. These are, after all, not detailed in the treaties. That is why Grabbe (2002: 257) calls conditionality, both political and *acquis* conditionality, a powerful, but nevertheless ‘blunt’ instrument.

The principle of conditionality is highly interconnected with the step-by-step approach the EU uses vis-à-vis possible future member states. Following this approach, accession to the EU consists of a gradual process in which several phases can be discerned moving towards ever-closer institutional ties with the EU, ultimately resulting in full membership. The better a candidate country complies with certain stipulated criteria, the faster it can move to the next phase. If it fails to do so, the door remains closed. That is why this principle is called gate-keeping.

In the last enlargement this strategy proved to be efficient. Most CEECs moved smoothly in the first half of the 1990s from co-operation agreements to Association Agreements, establishing
a free trade area and granting them the official status of ‘associated member’. The six most advanced countries (five CEECs—the Czech Republic, Estonia, Hungary, Poland and Slovenia—and Cyprus) received then, after fulfilling the democratic criteria, the status of ‘candidate country’. This decision was taken at the EU Council of Luxembourg in 1997 after the first progress reports of the European Commission were published, and led to the start of the accession negotiations with the first six countries in March 1998. In 1999 at the EU Council of Helsinki the heads of states of the Union declared the next six countries (five CEECs—Bulgaria, Latvia, Lithuania, Romania and Slovakia—and Malta) to be ready to start the negotiations in 2000. During the course of the negotiations the ‘Helsinki’ group caught up with the first group, as a result of which the negotiations were concluded with all candidate states (except for Bulgaria and Romania) in December 2002 at the EU Council in Copenhagen. After signing the accession agreements in April 2003 in Athens and after ratification of these agreements by parliamentary vote or referendum in all existing member states and in the 10 candidate states, the 10 countries received on 1 May 2004 the ultimate status of full membership. Romania and Bulgaria followed suit on 1 January 2007.

The two principles of conditionality and gate-keeping are interconnected with the principles of bilateralism and differentiation (Smith 2005b: 352). Accession (also the earlier phase of association) predominantly consists of a bilateral intergovernmental negotiation process between the applicant state and the EU as a whole, in which the European Commission plays the role of mediator, drafting the common positions of the member states. In this regard EU accession governance differs to a great extent from the daily used multilevel model of the EU (Dimitrova 2002: 174–75). In accession governance only a limited number of actors is directly involved—the Commission (especially DG Enlargement, the main ‘manager’ of the process), the Council (the ministries of foreign affairs of the member states) and the government representatives of the candidate state. The European Parliament (EP) and non-governmental organizations are hardly present in the process. The same is true for the parliament of the given candidate country. Both the EP and the national parliaments become important only once ratification of the final agreement begins. In the negotiation process as such, they are hardly involved. This system of governance mirrors the legal ground of accession, art. 49 TEU, which stipulates that the existing member states have the final say on the accession. The process hence remains rather intergovernmental, although the supranational role of the Commission should not be underestimated.

This intergovernmental setting is also apparent in the multilateral negotiations among the member states, which inevitably run parallel with the bilateral negotiations with the candidate countries. Before a negotiation chapter can be opened, in addition to the government of the candidate state, the EU as a whole has to define its common position on the given chapter. This is a difficult process, because every accession entails an unfair distribution of costs and benefits among the member states as mentioned above. That is why the ‘brakemen’ will try to delay the process by demanding extra pay-offs, insisting on very strict adherence to some parts of the acquis, raising objections to closing chapters, or by connecting certain reform conditions primarily related to intra-EU policy with their approval to enlarge to the given country (Inotai 2003: 96). This kind of strategy leads to a lot of bargaining among the member states, often preceding or running parallel with the negotiations with the candidate country, and often complicating and delaying the process.

The bilateral character of the mutual relations rendered it difficult for the CEECs to present a common front to the EU (Smith 2005b: 352) in order to enhance their negotiation power. Nevertheless, the EU maintained the principle that each country was treated separately on its own merits. This is called the principle of differentiation. By handling accession in this way, the EU in theory passes all the responsibility for becoming a member to the candidate country. In
the previous group enlargement this generated strong competition among the candidate states. The CEECs all tried to close as many of the 31 negotiation chapters as quickly as possible, which resulted in a kind of ‘regatta’.

As the candidate country has to comply with the whole *acquis communautaire* and *politique*, one cannot speak of real negotiations. It is a misleading term. There is little to negotiate, except for the length and quantity of transition periods (temporary derogations on the *acquis*), the contribution to be paid to the EU budget, and the financial package (structural, agricultural and cohesion aid) to be received from the budget after membership. Newcomers just have to comply with the EU system, of which 95% is ‘untouchable’. It was defined in the past, before accession, without any contribution of the candidate country, which is why Wiener (2002: 14) speaks of the ‘static and past focused compliance rationale of the EU’. The fact that the candidate country did not contribute to the legislation means that parts of the *acquis* can be in strong contradiction with the country’s primary needs. Indeed, the *acquis* is to a great extent based on Western European traditions and experiences. It was created to fit economies and societies of a different level than those of the CEECs. Its policies and models contain anomalies that are the outcome of a bargaining process between different national interests and traditions (Héritier 1996). As Heather Grabbe points out, they were not designed for countries in transition, and often required complex institutional settings for implementation, which were lacking in CEE (Grabbe 2002: 253). As a consequence, the EU has tried by virtue of its enlargement policy to export its own system of regulatory governance, whereas in some cases a more tailor-made approach, taking into account the specific situation of the CEECs, might have been more suitable to the latter. The third section will come back to this, when highlighting some unanticipated results of EU accession policy.

The reason why the EU is able to force candidate countries to adopt the democratic and *acquis* conditions lies in its superior power. In essence, the enlargement policy of the EU is not an active, EU-initiated policy, but a policy driven by the outside. It is reactive in nature. By holding the carrot, the EU rather passively answers the membership aspirations of outside countries and becomes ‘active’ only once there is a prospect of membership. As already mentioned, in the 2004–07 enlargement the EU member states did not need the expansion to the east as much as the CEECs desired it. Therefore, many member states prioritized deepening instead of widening (K.E. Smith 2003: 106). The asymmetrical interdependence characterizing this relationship therefore determined to a great extent the relative bargaining power of both sides of the process (Moravcsik and Vachudova 2003: 44). As the CEECs had more to win from the EU than vice versa, the Union had superior bargaining power which it was able to use to determine the conditions of the process. Another consequence of this weak negotiating position that resulted from being on the demand side of membership, is that the EU is able to shift nearly all the costs of the operation to the candidate countries, thereby minimizing its own financial costs.

However, candidate countries can try to enhance their poor negotiation powers by seeking allies among the major EU institutions involved—the Commission and the member states in the Council. When the officials of CEE realized that the formal sessions of the Accession Conferences in Brussels did not provide any chance for real discussion, they started negotiating in the European capitals (Avery 2003: 6). Also DG Enlargement was quickly enlisted as an ally. Although it was regularly asked to defend the point of view of some member states, it also often acted in favour of the candidate countries, as it shared the goal of accession in contrast to the position of some member states and/or other DGs (Sedelmeier 2000). In this sense, the theoretically bilateral accession negotiations in practice became multilateral and even multilevel, be it to a lesser degree than the daily intra-EU negotiations.
DG Enlargement or the allied member states cannot, however, perform miracles. Their margins are limited, as the procedure leaves little room for generous concessions. This was especially true in the last group enlargement and ensured that the outcomes of the negotiations (the entry conditions) were more or less—apart from some minor nation-sensitive concessions—the same for all candidates, as a result of which the principle of differentiation was somewhat lost and the initially developed one-by-one approach (according to the progress made) ended up in the group enlargement with 10 countries. Undeniably this group dynamic has been to the benefit of laggard countries, which on their own would never have achieved full membership so rapidly.

Other dynamics, such as path-dependent ones, can also somehow affect the objectivity of the criteria during the course of the process. As the accession moves on and costs and time have been progressively invested, mutual dependence grows, making the process somewhat irreversible. In this way, potential candidate countries are already certain of the EU ticket, even before they receive the official status of candidate country. Only the date and the condition terms are still to be defined. This dynamic was particularly evident during the recent eastern enlargement, as the process was characterized by the ‘political imperative’ to reunite the continent.

In sum, despite accession consisting of a strongly asymmetrical, bilateral process that gradually leads to firmer institutional ties with the EU, being shaped by pre-set and non-negotiable formal conditions, and dominated by bureaucratic, governmental actors, it is nevertheless more than the fulfilment of criteria alone (K.E. Smith 2003: 130). Subjectivity and politics remain inherent features of the process.

The results of enlargement—Europeization of CEE?

Becoming a member of an international organization such as the EU inevitably has an impact upon the joining party. These results can be described as processes of top-down Europeanization. In essence, Europeanization research is not particularly linked to EU enlargement policy. On the contrary, it was initially carried out exclusively on existing member states. Only since the start of the accession negotiations with the CEECs have researchers begun to use this framework to examine the effectiveness of pre-accession conditionality in the candidate countries. The results of this research revealed that the EU has had indeed a decisive influence on the CEECs, more than on the existing member states, and that the strategy of conditionality has been highly effective in encouraging reforms, even before they moved to full EU membership. Explanatory variables can be found on the EU side (such as the EU pressure of accession conditionality, the asymmetrical power relation, and the larger scope of the enlargement agenda) and on that of the CEECs (such as their bigger openness to influence from the West after the end of the Cold War).

Two variables in particular were found to be significant for the effectiveness of the EU’s democratic conditionality: the credibility of the membership promise and the domestic adaptation costs needed for reform (Kelly 2004; Schimmelfennig and Sedelmeier 2005, 2007; Schimmelfennig 2005; Vachudova 2005). In cases where the costs of democratic reform were too high and the membership promise of the EU was distant, the EU did not have any leverage to make a difference and stimulate democratization. When it comes to acquis conditionality, the picture is dissimilar. In this phase the two key variables that determined the effectiveness of rule transfer in CEE were the credibility of membership and the salience the EU attached to the specific part of the acquis at stake. When membership was close by and the topic was ‘hot’ for the EU member states and DGs involved, the CEECs smoothly adopted the necessary legislation. In this phase, domestic costs or veto players only delayed the implementation, but did not impede it as such,
as the reforms needed for the adoption of the acquis did not threaten the hold of power of the ruling elites. More notably, though, in this research was the finding that complying with acquis conditionality came sometimes at the cost of democratic conditionality in CEE (Schimmelfennig and Sedelmeier 2005). The bureaucratic, technocratic, often hastily and centrally co-ordinated approach used in the second phase of acquis implementation sometimes tended to relax or overturn the democratic reforms already made in the first phase. This resulted under certain circumstances in the tendency to experience rising political instability (rather than stability) of renewed centralization (instead of devolution), or less participative democracy (instead of more civil and social deliberation). In brief, the accession procedure resulted at times in democratically ‘perverse’ effects in CEE, at least in the short term, strongly diverging from the model the EU was seeking to realize (e.g. Schrijvers 2007; De Ridder, Schrijvers and Vos 2008; Grzymała-Busse and Innes 2003).

Although mainstream top-down Europeanization research, applied to candidate countries, confirms these main outcomes and tends to speak of a decisive impact on the CEECs, be it positive or negative, it also points at the shallowness of certain reforms (Pridham 2005, 2006). Many reforms were only introduced on the formal, legal level (adoption of legislation and creation of institutions), and not on the deeper, behavioural level (implying changes in attitudes, working habits and practices). The literature (Jacoby 1999; Schimmelfennig and Sedelmeier 2007: 95) outlines several factors to explain this, such as external pressure; the bureaucratic, ticking-the-box approach of the European Commission; the speed of the process; and communist legacies.

More recent publications have sought to update these analyses in the light of the experience of the first five years of membership (Pridham 2008a, 2008b; Epstein 2008; Orenstein 2008; Sasse 2008; Schimmelfennig 2008; Sedelmeier 2008; Vachudova 2008). This research by and large confirms the findings of the previous studies. In the absence of the membership carrot, now that the CEECs have joined the EU some instruments (such as anti-corruption measures) are indeed relaxed or reversed (Pridham 2008a, 2008b). Other reforms, though, prove to be long-lasting and many new member states turn out to be rather good in transposing EU legislation (Sedelmeier 2008). Again, various explanatory variables are found to substantiate this mixed picture of compliance with EU legislation in the post-accession phase.

Lessons learned—outlook for the future

Because of these mixed and unanticipated results in CEE, the EU decided to handle current and future accessions with more prudence than before. In its relations with current candidate countries (Croatia, Macedonia and Turkey), the EU seems to be setting more rigorous democratic standards (Schimmelfennig 2008). As for Turkey, the EU expects the country to settle outstanding issues such as the legal recognition of Cyprus, the problem of the Armenian genocide and the issue of the treatment of the Kurdish minority. Likewise, the Balkan countries all have to give proof of smooth co-operation with the International Criminal Tribunal for the Former Yugoslavia in The Hague, including the handing over of their war criminals. These kinds of requirements are politically very sensitive in domestic public life, as they touch upon the national identity of the nations and therefore entail significant costs for the ruling elites.

Not only did the democratic agenda become larger in recent years, but also the method to guarantee substantial implementation has changed, based on the experience with the 10 previously acceding CEECs. To avoid more cases of window-dressing, Romania and Bulgaria were urged to give evidence of real behavioural adaptation to, and not merely formal adoption of, the acquis. As a result of the use of implementation records, these countries were monitored more thoroughly than the countries of the 2004 wave. On top of this, the democratic standards in
both countries continued to be scrutinized after ending the accession negotiations. In case of serious violations, safeguard clauses could be used, financial aid could be lifted or the entry of the country (in the case of Romania) could be delayed by one year (Pridham 2006: 56; Pridham 2007). These instruments were never used in the 2004 round. The same goes for a possible suspension of the accession negotiations, a tool currently used vis-à-vis Turkey. A number of negotiation chapters have been frozen due to a lack of adherence to certain EU standards (recognition of Cyprus). Within the same cautious approach, the EU has already announced that transition periods should be more limited for the current candidate countries. Whereas the CEECs received long periods on parts of the acquis that were very costly in implementation, the margins for these kinds of concessions to prospective member states are restricted. In general, the commitment of the EU towards further enlargement seems to be much less than was previously the case. The negotiations with Turkey are articulated as an ‘open-ended process’ and have an unclear outcome. Neither did the EU give a prospect on an actual accession date, as was done in 2000 towards the CEECs.

This renewed approach does not only result from enlargement fatigue within the EU after the impasse on the Lisbon Treaty, but also finds its legitimacy in the economic and political leeway of the upcoming candidate states in the Western Balkans, which are currently enjoying SAAs. This leeway is even bigger than was the case in 2004 and 2007. That is why authors like Schimmelfennig (2008) hold the view that enlargement will not be as successful as it has been in the past. In particular, the two decisive variables that enabled effective conditionality in previous enlargement are lacking in the current candidate countries. The prospect of membership is more distant and uncertain, and, in addition, the domestic situation in political, cultural or economic terms is such that adopting the EU standards will entail higher costs.

Conclusion

Since its foundation in 1957, the EU has expanded its membership in five subsequent enlargement waves. More recently, however, the Union has shown signs of enlargement fatigue. This reluctance towards hasty expansion of the club results from the fact that the Union is still digesting its previous enlargement round. This round has generated mixed results in the new member states of CEE. Slowing down the process of enlargement allows the Union to reflect upon its policy, and avoid repeating previous mistakes.

On the other hand, the reluctance to enlarge may veil the fact that the Union is now driven by different motives. The decision to expand to CEE was driven by both rational motives, as well as more immaterial considerations such as the imperative of reuniting the continent. These same motives come into play in the enlargement process to the Western Balkans. With the Yugoslav wars at the back of its mind, the Union is well aware that taking these countries in will considerably enhance stability and security on the European continent.

When it comes to Turkey, however, no historical imperative of reuniting the continent is present. Although there are several rational reasons to welcome Turkey into the Union (e.g. market opportunities, energy security), the additional norm or value-based dimension that was present in the previous enlargement seems to be absent. On the contrary, an increasing number of European politicians, as well as citizens, even cast doubt upon the legitimacy of Turkey’s membership by questioning its European identity. In this regard, the Turkish case will be a test par excellence to uncover whether the EU’s enlargement policy is primarily driven by rational motives, or rather by more immaterial values and norms.

The Turkish enlargement process may at the same time shed some light on the motivations behind the previous eastern enlargement rounds. While constructivists were convinced of the
importance of immaterial motives in the Union’s enlargement policy, the accession process has generated some perverse effects in CEE as regards democratic consolidation. These unexpected results conflict with the Union’s image of spreading liberal norms and values. They raise the question of whether the Union has in previous enlargements prioritized an expansion of its market over the spreading of its democratic standards. The Turkish accession process will, without doubt, provide some valuable answers to this puzzle.

Notes

1 Within this view authors describe the past enlargement predominantly as a ‘security policy’ (Cameron 2007), or consider it a ‘testcase for the Common Foreign and Security policy (CFSP)’ (K.E. Smith 2004).

2 PHARE stands for ‘Pologne, Hongrie Assistance à la Réconstruction Economique’ or ‘Poland and Hungary Assistance for Restructuring their Economies’. This aid programme was initially only granted to Poland and Hungary, but was soon expanded to include in all CEECs.

3 Especially in the area of protection of minority rights the Union has made severe requirements of the CEECs which it did not make internally. Respect for minority rights was explicitly written down in the Copenhagen criteria. The minority condition was not part of the *acquis*, either as a formal right or as a shared norm. ‘In fact, minority rights were not identified by common EU principles (rules) or shared expectations (norms)’ (Wiener and Wobbe 2002: 5). This double standard was ameliorated somewhat by the Amsterdam Treaty of 1997, of which Article 13 calls on the EU member states to combat discrimination based on racial and ethnic origin (Vachudova 2002: 11).

4 Although there is no agreement on the exact definition of the term, Europeanization research focuses as much on how the EU impacts top-down on the ‘national policies, polities and politics’ (Börzel and Risse 2003), as on how the domestic level of the member states and candidate states shapes in a bottom-up direction European politics, policies and polity. The latter dimension (on how the CEECs impacted on the nature of the EU) is beyond the scope of this chapter.

5 For analyses focusing on top-down Europeanization effects in CEE before accession we need to distinguish between: (1) analyses focusing on the effects of the adoption of specific EU policy rules in policy areas such as social policy, environmental or agricultural policy, see, for example, Andonova (2005), Grabbe (2005) and Sissenich (2005); (2) analyses focusing on the Europeanization effects on the polities of CEE (state structures, executives and administrations), such as Zubek (2001, 2005), Dimitrova (2002), Hughes, Sasse and Gordon (2004), Goetz and Hix (2001), and Goetz and Wollman (2001); and (3) analyses focusing on the impact of the EU on the politics in CEE (party formation, coalition building, party system), such as Taggart and Szczerbiak (2002, 2004), Lewis (2005), Kopecky and Mudde (2002), and Grzymała-Busse and Innes (2003).