

**Causes of the European Union accession criteria tightening in the  
context of the Western Balkans enlargement**

**MA Thesis**

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Abstract

Enlargement is often considered to be European Union's (EU's) most successful foreign policy tool. However, in the last 15 years, further expansion has become problematic. Conditions and demands to the candidate states have been becoming stricter, leading to delays in the process and the discourse about the EU's readiness to welcome new members. Considering the negative consequences of stricter criteria, coupled with some visible compliance on the side of candidate states, it is not immediately clear why the EU decided to make conditionality stricter. This thesis explores the causes of the enlargement criteria tightening, focusing on both internal political dynamics of the EU and performance of the candidate states. It finds that stricter conditionality is caused mostly by the increased role of intergovernmentalism in the EU, due to an existing enlargement fatigue. The findings are then applied to and tested in the context of Albania and North Macedonia.

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## Introduction

Enlargement is often considered the European Union's (EU's) most successful foreign policy tool<sup>1</sup>, and there are some compelling arguments in favour of this statement. Following the breakup of the Soviet Union and its sphere of influence in late 1980s — early 1990s and the 'big bang' 2004 enlargement, it is clear that the Central Eastern European (CEE) states have undergone a considerable shift in the last 30 years. Notwithstanding some exceptions, it is safe to say that now these states are functioning members of the EU. Wishing to repeat this success, but also driven by a desire to compensate for the inaction during the wars that followed the breakup of Yugoslavia, the EU made a decision to extend the membership perspective to all states of the Western Balkan region<sup>2</sup>. This, however, was much less successful than the previous enlargement rounds. The lengths of the accession journey is one clear example of this. After years of negotiations, road-maps and summits, only Croatia managed to join the EU in 2013. The degree of success among other states varies, with some being quite far ahead (Montenegro and Serbia), while others are clearly lagging behind (Bosnia and Herzegovina and Kosovo)<sup>3</sup>.

Significant in this process are the accession criteria and the EU's demands to the (pre)candidate states, which have been growing steadily and becoming stricter. In addition to the existing conditionality, Western Balkan states now need to comply to a much more comprehensive Stabilisation and Association Process, and had to fully cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY) before it finished its work in late 2017<sup>4</sup>. The causes of this conditionality tightening are not immediately clear. Despite some shortcomings, states are generally willing to comply: something that can be seen in the deal between North Macedonia and

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<sup>1</sup> Soeren Keil and Zeynep Arkan, 'Introduction,' in *The European Union and Member State building - European Union foreign policy in the Western Balkans*, ed. Soeren Keil and Zeynep Arkan (London: Routledge, 2014a), p. 4;

<sup>2</sup> Keil and Arkan, 2014a, p.6;

<sup>3</sup> Milenko Petrović and Nicholas Ross Smith, 'In Croatia's slipstream or on an alternative road? Assessing the objective case for the remaining Western Balkan states acceding into the EU,' *Southeast European and Black Sea Studies* 13, no. 4 (2013), pp. 553-554;

<sup>4</sup> Erhan İçener and David Phinnemore, 'Building on experience? EU enlargement and the Western Balkans,' in *The European Union and Member State building - European Union foreign policy in the Western Balkans*, ed. Soeren Keil and Zeynep Arkan (London: Routledge, 2014), p. 37;

Greece over the 'Macedonia' name dispute, or by the monumental judicial reform currently happening in Albania<sup>5</sup>. Besides, the current economic performance of the Western Balkan states is not significantly worse than that of the Eastern Balkan states or the CEE states several years prior to their accession<sup>6</sup>. This, combined with possible negative consequences of the stricter conditionality, calls for further research of the causes of tightening.

This thesis will explore the causes of the accession criteria tightening. It will analyse the enlargement process in both the EU and two candidate states: Albania and North Macedonia. In doing so, the essay will take a close look at the internal changes of the political relations in the EU, the lessons learned from the previous accession rounds and the performance of the current candidate states. It will focus on the experiences of Albania and North Macedonia, and use these case studies to test the research outcomes. The main argument of the paper is that the criteria tightening is caused by the growing importance of intergovernmentalism for the accession process. This can be attributed to the enlargement fatigue that exists in most member states. The implications of this argument are that stricter conditionality does not address the genuine issues present in the enlargement process, but is there to appeal to the enlargement-sceptic population and elites. As a result, this stricter criteria has mostly negative consequences on the entire process.

The essay will proceed as follows. It will start with the literature review, which will highlight the main academic debates on the issue of EU enlargement. These theories are the infamous 'External Incentives Model' and 'learning by socialisation,' following the constructivist school of thought. A section on methodology will follow, explaining the details of the research design. Afterwards, the focus will shift to the EU and its growing scepticism towards further enlargement, as well as growing intergovernmentalism. Furthermore, the essay will analyse lessons learned from the previous enlargement rounds and how they influence the Western Balkans accession process. Finally, the last two sections of the thesis will take a close look at the accession of Albania and North Macedonia in order to assess the progress of these states and see whether stricter conditionality can be justified. These case studies will also be used to test the aforementioned

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<sup>5</sup> Valerie Hopkins, 'Albania pins hopes on judicial reforms for EU accession,' *Financial Times*, 16 June 2019, url: <https://www.ft.com/content/229a8600-8dd5-11e9-a1c1-51bf8f989972>;

<sup>6</sup> Petrović and Ross Smith, 2013, p. 567;

argument. Afterwards, a conclusion will summarise the points and provide some insight on the possible implications of the stricter conditionality for the future.

### EU Enlargement through the External Incentives Model and constructivism

Before proceeding with answering the research questions, it is crucial to establish what has already been said about the topic. This brief literature review will start with a general overview of the literature on the relations between Western Balkan countries and the EU and then focus on two most relevant theories of Europeanisation. First, the External Incentives Model will be explained, followed by theories and concepts that correspond with the constructivist thinking.

Starting with a few general points that the academic literature agrees on, integration of the Western Balkan countries with the EU can be traced back to the violent breakup of Yugoslavia. Just like in the case of the Central Eastern European states, it was thought that the best way to ensure security and prosperity was to incorporate the newly independent states into the EU<sup>7</sup>. That way, integration that rendered any war between France and Germany ‘unthinkable’ would do the same for the states of former Yugoslavia. Moreover, the single market and the power of EU institutions would ensure economic development and a strong democratic government respectively. Thus, it was decided to extend the promise of membership to the Western Balkan countries as well.

The main principle used in the accession process of Western Balkan countries is ‘conditionality.’ The idea behind the principle is that a (pre)candidate state must carry out necessary political and technical reforms in return for financial assistance, visa regime liberations and the eventual membership<sup>8</sup>. This principle has worked relatively well in the period prior to the 2004 ‘big bang’ enlargement and thus was employed again in the case of Western Balkans<sup>9</sup>.

However, despite the successes of previous enlargement rounds, the literature agrees that the experience with Western Balkan states was far less successful. Despite the numerous promises and

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<sup>7</sup> Keil and Arkan, 2014a, p.6;

<sup>8</sup> Eline De Ridder and Dimitry Kochenov, ‘Democratic Conditionality in the Eastern Enlargement: Ambitious Window Dressing,’ *European Foreign Affairs Review* 16 (2011), p. 592;

<sup>9</sup> Florian Trauner, ‘From membership conditionality to policy conditionality: EU external governance in South Eastern Europe,’ *Journal of European Public Policy* 16, no. 5 (2009), p. 777;

years of cooperation, the overall state of affairs is rather gloomy and was described by one author as being on ‘*life support*.<sup>10</sup>’ Even the recent events, such as the veto of the French president Macron on opening the negotiations with Albania and North Macedonia are symptoms of the accession process stagnation<sup>11</sup>.

Apart from that, it is evident that the criteria is becoming stricter overtime. Although a comprehensive analysis of all criteria over a larger period of time is beyond the scope of this essay, the appendix includes a table showcasing the additions to the accession criteria over time. It focuses on 3 fundamental criteria: the rule of law, democracy and public administration. These were selected, as they appear frequently in country reports, strategy documents and academic literature. They will also appear elsewhere in this essay. The analysis of the 2014, 2018 and 2020 Commission policy papers reveals that demands on these 3 aspects have been becoming stricter and more specific.

Aiming to explain the processes behind the (current and previous rounds of) enlargement and the factors that determine the success, several theories appeared. Perhaps the most prominent of them all is the ‘External Incentives Model’ (EIM) proposed by Schimmelfennig and Sedelmeier<sup>12</sup>. EIM is a rationalist model, where the success of conditionality is determined by the balance between the costs of rule adoption and rewards for them<sup>13</sup>. Authors argue that (pre)candidate states are exposed to domestic pressure and thus find it difficult to implement reforms demanded by the EU<sup>14</sup>. Therefore, they require positive reinforcements in order to make their efforts worthwhile. EIM outlines several aspects that affect the balance and the success of conditionality. Among them are: ‘*determinacy of the conditions*’ (i.e., how specific and formal are the demands); ‘*size and speed of rewards*’; ‘*adoption costs*’ and ‘*the credibility of conditionality*,’ (i.e. the credibility of the threats and

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<sup>10</sup> John O’ Brennan, “On the Slow Train to Nowhere?” The European Union, ‘Enlargement Fatigue’ and the Western Balkans,” *European Foreign Affairs Review* 19, no. 2 (2014): p. 223;

<sup>11</sup> “Emmanuel Macron’s EU accession veto is a historic mistake,” *Financial Times*, 21 October 2019, url: <https://www.ft.com/content/eda39e1e-f3eb-11e9-b018-3ef8794b17c6>;

<sup>12</sup> Frank Schimmelfennig and Ulrich Sedelmeier, ‘Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe,’ *Journal of European Public Policy* 11, no. 4 (2004), pp. 663-664;

<sup>13</sup> Ibid;

<sup>14</sup> Ibid;

rewards)<sup>15</sup>. It is argued that when the demands are clear and formal, backed by a credible threat in case of non-compliance, all the while counterweighted by a credible prospect of a bigger and more prompt reward, (pre)candidate states tend to comply with conditionality<sup>16</sup>. Over the years, the model was revisited and tested, as new countries became EU member states. Authors argue that EIM still applies, albeit a greater attention should be paid to the credibility of incentives<sup>17</sup>.

The EIM model assumes that the (pre)candidate state is a rational actor seeking to maximise its utility. Such assumptions are widely criticised, which is why several alternative theories will be considered in the following paragraph. One such approach is constructivism. The main idea rests on the assumption that states do not only care about quantitative gains, but also tend to act in accordance with 'norms.' Wishing to sustain their legitimacy in the eyes of the electorate and the international community, state elites tend to adhere to widely accepted values. Thus, the 'social learning' model claims that by being a 'normative power,' the EU is able to set behavioural norms and influence the behaviour of (pre)candidate states<sup>18</sup>. Such states will then choose to comply with the EU's demands not only because of the incentives of a reward or a threat of a punishment, but due to the genuine belief that such regulations are appropriate<sup>19</sup>. Although the social model aligns well with some cases, it appears that the social learning occurs only when a certain rule or reform is in line with the existing values of the country in question. Croatia, for example, had difficulties prosecuting alleged war criminals, despite the EU's demands, as many politicians and citizens alike believed that the suspects were acting in the best interests of Croatia and did not deserve imprisonment<sup>20</sup>. Such examples show the limits of the 'social learning' model, as they weaken the

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<sup>15</sup> Schimmelfennig and Sedelmeier, 2004, pp. 664-667;

<sup>16</sup> Ibid;

<sup>17</sup> Frank Schimmelfennig and Ulrich Sedelmeier, 'The Europeanization of Eastern Europe: the external incentives model revisited,' *Journal of European Public Policy* 27, no. 6 (2020), pp. 828-830;

<sup>18</sup> Ian Manners, 'Normative Power Europe: A Contradiction in Terms?' *Journal of Common Market Studies* 40, no.2 (2002) p. 252;

<sup>19</sup> Conor O'Dwyer and Katrina Z. S. Schwartz, 'Minority rights after EU enlargement: A comparison of antigay politics in Poland and Latvia,' *Comparative European Politics* 8, no.2 pp. 223-224;

<sup>20</sup> Tina Freyburg and Solveig Richter, 'National identity matters: the limited impact of EU political conditionality in the Western Balkans,' *Journal of European Public Policy*, 17, no.2 (2010) pp. 275-276;



claim that the normative pull of the EU is sufficient to cause any fundamental shifts in the domestic status quo, where norms did not previously align.

A constructivist lens also provides an explanation as to why the EU has been supportive of further enlargements despite the repeated concerns. Schimmelfennig introduces a concept of '*rhetorical action*,' to explain the phenomenon<sup>21</sup>. According to '*rhetorical action*,' member states supportive of the enlargement managed to frame the issue in terms of the EU's pan-European identity and connect it to the EU's values<sup>22</sup>. This made the costs of openly opposing future enlargement very high, as member states would be subjected to normative shaming from other actors<sup>23</sup>. As a result a '*community trap*' has appeared, where the EU as a whole has committed to welcoming new member states, making it difficult for individual member states to reverse the process<sup>24</sup>. The significance of the constructivist approach to this essay is that it recognises that individual actors within the EU might be unhappy with the enlargement process, but due to the '*community trap*,' are unable to stop it. Such actors might therefore choose to slow down the process, without subjecting themselves to normative shaming. One method for that could be a tightening of the enlargement criteria.

Having surveyed the literature, some general points appear uncontested; namely, it is clear that the method of conditionality has been used in the case of Western Balkan states, owing to its success during the 2004 enlargement. Yet the literature also agrees that the experience of South-Eastern Europe has been rather different to the previous rounds of enlargement and the process is certainly less successful. Theorising this process, several competing models appear. The External Incentives Model claims that the actions of a (pre)candidate state are driven by a rational choice between the promised reward and the costs of a reform. The social learning model argues that a change is driven by the logic of the appropriateness of a particular reform. However its explanatory power greatly diminishes in cases where the domestic view on a particular issue is significantly different to the EU norm. Finally, the concept of a '*rhetorical action*' shows that norms also drive the enlargement process from the EU side, despite the dissatisfaction of some member states.

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<sup>21</sup> Frank Schimmelfennig, 'The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union,' *International Organization* 55, no. 1 (2001), pp. 76-77;

<sup>22</sup> *Ibid*;

<sup>23</sup> *Ibid*;

<sup>24</sup> *Ibid*;

## Methodology

This section will explain the methodology used in this thesis. The research used in this essay can be divided into three general stages. The first stage is a thorough analysis of the existing academic literature on the EU enlargement criteria and its gradual change over the years. Several academic articles and books are used to establish the general direction of the argument and provide preliminary causes of the conditionality tightening.

The next stage consists of a thorough analysis of primary documents issued by EU institutions to countries awaiting accession. These include European Commission reports on the country's progress, policy strategies frameworks and methodologies. Other relevant documents, policy papers and reports issued by EU institutions are also included, paying particular attention to any instances of tightening of conditionality and reasons for such actions.

Finally, the research employs the 'between case' analysis technique to compare and highlight the instances and causes of conditionality tightening in the context of two countries: Albania and North Macedonia. Closely analysing conditionality in these two countries provides a better perspective on the exact demands that (pre)candidate states are facing on their journey towards membership. It also leads to a more balanced argument, as the potential causes of conditionality tightening obtained from the academic literature and EU documents are weighted against the experience of two countries.

The choice of Albania and North Macedonia is not accidental. These two countries were chosen because of the current stage of their progress: both countries were pre-candidate states until recently, and only officially started their negotiations on the EU membership in March 2020<sup>25</sup>. Only several months ago both states were in a much more ambiguous position regarding their membership. This temporal proximity helps to obtain a more realistic picture of how conditionality works. Arguably, the start of the accession negotiations with the EU has an impact on

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<sup>25</sup> 'Council Conclusions on Enlargement and Stabilisation and Association Process the Republic of North Macedonia and the Republic of Albania,' *Council of the European Union*, 25 March 2020, pp. 3-4, url: <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>;

conditionality<sup>26</sup>. On the one hand, proximity of a potential membership, particularly in the later stages of negotiations, increases credibility of the membership promise, which motivates the candidate states to fulfil all remaining criteria, despite their costs<sup>27</sup>. On the other hand, once the country has started negotiations with the EU, membership is almost inevitable, which removes the incentives to vigorously carry on with the reforms. This in turn reduces the effectiveness of conditionality<sup>28</sup>. Thus, comparing these two unique countries who share a similar path towards membership will help to contextualise the argument and test its credibility.

### Enlargement fatigue

Having set the stage by surveying the literature and providing the necessary information on the research design, the essay will now turn to the specific causes of conditionality tightening. This chapter will analyse the basis of the tightening process - a growing phenomenon of the so-called 'enlargement fatigue'. In doing so, it will be established that is one important driver of conditionality tightening is the necessity to manage the enlargement fatigue. This is because enlargement fatigue is no longer an attribute of some isolated eurosceptic parties, but a widespread phenomenon in the EU.

It is important as a preliminary matter to define 'enlargement fatigue'. Significant work in this area was done by Szolucha. She writes that 'enlargement fatigue' is a *'hesitance or unwillingness to grant the EU membership to new states as expressed in the interplay of 'wideners' and 'deepeners' in the context of an upcoming or just finalised enlargement round*<sup>29</sup>. This phenomenon is in stark contrast to the official position of the EU, which repeatedly confirms its commitment to the enlargement process. Yet there are numerous pieces of evidence that both member states' elites and the general public are much less enthusiastic about the prospect of future enlargement than EU officials' speeches would suggest.

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<sup>26</sup> Schimmelfennig and Sedelmeier, 2004, pp, 671-672;

<sup>27</sup> Ibid;

<sup>28</sup> Ibid;

<sup>29</sup> Anna Szolucha, 'The EU and Enlargement Fatigue: Why has the European Union not been able to counter enlargement fatigue?' *Journal of Contemporary European Research* 6, no.1 (2010), p. 2;

Popular support for future enlargement has been steadily diminishing for years. In reports published in 2006, soon after the ‘big bang’ enlargement, a majority of EU citizens supported enlargement of the Union<sup>30</sup>. However, there were already signs that the general public was concerned with some of the drawbacks an enlargement could pose, while a sizeable minority opposed a potential accession of Albania and Turkey (44% and 48% respectively)<sup>31</sup>. This support has decreased over the years, so that in 2013 only 37% of Europeans were in favour of further enlargement<sup>32</sup>. Significantly, countries with the lowest popular support for enlargement are older member states, like Austria, France and Germany (76%, 70% and 69% of their population is against enlargement, respectively)<sup>33</sup>. These are well developed economies and net contributors to the EU budget, which are likely to see their share of the burden increased once new net receiving countries join the Union. Moreover, due to freedom of movement it is likely that these countries will experience a surge in immigration from the new member states, something that is already a controversial topic in the EU.

These issues are often capitalised on by eurosceptic parties. Such parties use the financial and social consequences of migration, as well as the fact that most workers that would migrate from new member states would be employed for low-skilled labour, to create a negative image of migrants. As the result, there exists a negative connotation around migrants from newer, less economically developed member states, such as the stereotype of a ‘Polish plumber’<sup>34</sup>. Regardless of how well founded this criticism is, it gives the issue of enlargement a negative connotation in popular discourse, particularly in the older, more economically developed member states. This is one of the reasons why public support for EU expansion is particularly low in these countries. A good example of this is the discourse around the Brexit referendum, where migration and the potential accession

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<sup>30</sup> ‘Attitudes towards European Union Enlargement,’ *Eurobarometer*, July 2006, p. 74, url: [https://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs\\_255\\_en.pdf](https://ec.europa.eu/commfrontoffice/publicopinion/archives/ebs/ebs_255_en.pdf);

<sup>31</sup> *Eurobarometer*, 2006, pp. 67, 70;

<sup>32</sup> ‘Public Opinion in the European Union,’ *Eurobarometer*, 2013, p. 122, url: [https://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb80/eb80\\_publ\\_en.pdf](https://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb80/eb80_publ_en.pdf);

<sup>33</sup> *Eurobarometer*, 2013, p.130;

<sup>34</sup> O’Brennan, 2014, p. 224;

of Turkey was often used as an argument by the 'Leave' campaign, despite the fact that Turkey's prospect of membership has been extremely thin<sup>35</sup>.

Yet it is not only extreme eurosceptic parties that oppose further enlargement of the EU. Considering that public opposition towards future expansion is so significant, mainstream political parties have adopted the rhetoric of 'enlargement fatigue'. Thus, many member states have taken a rather cautious stance on future enlargement even outside of the most prominent example of the United Kingdom. Germany, despite being a vocal supporter of Western Balkan accession, has repeatedly emphasised the importance of strict conditionality and compliance to it<sup>36</sup>. One of the reasons for this strictness is the decisive role of the German Parliament in the process<sup>37</sup>. Due to the Germany's political structure, its parliament retains a lot of power on the issue of EU enlargement and can theoretically halt the entire process<sup>38</sup>. This makes Germany's position on the matter - a subject to domestic politics and popular opinion<sup>39</sup>. This example illustrates that even states with a generally pro-European public and a crucial role in European integration process, can suffer from the enlargement fatigue. Other member states where public opinion influences the interest in the Western Balkan region are France and Italy. As Ker-Lindsay et al. note, the Western Balkans do not play a large role in these countries' political agendas, and are usually portrayed in a negative light<sup>40</sup>. Although not a root cause, this certainly contributes to the somewhat disinterested approaches of France and Italy.

Briefly zooming in on the French position reveals other important causes of 'enlargement fatigue'. French president Emmanuel Macron provided several reasons for his recent veto of the negotiations with Albania and North Macedonia. One of them was a fear that further enlargement will make it

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<sup>35</sup> Daniel Boffey and Toby Helm, 'Vote Leave embroiled in race row over Turkey security threat claims,' *The Guardian*, 22 May 2016, url: <https://www.theguardian.com/politics/2016/may/21/vote-leave-prejudice-turkey-eu-security-threat>;

<sup>36</sup> James Ker Lindsay, et al., 'The national politics of EU enlargement in the Western Balkans,' *Southeast European and Black Sea Studies* 17, no. 4 (2017), pp. 515-516;

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ker Lindsay, et al., 2017, pp. 516-517;

harder to carry out future political integration<sup>41</sup>. Some authors have criticised this position, claiming that a larger number of member states does not automatically translate into more opposing positions<sup>42</sup>. The ability to further reform and integrate the EU depends on the domestic political situation and the level of support for a particular reform<sup>43</sup>. Considering that most Western Balkan states are europhile, rather than eurosceptic, it is reasonable to expect them to be on board with possible future political ‘*deepening*’ of the EU<sup>44</sup>. Furthermore, Macrons’ argument is influenced by a subjective desire to protect French interests. By citing the ‘*widening vs deepening*’ debate as a reason for the veto, France admits that future member states might have their own interests, redlines, and visions of the EU. Yet because they might differ from those of France, such states should not be allowed to become EU member states, at least for a while.

Concluding this first chapter, it is clear that despite the EU’s repeated statements about its commitment to the process, a certain ‘enlargement fatigue’ exists. It stems from mostly economic issues connected to budgetary contributions and unsatisfactory economic performance. These issues are then exacerbated by eurosceptic parties that capitalise on increased migration from newer member states, and connect domestic grievances to the EU’s enlargement policy. As a result, some of the most important drivers of further EU integration or enlargement, like the UK, France and Germany show elements of the enlargement fatigue and are not genuinely enthusiastic about the prospect of future expansion. As will be seen in the following chapters the tightening of the enlargement criteria is a way to manage this enlargement fatigue.

### Intergovernmentalism

Being sceptical and cautious of further enlargement cannot alone be the cause of criteria tightening. The EU is a complex polity, where the interests of individual member states are weighted against the position of the supranational European Commission and other member states or institutions.

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<sup>41</sup> Andreas Eisl, ‘France’s Questionable Arguments Against European Union Enlargement,’ *Notre Europe Jacques Delors Institute*, 12 December 2019, pp. 3-4, url: [https://institutdelors.eu/wp-content/uploads/2019/12/BP\\_ElargissementMacedoine\\_Eisl-EN.pdf](https://institutdelors.eu/wp-content/uploads/2019/12/BP_ElargissementMacedoine_Eisl-EN.pdf);

<sup>42</sup> Ibid;

<sup>43</sup> Ibid;

<sup>44</sup> ‘Balkan Barometer 2019,’ *Regional Cooperation Council*, May 2019, p. 37, url: [https://www.rcc.int/seeds/files/RCC\\_BalkanBarometer\\_PublicOpinion\\_2019.pdf](https://www.rcc.int/seeds/files/RCC_BalkanBarometer_PublicOpinion_2019.pdf);

Thus, this chapter will analyse the phenomenon of growing intergovernmentalism in the EU and its impact on the enlargement process.

The term intergovernmentalism is not new and has been used by many academics and theorists. One of the most frequently cited works on the matter is by Andrew Moravcsik, who proposed a theory of ‘Liberal Intergovernmentalism’ to explain European Community’s integration<sup>45</sup>. In Moravcsik’s theory it is member states, not institutions, that drive European integration<sup>46</sup>. Such states are presumed to act rationally in their best interests, which are determined by domestic demands and the constraints of the international environment<sup>47</sup>. Furthermore, the outcomes of integration are dependent on the states’ bargaining power<sup>48</sup>. As will be seen from the rest of the chapter, the current state of the enlargement process supports the theory proposed by Moravcsik.

To be certain, member states have always had an important role in the context of EU enlargement. A quick look into the Treaty on European Union confirms that Article 49, which explains the legal basis for enlargement, gives special rights to the intergovernmental institutions of the EU. For instance, the Article states that ‘*the applicant state must address its application to the Council...*’<sup>49</sup>. The Commission shall be merely consulted while a consent of the European Parliament is to be obtained<sup>50</sup>. Furthermore, it is stated that the ‘*conditions of eligibility [are] agreed upon by the European Council*’<sup>51</sup>. Finally, accession of any new states must be unanimously approved by the member states, meaning the members states have the power to veto any new state joining the EU, regardless of that states’ fulfilment of the requirements demanded by the Commission<sup>52</sup>. This has

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<sup>45</sup> Andrew Moravcsik, ‘Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach,’ *Journal of Common Market Studies* 31, no. 4 (1993), p. 480;

<sup>46</sup> Ibid.

<sup>47</sup> Moravcsik, 1993, p. 517;

<sup>48</sup> Ibid.

<sup>49</sup> ‘Consolidated Version of the Treaty on European Union,’ *Official Journal of the European Union*, 26 October 2012, p. 43 url: [https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF);

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> Neil Nugent, *The Government and Politics of the European Union* (London: Pelgrave, 2017), pp. 196-197;

happened in the past, perhaps most famously in the case of the United Kingdom when France's president Charles de Gaulle twice vetoed the accession attempt<sup>53</sup>.

Recently however, member states have increased their influence over the process of accession, making 'the journey' more difficult. This is done in several ways. Perhaps the most obvious one is the introduction of a ratification process through a referendum, as was used by France. Although this has not yet been used, due to a clause granting the French parliament the right to ratify new member states' accession in case there is a 60% majority in favour<sup>54</sup>. This could set a precedent for other member states of taking EU matters to the public forum through a referendum. Although confirming new member states' accession by a popular vote undoubtedly adds to the legitimacy of the decision, such referendums are often divisive and can undo years of efforts from both the EU and the candidate state. A good example of this are the referendums on the question of the EU Constitutional Treaty (later - the Lisbon Treaty), that took place in several member states<sup>55</sup>.

It is not only actions within individual member states that can have an effect on the process of EU enlargement. Member states now also have increased powers before and during the accession negotiations. It is the Council that decides to start the negotiation process, to close individual chapters, and to consider the so-called, 'benchmarks' completed<sup>56</sup>. This gives a significant amount of power to the EU member states in comparison to the European Commission. There were already instances when this power was used to block the accession (even if temporarily) because of reasons that fall largely outside of EU conditionality. The most famous examples are the Greece-North Macedonia name dispute, which will be analysed in further chapters, and the border dispute between Slovenia and Croatia, which forced Slovenia to effectively veto Croatia's accession in

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<sup>53</sup> Andrew Geddes, *Britain and the European Union* (Basingstoke: Pelgrave Macmillan, 2013), pp. 54-55;

<sup>54</sup> Christophe Hillion, 'The Creeping Nationalisation of the EU Enlargement Policy,' *Swedish Institute for European Policy Studies* 6 (2010), pp. 30-31;

<sup>55</sup> Nugent, 2017, p. 98;

<sup>56</sup> Milada Anna Vachudova, 'EU leverage and national interests in the Balkans: The Puzzles of Enlargement Ten Years On,' *Journal of Common Market Studies* 52, no.1 (2014), p. 133;



2008<sup>57</sup>. This shows that member states have ways of influencing or even stopping the enlargement process, and choose to use them when domestic interests are sufficiently salient.

Documents released by the EU support the notion of increased intergovernmentalism. In the most recent methodology issued by the European Commission, which will shape the framework of future cooperation between the EU and the Western Balkans, there is a call for increased ‘*political steer*.<sup>58</sup>’ Although the aim of this is to revitalise the process of enlargement, there are clear indications for an increased role of member states<sup>59</sup>. For example, the Commission calls for more systematic contributions from member states and promises more opportunities for monitoring and reviews<sup>60</sup>. Moreover, the new framework adds emphasis on the Intergovernmental Conferences (IGCs), and includes both the regular and country-specific IGCs<sup>61</sup>. This is yet another platform for member states to have their say.

Crucially, the new methodology is heavily influenced by the French non-paper, which was released following their veto on the start of negotiations with Albania and North Macedonia. Almost all the main suggestions in the non-paper appeared in the final document adopted by the Commission. The new ‘cluster system,’ which reshuffles the 35 chapters into smaller groups, is taken directly from the non-paper and only slightly differs from the original<sup>62</sup>. The increased role of intergovernmental EU institutions and member states is also present in the French proposal<sup>63</sup>. This is yet another good example of the intergovernmental impact on the accession process. By first using its veto power to

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<sup>57</sup> ‘Border dispute with Slovenia delays Croatia EU entry talks,’ *EURACTIV*, 24 April 2009, url: <https://www.euractiv.com/section/enlargement/news/border-dispute-with-slovenia-delays-croatia-eu-entry-talks/>;

<sup>58</sup> ‘Enhancing the accession process - A credible EU perspective for the Western Balkans,’ *European Commission*, 05 February 2020, p.3, url: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf);

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> ‘Non-Paper Reforming the European Union accession process,’ November 2019, url: <https://g8fip1kplyr33r3krz5b97d1-wpengine.netdna-ssl.com/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>;

<sup>63</sup> Ibid;

halt the negotiations' start, before influencing the methodology, France managed to bring about a significant change to the process and strengthen its interests.

A decision to increase the influence of member states in what is already a process largely controlled by them is at least somewhat strange. While it is too early to draw any definitive conclusions, some commentators have already expressed the view that this decision is caused by the desire of the Commission to appease member states like France, who have expressed scepticism about admitting new states to the EU<sup>64</sup>. The fact that such states welcomed the Commission's decision supports the claim that the new methodology on the accession is a tool to manage enlargement fatigue among member states who are not prepared to 'drive' the enlargement forward, and further proves the increasing role of intergovernmentalism in the process of enlargement<sup>65</sup>. While the new methodology might ensure the support of cautious member states in the short term, it ultimately gives them another mechanism of halting the process in the future.

In conclusion, intergovernmentalism has been a large part of the EU enlargement process for a long time. Due to the enlargement fatigue and domestic interests, some member states seek to influence, slow down or even halt the enlargement process. This is done through selective interpretation of the accession procedures, seen in the cases of Germany and France, or even by using benchmarks of the process to temporarily veto the accession to seek domestic gains, demonstrated by the examples of Slovenia or Greece. Judging by the most recent reforms on the matter, the EU's institutional framework allows for attempts to increase the ability of member states to possess a significant influence in the enlargement process.

### Lessons learned from previous enlargement rounds

Despite the causes of conditionality tightening presented in previous chapters, the EU lists other reasons as to why the criteria are evolving and becoming stricter. The recent French veto was

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<sup>64</sup> Michael Peel and Valerie Hopkins, 'Brussels opens way for member states to halt EU enlargement talks,' *Financial Times*, 04 February 2020, url: <https://www.ft.com/content/fec586c0-46ad-11ea-aeb3-955839e06441>;

<sup>65</sup> Sandrine Amiel, 'EU Commission presents new enlargement strategy amid divisions over Albania and North Macedonia,' *Euronews*, 05 February 2020, url: <https://www.euronews.com/2020/02/05/eu-commission-presents-new-enlargement-strategy-amid-divisions-over-albania-and-north-mace>;

justified (among other things) by a need to reform the accession process<sup>66</sup>. From this, a reasonable conclusion can be drawn that the results of the previous enlargement procedures were not satisfactory. This chapter will test and disprove this claim by analysing the lessons learned from previous expansion rounds. In doing so, it will be established that a direct connection between previous shortcomings and the enlargement criteria tightening only exists in some policy areas.

The analysis of ‘lessons learned’ will start with a very salient aspect of economics. It is often argued that the newly admitted member states did not reach the required level of economic development to equally participate and compete with the big economies of the EU<sup>67</sup>. As the result these member states are mostly net beneficiaries, meaning they receive more from the EU budget than they contribute<sup>68</sup>. This has naturally caused some criticism of the enlargement process and brought forward a discourse on whether the new candidate states should be checked against stricter economic criteria to ensure a more sustainable enlargement process. While this argument does seem logical, the post-accession reality is somewhat different.

Admittedly, there were some short term adjustment costs and economic disadvantages connected to an influx of migrants from new member states to the older ones<sup>69</sup>. Particularly in the UK and Ireland, the 2004 and 2007 accession rounds resulted in a large number of workers immigrating, primarily from places like Poland and Romania. This raised some questions about the ability of the welfare state to cope with the increase in population<sup>70</sup>.

Nevertheless, the evidence suggests that the enlargement had a net positive effect on the EU economy. The migration supplied cheaper labour force to the older member states, while providing

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<sup>66</sup> Vessela Tcherneva and Tara Varma, ‘After the French veto: The new scramble for the Western Balkans,’ *European Council on Foreign Relations*, 25th October 2019, url: [https://www.ecfr.eu/article/commentary\\_after\\_the\\_french\\_veto\\_the\\_new\\_scramble\\_for\\_the\\_western\\_balkans#](https://www.ecfr.eu/article/commentary_after_the_french_veto_the_new_scramble_for_the_western_balkans#);

<sup>67</sup> İçener and Phinnemore, 2014, p. 43;

<sup>68</sup> Tamara Kovacevic, ‘EU budget: Who pays most in and who gets most back?’ *BBC*, 28 May 2019, url: <https://www.bbc.com/news/uk-politics-48256318>;

<sup>69</sup> Ray Barrell, et al., ‘EU Enlargement and Migration: Assessing the Macroeconomic Impacts,’ *Journal of Common Market Studies* 48, no. 2 (2010), pp. 382-385;

<sup>70</sup> Heather Grabbe, ‘Six Lessons of Enlargement Ten Years On: The EU’s Transformative Power in Retrospect and Prospect,’ *Journal of Common Market Studies* 52 (2014), p. 52;

remittances to the newer ones<sup>71</sup>. New member states also became invaluable trading partners, acting as both export markets and raw material suppliers<sup>72</sup>. This allowed EU member states to further specialise in their economic output, increasing efficiency and economic benefits as a result<sup>73</sup>. Furthermore, a certain level of economic dependency had a positive impact on the compliance rate of candidate states, before and after their accession. As argued by Levitz and Pop-Eleches, the EU's financial aid was an important source of income for Bulgaria and Romania, which created a strong incentive to carry on with the reforms when the 'carrot' of membership had already been obtained<sup>74</sup>. Despite the fact that the new member states were significantly smaller economies, the level of their economic development did not jeopardise the enlargement process and did not harm the EU in any way. On the contrary, deeper integration allowed for new opportunities for economic profit. Therefore, it is unreasonable to suggest that poor economic performance of the previous candidate states influenced current enlargement criteria.

Political issues, particularly those related to democracy, are an important factor that has undoubtedly influenced the evolution of the accession criteria. As noted by many scholars and the EU officials alike, democratic backsliding has been an issue with many new member states once they have achieved membership<sup>75</sup>. The crux of the issue is that the credibility of conditionality is greatly reduced after the threat of unsuccessful negotiations is removed, as expected if one follows the External Incentives Model<sup>76</sup>. In other words, once a country successfully closes all chapters of the negotiations and becomes an EU member state, there is no incentive to carry on with costly political and democratic reforms. Thus, there is a possibility for a 'backslide' into a less democratic system of governance. This phenomenon, as well as an inadequate level of democratic institutions before the accession, has been an issue of concern for years. Problems with authoritarian governments have reached such a degree in Poland and Hungary that the latter member state was

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<sup>71</sup> Barrell, et al., 2010, pp. 389-390;

<sup>72</sup> George Baourakis et al., 'Economic implications of the EU accession of Bulgaria and Romania: a CGE approach,' *TradeAG* (2008), pp. 8-11;

<sup>73</sup> *Ibid*;

<sup>74</sup> Philip Levitz and Grigore Pop-Eleches, 'Monitoring, Money and Migrants: Countering Post Accession Backsliding in Bulgaria and Romania,' *Europe-Asia Studies* 62, no.3 (2010), pp.471-472;

<sup>75</sup> Grabbe, 2014, p. 42;

<sup>76</sup> Schimmelfennig and Sedelmeier, 2020, pp. 815-816;

recently described as ‘*a hybrid regime*,’ rather than a ‘*democracy*,’ by Freedom House in their report on democratisation in Eastern Europe and Central Asia<sup>77</sup>.

Newer EU member states have also been blamed for some ‘de-democratisation,’ albeit on a lesser scale. As Grabbe argues, backsliding is more likely in areas where the costs of adjustments are high and the issue is of high salience<sup>78</sup>. An example used by the author is that of Romania, where the government fired the Minister of Justice soon after the accession as her efforts to reform the corrupt judiciary created a bad image for the government<sup>79</sup>. This happened despite extensive democratic reforms before the accession, as well as post-accession monitoring mechanisms designed specifically to prevent such issues. Grabbe concludes that this led the Commission to blame the insufficient state-capacity for the democratic backsliding<sup>80</sup>. Other authors support this view and point out that the relations between the EU and current (pre)candidate states should be described as ‘*state building*’<sup>81</sup>. As Keil and Arkan argue, the EU’s involvement with Western Balkan states is so deep that it no longer merely fosters democratic reforms and good governance, but practically builds a new polity through the introduction of laws and governance systems<sup>82</sup>. Such deep involvement with state building clearly shows the importance of failed or reversed democratic reforms on the process of conditionality tightening.

Evidence of the EU’s concern about democratic backsliding can also be found in the latest enlargement methodology. Already on the first page of the document, the Commission admits that there remain ‘*structural weaknesses [], particularly in the area of the fundamentals*’<sup>83</sup>. The solution

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<sup>77</sup> Zselyke Csaky, ‘Nations in Transit 2020. Dropping the Democratic Facade,’ *Freedom House*, 2020, p. 3. url: [https://freedomhouse.org/sites/default/files/2020-04/05062020\\_FH\\_NIT2020\\_vfinal.pdf](https://freedomhouse.org/sites/default/files/2020-04/05062020_FH_NIT2020_vfinal.pdf);

<sup>78</sup> Grabbe, 2014, pp. 42-43;

<sup>79</sup> Ibid;

<sup>80</sup> Grabbe, 2014, p. 45;

<sup>81</sup> Soeren Keil and Zeynep Arkan, ‘The limits of normative power? EU Member State building in the Western Balkans,’ in *The European Union and Member State building - European Union foreign policy in the Western Balkans*, ed. Soeren Keil and Zeynep Arkan (London: Routledge, 2014b), p. 16;

<sup>82</sup> Ibid;

<sup>83</sup> *European Commission*, 2020, p.1;

to these weaknesses, as outlined by the Commission, is to restructure the negotiation process in such a way that the chapters involving these ‘fundamentals’ (democracy being one of them) are ‘*opened first and closed last*’<sup>84</sup>. This is yet another piece of evidence that shows how much previous reform backsliding has influenced the current accession criteria. The EU acknowledges the efforts made by the (pre)candidate states, yet demands stricter monitoring and compliance, showing the lessons learned from previous enlargement rounds.

Similar to the problems with democracy are issues with the rule of law, in particular corruption, that prevent the judiciary and the police from adequately performing their duties. These have also been influential in shaping the current enlargement policy. The reason for this is the somewhat negative experience with rule of law reforms the EU had during the previous enlargement rounds<sup>85</sup>. A functioning judicial system is a necessary background to all other democratic and political reforms demanded by the EU. In a state where the courts cannot be trusted to make independent objective decisions, any attempts to address the corrupt political environment or crime in general, will be futile. Thus, the EU has considered the rule of law to be one of the most important and fundamental elements of the accession process.

Lessons learned from previous accession rounds certainly influenced the EU’s attitude to the reforms concerning the rule of law. The examples of Romania and Bulgaria are once again important here. Both states have had significant problems with this aspect of governance. According to World Bank statistics, both countries scored lower in the rule of law performance than other Central European member states that joined in 2004 or even Croatia<sup>86</sup>. This has been the case during the candidacy period as well as after these two countries became EU member states<sup>87</sup>. Statistics on levels of corruption follow a similar trend<sup>88</sup>. The reasons for such poor performance is

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<sup>84</sup> Ibid;

<sup>85</sup> İçener and Phinnemore, 2014, p. 42;

<sup>86</sup> Milada Anna Vachudova and Aneta Spendzharova, ‘The EU’s Cooperation and Verification Mechanism: Fighting Corruption in Bulgaria and Romania after EU Accession,’ *Swedish Institute for European Policy Studies* 1 (2012), p. 6, url: [http://www.sieps.se/en/publications/2012/the-eus-cooperation-and-verification-mechanism-fighting-corruption-in-bulgaria-and-romania-after-eu-accession-20121epa/Sieps\\_2012\\_1epa?](http://www.sieps.se/en/publications/2012/the-eus-cooperation-and-verification-mechanism-fighting-corruption-in-bulgaria-and-romania-after-eu-accession-20121epa/Sieps_2012_1epa?;);

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

the continued corruption and crime in the governing political parties themselves, which removes any political will for meaningful reforms<sup>89</sup>.

In order to address this issue without further delaying accession dates for the two countries, the EU has invoked the so-called ‘*Co-operation and Verification Mechanism*’ (CVM)<sup>90</sup>. The framework was created to ensure continued reforms following the accession. It was also based on conditionality. However, in the absence of the membership incentive, the EU used a threat to halt EU funding to member states to ensure cooperation<sup>91</sup>. The outcome of this mechanism has not been very successful. Reports on the CVM published in 2019 note that, despite the progress made by two countries, there are concerns about possible backsliding and that there is still work to be completed, namely in the areas of continued reforms monitoring<sup>92</sup>. The fact that twelve years after the accession the Commission and member states are still involved in what is essentially the pre-accession reform process, shows that an excessively lenient attitude to the situation with the rule of law can have serious long-lasting negative consequences for the member state in question and the EU.

This has forced the EU to tighten the criteria related to the judiciary for the following accession rounds. In this way, Croatia was expected to comply with the EU’s demands prior to the accession, so as to remove the need to use the CVM<sup>93</sup>. The latest methodology on the accession of Western Balkan states also emphasises the importance of a functioning rule of law and puts it among the ‘fundamentals’<sup>94</sup>. The EU’s close attention to this issue in the latest rounds of enlargement shows

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<sup>89</sup> Vachudova and Spendzharova, 2012, p. 7;

<sup>90</sup> ‘Report from the Commission to the European Parliament and the Council on Romania’s progress on accompanying measures following Accession,’ *Commission of the European Communities*, 26 June 2007, p. 2, url: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52007DC0378&from=EN>;

<sup>91</sup> *Commission of the European Communities*, 2007, p. 20;

<sup>92</sup> ‘Report from the Commission to the European Parliament and the Council on progress in Romania’s under the Cooperation and Verification Mechanism,’ *European Commission*, 22 October 2019, p. 17, url: [https://ec.europa.eu/info/sites/info/files/progress-report-romania-2019-com-2019-499\\_en.pdf](https://ec.europa.eu/info/sites/info/files/progress-report-romania-2019-com-2019-499_en.pdf);

<sup>93</sup> Grabbe, 2014, p. 43;

<sup>94</sup> *European Commission*, 2020, p. 2;

that the history of continued attempts and failures in the area of the rule of law is another 'lesson learned,' which certainly had an impact on the tightening of the current accession criteria.

All in all, the third chapter tests the frequently used argument that the cause for criteria tightening is the unsatisfactory performance of the latest members of the EU. Although in some aspects the connection is present, in the area of economics there is no direct causal link between a more modest economic output among the new member states and any negative effects on the EU. Moreover, as will be seen in the two case studies that follow, although previous cases of criteria tightening might have been justified by issues in states like Hungary or Romania, current performance of Albania and North Macedonia gives no reason to expect backsliding in democratic or judicial reforms.

### Case Study - Albania

Having analysed three general causes of conditionality criteria tightening, this essay will now turn to the case studies. The aim of the following two chapters is twofold. First of all, the experiences of Albania and North Macedonia will help to uncover further causes, as well as consequences of conditionality tightening. Moreover, the case studies will be used to test the claims presented in the third chapter, and will evaluate whether the performance of these two states created a fear that the negative outcomes of previous enlargement rounds might appear again, in turn creating a need for stricter criteria.

Albania's relations with the EU go back to 1990s, following the fall of communism and the dramatic events of 1997<sup>95</sup>. Albania found a transition to a multi-party democracy and free market economy a challenging task, not least due to the extreme isolationism it experienced during the communist rule<sup>96</sup>. Nevertheless, the country has undergone significant changes and was given the status of a potential EU candidate in 2003<sup>97</sup>. Eleven years later in 2014, it became a candidate

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<sup>95</sup> Arolda Elbasani, 'EU Enlargement and state institutions after communism - reforming public administration in Albania,' *Centre internationale de formation européenne* 3 no. 349-350 (2008), pp. 126-127;

<sup>96</sup> Arolda Elbasani and Senada Šelo Šabić, 'Rule of law, corruption and democratic accountability in the course of EU enlargement,' *Journal of European Public Policy* 25, no. 9 (2018), p. 1324;

<sup>97</sup> 'Albania,' *European Commission*, 26 March 2020, url: [https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/albania\\_en](https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/albania_en);



state<sup>98</sup>. At the time of writing, Albania remains at the early stage of the negotiation process with the EU<sup>99</sup>.

Albania's European path has been rather difficult. It has been often considered one of the more problematic countries, even among the Western Balkan states<sup>100</sup>. The issues that the country has to deal with are numerous, yet certain areas remain particularly salient. These are the rule of law and corruption, particularly in the area of public administration, and will be analysed in this section.

Starting with the most fundamental area, the rule of law has been an ongoing problem in Albania - EU relations, and has caused some profound reforms. Due to a weak tradition of democracy and the state collapse in 1997, Albanian politics suffer from deeply embedded state capture, and a high degree of influence from non-state actors who are often involved in criminal activities<sup>101</sup>. Such deep influence of private interests on state politics has made judicial corruption a deep-rooted issue<sup>102</sup>. This has posed serious challenges, as the lack of a reliable system to prosecute criminals has seriously jeopardised efforts to rid the state of corruption. A quick look into Commission reports exemplifies just how problematic the judicial system has been. For instance, in 2005 the EU pointed out that Albania's judicial system lacks independence and transparency<sup>103</sup>. Moreover, there were serious problems with justice implementation, particularly with serious crimes<sup>104</sup>. Organised crime has also been a serious issue threatening Albania's progress in implementing reforms<sup>105</sup>.

Despite such systematic issues, due to pressure from the EU there are finally signs that the country's elites are serious about the reform process and want a genuine change. In 2016, Albania

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<sup>98</sup> Ibid.

<sup>99</sup> *Council of the European Union*, 2020, p.4;

<sup>100</sup> Elbasani, 2008, p.125;

<sup>101</sup> Elbasani and Šelo Šibić, 2018, p. 1324;

<sup>102</sup> Ibid;

<sup>103</sup> 'Albania 2005 Progress Report, ' *European Commission*, 09 November 2005, pp. 8-13, url: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/key\\_documents/2005/package/sec\\_1421\\_final\\_progress\\_report\\_al\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/key_documents/2005/package/sec_1421_final_progress_report_al_en.pdf);

<sup>104</sup> Ibid;

<sup>105</sup> Ibid;

launched a comprehensive judicial reform<sup>106</sup>. This reform is based on a strict and all-encompassing vetting system<sup>107</sup>. The vetting procedure evaluates whether the civil servant in question had any links with criminal organisations, was or is involved in corruption (by analysing the sources of their assets) and is competent enough for their position<sup>108</sup>. Based on this procedure, the official is then allowed to remain in their position or is immediately removed from the post<sup>109</sup>. The reach of the vetting process is very wide, as practically everyone in the country's judicial system was subjected to it, including the Constitutional court<sup>110</sup>. The reform is still ongoing, but it has already brought about some tangible results. In the Constitutional court, which usually consists of nine judges, there is currently only one judge who passed the vetting process and was allowed to keep their position<sup>111</sup>. The others either did not pass the evaluation procedure or chose to resign of their own accord<sup>112</sup>. Such a deep and wide reform shows that the current Albanian government is much more serious about changes on the ground, as opposed to the previous 'window-dressing' style of reforms, which rarely translated to a genuine improvement in the troubled areas of governance.

However, the rule of law was not the only critical area throughout Albania's path towards EU membership. The issues with public administration provide an example of what is wrong with contemporary Albanian politics. This area has been a clear example of the country's corruption and a failure of the EU's conditionality. Effective state bureaucracy is extremely important to any polity, but particularly to one undergoing structural changes like Albania<sup>113</sup>. The EU recognised this importance and included relevant provisions on this matter in its conditionality<sup>114</sup>. Despite some

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<sup>106</sup> Gerta Hasmuça, 'The Justice System in Albania – Analysis of Progress Report 2016,' *Mediterranean Journal of Social Sciences* 8, no.1 (2017), p.180;

<sup>107</sup> Ibid;

<sup>108</sup> Ibid;

<sup>109</sup> Eda Cela, 'The re-evaluation of constitutional court judges in Albania,' *Euro-Balkan Law and Economic Review* n. 1 (2019): pp.228-229;

<sup>110</sup> Ibid;

<sup>111</sup> Cela, 2019, pp. 234-235;

<sup>112</sup> Ibid;

<sup>113</sup> Arolda Elbasani, 'EU Administrative Conditionality and Domestic Downloading: The Limits of Europeanization in Challenging Contexts,' *KFG Working Paper* n.2 (2009), pp.13-14;

<sup>114</sup> Ibid;

recorded progress in the area of public administration, academics note that this was merely a façade<sup>115</sup>. The legislation created to reform the system was arguably insufficient, as the much needed change ‘on the ground’ did not take place<sup>116</sup>. Until recently, the government was still abusing the system to put people loyal to the ruling party in charge<sup>117</sup>. This not only undermines Albania’s governance, but also allows for the executive’s unchecked control of the government, which jeopardises reforms in other areas. In short, the state of public administration reforms summarises most if not all the issues with the current Albanian Europeanisation process: a government seeming to reform an issue area whilst actually retaining control over the decision making and halting reforms in other areas, thus fostering further corruption and dissatisfaction from the general public.

Despite these clear shortcomings in the pre-accession process, in order to fairly judge Albania’s progress one must look beyond isolated cases of non-compliance. Therefore, the remainder of the case-study will analyse the EU’s progress report on the country in order to establish whether the criteria tightening can be justified by Albania’s poor performance. In particular, a closer look at the 2019 progress report will allow for an analysis of whether the Commission's decision to change the accession methodology can be directly connected to Albania’s insufficient progress, as this report came out some four months before the infamous French veto. It will focus on the fundamental aspects already mentioned in this thesis: democracy and administration reform, as well as the rule of law.

The political situation in the country was judged to have a mixed impact on the integration process<sup>118</sup>. The report points out that a high degree of polarisation in the national parliament has prevented it from adequately performing its duties<sup>119</sup>. Due to protests from the opposition, many Members of Parliament (MPs) have given up their mandates<sup>120</sup>. This certainly has had a negative

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<sup>115</sup> Ibid;

<sup>116</sup> Ibid;

<sup>117</sup> Elbasani, 2008, pp. 119-120;

<sup>118</sup> ‘Albania 2019 Report,’ *European Commission*, 29 May 2019, pp.6-8, url: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>;

<sup>119</sup> Ibid;

<sup>120</sup> Ibid;

impact on the reform process. Nonetheless, the Commission admits that some important legislation has been passed<sup>121</sup>. Besides, the parliament has increased its role in the '*legislative review*'<sup>122</sup>. The government remained largely pro-European, and even responded to the pressure from civil society by changing a large number of ministers<sup>123</sup>.

The state of public administration also remains mixed. The Commission judged the country to be '*moderately prepared*,' and pointed out that since the last report in 2018 little was done to change the situation<sup>124</sup>. In particular, the Commission still calls for further reforms on regulatory framework for policy making and budget<sup>125</sup>. The current salary policy is also the subject of calls for reform<sup>126</sup>. On the other hand, the report does admit certain improvements took place, particularly in areas of financial management where some tangible progress has been recorded in terms of budget preparation and spending, as well as transparency<sup>127</sup>. The problem of imbedded corruption in the sector of public administration, where most civil servants were put in place by the ruling government, has been addressed by a more transparent online recruitment system<sup>128</sup>, though the report states that there are still some issues with this on the local level<sup>129</sup>.

Finally, Albania's judiciary was judged rather positively by the progress report. The Commission notes that there has been '*good progress*' on this aspect, leading to some tangible results<sup>130</sup>. The report approved of the vetting system despite its strictness, and confirmed that it had significantly contributed to the fight against corruption and brought about more transparency<sup>131</sup>. Another strong

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<sup>121</sup> Ibid;

<sup>122</sup> Ibid;

<sup>123</sup> Ibid;

<sup>124</sup> Albania 2019 Report, pp. 10-12;

<sup>125</sup> Ibid;

<sup>126</sup> Ibid;

<sup>127</sup> Ibid;

<sup>128</sup> Ibid;

<sup>129</sup> Ibid;

<sup>130</sup> Albania 2019 Report, pp.14-15;

<sup>131</sup> Ibid;

sign in favour of the reforms is the Commission's recommendations for the future. They were mostly phrased in terms of 'continuation,' 'completion,' and 'further advance,' meaning that although more work remains, Albania's judiciary reform is on the right track<sup>132</sup>.

This brief analysis of the progress report reveals some important implications. Admittedly, the report points out a need for further improvement and reforms in practically every single area. Yet, the report does not mention any instances of reform backsliding or any reasonable suspicions that such backsliding may occur in the future. The report notes that the Albanian government is committed to the process, whilst all fundamental areas have experienced at least some level of progress. This is additionally confirmed by cross-referencing the current state of reforms in Albania with the Figure 1 in the appendix, which provides an overview of criteria in three aforementioned issue areas. Furthermore, a quick look into the progress report of Croatia issued in 2005, a year before the country began its negotiation process, reveals that the state of affairs in Croatia was extremely similar to the current situation in Albania. Generally the report on Croatia notes that some important progress has been made, but further work is required in the areas of politics, the judiciary, and the fight against corruption<sup>133</sup>. The analysis of the latest report on Albania and its similarity to that of Croatia from 2005 clearly shows that Albania's progress cannot be used as a justification for the criteria tightening.

Concluding the first case study of the thesis, the following picture appears: Albania has had a long and difficult path as an EU (pre)candidate state. It started as a troubled young democracy with some deeply embedded issues of corruption, absence of the rule of law and rife with organised crime. These issues have prevented Albania from making serious progress on its European path. Nevertheless, Albania remained committed to its European goal and has undergone some serious structural reforms to address the aforementioned issues. The latest report on Albania's performance shows that there is indeed still work to be done. Yet it confirms that there is progress in every area and that there is no reason to believe that Albania will slide back into a state of corruption, authoritarianism, or the absence of the rule of law. This, coupled with the fact that Croatia had a similar level of progress at the time when it obtained candidate status and started its negotiations,

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<sup>132</sup> Ibid;

<sup>133</sup> 'Croatia 2005 progress report,' *European Commission*, 09 November 2005, p. 110, url: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/key\\_documents/2005/package/sec\\_1424\\_final\\_progress\\_report\\_hr\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/archives/pdf/key_documents/2005/package/sec_1424_final_progress_report_hr_en.pdf);

supports the argument that the recent tightening of conditionality criteria certainly cannot be fully attributed to Albania lagging in reforms.

### Case study - North Macedonia

Having analysed the situation in Albania, this essay will now analyse the analogous position of North Macedonia in order to test the arguments presented in the third chapter, and establish whether North Macedonia lacking progress was a potential cause of the criteria tightening. This section will focus on the most important aspects of the North Macedonian case, namely its problem of a corrupt, undemocratic governance and state capture, as well as bilateral disputes, in particular the name dispute with Greece, which long prevented North Macedonia from advancing on its European path. Both academic literature and EU reports will be used in this section.

North Macedonia was a part of Yugoslavia and gained its independence in 1991<sup>134</sup>. Although it was not seriously impacted by the initial conflicts that followed Yugoslavia's breakup in the early 1990s, the country went through a brief violent confrontation with its ethnic Albanian population in the early 2000s<sup>135</sup>. Like other countries in the region, North Macedonia was promised an EU membership in 2003, whereas it obtained its candidate status in 2005<sup>136</sup>. Following this, the Commission repeatedly recommended beginning the negotiation process, yet various obstacles (including the name dispute with Greece) prevented this from happening up until early 2020, when the Council finally made a favourable decision<sup>137</sup>. Arguably these two events have had a long-lasting impact on the EU-North Macedonian relations, as the interethnic conflict made a deep involvement of the EU with the state polity possible, whereas the name dispute with Greece became a dividing issue which prevented progress in the accession procedure.

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<sup>134</sup> Maria Koinova, 'Challenging Assumptions of the Enlargement Literature: The Impact of the EU on Human and Minority Rights in Macedonia,' *Europe-Asia Studies* 63, no.5 (2011), p. 808;

<sup>135</sup> Ibid;

<sup>136</sup> 'North Macedonia,' *European Commission*, 15 April 2020, url: [https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/north-macedonia\\_en](https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/north-macedonia_en);

<sup>137</sup> Ibid;

North Macedonia, like Albania and many other countries in the region have had serious ongoing problems with deeply embedded corruption that has prevented an adequate functioning of the state<sup>138</sup>. This has had particularly dire consequences in North Macedonia, where the state was ‘captured’ by non-state actors, like oligarchs or ‘*clientelist networks*’<sup>139</sup>. This has prevented a successful diffusion of reforms, as the state was acting in favour of these networks rather than regular citizens. The extent of the issue was noticed and recognised by the EU, as the term ‘state capture’ was used for the first time in the report on North Macedonia in 2016<sup>140</sup>. It stated that the capture of key institutions seriously challenged democratic governance, affected supervisory bodies and threatened the rule of law<sup>141</sup>. According to Richter and Wunsch, this phenomenon is key to understanding the ‘window-dressing’ style of reforms, which shows compliance to conditionality on the surface, but no genuine change in the country<sup>142</sup>. Furthermore, the authors argue that the framework of conditionality does not deal well with, and even reinforces, the issue of state capture<sup>143</sup>. In a system where the EU mostly works with the ruling elites, who are motivated by illicit gain opportunities created by market liberalisation yet have their domestic power reinforced by the legitimacy gained from cooperating with the EU, state capture becomes a norm<sup>144</sup>.

One event that has been decisive for North Macedonia and its relations with the EU was the brief conflict between the Macedonian majority and an Albanian minority in early 2000s<sup>145</sup>. While the causes of the dispute go beyond the scope of this essay, the consequences are important to discuss. The crisis ended with the 2001 Ohrid Framework Agreement (OFA), which was facilitated by the

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<sup>138</sup> Solveig Richter and Natasha Wunsch, ‘Money, power, glory: the linkages between EU conditionality and state capture in the Western Balkans,’ *Journal of European Public Policy* 27 no. 1 (2020), p. 42;

<sup>139</sup> Ibid;

<sup>140</sup> Richter and Wunsch, 2020, p.50;

<sup>141</sup> ‘The former Yugoslav Republic of Macedonia 2016 Report,’ *European Commission*, 09 November 2016, pp. 4,6,8, url: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_the_former_yugoslav_republic_of_macedonia.pdf);

<sup>142</sup> Richter and Wunsch, 2020, pp. 42-43;

<sup>143</sup> Ibid;

<sup>144</sup> Ibid;

<sup>145</sup> Olivera Kostoska, ‘Macedonia's Stalled Bid for EU Membership: Is the Solution in Sight,’ *Romanian Journal of Foreign Affairs* 18 no. 2 (2018) p. 57;

EU<sup>146</sup>. The EU was directly involved in the negotiations and took on a large number of responsibilities, spanning from a peacekeeping mission on the ground to a deep involvement with North Macedonia's internal politics<sup>147</sup>. It is this deep involvement, coupled with the issue of state capture, that has led the EU to engage in 'state building,' a concept already discussed in chapter 3. This was seen not only in the increased involvement in the reform process, but also in the direct facilitation of a consensus between various political actors in North Macedonia<sup>148</sup>. Furthermore, compliance with the OFA has become an important criteria in the conditionality mechanism, making the EU's state building and its involvement in what is essentially an interethnic issue even more pronounced<sup>149</sup>. This provides an additional explanation to the conditionality tightening in the Western Balkan region. In a case where a domestic conflict is threatening to destabilise the country and state capacity is insufficient to effectively deal with it, the EU chose to step in and engage in state building, whilst introducing additional conditionality to prevent the conflict from reappearing in the future.

Any discussion on North Macedonia's European integration would be incomplete without an analysis of the bilateral name dispute between North Macedonia and Greece. This conflict goes back to country's independence in 1991, when Greece refused to recognise a young state under the name 'Republic of Macedonia' arguing that this name implies territorial claims to a region of Macedonia in Greece<sup>150</sup>. The temporary term 'Former Yugoslav Republic of Macedonia' was agreed upon and used for more than twenty years after<sup>151</sup>. Despite this provisional agreement, Greece has been blocking the attempts to begin the accession negotiations, even though the Commission has repeatedly recommended doing so since 2009<sup>152</sup>. The dispute was resolved in 2018, when the two

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<sup>146</sup> Simonida Kacarska, 'The EU in Macedonia; From inter-ethnic to intra-ethnic political mediator in an accession deadlock, in *The European Union and Member State building - European Union foreign policy in the Western Balkans*, ed. Soeren Keil and Zeynep Arkan (London: Routledge, 2014), pp. 107-108;

<sup>147</sup> Ibid;

<sup>148</sup> Ibid;

<sup>149</sup> Ibid;

<sup>150</sup> Kostoska, 2018, p. 56;

<sup>151</sup> Ibid;

<sup>152</sup> Ibid;



countries agreed on the name of 'North Macedonia' and signed the Prespa agreement<sup>153</sup>. While this is clearly a massive breakthrough in the relations between the two countries, a sizeable opposition to the agreement exists in both states<sup>154</sup>. Moreover, Bulgaria also has some historical and linguistic disputes with North Macedonia, which led to a veto from Bulgaria on the negotiation commencement in 2012 and might cause problems in the future<sup>155</sup>. This name dispute is perhaps one of the best examples of the enlargement's intergovernmental nature. Despite the repeated recommendations to open the negotiations with North Macedonia, the country was faced with another condition - a resolution of the name dispute. This additional condition did not stem from North Macedonia's inadequate performance or insufficient compliance. It stemmed from a disagreement with inherently nationalistic roots. Admittedly, this is a unique case only applicable to North Macedonia. However, the fact that Greece was able to effectively block North Macedonia's accession attempts is a clear indicator of the importance of intergovernmentalism.

Just like with Albania, it is necessary to examine the latest progress report on North Macedonia issued by the European Commission in 2019. This report will help to understand the state of North Macedonia's accession process before the French veto on the negotiations' start and the subsequent adoption of a new accession methodology. The remainder of the chapter will do exactly that, focusing on the previously used criteria of democracy, public administration and the rule of law.

The current state of politics in North Macedonia reflects the long period that the country has been waiting for the next stage of its European journey. The democratic and political reforms had time to mature and take effect, which can be seen in the report. Starting with democracy, the overall situation was judged positively by the Commission. The consultative referendum on the Prespa agreement, as well as the presidential elections that followed were regarded as free and fair, without serious irregularities which would undermine the democratic right of citizens<sup>156</sup>. The parliament was described in good terms, as it improved its legislative and supervisory functions as well as its

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<sup>153</sup> 'Macedonia and Greece: Vote settles 27-year name dispute,' *BBC*, 25 January 2019, url: <https://www.bbc.com/news/world-europe-47002865>;

<sup>154</sup> *Ibid*;

<sup>155</sup> Kostoska, 2018, p. 58;

<sup>156</sup> 'North Macedonia 2019 Report,' *European Commission*, 29 May 2019, p. 7, url: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-north-macedonia-report.pdf>;

role as a platform for inter-party and interethnic dialogue<sup>157</sup>. Admittedly, there are still improvements to be made. For instance, parliament's capability to monitor the government's work and protection of fundamental rights should be improved<sup>158</sup>. Yet there are no critical issues with the fundamental structure of the state.

The same can be said about North Macedonia's public administration. The country has made '*good progress*' in ensuring that this area is well functioning and transparent<sup>159</sup>. Relevant legislature has been passed and a special '*State Commission for Prevention of Corruption*' has been working to prevent political influence on public administrative positions<sup>160</sup>. There is still work to be done on this, particularly when it comes to senior civil service positions. However, North Macedonia has gone a long way from the aforementioned issue of 'state capture'<sup>161</sup>. Indeed this term is absent from the report entirely.

Finally, the situation with the rule of law in North Macedonia was also described in positive terms in the Commission report. It states that '*good progress*' was achieved in implementing necessary reforms, which improved the protection of fundamental rights and non-discrimination<sup>162</sup>. The judiciary in particular, was well regarded, as the 'Venice Commission' of the Council of Europe '*praised the authorities' constant efforts to bring the rules governing the judicial system in line with international standards and practices*'<sup>163</sup>. More work remains to be done, particularly in the area of corruption prevention and ensuring courts' independence from political pressure<sup>164</sup>. Yet these further recommendation mostly revolve around continued efforts and further implementation of reforms and new legislation, rather than any drastic measures<sup>165</sup>. Like Albania, this shows that

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<sup>157</sup> 'North Macedonia 2019 Report, ' p. 8;

<sup>158</sup> Ibid;

<sup>159</sup> 'North Macedonia 2019 Report, ' pp. 10-11;

<sup>160</sup> Ibid;

<sup>161</sup> Ibid;

<sup>162</sup> 'North Macedonia 2019 Report, ' pp. 14-15;

<sup>163</sup> Ibid;

<sup>164</sup> Ibid;

<sup>165</sup> Ibid;

despite a need for additional judicial reforms, this policy area in North Macedonia seems to be moving in the right direction.

All in all, North Macedonia has had a long journey to its current position. It has gone through massive corruption issues on a national scale and an armed conflict inside the country. This created a need for the deep involvement of the EU, leading to the phenomenon of state building. North Macedonia's accession path has also been repeatedly blocked by bilateral issues with Greece. The current situation in North Macedonia is considerably better. The country has put a lot of effort into reforming the fundamental areas, such as democracy, administration and the rule of law. Issues of corruption, like employment not based on merit, or political interference in the judiciary remain a problem. However, North Macedonia has moved on from a state 'captured' by oligarchs to a functioning democracy. Moreover, just like in Albania, there is no issue of reform backsliding, as the progress is modest but steady. This all supports the argument that the continuous criteria tightening cannot be justified by the poor performance of (pre)candidate states. North Macedonia has been judged ready to start accession negotiations years ago, and has been making further progress since. Hence, it appears that the latest criteria changes are motivated by factors other than progress of North Macedonia or Albania, like the increasingly intergovernmental nature of today's EU.

### Conclusion and discussion

This thesis has analysed several causes of conditionality criteria tightening through the two case studies of Albania and North Macedonia. It appears that the biggest cause of the ever stricter enlargement process is the phenomenon of intergovernmentalism, driven by certain member states in particular. Intergovernmentalism has been a growing phenomenon in the area of EU enlargement. As seen in the essay, states have been receiving and advocating for more power in the process which led to the current situation, where member states can influence the accession criteria and halt the process altogether. Since the EU as a whole repeatedly reaffirmed its commitment to the expansion, some member states find themselves in a normative trap, so they look for other means of

influencing and slowing down the process<sup>166</sup>. Thus, they use the rights given to the states by the basic treaties to exert pressure and secure further veto opportunities.

The motivation for such action is different depending on the state, yet some general trends persist. A low level of public support, coupled by fears of social and economic disadvantages leads to an enlargement fatigue. Moreover, member states that wish to continue playing an important role in the EU (e.g. France), are sceptical about allowing more actors on the European political scene, as by bringing their goals, interests, and red lines to the negotiation table, new member states will likely upset the balance of powers.

Lessons learned from previous enlargement rounds only partially explain the tightening of the enlargement criteria. While some past reforms to the accession process can be directly attributed to the shortcomings of previous candidate states, recent changes can hardly be explained by a lack of compliance. Admittedly, both Albania and North Macedonia still have a long way to go, and require continued commitment to, at times fundamental, reforms. Nevertheless, there is a steady progress and no reason to expect backsliding. North Macedonia in particular has been waiting to begin its negotiations for years, due to a dispute with Greece over the country's name. This can hardly be justified by a lack of compliance or historic precedent.

The process of the enlargement criteria tightening will have a noticeable and long lasting impact on the long term development of the EU. Instead of repeating some of the frequent arguments of various commentators on the matter, the remainder of this section will briefly revisit the literature review. Two competing views on the EU's enlargement were analysed: a rationalist 'External Incentives Model' and a constructivist idea of 'learning by socialisation'. Following either one of the theories shows that ever stricter conditionality is harmful to the process.

According to the EIM, criteria tightening will increase the costs of reform adoption, without providing additional incentives. This might upset the balance between the two and make the (pre)candidate states believe that their efforts are not worthwhile. Moreover, conditionality tightening for subjective reasons unrelated to the third state's progress undermines the credibility of

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<sup>166</sup> 'Zagreb Declaration', *European Council*, 06 May 2020, url: <https://www.consilium.europa.eu/en/press/press-releases/2020/05/06/zagreb-declaration-6-may-2020/>;

the EU and its demands. The importance of credibility has been repeatedly emphasised by various academics and its absence might seriously harm the enlargement process.

Conditionality tightening can also be criticised from the constructivist perspective. When this process is caused by subjective domestic reasons, the EU's normative power is diminished. This damages the EU's reputation as a subjective reform promoter and an 'honest broker' which delegitimises the Union and its demands in the eyes of the (pre)candidate states. As a result, they might be less eager to adopt the necessary reforms.

Appendix**Figure 1 - Tightening of certain accession criteria over time.**<sup>167168169</sup>

Criteria	2014	2018	2020
Rule of law	<ul style="list-style-type: none"> <li>• Judicial reforms ensuring independent, efficient and accountable judicial systems;</li> <li>• Appointment, evaluation and disciplinary procedures for judges;</li> <li>• Stronger frameworks for tackling corruption and organised crime;</li> <li>• A sustained track record of substantial results in this field</li> </ul>	<ul style="list-style-type: none"> <li>• Previous criteria + Specialised structures to fight corruption and organised crime.</li> <li>• More transparency in public procurement</li> </ul>	<ul style="list-style-type: none"> <li>• Previous criteria +</li> <li>• Even stronger focus on the fundamental reforms</li> <li>• Fundamentals negotiations are opened first and closed last; they determine the progress of the negotiations</li> </ul>
Democracy	<ul style="list-style-type: none"> <li>• Strong participatory democracy</li> <li>• A consensus between parties</li> <li>• A balance between central, regional and local governments</li> <li>• Parliamentary scrutiny</li> <li>• Strengthened role of parliamentary committees</li> <li>• Stakeholder consultations</li> </ul>	<ul style="list-style-type: none"> <li>• Previous criteria + Recommendations of election observation missions properly implemented.</li> <li>• Reformed rules for the public and private financing of political parties</li> </ul>	<ul style="list-style-type: none"> <li>• Previous criteria +</li> <li>• A roadmap on the functioning of democratic institutions</li> <li>• Fundamentals negotiations are opened first and closed last; they determine the progress of the negotiations</li> <li>• More political steer - 'membership - an active societal choice'</li> </ul>

<sup>167</sup> 'Enlargement Strategy and Main Challenges 2013-2014' *European Commission*, 16 October 2013, url: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2013/package/strategy\\_paper\\_2013\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2013/package/strategy_paper_2013_en.pdf);

<sup>168</sup> 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans,' *European Commission*, 06 February 2018, url: [https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf);

<sup>169</sup> *European Commission*, 2020;

Public administration	<ul style="list-style-type: none"> <li>• Professional and de-politicised civil service</li> <li>• Tackling corruption in public administration</li> <li>• Adequate administrative procedures</li> </ul>	<ul style="list-style-type: none"> <li>• Previous criteria +</li> <li>• Increased transparency in recruitment and dismissal</li> <li>• Transparent managing of public finances</li> </ul>	<ul style="list-style-type: none"> <li>• A roadmap on the functioning of public administration reform</li> <li>• Fundamentals negotiations are opened first and closed last; they determine the progress of the negotiations</li> </ul>
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