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**Rethinking the European Union's normative power in the post-accession period: To what extent does the European Union retain its normative power in the member states after the accession in the area of minority protection?**

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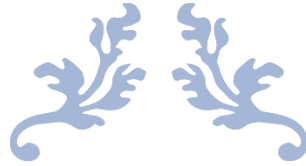
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## RETHINKING THE EUROPEAN UNION'S NORMATIVE POWER IN THE POST-ACCESSION PERIOD

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To what extent does the European Union retain its normative power in the member states after the accession in the area of minority protection?



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## A) Abstract

This thesis attempts to answer to the following research question “*To what extent does the European Union retain its normative power in the member states after accession in the area of minority protection?*”. In order to answer this question, a single case study and content analysis have been chosen to analyse Romania since 1995 to 2020. This study has further divided the period of analysis into two parts: pre-accession period (1995-2006) and post-accession period (2007-2020). The specific division helps in identifying how the European Union as a normative power uses its instruments to influence countries into complying with the Copenhagen criteria and Acquis Communautaire, respectively with the minority protection. Furthermore, this thesis focuses on the Roma minority rights and protection within the European Union through the use of instruments. Having said that, Romania will be analysed as a case study due to its large Roma minority and its little improvement seen in the post-accession period for this particular minority in the areas of housing, employment, healthcare and education.

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## B) Abbreviations

EU	European Union
CEEC(s)	Central and Eastern country(/ies)
CEE	Central and Eastern Europe
EC	European Commission
MS	Member State/s
NRIS	National Roma Integration Strategy
NPC	National Contact Point
NAR	National Agency for Roma

## C) Introduction

1 January 2007 marked a memorable day in the European Union (EU) history: it welcomed two new member states (MS), namely Bulgaria and Romania. The president of the EC (European Commission), Jose Manuel Barroso, “congratulated the people and leaders of Bulgaria and Romania for their courage, determination and work preparing for membership” (European Commission, 2006). Both countries’ accession negotiations had started in February 2000, and they were finally concluded in December 2004, with the Accession Treaty signed in April 2005 (European Commission, 2006).

Within the accession period of the MS, particularly of the Central and Eastern European countries (CEECs), the promotion of minority equality became an essential part of the countries’ European integration (Budd, 2008, p.82). This resulted from the adoption of the Racial Equality Directive in 2000, as a materialisation of the Maastricht Treaty in 1992 and the Treaty of Amsterdam in 1997 (Vermeersch E. S., 2012, p. 803). The Directive urged the MS and soon-to-be MS to acknowledge the discrepancies between minority groups within their country and the rest of the population, and improve their equal treatment (Vermeersch E. S., 2012, p. 803). Among the victims of discrimination was also the Roma minority. As one of Europe’s largest minority groups, and its most disadvantaged one (Brown, 2013), the EU has created an accession criterion that focuses on the inclusion of this minority group within societies. For the CEECs in particular, it was crucial to accomplish the required level of integration for this minority to be granted membership. However, although the degree of improvement for their conditions has increased, the Roma minority continues to face substantial problems, such as poverty and unemployment (Budd, 2008, p. 83). Moreover, even though the EU has become an active advocate for the Roma, the conclusion that

has been reached by many authors, such as Spirova (2008) and Budd (2008), is that the EU should offer further support for the improvement of the conditions of this minority group.

In looking at the process of Europeanisation and the Roma minority, this study will focus on Romania as a country from the CEE (Central and Eastern Europe). Taking the approach of the EU as a normative power, it is imperative to explore how the EU retains its power in the post-accession period through the use of different instruments. These instruments are meant to aid in improving the conditions of the minorities, respectively, that MS adapt the minority policy areas to be more inclusive of the Roma minority. Therefore, the research question guiding this paper is: *“To what extent does the EU retain its normative power after the accession of a member state in the area of minority protection?”*. This research question will allow for the exploration of different instruments the EU utilises as a normative power to motivate its MS to continuously improve the conditions of the Roma people beyond the pre-accession period. On the one hand, answering this question will contribute to understanding how the EU sustains its normative power throughout the mentioned period and to what extent it does by looking at the different instruments used in the pre- and post-accession period. On the other hand, it will be an opportunity to analyse EU’s impact on the Europeanisation of Romania and its Roma minority, and whether the conditions for the group have been improved in the policy areas of education, housing, employment and healthcare. Moreover, this thesis uses the qualitative method to collect the documents of the pre- and post-accession instruments and uses content and textual analysis to analyse the data.

As the EU portrays itself as a normative power, respecting and incorporating the Acquis in all its decisions, it is therefore crucial to allocate interest to not only the EU’s claims but also to its behaviour towards the norms and values. There needs to be found a correlation between what the EU underlines to be important and how it operationalises its decisions. In the case of the CEECs,

the EU as a normative power starts by exerting its influence within the pre-accession period through the EU conditionality. The EU conditionality in turn, allows for the normative Europeanisation to occur, which needs to continue past the pre-accession period into the post-accession. Moreover, among the EU's norms and values lies the protection of minorities, including the Roma minority. Thus, an analysis on the process of normative Europeanisation needs to be conducted in attempt to verify whether the EU retains its normative power post-accession and if, with the help of its instruments, this minority has seen improvement in the policy areas of education, housing, employment and healthcare.



## Literature review

### D) EU as a power and the process of Europeanisation

In the extensive literature, it has been acknowledged that the EU as an international actor is a unique one. At the beginning of the 1970s, Francois Duchene was the first to develop a theory to characterise the EC's unique position in the world: 'civilian power' (Ozer, 2021, p. 65). Duchene (1973) underlined that the concept of 'civilian power' would be utilised as a way for an actor to exert influence on the other actors in international relations by using different tools with non-military means, such as diplomacy and trade (Ozer, 2021, p. 65). Building upon Duchene's concept, Twitchett and Maull (1976) have described civilian power as having three features: "centrality of economic power to achieve national goals; the primacy of diplomatic cooperation to solve international problems; and the willingness to use legally-binding supranational institutions to achieve international progress" (Manners, 2002, p. 237). Moreover, as described by Smith (2005), civilian power is non-military, in the sense that it includes variables such as economic, diplomatic and cultural policy instruments (Smith, 2005, p. 64).

In contrast, other authors have identified a thin line between the EU being, on one hand, civilian power and on the other hand, military power. Bull's criticism in 1982 was that the notion of civilian power was ineffective and lacked self-sufficiency regarding military power, and therefore, the EC should become more self-sufficient in defence and security (Manners, 2002). Correspondingly, Smith (2005) argues that the EU could be considered as a military power from the perspective of contributing to "preventing conflicts and fighting terrorism, organised crime, illegal immigration and so on" (Smith, 2005, p. 80). However, the inclusion of "promoting regional cooperation, economic interdependence, human rights, democracy and sustainable development" (Smith, 2005, p. 80) disproves that the EU is a military power.

Manners has developed an additional concept for the EU: normative power. His understanding of the concept of normative power is rooted in a discussion of ‘power over opinion’, as well as a desire to move beyond the debate about state-like characteristics by grasping the EU’s international identity (Manners, 2002, p. 239). This implies that the EU “is simply promoting its own norms in a similar manner to historical empires and contemporary global powers” (Manners, 2002, p. 239). Furthermore, these authors have in common that the promotion of the EU as a civilian, military or normative power is described as an external actor and poorly analysed from the perspective of an internal actor. Considering that this thesis utilises the concept of the EU as a ‘normative power’, what the literature falls short to describe is how the EU sustains its power both in the pre- and post-accession period. Additionally, it is important to explore how EU instruments ensure that MS are compliant with the Copenhagen criteria before accession and with the Acquis post-accession. Smith (2005) and Manners (2002) mention briefly that the EU should not only be held accountable for what it is but rather for what it does. However, there is no further elaboration on how the EU uses its power internally to motivate its MS in complying with the Acquis.

When referring to the pre- and post-accession periods, Europeanisation is another concept that often appears in the literature denoting the process of progress in the CEECs. It suggests that countries enter a pre-accession period with a required conditionality criterion to be met for them to become part of the EU. Furthermore, it represents an externally driven process of reformation defined by the EU, which constitutes various requirements that candidate countries had to fulfil to receive the most crucial reward from the EU: its membership (Dirzu, 2011).

Ladrech (1994) first defined Europeanisation as “an incremental process of re-orientating the direction and shape of politics to the degree that EC political and economic dimensions became part of the organisational logic of national politics and policy-making” (Vink, 2005, p. 37). It refers

to the changes of the political and economic dimensions that a soon-to-be MS requires to go through for the transition to be successful. In the final attempt to describe Europeanisation as a process, Risse et al. (2001) defined it as the development of the set of different structures of governance, namely political, legal, and social institutions, that are connected with political problem-solving at the European level (Vink, 2005, p. 37).

Correspondingly, a different way of looking at Europeanisation is by defining the EU as a transformative power. This signifies that the accession process of the CEECs has been made possible through the EU's promotion of democratisation and marketisation in CEE among other requirements, such as respect for minorities, economic stability and rule of law (Haughton, 2007, p. 235). Therefore, the process of Europeanisation implies from the beginning that the harmonisation of these changes or phenomena have not occurred previously in these countries and thus, the EU will consolidate them through its power (Haughton, 2007, p. 235). Additionally, the EU is known to focus on anchoring democracy and the market economy in the pre-accession period of the CEECs, leaving the other areas of improvement on a secondary level (Haughton, 2007, p. 236).

However, Europeanisation as a process is considered more important externally by the EU than internally. Van Hullen (2012) supports this claim in her article regarding Europeanisation in Morocco and Tunisia. The EU's Mediterranean democracy promotion programme is a 'cooperative' model encouraging target regimes to actively participate in advancing human rights, democracy and the rule of law (Hullen, 2012, p. 119). While the EU underlines regime change and transformation towards the European model of liberal democracy, it continues to be ambiguous about the concrete objectives of its democracy promotion policy (Hullen, 2012, p. 119). In contrast to the EU creating and improving the instruments for promoting democratic values beyond its

borders (Youngs, 2009, p. 895), there is still a gap in the literature regarding internal EU instruments used to promote human rights, respectively minority protection.

When discussing Europeanisation, these authors fail to mention that the process is not solely a bargaining one whereby a country respects these conditions in return for membership. The definitions mentioned above of Europeanisation entail that the EU functions on the external incentives model regarding the accession period. The ‘external incentive model’ developed by the EU is a required mechanism in ensuring compliance with the criteria of the soon-to-be MS during their accession period. Sedelmeier (2004) explains that the external incentives model is a rationalist bargaining model (Sedelmeier, 2004, p. 671). The bargaining model presumes that cost-benefit circumstances are influenced by the EU conditionality and domestic conditions and can justify the likelihood of adopting EU norms (Sneep, 2020, p. 10). For an improvement in a given policy area to be successful, the benefits of external incentives outweigh the costs of domestic adoption (Sneep, 2020, p. 10). The final reward for the pre-accession period is the EU membership. Therefore, soon-to-be MS are more likely to comply with the conditionality as they aim to become members of the Union. Romania predominantly appears as a rational actor that reacts to clear incentives; however, it is also considered an actor that wishes to belong to the EU values community. Therefore, it is essential to underline that the pre-accession period is not solely a bargain but a process of improvement that needs to continue beyond this period. Additionally, it is important to analyse whether the EU as a normative power focuses on promoting norms and on motivating the MS in improving the different policy areas, so that Europeanisation continues post-accession. Furthermore, little has been analysed about the EU instruments for norm diffusion in the pre- and post-accession period concerning minority protection.

## Conceptual framework

### E) Normative power and Europeanisation of minority protection

The concept of 'normative power,' suggests that the EU seeks to exercise influence over other international players (primarily states) in terms of international norms, rules of conduct and domestic policy (Savorskaya, 2015, p. 67). Its goal is to shift world politics' norms, standards, and prescriptions away from the restricted assumptions of state-centricity (Manners, 2008, p. 45). Furthermore, promoting such values is a major claim for the normative approach, with the goal to contribute to a better understanding of what principles the EU advocates, how the EU works, and what impact the EU has (Manners, 2008, p. 46).

As Ian Manners puts, it is “easy to characterise the EU as ‘civilian power’ and take this approach in discussing the role of the EU in international relations” (Manners, 2006, p. 184). However, reflecting on what the EU is, does, and should accomplish, requires a broader and more appropriate approach (Manners, 2006, p. 184). The normative approach suggests an extensive interrelatedness between the EU’s principles, actions, purpose and impact on world politics, rather than taking it for granted. Therefore, European constitutive norms underlined in treaties, declarations, and policies can transmit the EU international identity since they illustrate the EU's normative essence (Shen, 2011, p. 5).

Regarding the enlargement effort, the EU has concentrated on concepts such as peace, reconciliation, and human rights, which are some of the characteristics that describe the EU and allow for its label as a "normative power" (Shen, 2011, p. 4). Moreover, various statements from the EC regarding the EU's role in human rights promotion highlight the EU's self-image as a normative force on the international stage (Schwellnus M. L., 2006, p. 304). The EU resorts to political accession criteria spelt out in separate agreements so that it requires several values to be

respected by the soon-to-be MS, such as “respect for and protection of minorities” (Schwellnus M. L., 2006, p. 313).

Furthermore, the EU conditionality has been developed in the enlargement process as a tool of monitoring the adherent country to the EU. *Conditionality* is defined as the practice of allocating resources to aid, following a set of previously agreed-upon objectives. Therefore, the EU’s political conditions for membership have increased the visibility and political salience of minority issues in the CEECs as a reaction to the collapse of the communist regime in the countries (Sasse, 2005, p. 2). They also contributed to the EU conditionality becoming “the main pillar of EU Enlargement governance and a successful tool of EU foreign policy” (Dimitrova, 2007, p. 2). Moreover, conditionality represents the start of Europeanisation, which will be discussed in detail below.

Additionally, EU conditionality includes the Copenhagen criteria, created for spelling out the political conditions for membership. These criteria also include the definition of respect for and protection of national minorities as a prerequisite for membership, with the Commission regularly monitoring compliance with this criterion (Sasse, 2005, p. 1). It should be acknowledged that “human and minority rights indeed have become a matter of declared priority in the EU’s enlargement and neighbourhood policy” (Wolfgang Benedek, 2012, p. 9). These criteria were established because the EU political conditions were not clearly defined before the CEECs accession (Sedelmeier, 2008, p. 806). Thus, it led the EU to impose a strict pre-accession conditionality that required candidate countries' legislation and institutions to be aligned with the entirety of the Acquis prior to accession (Sedelmeier, 2008, p. 806). Therefore, the two concepts were separated: on the one hand, the Copenhagen criteria prior to accession, which includes the protection of minority groups, and on the other hand, the Acquis, which represents the EU laws

and policies. Furthermore, Schweltnus (2004) concludes that the EU conditionality was effective and brought many changes in the national policies, as well as legislative measures that offer protection to minorities (Schweltnus G. , 2004, p. 338). The EU's political accession conditionality, according to authors such as Schimmelfennig and Sedelmeier, is a cornerstone for success: by making a highly attractive external incentive, namely conditionality on democracy, human rights, and peaceful conflict management, the EU has induced its would-be members to conform to these political norms (Schimmelfennig, 2008, p. 920).

Europeanisation as described by Matlak et al. (2018) focuses on the importance of the EU as a promoter of the Copenhagen criteria and its conditionality. Their stand underlines that for a candidate country to achieve EU membership, it needs to adopt the “liberal democracy, the rule of law and the adoption of human and minority rights, and the transfer of the EU’s *Acquis*, the body of rules that govern the internal market and the flanking of political regimes” (Matlak, 2018, p. 7). Moreover, Europeanisation needs to continue in the post-accession period, to ensure that the process is a continuum and minority protection is granted the deserved importance beyond countries’ desire to become MS. Therefore, countries are to concentrate on maintaining efforts for the “alignment of domestic rules and norms with requirements or pressure coming from European organisations” (Jovanovic, 2014, p. 2) to receive membership.

However, to indicate the normative aspect of Europeanisation and the EU as a normative power, Europeanisation as a stand-alone concept fails to fully include the EU’s ideational aspects and does not adequately define the process. As mentioned before, Europeanisation includes other dimensions, such as democratisation, and it falls short of monitoring the progress of norms within the EU. Thus, in this context, Brommersson’s concept of *normative Europeanisation* appears to pinpoint the ideational aspects as a whole (Brommersson, 2010, p. 228). This concept highlights

the normative aspects of Europeanisation, specifically a top-down process that bases its understanding on the logic of appropriateness, where candidate states develop a commitment to a European centre due to the close relationship with the EU (Brommersson, 2010, p. 228). This way, the orientation of a candidate country is transferred from national focus to a more emphasized European norms attention towards the EU (Brommersson, 2010, p. 228). This process is essential as it underlines the willingness and dedication of the MS to continuously improve into the post-accession period the EU norms and values, respectively minority protection.

Therefore, becoming a member of the EU is a process: the accomplishment of a country to join the EU relies on its competence to abide by the necessary criteria and implement the needed reforms within the different policy areas (Rollis, 2021, p. 92). This paper intends on building up to what Vermeersch (2003) underlines concerning minority rights. The author uses the term ‘minority rights policies’ not referring to a specific and uniform programme but to a vast range of policies that all recognise and accommodate the demands of distinct communities in one way or another (Vermeersch P. , 2003, p. 1). Moreover, Vermeersch (2003) acknowledges the cruciality of accommodating the different characteristics of the community that distinguishes them from the majority population (Vermeersch P. , 2003, p. 1). Therefore, minority protection under minority rights needs to be taken into account as minorities present themselves as the vulnerable part of societies. They deserve the same quality level as the other citizens within any democratic country in the areas of education, housing, employment and healthcare. As the Roma minority represents the second largest minority in Romania and its most disadvantaged one, it is important to allocate further attention to this subject.

After the conditionality and the criteria have been met, compliance with Acquis needs to continue for MS. Acquis sets the law in the EU, which also includes minority protection. Going beyond the



pre-accession period when compliance with Copenhagen criteria occurs, normative Europeanisation also needs to occur post-accession. Therefore, it is crucial that the EU as a normative power, continuously encourages MS to respect minority protection and improve their domestic policies to ensure that minorities do not fall behind the rest of the population. Accountability with the Acquis requires the use of instruments by the EU to ensure that minority protection is improving in the areas of education, housing, employment and healthcare.

As Ian Manners affirms: “it is one thing to say that the EU is a normative power [...] and it is another to argue that the EU acts in a normative way” (Manners, 2008, p. 45). This paper aims to explore how and to what extent the EU exerts its normative power through the use of instruments. Moreover, this study shall explore how these instruments help the process of normative Europeanisation occur in the minority protection field in the pre- and post-accession period of a MS. By doing so, this paper hopes to contribute to the debate of normative Europeanisation as an evolutionary process of a MS in the aspect of Roma minority protection.

## F) Methodology

Despite a large number of Roma in Romania, the minority still faces many disparities between them and the rest of the population. The research question guiding this thesis is the following “*To what extent does the EU retain its normative power after the accession in the area of minority rights?*”. Therefore, this thesis aims to explore the process of normative Europeanisation in minority protection in the pre- and post-accession period and whether the EU retains its normative power with the help of its instruments in the post-accession period of a MS. In order to reach a clear conclusion, the qualitative method is the most suitable choice for this study: it allows to carefully study one or a few cases and engage with both the theory and with the close analysis of the case(s), giving them a unique capability to see the general in particular (Elman, 2007). Furthermore, this thesis uses a single case study design. As the report aims to identify whether the EU retains its normative power in the post-accession period through the use of instruments, a single case study is the best choice as it allows for the topic to be explored in-depth. Additionally, the single case study focuses on Romania as a candidate member (1995-2006) and as a MS of the EU (2007-2020) concerning minority protection policies for the Roma minority and its normative Europeanisation.

### i) Case selection

For this study, a typical case was applied to provide in-depth views into a broader phenomenon. Gerring describes “a typical case is used by the author based upon a set of descriptive characteristics and probes for causal relationships” (Gerring J. , 2009). It focuses on a case that elaborates on a stable, cross-case relationship, where the puzzle of interest allows for exploration within that case through an existing model (Gerring J. S., 2008, p. 299). Therefore, this thesis aims to provide insights into the process of normative Europeanisation of Romania in the pre- and post-

accession period using the EU instruments, which have aimed to improve the minority conditions in the policy areas education, housing, employment and healthcare.

Moreover, since this thesis wishes to explore the process of normative Europeanisation in the area of minority protection and to what extent did the EU retain its normative power post-accession, Romania represents a suitable case because: a) the Roma minority has become a large part of the minority protection within the EU, b) the Roma minority represents 8.3% of the Romanian population (European Commission, 2021), being the second largest minority in the country, and c) one of the drawbacks during Romania's negotiations for its accession was the insufficient progress in the area of minority protection. Therefore, it provides a suitable case for further investigation regarding the process of normative Europeanisation, EU instruments, and to what extent the EU retains its normative power in the post-accession. This study will follow an exploratory method: firstly, investigate the period starting with Romania's application as a candidate country for the membership in 1995. Secondly, it will examine its evolution related to minority protection through the use of the EU instruments until 2020. This process of evolution is illustrated in the thesis as *normative Europeanisation*. This thesis, therefore, will inquire whether the EU sustains its normative power in the post-accession period using its different instruments that aim at improving the minority protection of the Roma.

#### ii) Methods of data collection and analysis

This study relies on secondary data derived from reports, articles in periodicals, journal articles published by different authors and research conducted by thinktanks. Furthermore, it uses primary data, namely the EU official documents, the European Parliament reports, the EC communications, as well as the Romanian government reports. The selected data for the analysis provides insights on the pre- and post-accession state of compliance with the EU conditionality, Copenhagen

criteria, and Acquis through the EU instruments regarding Roma minority's conditions. It is important to mention that there will be no impediment regarding reading and translating Romanian sources as the level of knowledge of this language is of a native speaker.

This data is studied through the qualitative approach of content and textual analysis. This paper looks at initiatives or frameworks as instruments used by the EU and how they intend to pursue countries for improving the Roma minority conditions, namely education, housing, employment and healthcare. Moreover, the selected frameworks and initiatives will be analysed to explore whether normative Europeanisation has occurred as an on-going process regarding Roma minority's conditions, and if they have improved after their implementation.

### iii) Operationalisation

In order to have clearance between the different types of instruments, these will be divided into two categories: *direct* and *indirect* instruments. Each category will further divide the instruments per period, namely pre- and post-accession periods.

On the one hand, pre-accession period *direct* instruments refer to the use of EU conditionality as several criteria to be fulfilled by the adherent countries to receive membership. Further, post-accession period instruments account for working documents issued by the European Council, European Parliament and the EC, which mark the beginning of a new Framework designed for the Roma minority.

On the other hand, a single *indirect* instrument has been identified. The Decade of Roma inclusion is an initiative solely supported by the EC, enabled from 2005 to 2015. This project started in the pre-accession period of Romania and continues 8 years after the country has been granted membership. This project represents the most complex initiative organised by different actors, such as governments, to ensure that progress is made towards ameliorating disparities between the Roma and non-Roma. While the EC is listed as a supporter, it is considered an indirect instrument intended to support the minority since traces of partnership with the institution have been found.

## G) Results

### i) Direct instruments

#### a) Pre-accession period

This subchapter focuses on the EU conditionality as a direct instrument. As mentioned before, the EU conditionality was developed for the accession of the CEECs to the EU. It includes the Copenhagen criteria developed in 1993, which constitute several criteria to be fulfilled by the adherent countries to receive the EU membership. Among the criteria to be integrated into national legislation is the ‘respect for minority rights’, including the Roma minority. Additionally, this section will focus on the programme under conditionality that helps countries reach a satisfactory level of Roma minority protection as one of the necessary criteria to become MS of the EU.

The process of normative Europeanisation begins with applying for membership. The process seeks to improve the country’s law in accordance with the European norms and *Acquis Communautaire*. When a country applies to join the EU, the first step is establishing an Accession Partnership between the candidate country and the EU. It is crucial to mention that all countries that wish to receive membership must undergo the same procedure instated by the EU. The procedure starts with drawing up an agreement between the two parties, as imposed by the EU conditionality. This serves two purposes: Firstly, based on the accession criteria, the EC communicates to the applicant countries which areas they must improve in the short and medium term (DG Enlargement, 1998, p. 3). Secondly, countries receive pre-accession assistance, which comprises of financial and technical aid to support economic and political reforms in the applicant country, adapting them to respect and adopt the rights and obligations that come with the membership (DG Enlargement, 1998, p. 3).

As the case study of this thesis is Romania and its Roma minority protection, its Accession agreement will be further analysed. The country submitted its application for EU membership in 1995 however, the accession negotiations started in 2000 (Gaspar, 2008, p. 5). The 1998 Accession agreement underlined that Romania needs to make further integration of Roma a medium-term political priority, among other conditions (European Commission, 1999, p. 4). Therefore, the Accession agreement is considered the main tool under conditionality that aims at improving the Roma conditions. The tool is based on the Copenhagen criteria installed in 1993 by the Copenhagen European Council and strengthened by the Madrid European Council in 1995 (European Union, 2021), designed to support candidate countries in their pre-accession period. Moreover, the Partnership is composed of different programmes that aid countries to meet the necessary criteria for membership. However, the most important and relevant programme to the topic of Roma minority is the Phare programme.

The Phare reform programme, installed by the European Council and the EC, concentrates on institutional development. This reform programme was designed to improve the candidate countries' administrative capacity to implement the Acquis with the same level of effectiveness as present in the current MS (Commission of the European Communities, 1999, p. 3). Phare has been chosen as a programme for analysis because of its sharp focus on the Roma minority. Therefore, Phare programme's purpose is accomplished through several ways, but primarily by helping the governments of the candidate countries set up strategies to follow for the implementation of new policies (European Commission, 1999, p. 6). It included aid for preparing new legislation, development for new administrative structures and institutions, including all conditions for a fully democratic and civil society (European Commission, 1999, p. 6). With the help of this programme, several important initiatives in the policy areas of education, housing, employment and healthcare

have been taken by the Romanian government to ensure Roma integration into the society. The first and most important initiative, exclusively funded and monitored by Phare, was the *Romanian Government Strategy for improving the situation of the Roma* (Institute for an open society, 2002, p. 82). A good example of an important project funded by Phare under the Romanian strategy is *Milk and Bread*. This project targets specifically the education policy area and helps provide the minimum necessities to Roma students by funding for food, clothes and other that are required for them to have support through their education years (Cace, 2014, p. 60). Another two good examples of successful outcomes through the coordination of Phare were: the increase in the number of Roma workers within hospitals to encourage them to pursue careers; and, more opportunities for Roma children to get vaccinated within the immunisation campaigns in the rural areas (Stanescu, 2014, p. 101).

Therefore, with Phare's coordination, monitoring and funding, the EC concluded in 2004 that Romania fulfilled the criteria to be granted membership (Commission of the European Communities, 2005, p. 3). In a 2005 evaluation report, the EC stated that Romania made progress in many areas, including the integration and protection of minorities, and therefore, the country has been accepted as a new MS. However, given that disparities remain in Romania, this should not be further neglected into the post-accession period. Phare achieved its purpose of helping the government adopt a satisfactory level of the Acquis into its national legislation to be granted membership. Moreover, as a result, the projects designed to integrate the minority led to the process of normative Europeanisation occurring as a continuum until Romania's acceptance as a MS. Further exploration of the process of normative Europeanisation needs to be conducted in the post-accession period to ensure that progress appears due to the use of EU's normative power and that disparities between the Roma and non-Roma are being reduced.



## b) Post-accession period

Given that the disparities between the Roma and non-Roma are continuing into the post-accession period, the EU developed certain recommendation documents to address this issue and coerce MS to adopt further and improve the legislation regarding the Roma minority protection. However, contrary to how the EU tackled this issue in the pre-accession period, namely using the EU conditionality as a direct instrument, concerns are raised solely through recommendations for the post-accession period. Therefore, a series of working documents from the EU were communicated to the MS that led to the implementation of frameworks that combats the disparities between the Roma minority and non-Roma.

The first post-2007 document which addressed the state of the Roma minority exclusively is a Commission Staff working document drawn in 2008. The Council, the European Parliament and the EC acknowledged that MS need to further improve the Roma conditions and are seeking to ensure that new policies will be implemented (European Commission, 2010, p. 2). Following this document, the 2011 communication from the EC marks the beginning of a complex Framework seeking to ensure that integration policies for the Roma at all levels, namely national, regional and local, are clear and specific (European Commission, 2011, p. 4). It also addresses explicit measures that MS need to take to prevent any further discrepancies (European Commission, 2011, p. 4). These documents represent the first two post-2007 targeted initiatives that acknowledge the existing gap between the Roma and non-Roma and seek to function as a direct instrument. However, it should be mentioned that the EU is facing a limitation towards the implementation of the recommendations issued, showing that the EU lacks power to enforce EU norms. This shall be illustrated below.

The new EU Framework for National Roma Integration Strategies (NRIS) was adopted on 5 April 2011, marking one of the post-accession commitments by the MS to promote the inclusion of the Roma minorities into respective societies (European Commission, 2011, p. 2). It complements and reinforces the EU's legislation of equality and policies by addressing the specific needs of the Roma regarding equal access to education, housing, employment and healthcare, as well as through dialogue with and participation of Roma (European Commission, 2011, p. 3). Moreover, it addresses the profound social and economic exclusion experienced by the Roma people living in Europe and considers the state of their rights. The Framework supplements existing legal protections in the EU, such as the *Lisbon Treaty* in 2007, which assures that the Roma people have the same rights as other EU citizens; the *Racial Equality Directive* (2000/43/EC), which impedes discrimination in the workplace and other areas of life, such as education, healthcare, and access to goods and services for the Roma people; and the *Directive* on the right to move and reside freely (2000/38/EC) within the EU, which offers the same opportunities for residence to the Roma minority who hold the EU citizenship as the other EU citizens (European Commission, 2011, p. 4). However, one should be cautious regarding the Framework's effectiveness as an EU instrument. The new MS have already incorporated the legal protection for the minority through the EU conditionality. Therefore, the Framework raises questions about how much incentive the MS would have to sustain the EU normative standards after accession.

The EU institutions are responsible for preparing, implementing, and monitoring the national strategies in "close cooperation and continuous dialogue with regional and local authorities" (European Commission, 2011). However, this entails those the regional and local authorities are set out to gather information about the development of the projects funded within the EU Framework and report it back to the EC. Therefore, it is not the responsibility of the EC to

implement the strategies, nor to monitor or overlook the implementation, but up to the MS to do so and report it back to the institution. One could already argue if the EU effectively uses this instrument to ensure normative Europeanisation occurs since there seems to be a lack of communication between the parties involved. In this respect, Matarazzo (2019) for example, concluded that the lack of communication between parties resulted in negligence from the governments towards the distribution of the budget received for the implementation of the Framework (Matarazzo, 2019, p. 13). Moreover, poor monitorisation of the reforms in cooperation with the Roma organisations was also seen due to the lack of power from the EU to enforce its norms (Matarazzo, 2019, p. 13). Therefore, this shows that the EU has limited jurisdiction over the protection of minorities.

The following 2013 Council recommendation on 9 December highlights multiple times that further adaptations for implementing the EU Framework need to be considered. As specified by the document, the EC collected the results of the first assessment of NRIS and further provided supplementary recommendations on the Roma integration for the MS (Council of the European Union, 2013, p. 2). Moreover, the document also provides recommendations on how MS should allocate the funds received from the EU. The following communication in 2019 from the EC to the European Parliament and the Council represents the final report on the implementation of NRIS. The evaluation looked at the EU Framework and how it influenced other European policy, legal, and financial instruments to promote Roma integration (European Commission, 2019, p. 12). However, the document itself states that the Framework cannot be considered entirely successful (European Commission, 2019). Consequently, to the communications not representing entirely an instrument of the EU as a normative power, Romania displayed reluctance to eradicate the disparities between the Roma and the non-Roma.

Romanian think tanks attest to the argument that a precise instrument is needed in place from the EU (Florin Moisa, 2013). The instrument shall monitor and control the necessary improvements for MS to meet the requirements (Florin Moisa, 2013). As indicated and noticed by the think tanks, these objectives are not fully met (Florin Moisa, 2013). The first civil society monitor on the implementation of the NRIS in Romania prepared in 2012 was drawn by the EC to elaborate on adopting the strategy. Despite the illusive commitment and strong will to improve displayed by Romania, “the government has never adopted the plan” (Florin Moisa, 2013, p. 7). Moreover, as outlined in the document, Romania falls short of the EU's requirements (Florin Moisa, 2013, p. 7). It is noted that the slowdown of new reforms for the conditions of the Roma is observed in 2012, that is, five years after Romania had become a MS of the EU. Therefore, it can be concluded that Romania has not indeed kept up with its normative obligations regarding the Roma minority, as there exists no incentive to improve the Roma’s conditions after accession.

The subsequent civil monitor drawn by think tanks from 2018 is responsible for overseeing the implementation of the NRIS in Romania. The monitor has been prepared as part of the Roma Civil Monitor pilot project to reflect on the implementation of the NRIS, through the *Strategy of the government of Romania for the inclusion of the Romanian citizens belonging to Roma minority* from 2012 to 2020 and its revised version from 2015 to 2020 (Florin Moisa, 2013). The revised version of the Roma Civil Monitor in 2015 was set up as a strategy by the Romanian government to reflect and monitor the progress of the objectives it aimed for accomplishing (National Roma Contact Point, 2015). The core structure responsible for gathering data of improvement, as well as implementing correction measures, was the National Contact Point (NCP) (National Roma Contact Point, 2015). The NCP was the authority that reported the progress to the EC and took part in the meetings organised by the EC and other European institutions (National Roma Contact Point,

2015). However, as underlined in the civil monitor, neither the original version nor the revised one has truly brought the desired change for the Roma and Romanian society (Florin Moisa, 2013). A possible criticism towards the monitors for not achieving their desired goals could be that the instrument set up in place is not guided thoroughly by any European institutions. The European institutions are solely responsible for offering recommendations to the different entities established by governments. Thus, the EU is not using its normative power to improve the protection of the Roma minority.

## ii) Indirect instruments

This subchapter considers the Decade of Roma inclusion as an indirect instrument. The Decade is solely supported by the EC. The initiative was enabled from 2005 to 2015, thus covering both the pre- and post-accession period of Romania. It represents the most complex project from the category of indirect instruments that targets the Roma minority and the amelioration of their disparities with the non-Roma. Other post-2015 indirect programmes have not been taken into consideration due to timeline incompatibility. The following project is the *Roma integration 2020*, which started in 2019, and is currently being implemented. However, the timeline of this thesis is until 2020, therefore, the project was not taken into analysis.

The Decade was an initiative that brings together governments, intergovernmental and non-governmental organisations, as well as Romani civil society, intending to fight against Roma poverty, exclusion and discrimination within an international initiative (Decade of Roma Inclusion, 2005, p. 3). The founding participating governments of the Decade are the following: Bulgaria, Croatia, Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia and Slovakia. The Decade is described as a “cooperative international effort to change lives of Roma in Europe, supported by the EC, Open Society Institute, the World Bank, Council of Europe, UNDP, UNICEF, UNHCR and European Roma organizations” (Decade of Roma Inclusion, 2017). Furthermore, the initiative established an International Steering Committee (ISC) composed of the participating governments, international organisations and representatives of Roma civil society as the main decision-making body (Friedman, 2017, p. 3). The Decade also implemented the Decade presidency, which functions on a rotating schedule; each member holds the presidency annually according to the number of Roma population within each country (Decade of Roma Inclusion, 2017).

Romania held the presidency of the Decade between 1 July 2005 and 1 July 2006, being the first country that officially took over. The document that describes the Romanian presidency underlines several public policies that needed reforms, such as health projects and education for Roma children. An important step that has been taken for the Decade process in relation to Roma education is *The Roma Education Fund*. It was founded in February 2006 and states its goals to “contribute to closing the gap in educational outcomes between Roma and non-Roma, through policies and programs to support quality education for Roma including desegregation of educational systems” (Government of Romania, 2006, p. 25).

Furthermore, an important conference supported by the EC and organised by the Romanian government provided the basis of a future key role of the Decade that members would participate in. The National Agency for Roma (NAR) organised the 8th International Meeting of the *International Steering Committee of the Decade for Roma Inclusion Programme* held in Brussels (Government of Romania, 2006, p. 28). The conference’s goal was to “identify the methods and instruments of the EC which are meant to support the Decade National governments involved in achieving objectives of the Decade of Roma Inclusion project” (Government of Romania, 2006, p. 28). Among the messages from the European Commissioners, the most important one is the following: the EC must offer moral support regarding accomplishing the Decade for Roma Inclusion objectives, as the Roma issues are considered necessary in achieving further social cohesion. However, the lack of direct coordination from the EC impeded project members to seek real policy reforms for the minority, despite their interest in joining the cause.

Additionally, it is argued that neither the EU Framework nor the Decade of Inclusion reached their full potential promoting improvement. In this respect, Brüggemann and Friedman state that the Decade “did not succeed in closing the unacceptable gaps between Roma and the rest of society”

(Friedman, 2017, p. 4). They maintain that the education policy area received the most attention from the four areas of intervention, which led to an improvement for the Roma children's education. However, Bruggemann and Friedman explicitly underline that one of the reasons the Decade failed in other policy areas was the lack of enforcement mechanisms and the lack of decision-making power of involved government representatives (Friedman, 2017). Therefore, offering solely funding and moral support to the cause of improving the Roma minority conditions has not been sufficient. As an actor that claims to represent certain norms, one can argue that the EU has the responsibility to protect minorities and offer them the integration into societies that they deserve. Consequently, it appears the conceptualisation of the EU as a normative power remains an empty shell in post-accession.



## H) Discussion

When speaking about the Roma minority, one must bear in mind that this minority has always faced exclusion and discrimination. Whether the country they lived in is geographically located in CEE or the Western part, their minority conditions have always been precarious. However, with the 2004 and 2007 enlargements of the CEECs, the Roma minority and their conditions started to receive more attention from the MS due to the prospects of the EU membership.

Roma received attention in the pre-accession through Europeanisation that CEECs experienced. As stated elsewhere, this thesis aims to add to the academic debate regarding the concept of normative Europeanisation, focusing on the state of the Roma people in Romania. As the above analysis shows, the Roma conditions in Romania achieved a satisfactory level for membership and therefore, it can be said that the EU successfully promoted certain normative standards with regards to minority protection in Romania. However, contrary to the pre-accession period, the post-accession period has not been entirely successful in the improvement of the Roma conditions, which demonstrates that normative Europeanization largely stops after accession due to the lack of incentives.

The division of the instruments into two categories helped identify the main differences between *direct* and *indirect* instruments, pre- and post-accession period of analysis. The pre-accession period saw the EU conditionality as an instrument that influenced the beginning of the normative Europeanisation process. The analysed documents show that the pre-accession period has been more successful in reaching a satisfactory level of protection of the Roma minority in Romania. Therefore, the EU as a normative power has been effective in promoting normative Europeanisation. Contrary to this, in the post-accession period, the process lacks clarity regarding the extent to which it continues due to the unclear use of the instruments by the EU. Therefore, it

can be said that the EU's jurisdiction in the area of minority protection has been limited between 2007 and 2020. The documents themselves underline that the EU has not sufficiently supervised the implementation of the recommendations, thus big improvement has not been achieved. Therefore, one should ask if the EU can be considered a normative power in the post-accession period, given that solely recommendations to the governments did not provide significant improvement in the Roma minority protection area. In addition, the existence of coordination between what the EU says and how it further acts is blurred concerning minority protection due to the ineffectiveness of the instruments in the post-accession period.

Furthermore, when analysing the documents issued for the post-accession, it is observed that although there is an emphasis on words such as “help”, “monitor”, “collaborate”, there exists no further elaboration on how the EU helps or monitors the MS. The conclusion drawn from the analysis of the documents is that the help mentioned by the EU comes solely in terms of dialogue and funding, despite the instrument being directly pointed at the MS. Regardless of this fact, there is no elaboration on whom the EU communicates the recommendations to and it is left to a supposition that the communication and dialogues are done between the EC and governments and/or points of contact. Additionally, the communications and progress reports mention numerous times that the EC monitors implementation in the areas of change, however, none mention what exactly the changes have been and where more information can be found. In contrast, both the documents from the direct and indirect instruments mention that the policy area which received increased attention is the education sector, while the following sector is the healthcare area.

Correspondingly, the Decade of Roma Inclusion documents use words, such as “project”, “strategy”, “international initiative” and “cooperative international effort”, to define the framework. The EC is listed as a funder and moral supporter within the initiative. Nonetheless,

this signifies that the EC should collaborate with the actors of the framework to ensure that the funds provided are purposefully used to improve the Roma minority conditions. However, similar to the documents of the direct instruments, the Decade documents do not mention any further elaboration on how the funds are used and solely mention that the EC is a funder and a moral supporter for the cause. Thus, although the EC purports to improve the Roma protection, it fails to monitor the implementation of policies drawn for the Roma people. Therefore, one can argue that normative Europeanisation is far from an automatic and natural process that continues after a state becomes a member.

To respond to the research question *“To what extent does the EU retain its normative power after the accession in the area of minority protection?”* it can be said that since there is no direct correlation between the communication issued by the EU and its actual use of instruments, the EU retains little to no normative power in the post-accession period. Firstly, the instruments that were used in the post-accession period were not effective in providing real improvement in the area of Roma minority protection. Moreover, along with the ineffectiveness of monitoring the MS in generating new reforms, Romania experienced a slowdown in its process of normative Europeanisation. Nevertheless, neither of the instruments in the post-accession can be considered direct instruments. The instruments should constitute the means to demonstrate that normative Europeanisation occurs in the post-accession period, however, due to lack of improvement in the areas of interest, it can be said that these instruments were ineffective in proving the normative aspect of the EU. The analysed documents provided imprecise words, such as “help” and “monitor”, without offering further information on how the EU aids the Roma minority through those instruments. While some changes have been seen, it is not sufficient to claim that the EU retains its normative power in the post-accession period.

## 1) Conclusion

To conclude, this thesis aimed to analyse whether the EU has normative power in the post-accession period by looking at the instruments it utilises and exploring the process of normative Europeanisation as a result of the instruments. The thesis was divided into two different periods, pre- and post-accession (1995-2020), taking as a single case study Romania and its Roma minority. The report created an opportunity to analyse the impact of the EU on the normative Europeanisation of Romania and whether the conditions of the second largest minority in the country has been improved over the determined period. Thus, this thesis has concluded that the EU's normative power should not be taken for granted in the post-accession period of MS, as demonstrated in the case of Romania.

To reach the mentioned conclusion, the study has divided the instruments of the EU into two categories: *direct* and *indirect*. However, the development of the paper is that neither instrument can be considered effective post-2007. The identified issue is that irrespective of the nature of the post-accession instruments, the EU leaves it to other actors to implement and monitor changes in the MS. Therefore, this fact contributes to the argument that normative Europeanisation is experiencing a slowdown in new reforms to improve the Roma minority protection policy area. For the EU to be considered a normative power, it needs to supervise more what governments or points of contact implement. This would further ensure more compliance with the recommendations in place. In all cases, it can be said that the EU delegates the challenging responsibilities to different actors from the MS to relieve itself from the duties of monitoring. Moreover, as mentioned in the analysis, despite those instruments are coming directly from the EU, they cannot be indeed considered direct instruments because of the identification that the EU is merely a communicator of recommendations for the MS.

Additionally, the documents do not appear to be fully transparent in how the communication or help from the EC is done, leaving one to ask if the EU is to be considered a normative power. Moreover, Romania experienced stagnation in adopting new policies in the area of Roma minority protection due to the subtle implication of the EU within the adoption of the recommendations. One possible limitation regarding a single case study is “the difficulty of reaching a generalised conclusion” (Zainal, 2007, p. 5). Willis (2014) also identified that one of the most prominent critiques towards using a single case study is the issue of external validity or generalisability (Willis, 2014). However, when using a single case study, the possibility to replicate the chosen case remains valid. Therefore, it can be assumed that the methodology for this thesis can be replicated if the following study remains “as close as possible to the original study in terms of methodological approach, population and sampling criteria, data coding, analysis and all other procedures” (Solarino, 2017, p. 1297). This case study may be replicated if other countries meet the same conditions as Romania. This entails that further research can be conducted to analyse whether other MS experience a slowdown in new reforms post-accession. Furthermore, other cases may conduct research if the normative power of the EU proves to be more effective in other policy areas, such as the justice system. Nevertheless, it is to be concluded that normative Europeanisation has been slow in its development regarding Romania and its Roma minority, thus the country has solely experienced the process in the pre-accession period.

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