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Abstract

The rule of law is considered as the "the backbone of any modern constitutional democracy" (Blokker et al. 2021, 24). The rule of law has a central role in the EU enlargement process as it is embedded into two vital categories of reforms. This research focuses on the historically unstable Western Balkans and the potential EU enlargement in the region. This paper specifically studies Albania, Montenegro and Serbia to understand their rule of law-related progress of reforms implementation. This paper asks the question of: *Why has it been challenging for Western Balkan countries to fulfill the enlargement requirements focused on the rule of law?* The extensive theorization of the rule of law and the notion of EU enlargement in combination with the study of important policy documents, yields vital results. The extraction of important information through a Qualitative Content Analysis exposes the cause behind the challenging process of ultimately fulfilling the rule of law-related requirements for EU membership. The extensive attentiveness of the EU towards the rule of law through the continuous request for further reforms has made it difficult for Western Balkans countries to successfully satisfy their membership conditions.

Keywords: Rule of law, Western Balkans, EU enlargement, EU values, corruption, organized crime, hybrid regimes, enlargement fatigue, rule of law crisis

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Introduction

The rule of law is considered as the "the backbone of any modern constitutional democracy" (Blokker et al. 2021, 24). The European Union (EU) was established based on certain values and ideas, specifically democracy, the rule of law and fundamental rights (Bárd et al. 2016, 1). The process of the EU's expansion, namely 'enlargement', requires the infusion of these values to countries that wish to become member-states of the EU with the aim of making them (more) 'European' (Bulmer 2008, 46; Kmezić et al. 2014, 11). The Western Balkans has historically been a region defined by uncertainty and instability, mainly due to corruption and organized crime (Larrabee 1992, 31; Kalemaj and Kalemaj 2022, 30). The EU has made the advancement of the rule of law in the Western Balkans a top institutional priority and one of the main focus areas of policymaking (Elbasani and Šabić 2018, 1322).

A potential enlargement in the Western Balkans is often portrayed as "a natural step for the EU" (Ker-Linsday et al. 2017, 512). Yet, the historical instability of the region remains a prevalent issue (Kalemaj and Kalemaj 2022, 30). That is because the region "faces a collective image problem: it conjures up images of civil war, ethnic strife, and general lawlessness" (Van Ham 2014, 7). Since the fall of communism in the Western Balkans, the EU has significantly attempted to stabilize the region and assist in its democratic transition (Grimm and Mathis 2015, 916). Some scholars argue that the dark history of the region due to armed engagements and nationalistic accounts is still prevalent in the Western Balkans' fragile rule of law (Kalemaj and Kalemaj 2022, 32). On the other hand, other scholars claim that the EU and its member-states are not interested in a potential Western Balkans enlargement (Jónsson 2017, 9).

Today, experts claim that the term 'enlargement' is rarely used within the EU institutions (Reka 2021, 3). Thus, adding further attractiveness into the negotiations taking place between the EU and the Western Balkans countries, especially regarding the rule of law-related discussions. This research asks the following question: *Why has it been challenging for Western Balkan countries to fulfill the enlargement requirements focused on the rule of law?* This thesis aims at understanding two important objectives. The first objective is the progress of reforms realizations by Western Balkans countries. And the second one is possible EU enlargement delays due to additional reforms introduced by the EU. Based on the study of existing theory, this paper hypothesizes that (1) the Western Balkans countries have not implemented the rule of law reforms

articulated in specific agreements due to ongoing internal problems and (2) the European Union has asked for additional rule of law reforms from the candidate countries.

This paper significantly benefits both the academic and societal debate pertaining primarily to EU enlargement and the internal situation in the Western Balkans countries. Overall, the issue of EU enlargement is an extensively studied one. However, despite elaborate studies having been conducted on the process, scholars have yet to approach the difficulties in the rule of law reforms implementation. Moreover, this research studies rule of law proposed reforms in a historically unstable region in Southeastern Europe. This paper provides an important study of various problems and situations that the Western Balkans region has experienced and attempts to assess whether the transformative reforms proposed by the EU are being implemented. Moreover, this study evaluates the reasoning behind certain actions taken by the EU regarding the enlargement process in the Western Balkans. The thesis seeks to uniquely uncover whether the EU is itself 'pushing back' the enlargement in the region. The outcome of this research introduces findings that can be useful for both academics, political analysts and (Western Balkans) citizens who seek to understand the lengthy process of enlargement in this troubled region.

Following the introduction, this paper presents the theoretical framework with scholarly literature on the rule of law (in the Western Balkans) and the EU enlargement as a 'method' of value expansion. The theoretical framework articulates potential obstacles to the EU enlargement in the Western Balkans. After the theoretical framework, the research design introduces the case studies, the data this research uses and an elaboration on the research method it employs. The case studies are Albania, Montenegro and Serbia. The data are three Stabilization and Association Agreements, 19 EU Enlargement Policies and five EU Common Positions, which are analyzed through a Qualitative Content Analysis method. Next, the analysis section evaluates the implementation progress of rule of law-related reforms by the three countries and examines any potential additional reforms asked by the EU. Finally, the conclusion discusses the research findings and presents certain strengths and limitations as well as grounds for future study.

Theoretical Framework

To answer the posed research question, this paper draws important theoretical viewpoints from available scholarly work. First, this section deals with the notion of the rule of law. Due to the inclusion of the Western Balkans, corruption, organized crime and hybrid regimes are introduced as problematic aspects in the region's 'defense' to the rule of law. Second, this section analyzes the EU enlargement process and discusses the role of EU institutions, the notion of enlargement fatigue and past rule of law crises as possible delaying factors for future enlargements. The study of academic knowledge allows for the formation of specific hypotheses.

Rule of law in the Western Balkans

The EU pushes for democratic consolidation in countries, mainly through "the establishment of an effective system of rule of law" via several reforms (Kmezić et al. 2014, 11; 18). The rule of law principle is essential to fairness and freedom, it enables an effective legal system and must govern every democratic state (Radin 1989, 791; Corstens 2017, 2). A state bounded by the rule of law (1) allows for citizens to elect their leaders, (2) ensures that the state government is constrained by law and (3) "the law is respected in the relations between citizens" (Corstens 2017, 2). Overall, the rule of law acts as a safeguarding mechanism for democracy and a guiding principle for the functioning of a country's institutions (CoE n.d.; EC 2019, 1).

The rule of law is "a cornerstone of democratic governance and a fundamental value within the European Union" (Vlajković 2025). The European Commission (n.d. – B) claims that the rule of law assists in the implementation of EU policies and upholding it is an important pre-requisite for aspiring member-states. The Western Balkans has historically been a region of uncertainty and instability due to corruption, poverty and organized crime (Larrabee 1992, 31; Kalemaj and Kalemaj 2022, 30). The advancement of the rule of law in the Western Balkans is a top priority for the EU and an area of concern for the formation of policies (Elbasani and Šabić 2018, 1322).

Corruption

Corruption is described as one of the most prominent problems the word is facing (Rose 2018, 220). Corruption approaches numerous topics, such as (1) public office, (2) public opinion or (3)

public interest (Kurer 2005, 222). The 'public' aspect of corruption is vital as it relates to actions "wholly within the public sphere or at the interface between the public and private spheres" (Heywood 1997, 421). Public office corruption refers to the violation of "formal rules of office" (Kurer 2005, 222). Corruption is extensively articulated as the abuse of power by officeholders with the intention of unlawful gains at the expense of the state's citizens (Mendilow and Phélippeau 2019, 1). Because it is an issue that "benefits governors at the expense of the governed", there is little incentive for the former to address it (Rose 2018, 220).

Corruption is a danger to democracy and a prevent problem in the Western Balkans (Feruni et al. 2020, 6). The history of communism in the region has created a culture that upholds corruption; thus, corruption levels remaining unchanged over the past years (Grødeland 2013, 540; Van Ham 2014, 9). Yet, corruption can effectively be 'fought' through reforms (Sotiropoulos 2019, 8). Specifically, corruption can be tackled by ensuring the independence of national institutions as well as "denouncing corrupt officials [and] increasing public transparency" (Xhindi and Gjika 2022, 37). Over the years, Western Balkans countries have adjusted their legislations significantly and have adopted EU institutional structures with the ultimately goal of fighting corruption (Grødeland 2013, 540). However, corruption in the Western Balkans is described as "one of the main causes hindering their […] development [and] European Union accession process" (Van Ham 2014, 8).

Organized Crime

Organized crime appears as a multifaced and complex concept to academically define (Hagan 2006, 127). Primarily, it is crucial to distinguish organized crime from corruption, which are often discussed in conjunction to one another (Sotiropoulos 2019, 8). Some scholars claim that existing definitions do not combine the fundamental nature and features of organized crime (Allum, Gilmour and Hemmings 2019, 4). Organized crime should be understood as a "general form of criminal behaviour and organization", which refers to actions by non-ideological groups that only seek to profit from illegal activities and are not interested in government, but only its nullification through illicit methods (Allum, Gilmour and Hemmings 2019, 6; Finckenauer 2005, 65).

Organized crime is as a major issue in most Western Balkans countries (Dobovšek 2006, 1). Alike corruption, organized crime can be attributed to the historical instability of the Western Balkans (Van Ham 2014, 10). In recent years, Western Balkans countries have been experiencing an 'overflow' of organized crime incidents (Sotiropoulos 2019, 10). The fragility of the post-communist national institutions has significant assisted in the breeding and expansion of organized crime (Arsovska 2019, 100). Weak rule of law regulations, insufficient policies and fragile state institutions constructed an ideal 'playing field' for criminal organizations (Van Ham 2014, 10).

Hybrid States

The 1970s-2000s period of democratization resulted to a diffusion of regimes that cannot be identified as authoritarian or democratic (Morlino 2021, 142). These regimes have received various 'labels', most commonly 'hybrid regimes' (Morlino 2021, 142). A simple definition refers to hybrid regimes as those which combine several characteristics from both liberal democracies and closed autocracies (Wigell 2008, 230). Based on the extensive work of Andrea Cassani (2014), a hybrid regime can be described as follows: a regime which allows for periodic elections that results to a multi-party legislature with the opposition being represented, while also having few limits regarding the powers of the state's head of government and enables the "frequent violations of the citizens' political and/or civil rights". Finally, hybrid regimes have more chances at becoming stable and functioning democracies than (one-party) autocracies (Brownlee 2009, 516).

The Western Balkans countries have undertaken substantive political changes with the most important being the shift from authoritarianism (Grødeland 2013, 540). The region is of special attentiveness by the EU due to its interest in democracy and stability following the collapse of communism (Grimm and Mathis 2015, 916). However, the numerous unresolved internal challenges have caused for a regional democratic decline, despite the EU's assistance (Gafuri and Muftuler-Bac 2021, 267; Lavrič and Bieber 2020, 17). The absence of effective rule of law in the Western Balkans allows for political elites to undermine national institutions and disrupt the undergoing democratization processes (Kmezić 2020, 184). Yet, public officials in the Western Balkans "pretend that they are seriously tackling their multiple and chronic […] problems." (Van Ham 2014, 5).

Throughout the years, numerous EU initiatives have taken place in the Western Balkans with the aim of supporting and strengthening the rule of law (Vejvoda 2017, 39, 41). One of the prime initiatives are the Stabilization and Association Process, which was introduced by the EU following the Kosovo War (Kaminski and De la Rocha 2003, 2). The European Commission (n.d. – C) claims that the process focuses at "stabilising the region". Yet, the process appears to include 'state building reforms that target the rule of law and national institutions (Kaminski and De la Rocha 2003, 5) The guiding framework for the reforms is the Stabilization and Association Agreement, which promotes the adoption of various political, legal and societal EU-focused reforms (Vukadinović 2015, 92).

H1: *Ongoing corruption, organized crime and democratic instability have not allowed for Western Balkans states to adopt and implement the rule of law-related reforms articulated in their respective Stabilization and Association Agreements*

EU Expansion through Value Promotion and Protection

The EU has always worked on a model of 'expansion', which is termed 'enlargement' and refers to the process of new countries joining the EU (Emmert and Petrović 2014: 1350-1351). The eligibility criteria for EU membership are articulated in Article 49 of the Treaty on European Union (Vidotto Labastie 2023). Specifically, the applicant country must (1) be recognized as a sovereign state by the EU and (2) respect and endorse the core EU values, some of which are democracy, justice and the rule of law (EUR-Lex 2012). Moreover, the EU has adopted the 'Copenhagen criteria', which are three "political and economic conditions" that aspiring member-states must fulfill prior to their membership (Hillion 2004, 2). The first criterion focuses on stable institutions that guarantee democracy and the rule of law, while the third on articulates the ability of a state to implement the rules, standards and policies that result to the EU's body of law (EUR-Lex. n.d.).

The body of EU law, namely the *acquis Communautaire* ('*acquis*') is "the body of common rights and obligations that is binding on all the EU member states" (EC n.d. – D). The *acquis* is divided into 35 reform categories ('chapters'), which are grouped into 6 thematic groups

('clusters') (EC 2024b, 2). The rule of law is embedded in the first cluster, namely 'Fundamentals', and in the 'Judiciary and Fundamental Rights' and 'Justice, Freedom and Security' chapters (EC 2024, 28, 42). Additionally, the rule of law has been "placed at the centre of the accession process for the Western Balkans candidate countries, with Cluster 1 [Fundamentals] […] being the first to open" (Vlajković 2025). Through the enlargement process, the EU wants to ensure that aspiring member uphold its core values (Bárd et al. 2016, 2). Reforms progression under the fundamentals cluster can impact the pace of enlargement negotiations (EC 2023, 2).

EU Intergovernmental Aspects and Enlargement Fatigue

The EU enlargement is a lengthy process that requires cooperation between almost all EU institutions (Vidotto Labastie 2023). The negotiations are managed by the European Commission, which is charged with the monitoring of the progress of reforms by the candidate states (EUR-Lex 2012). Yet, the Council of the European Union is the only institution that can 'judge' a country's progress and decide on its membership (EC 2023, 1; EUR-Lex 2012). This institution comprises of EU national ministers divided per policy area and acts as the "[v]oice of EU member governments" (EU n.d. – B). The Council of the European Union holds the ability of opening and closing negotiating chapters through voting as well as re-opening already closed chapters, if previously met standards have deteriorated (Vidotto Labastie 2023). Thus, both the European Commission and the Council of the European Union have their own 'methods' of criticizing a candidate country's progress and cause delays.

The notion of 'enlargement fatigue' is understood as another reason for the stagnation of the enlargement process (Szołucha 2010, 107). Enlargement fatigue refers to current EU member-states not allowing or being hesitant to allow new countries to join the EU (Jónsson 2017, 9). Scholars argue that enlargement fatigue regarding a potential Western Balkans enlargement is caused by skepticism regarding the region's potentials (Ioannides et al. 2024, 4). Experts claim that the EU and some member-states pretend to still be interested in a potential Western Balkans enlargement, while the EU's enlargement strategy remains stagnant (Van Ham 2014, 5). The EU has adopted a stance that reflects as "sort out your internal mess, demonstrate you are ready, and then come and talk to us" (Van Ham 2014, 8). However, the EU was fully aware of the (unstable)

situation in the region when it 'offered' potential memberships to Western Balkans countries (Van Ham 2014, 8).

Protecting a Fragile EU Value

In recent years, a core EU value, namely the rule of law, has been undermined by current EU member-states (Pech 2022, 108). Two rule of law crises, specifically in Poland and Hungary, have seriously threatened the EU's existential level (Scicluna and Auer 2023, 769). Hungary has been explicitly described as a "grey zone between democracy and dictatorship" (Pech and Scheppele 2017, 4). Conversely, Poland has made significant steps towards improving its rule of law since 2023 (Csaky 2024, 1). Hungary "continues to dismantle democracy", while rule of law-related risks are emerging in Bulgaria, Greece, Italy and Slovakia (Csaky 2024, 1). Thus, it should not be stricking that the EU seeks to protect the rule of law during the enlargement process. After all, the EU enlargement is known for the extensive attentiveness to rule of law reforms (Abulenko, Diachenko and Melnyk 2024).

The EU has established mechanisms to protect its core values. Article 7 of the Treaty on European Union acts as a 'punishment mechanism' for member-states that persistently undermine the EU's core values and results to the suspension of a member-state's voting rights (Pech and Scheppele 2017, 4). The European Commission – as guardian of the treaties – is charged with ensuring the implementation of EU treaty articles (Hix and Høyland 2022, 42). Following the two rule of law crises in Hungary and Poland, the "Rule of Law Conditionality Mechanism" ('Conditionality') was approved in December 2020 (Baraggia and Bonelli 2022, 131). This law acts as "a general regime of conditionality for the protection of the Union budget" (EUR-Lex 2020). Due to continuous rule of law violations and threats, reforms in aspiring member-states are vital as the EU "does not want to import problems that undermine its legal order" (Grabbe 2023).

The EU 'holds' the unique ability of completely suspending negotiations "if a candidate country backslides on Rule of Law reforms" (Vlajković 2025). Moreover, since the adoption of the '2006 Consensus on Enlargement', the EU can introduce 'benchmarks' during rule of law negotiations (Elbasani and Šabić 2018, 1322). Benchmarks are detailed reforms pertaining to the rule of law

(Abulenko, Diachenko and Melnyk 2024). Additionally, the EU has introduced the 'benchmarking system', which refers to the EU's assessment of the progress of implementation of rule of law reforms (Abulenko, Diachenko and Melnyk 2024). While the European Commission describes the enlargement procedure as a 'merit-based process' (EC 2024, 2), multiple rule of law-related crises can perhaps result to harsher judgment over an applicant-state's progress.

H2: *The European Union has introduced additional reforms related to the rule of law for the Western Balkans countries*

Research Design

The study of existing academic literature yields certain hypotheses. The first one argues that the Western Balkans countries have not implemented the rule of law reforms asked of them. The second one claims that the European Union has asked the Western Balkans countries for additional rule of law reforms. This section is divided into three parts that assist in testing the two hypotheses. The first part discusses the case studies this research employs, namely Albania, Montenegro and Serbia. The second part introduces the data, specifically three Stabilization and Association Agreements, 19 EU Enlargement Policies and five EU Common Positions. Moreover, the third part presents the research method, which is Qualitative Content Analysis. Lastly, this research uses a timeframe from 2006 to 2024.

Case Studies: Albania, Montenegro and Serbia

The geopolitical term 'Western Balkans' was first introduced by the EU in December 1998 to distinguish aspiring member-states from other Balkan or Southeastern European ones (Lika 2022, 63, 67; Dabrowski and Myachenkova 2018, 2). The geographical designation includes Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Serbia and Kosovo (GRID-Arendal 2015). Apart from Albania, all countries were once part of Yugoslavia (Dabrowski and Myachenkova 2018, 2). The term 'Western Balkans' is believed to cause further divisions in an already deeply fragmented region (Lika 2022, 67).

This research employs three out of the six Western Balkans countries. There is one main criterion that sets these three countries apart from the rest. That is the two rule of law-related negotiating chapters, namely chapters 23 and 24, that have been opened. While four Western Balkans countries have officially commenced their accession negotiations, North Macedonia has yet to open the two rule of law-related chapters (Gijs 2022). Montenegro opened the chapters in December 2013, Serbia opened them in July 2016 and Albania opened them in October 2024, respectively (EC n.d. – E; EC n.d. – F; European Council n.d.). Thus, this research uses Albania, Montenegro and Serbia as its case studies to comprehend why it has been challenging for Western Balkans countries to fulfill the enlargement reforms focused on the rule of law.

Data

This research focuses on understanding the progression of rule of law-related reforms implementation by certain Western Balkans candidate EU member-states. For this paper, only EU documents are used as data. The (final) decision pertaining to a country's 'readiness' to become an EU member-state ultimately lies with the EU and more specifically its institutions. Thus, the study of EU enlargement documents as written and published by the EU and its institutions is central for this paper. This research acknowledges that various other documents as well as datasets could be beneficial in understanding the change in upholding the rule of law within some countries. However, the use of other (independent) data is not beneficial for this research as the EU relies only on the judgements of its own institutions when assessing the progress of reforms made by a candidate country throughout the years.

<u>Stabilization and Association Agreements</u>

The Stabilization and Association Agreement is considered the 'capstone' of a country's Stabilization and Association Process and includes reforms that mainly focus at "stabilising the [Western Balkan] region" (EC n.d. – C). The Stabilization and Association Agreements are drafted by EU enlargement experts from various institutions and offices. Today, Albania, Montenegro and Serbia have all signed a Stabilization and Association Agreement. (CofEU 2006; 2007; 2008). This research employs the Stabilization and Association Agreements that were signed by Albania in

December 2006, Montenegro in December 2007 and Serbia in April 2008, respectively. The three Stabilization and Association Agreements are used to articulate rule of law-related reforms proposed by the EU.

The Stabilization and Association Agreements assist in 'measuring' the implementation of the reforms articulated by the EU. The Stabilization and Association Agreements focus on the rule of law in two articles, namely 'Reinforcement of institutions and rule of law' and 'Public administration' (CoEU 2006; 2007; 2008). Some of the reform categories proposed by the EU are 'Independent and efficient judiciary' and 'Fight against corruption and organized crime'. The Stabilization and Association Agreements are analyzed together with the EU Enlargement Policies.

EU Enlargement Policies

The European Commission frequently delivers 'Communications' to other institutions of the EU. Communications focus on a variety of different topics. This thesis employs the 'EU Enlargement Policy' Communication. These annual Communications discuss the "progress and implementation of the [EU's] enlargement policies" by providing "a detailed assessment of the state of play and the progress made by the" candidate countries (European Sources Online n.d.). The EU Enlargement Policies are drafted annually by European Commission bureaucrats who are experts and work on EU enlargement. The analysis of the EU Enlargement Policies can efficiently indicate the progress of the Western Balkan countries in implementing vital rule of law reforms as monitored by the European Commission. Moreover, within one EU Enlargement Policy, the European Commission articulated certain so-called 'key priorities' in the form of rule of law reforms. While not binding by EU law, the 'key priorities' were presented as pre-requisites for enlargement negotiations to commence. In combination with the data provided by the Stabilization and Association Agreements, the need for potential additional reforms can be understood, based on the three countries' enlargement progress.

This research studies 18 EU Enlargement Policies, specifically from 2006 to 2024, and analyzes them by focusing on the three case studies. The period from 2006 to 2024 also functions as the timeframe for this research. The 2017 EU Enlargement Policy is not used as it is not available online. This start of the timeframe is chosen based on the year that the first of the three case studies,

namely Albania, signed its Stabilization and Association Agreement. Finally, 2024 is chosen as the end of the timeframe as this is the most recent EU Enlargement Policy available. The 2025 EU Enlargement Policy is not expected until the last quarter of 2024.

EU Common Positions

The EU Common Positions are regarded as a unique policy-making instrument because they are legally binding (Flemish Peace Institute n.d.). This research uses five EU Common Positions that are directly connected to rule of law-related reforms in Albania, Montenegro and Serbia. The EU Common Positions this research employes are the so-called 'benchmarks' that the EU is allowed to introduce, should further reforms be deemed necessary. Croatia is currently the only Western Balkans country to be an EU member-state. During the enlargement negotiations, Croatia also had to fulfill various benchmarks, which were introduced in 2007 (EC 2007, 11). The EU Common Positions are prepared by EU bureaucrats that come from various EU institutions and have expertise and experience on the topic of EU enlargement.

The EU Common Positions this paper studies are the following five: Montenegro's Chapter 23 and Chapter 24, which were published in December 2013, Serbia's Chapter 23 and Chapter 24, which were published in July 2016, and Albania's Cluster 1, which was published in October 2024. The study of the five EU Common Positions in conjunction with the three Stabilization and Association Agreements and the 19 EU Enlargement Policies, assists in understanding whether the EU introduced additional required reforms apart from those initially articulated in the Stabilization and Association Agreements.

Method: Qualitative Content Analysis

"Content analysis involves the systematic analysis of textual information" (Halperin and Heath 2020, 373). Qualitative content analysis is defined as a research method "for the subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns" (Hsieh and Shannon 2005, 1778). It offers the ability to comprehend social realities through a scientific 'perspective' (Zhang and Wildemuth 2005, 1). Qualitative content analysis yields a summary of important and well-organized results through the

study of large amounts of text (Erlingsson and Brysiewicz 2017, 94). The 'coding' process allows for the 'transformation' of texts into results. Coding is the process of identifying pieces of text and categorizing them via 'labels' that denote their illustrations of various thematic ideas (Halperin and Heath 2020, 380).

For this research, qualitative content analysis is employed to effectively study the data. The coding focuses on (1) the progress of the three candidate countries pertaining to rule of law reforms, (2) the 'key priorities' included in one EU Enlargement Policy and (3) the reforms included in the EU Common Policies. The coding seeks to unveil the initial reforms asked, the (potential) reforms implemented and the (potential) additional reforms asked by the EU. Studying the data through qualitative content analysis aims at approaching two issues. First, determine whether the EU has asked for further rule of law-related reforms. Second, understand whether the three candidate countries have undertaken rule of law-related reforms. For the coding, this research uses the Atlas.ti software to classify (potential) reforms by candidate member-states through a categorization that results from the theoretical framework of this paper. Figure 1 presents an extensive explanation of the 'codes' through a 'code book'. Moreover, Figure 2 presents a detailed distribution of the number of occurrences of each code per document analyzed.

'Measuring' a concept in qualitative research can be hard, especially when attempting to 'measure' the sufficient implementation of reforms that target democratic stability, the fight against corruption and the effort to tackle organized crime. However, due to this research focusing on the progress assessment of reforms implementation through the 'eyes' of the EU, measuring becomes relatively easier. This research uses a 'ternary' system to allocate a number (either -1, 0 or 1) based on whether the respective country made sufficient rule of law-related reforms according to the EU that year. Figure 3 presents the findings in detail. Allocating 0 means that the EU **does not find** the yearly reforms as **sufficient**. Allocating 1 means that the EU **finds** the yearly reforms as **sufficient**. Finally, -1 means that the EU **imposed additional** rule of law related **reforms** that year.

Codename	Definition	Example	Document
DemReg_Ref	Initial reforms about the protection of democracy in the Stabilization and Association Agreement Non-binding reforms recommendations as written in the EU Enlargement Policies	"the Parties shall attach particular importance to the consolidation of the rule of law, and the reinforcement of institutions at all levels" (CoEU 2006, 2007, 2008) "The 2009 parliamentary elections need to be properly prepared so as to demonstrate the democratic maturity of the country." (EC 2008, 18)	Stabilization and Association Agreements (CoEU 2006, 2007, 2008)
Corpt_Ref	Initial reforms about fighting corruption in the Stabilization and Association Agreement Non-binding reforms recommendations as written in the EU Enlargement Policies	"Cooperation shall notably aim at […] fighting corruption" (CoEU 2006, 2007, 2008) "The Anti-Corruption Agency and Council's role need to be supported at the highest level and their recommendations and proposals properly followed up." (EC 2014, 33)	
OrgCri_Ref	Initial reforms about tackling organized crime in the Stabilization and Association Agreement Non-binding reforms recommendations as written in the EU Enlargement Policies	"Cooperation shall notably aim at […] fighting organised crime" (CoEU 2006, 200e7, 2008) "The capacities of the law enforcement agencies to use modern investigative techniques, in particular in the area of financial investigations, need to be further strengthened." (EC 2010, 54)	
DemReg_Pos	Positively assessed reforms implementation regarding protection of democracy according to the EU	"New rules for evaluating judges and prosecutors were adopted in May. Most Court Presidents have now been appointed on a permanent basis." (EC 2015, 19).	EU Enlargement Policies (EC 2006-2024)
Corpt_Pos	Positively assessed reforms implementation regarding effective methods to tackle corruption according to the EU	"As regards the recent allegations, the prosecution opened investigations with regard to some of the allegations, and the Anti-Corruption Agency fined the political party exposed for receiving illegal cash donation." (EC 2019, 28)	
OrgCri_Pos	Positively assessed reforms implementation regarding effective methods to fight organized crime according to the EU	"Strong and fruitful cooperation with EU Members States, Europol and Eurojust has led to tangible results. Albania continued to show commitment to counter the production and trafficking of cannabis. Good progress was made on the seizure and confiscation of assets related to organised crime." (EC 2022, 58)	
DemReg_Ref_New	Reforms asked by the EU regarding the protection of democracy that were previously not included in any EU enlargement-related document	"Appoint the Ombudsman, and ensure an orderly hearing and voting process in Parliament for constitutional and high court appointments" (CoEU 2010, 27)	EU Enlargement Policy (EC 2010, 25-28); EU Common Position – Chapter 23 (Montenegro) (CoEU 2013a); EU Common Position – Chapter 24 (Montenegro) (CoEU 2013b); EU Common Position – Chapter 23 (Serbia) (CoEU 2016a); EU Common Position – Chapter 24 (Serbia) (CoEU 2016b); EU Common Position – Cluster 1 (Albania) (CoEU 2024)
Corpt_Ref_New	Reforms asked by the EU regarding the fight against corruption that were previously not included in any EU enlargement-related document	"Improve the anti-corruption legal framework and implement the government's anticorruption strategy and action plan; establish a solid track record of proactive investigations, prosecutions and convictions in corruption cases at all levels" (CoEU 2010, 26)	
OrgCri_Ref_New	Reforms asked by the EU regarding the fight against organized crime that were previously not included in any EU enlargement-related document	"Serbia implements its operational agreement with Europol in a satisfactory manner and applies effectively the EU Serious and Organised Crime Threat Assessment (SOCTA) methodology to develop a strategic picture of risks and threats related to the organised crime situation on its territory" (CoEU 2016, 28)	

Figure 1: Codebook of Coded Data

Document	DemReg_Ref	Corpt_Ref	OrgCri_Ref	DemReg_Pos	Corpt_Pos	OrgCri_Pos	DemReg_Ref_New	Corpt_Ref_New	OrgCri_Ref_New
SAA_Alb	3	1	1	-	-	-	-	-	-
SAA_Mon	4	1	2	-	-	-	-	-	-
SAA_Ser	4	1	2	-	-	-	-	-	-
2006-07	12	2	2	11	4	2	-	-	-
2007-08	16	5	3	15	3	2	-	-	-
2008-09	13	6	3	12	4	4	-	-	-
2009-10	12	3	3	16	3	2	-	-	-
2010-11	6	1	1	11	1	1	8	3	2
2011-12	11	2	2	11	3	4	-	-	-
2012-13	21	4	6	17	3	6	-	-	-
2013-14	13	9	5	12	4	2	-	-	-
2014-15	6	4	4	6	4	3	-	-	-
2015	6	4	2	6	2	2	-	-	-
2016	8	2	3	9	3	3	-	-	-
2018	11	4	2	7	4	3	-	-	-
2019	10	5	3	6	5	3	-	-	-
2020	12	4	3	10	3	3	-	-	-
2021	6	3	4	7	4	3	-	-	-
2022	9	5	5	8	6	7	-	-	-
2023	6	4	2	5	2	3	-	-	-
2024	5	2	2	8	6	5	-	-	-
Alb_CP	-	-	-	-	-	-	3	3	3
Mon_C23	-	-	-	-	-	-	5	9	-
Mon_C24	-	-	-	-	-	-	-	-	5
Ser_C23	-	-	-	-	-	-	2	12	-
Ser_C24	-	-	-	-	-	-	-	-	8
Total	***194***	***72***	***60***	***177***	***64***	***59***	***18***	***27***	***18***

Figure 2: Detailed table indicating the distribution of codes per document (CoEU 2006-2008; EC 2006-2024; CoEU 2013a, 2013b, 2016a, 2016b, 2024)

SAA_Alb/Mon/Ser: Stabilization and Association Agreement per country

Years: Respective annual EU Enlargement Policy

Alb_CP/Mon_C23/Mon_C24/Ser_C23/Ser_C24: Respective EU Common Policies per country

Year	Country		
	Albania	*Montenegro*	*Serbia*
2006-07	0	0	0
2007-08	0	0	0
2009-10	0	0	0
2010-11	1/-1	1/-1	0
2011-12	0	0	0
2012-13	0	1	0
2013-14	0	-1	0
2014-15	0	0	1
2015	0	0	1
2016	0	0	-1
2018	0	0	0
2019	0	0	0
2020	1	0	0
2021	1	0	0
2022	1	0	0
2023	1	0	0
2024	-1	0	0

Figure 3: Table indicating the (in)sufficiency of rule of law-related reforms according to the EU (EC 2006-2024)

Analysis

The thesis asks why it has been challenging for Western Balkans countries to fulfill the enlargement requirements focused on the rule of law. This analysis part of the paper is divided into four sections. The first three focus on one of the case studies, namely Albania, Montenegro and Serbia. The countries are analyzed in a specific format that allows for the understanding of their 'progression' in realizing rule of law reforms as well as any additional reforms that the EU has imposed to them. The last section offers a systematic analysis of the three case studies based on the data reviewed. Drawing from the studied theory, the analysis focuses on the protection of the rule of law through reforms regarding the safeguarding of democracy and the fight against corruption and organized crime within country. The countries are presented chronologically, based on when each signed its respective Stabilization and Association Agreement.

Albania

In December 2006, Albania signed a Stabilization and Association Agreement that heavily focused on the advancement of the rule of law within its borders (CoEU 2006). The broad agreement asked Albania to reinforce its national institutions, guarantee the independence of its judiciary, ensure that public administration officials are held accountable and efficiently fight corruption and organized crime (CoEU 2006, 188, 194). The EU has long described Albania as a 'stabilization mechanism' for the Western Balkans region, which has focused at tackling numerous political challenges through crucial reforms. (EC 2006, 12). The European Commission claimed that the signing of the Stabilization and Association Agreement could only positively benefit Albania in its 'European' transformation (EC 2006, 12).

Following the signing of its Stabilization and Association Agreement, Albania moved forward with various beneficial reforms that targeted the advancement of the country's democratic regime, national institutions and the fight against corruption and organized crime. In 2010, the European Commission (2010, 27) stated that Albania had made significant positive progression and was on track to implement "its obligations under the Stabilization and Association Agreement. Up until 2009, Albania had already implemented numerous reforms. Albania passed constitutional amendments that focused on electoral reform, strengthening the government structure, judicial

appointments and independence of the judiciary (EC 2006-2009). Moreover, Albania took extensive measures to tackle corruption. Specifically, numerous arrests and convictions of public officials took place, the 'Anti-Corruption Task Force' was established, the 'Anti-Corruption Strategy' was adopted and implemented and the government enabled the Albanian Constitutional Court to intervene in corruption cases that go beyond the constitutional limits (EC 2006-2009). Moreover, Albania initiated processes to fight organized crime. Numerous operations were carried out against high profile criminals and big organized groups, which led to high profile arrests (EC 2006-2009). Additionally, Albania strengthened its cooperation with INTERPOL and adopted a 'Strategy to Fight Organized Crime' (EC 2006-2009).

In November 2010, Albania received a so-called 'overall positive' assessment pertaining to its progression of rule of law-related reforms implementation (EC 2010, 27). Despite the country having been deemed as on track to fulfill the commitments articulated in its respective Stabilization and Association Agreement, the European Commission presented some so-called 'key priorities' (EC 2010, 27-28). Specifically, the European Commission (2010, 27-28) introduced 11 'key priorities' to be fulfilled as pre-requisites for the commencement of enlargement negations between the EU and Albania. Out of these 11 'key priorities', more than seven were already deemed as sufficiently implemented in the EU Enlargement Policies from 2006 to 2009 (EC 2006-2009). Yet, the European Commission (2010, 27-28) added them as (additional) pre-requisites to the commencement of negotiations. Moreover, the European Commission (2010, 27-28) presented about four completely new rule of law-related reforms to be implemented prior to the initiation of negotiations. Figure 4 presents the 'key priorities' and indicates whether they are completely new reforms or a request for further changes on an already successfully reformed issue.

In March 2020 it was announced that the Council of the European Union had agreed to commence enlargement negotiations between the EU and Albania (EC n.d. – G). Thus, openly acknowledging that Albania had officially fulfilled the 'key priorities' that the European Commission had 'imposed' about ten years prior (EC 2010, 27-28). The annual positive assessments by the European Commission (through the EU Enlargement Policies) as well as the

ALBANIA				
'Key Priorities'	**Reform already deemed as 'Sufficient' or completely 'New'**		**'EU Common Position'**	**Reform already deemed as 'Sufficient' or completely 'New'**
Modify electoral laws	Sufficient		Further reform and strengthen the judiciary	Sufficient
Hold elections based on standards	Sufficient		Improve the efficiency of the judiciary	Sufficient
Establish Ombudsman's Office	**New**		Enhance quality and ensure independency of the High Judicial Council and the High Prosecutorial Council	**New**
Ensure efficient functioning of Parliament	Sufficient		Improve quality of the judiciary through the strengthening of the 'School of Magistrates'	**New**
Further reform the national Judiciary	Sufficient		Ensure verification of assets declarations of (high-positioned) public officials	**New**
Implement the 'Anti-Corruption Strategy'	Sufficient		Guarantee merit-based appointments and promotions of judges	Sufficient
Remove potential obstacles for corruption investigation of public officials	Sufficient		Increase investigations, prosecutions and convictions regarding all forms of organized crime	Sufficient
Ensure conviction of public officials involved in corruption cases	Sufficient		Maintain a solid track record of fighting organized crime	Sufficient
Conduct proactive investigations of criminal groups	**New**		Progress in dismantling the operations of criminal groups	**New**
Increase cooperation with international and EU criminal agencies	Sufficient (*International*) / **New (*EU*)**			
Ensure collaboration between national law enforcement agencies	**New**			

Figure 4: Detailed table of additional reforms and judgement of whether 'New' or already 'Sufficient' - Albania

affirmative ‘evaluation’ of the Council of the European Union (through the decision to start negotiations) should have acted as a signal that Albania had made significant reforms implementation to substantially uphold the rule of law according to ‘EU standards’. Yet, the EU introduced additional required rule of law-related reforms through an EU Common Position upon the ‘opening’ of the Fundamental negotiating cluster (EC n.d. – G; CoEU 2024). Specifically, the EU imposed nine reforms that Albania must sufficiently fulfill to successfully become an EU member-state (CoEU 2024). Out of the nine additional reforms, five had previously been deemed as adequately implemented throughout the EU Enlargement Policies (EC 2006-2023). Moreover, the EU introduced four completely new rule of law-related reforms that had previously never been requested (CoEU 2024). Figure 4 presents the EU Common Position and indicates whether the reforms are completely new or a request for changes on an already successfully reformed issue.

Montenegro

In October 2007, Montenegro signed a Stabilization and Association Agreement with the EU (CoEU 2007). The broad agreement articulated reforms about upholding the rule of law within Montenegro (CoEU 2007). Primarily, the country agreed to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY). Moreover, Montenegro agreed to ensure the independence of its judiciary, reinforce its national institutions, guarantee the accountability of public officials as well as establish sufficient methods to tackle corruption and organized crime (CoEU 2007, 5, 23, 29).

Montenegro had been an independent country for a little over one year following the signing of its Stabilization and Association Agreement. Thus, needing vital reforms at the time. Indeed, upon signing the Stabilization and Association Agreement, Montenegro swiftly moved to adopt changes in line with its agreement. The country strengthened its democratic aspect by adopting and implementing a constitution in line with EU standards, which ensured independence between government branches and established a legal framework and national institutions (EC 2007-2009). Additionally, Montenegro extensively cooperated with the ICTY (EC 2007-2009). Moreover, elections were conducted within international standards and the national parliament adopted democratic rules of procedure (EC 2007-2009). Further, Montenegro adopted efficient judicial reforms that included the establishment of the Judicial Council, which was tasked with the

appointment and dismissal of judges (EC 2007-2009). Also, Montenegro established an Ombudsman's Office (EC 2007-2009). Moreover, Montenegro adopted the 'Criminal Procedure Code' and set-up special departments in high courts for the fight against corruption and organized crime (EC 2007-2009). Additionally, Montenegro adopted an 'Anti-Corruption Strategy' and established the 'Anti-Corruption Directorate' as well as a National Commission, which were both tasked with reporting on national corruption issues (EC 2007-2009). Lastly, Montenegro highly enhanced preventive and investigative anti-corruption bodies (EC 2007-2009).

In November 2010, Montenegro, alike Albania, received a so-called 'overall positive' assessment regarding its progression of implementation regarding rule of law-related reforms (EC 2010, 25). Yet, alike Albania, various 'key priorities' were introduced in 2010 as pre-requisites for the commencement of enlargement negotiations between Montenegro and the EU (EC 2010, 25-26). The European Commission (2010, 25-26) introduced nine 'key priorities' to be fulfilled prior to the commencement of enlargement negotiations between Montenegro and the EU as pre-requisites for the said negotiations. The European Commission (2010, 25-26) imposed eight completely new reforms that have previously never been inquired as requirements for enlargement negotiations to begin. Moreover, one of the nine 'key priorities' had already been deemed as sufficiently implemented in previous EU Enlargement Policies (EC 2007-2009). Thus, the European Commission inquired that Montenegro adopts and implements utterly new reforms to be sufficiently assessed for the commencement of enlargement negotiations. Figure 5 presents the 'key priorities' and indicates whether they are completely new reforms or a request for further changes on an already successfully reformed issue.

In June 2012, the Council of the European Union decided that enlargement negotiations between the EU and Montenegro should begin (EC n.d. – E). This decision by the Council of the European Union could be perceived as an acknowledgement regarding the successful fulfillment of the 'key priorities' that the European Commission had introduced to Montenegro a few years prior (EC 2010, 25-26). However, the positive evaluations by the European Commission on an annual basis as well as the favorable assessment by the Council of the European Union did not

MONTENEGRO				
'Key Priorities'	**Reform already deemed as 'Sufficient' or completely 'New'**		**'EU Common Position'**	**Reform already deemed as 'Sufficient' or completely 'New'**
Ensure the independence of the judiciary	Sufficient		Further reform the judiciary and introduce a system of random case allocation	**New**
Revise electoral legislation	**New**		Establish a Commission for disciplinary hearings of judges	**New**
Improve Anti-Corruption Framework	**New**		Ensure the frequent inspection of judicial work to guarantee abidance to the legal framework	**New**
Progress in track record of investigations, prosecutions and convictions of corrupt public officials	**New**		Adopt a constitutional amendment to bind the actions of judges to criminal law	**New**
Strengthen transparency of appointments and promotions of public administration officials	**New**		Ensure transparency over appointment and promotion of public officials	**New**
Conduct proactive investigations on known criminal groups	**New**		Establish a nationwide merit-based system of recruitment for judges and prosecutors	**New**
Increase cooperation with EU agencies and other (EU) countries	**New**		Record the assets of judicial officials	**New**
Enhance capabilities of law enforcement agencies	**New**		Create an 'Anti-Corruption Agency'	Sufficient
Establish methods for the efficient processing of criminal data	**New**		Sign an agreement with EUROPOL	**New**
			Create an effective communication system between national law enforcement agencies	**New**
			Revise the 'Criminal Procedures Code'	**New**
			Establish a 'Special Prosecution Office'	**New**

Figure 5: Detailed table of additional reforms and judgement of whether 'New' or already 'Sufficient' - Montenegro

result to the end of the adoption and implementation of rule of law-related reforms. Upon the 'opening' of the two rule of law-related negotiations chapters, namely Chapters 23 and 24, Montenegro was introduced with additional rule of law-targeted reforms through an EU Common Position (EC n.d. – E; CoEU 2013a; CoEU 2013b). Precisely, the EU introduced 12 additional reforms to be implemented by Montenegro so as for the country to become an EU member-state (CoEU 2013a; CoEU 2013b). The outstanding majority of the new reforms imposed to Montenegro by the EU, specifically 11 out of 12, were completely new as they had never been proposed before. Figure 5 presents the EU Common Position and indicates whether the reforms are completely new or a request for changes on an already successfully reformed issue.

Serbia

In April 2008, Serbia signed a Stabilization and Association Agreement with the EU, which included reforms that aimed at the advancement and protection of the rule of law within the country (CoE 2008). The broad agreement primarily asked Serbia to cooperate with the ICTY. Moreover, Serbia agreed to guarantee accountability for public officials, ensure the independence of its judiciary, reinforce its national institutions and tackle corruption and organized crime (CoE 2008, 19, 38, 44). The European Commission (2008, 48) described the signing of Serbia's Stabilization and Association Agreement as a significantly positive milestone for the progress of the country's potential EU membership as well for the EU-Serbia relations.

At the time Serbia signed its Stabilization and Association Agreement, it was still a relatively newly formed country. Thus, Serbia needed rule of law-related forms. Following the signing of its Stabilization and Association Agreement, Serbia conducted numerous reforms to fulfill the requirements agreed. Primarily, Serbia adopted a new democratic constitution, which was supplemented by various revisions over the years (EC 2008-2014). Further, it ensured that competitive and fair elections took place according to international standards EC 2008-2014). Moreover, a new judicial system was established and included the re-organization of the court network (EC 2008-2014). Furthermore, the 'Office of the State Ombudsman' was created and was significantly re-enforced over the years (EC 2008-2014). Additionally, the Serbian European Integration Office was established to ensure that Serbia was implementing reforms driven by the

EU values and ideals (EC 2008-2014). Lastly, over the years, Serbia continuously cooperated with the ICTY (EC 2008-2014).

Serbia has passed extensive reforms that focused on tackling the issues of corruption and organized crime as articulated in the country's Stabilization and Association Agreement. Primarily, Serbia ratified two Council of Europe conventions that target the widespread issue of corruption and established the 'Anti-Corruption Agency', which has received praised by the EU for its work over the years (EC 2008-2014). The reforms resulted to higher transparency regarding government and parliament work as well as an increase in arrests and prosecutions of (high-profile) individuals related to cases of corruption (EC 2008-2014). Furthermore, Serbia implemented a law pertaining to the transparent financing of political parties (EC 2008-2014). Moreover, Serbia implemented a 'National Strategy against Organized Crime' as well as legislation that allowed for the seize of assets gained through illicit activities (EC 2008-2014). Lastly, Serbia improved its cooperation with other countries and global law enforcement agencies and organizations, which resulted to a substantial increase in arrests pertaining to organized crime (EC 2006-2014).

In January 2014, the EU announced that it would officially begin enlargement negotiations with Serbia following a positive recommendation by the Council of the European Union (EC n.d. – F). The commencement of the enlargement negotiations between the EU and Serbia was based on a positive assessment of the progression pertaining to the implementation of rule of law-related reforms. Thus, indicating that Serbia has aligned its rule of law-focused policies with 'EU standards'. However, despite the positive evaluation, Serbia was presented with additional reforms pertaining to the advancement of the rule of law (CoEU 2016a; CoEU 2016b). In July 2016, amid the 'opening' of the two rule of law-related negotiating chapters, Serbia was presented with an EU Common Position that included 11 supplementary rule of law-related reforms (EC n.d. – F; CoEU 2016a; CoEU 2016b). Similarly to the case of Montenegro, most of the reforms included in the EU Common Position were completely new as they had not been included in any other EU enlargement-focused document. Particularly, 10 out of the 11 reforms included in the EU Common

Position were completely new (CoEU 2016a; CoEU 2016b). Figure 6 presents the EU Common Position and indicates whether the reforms are completely new or a request for changes on an already successfully reformed issue.

SERBIA	
'EU Common Position'	**Reform already deemed as 'Sufficient' or completely 'New'**
Adopt new constitutional provisions regarding the judiciary that are in line with EU standards	Sufficient
Ensure efficiency of courts and reduce their backlog	**New**
Develop electronic system that enables the swift data exchange between courts	**New**
Amend corruption-related legislation to abide by the EU *acquis* and the United Nations' Convention against Corruption	**New**
Ensure the independence of the 'Anti-Corruption Agency', the 'State Audit Institution' and the 'Republic Electoral Commission'	**New**
Ensure transparent and merit-based appointments and promotions of civil servants	**New**
Employ the 'EU Serious and Organised Crime Threat Assessment (SOCTA)' methodology to find and assess potential organized crime risks and threats	**New**
Evaluate its organized crime-related agencies and tactics	**New**
Amend organized crime-related legislation based on evaluation of responsible agencies	**New**
Fill vacancies in the Prosecutor's Office for Organized Crime (POOC) and in the Department for Combating Organized Crime (DCOC)	**New**
Adopt a comprehensive strategy that approaches various forms of organized crime	**New**

Figure 6: Detailed table of additional reforms and judgement of whether 'New' or already 'Sufficient' - Serbia

Brief Systematic Analysis

Analyzing the data insights is crucial to understand the reason why it has been difficult for Western Balkans states to sufficiently satisfy the necessary reforms pertaining to the rule of law. The three case studies create a significant academic narrative through the similarities they share with one another. The most important similarity must be the vagueness/broadness of the rule of law-related reforms asked of them in their respective Stabilization and Association Agreements. The three countries share the same rule of law reform requirements with each other. There is only the exception pertaining to the cooperation with the ICTY, which only applies to Montenegro and Serbia. Moreover, through the study of the data, it has become evident that the EU, but mostly the European Commission in specific, have praised the reforms that the three countries have adopted and implemented. This can mainly be observed from the so-called 'positive assessments' that all three countries have received throughout the years. Specifically, Albania has received two 'positive assessments' with one being in November 2010 (EC n.d. – G) and the other in March 2020. Moreover, Montenegro has also received two 'positive assessments' with one being in November

2010 and the other in June 2012 (EC n.d. – E). Lastly, Serbia has received one 'positive assessment' in January 2014 (EC n.d. – G).

Unfortunately for the three EU candidate countries, a positive assessment of reforms progression has so far not meant the subsequent conclusion of rule of law-related reforms implementation. As Figure 6 indicates, additional reforms have always followed every positive rule of law-related assessment. Throughout the years, the EU Enlargement Policies have largely praised the reforms implementation of Albania, Montenegro and Serbia. However, the EU appears to always 'kick back' by requesting further reforms after a short period following a country's positive assessment or in some cases even simultaneously with the positive assessment (i.e., Albania and Montenegro in November 2010). The extracted data illustrated in Figure 6 proves that the three countries have implemented reforms in the areas pertaining to the rule of law and their work has been acknowledged by the EU mainly through the initiation of enlargement negotiations. Yet, Figure 6 also illustrates that the introduction of additional reforms seems to be an 'inevitable' step in the fulfillment of the rule of law-related requirement for EU enlargement.

It is important to note that throughout the years the EU has requested additional reforms in various ways. This has been either through the legally binding EU Common Positions or the non-legally binding EU Enlargement Policies by presenting the reforms as 'pre-requisites' for something. Consequently, the EU has made sure to somehow bind the aspiring member-states into implemented the requested reforms. Overall, this paper's data indicate that it is inevitable for a country to further progress and successfully fulfill the rule of law-related requirements without being asked to implement additional reforms on top of the initially agreed ones.

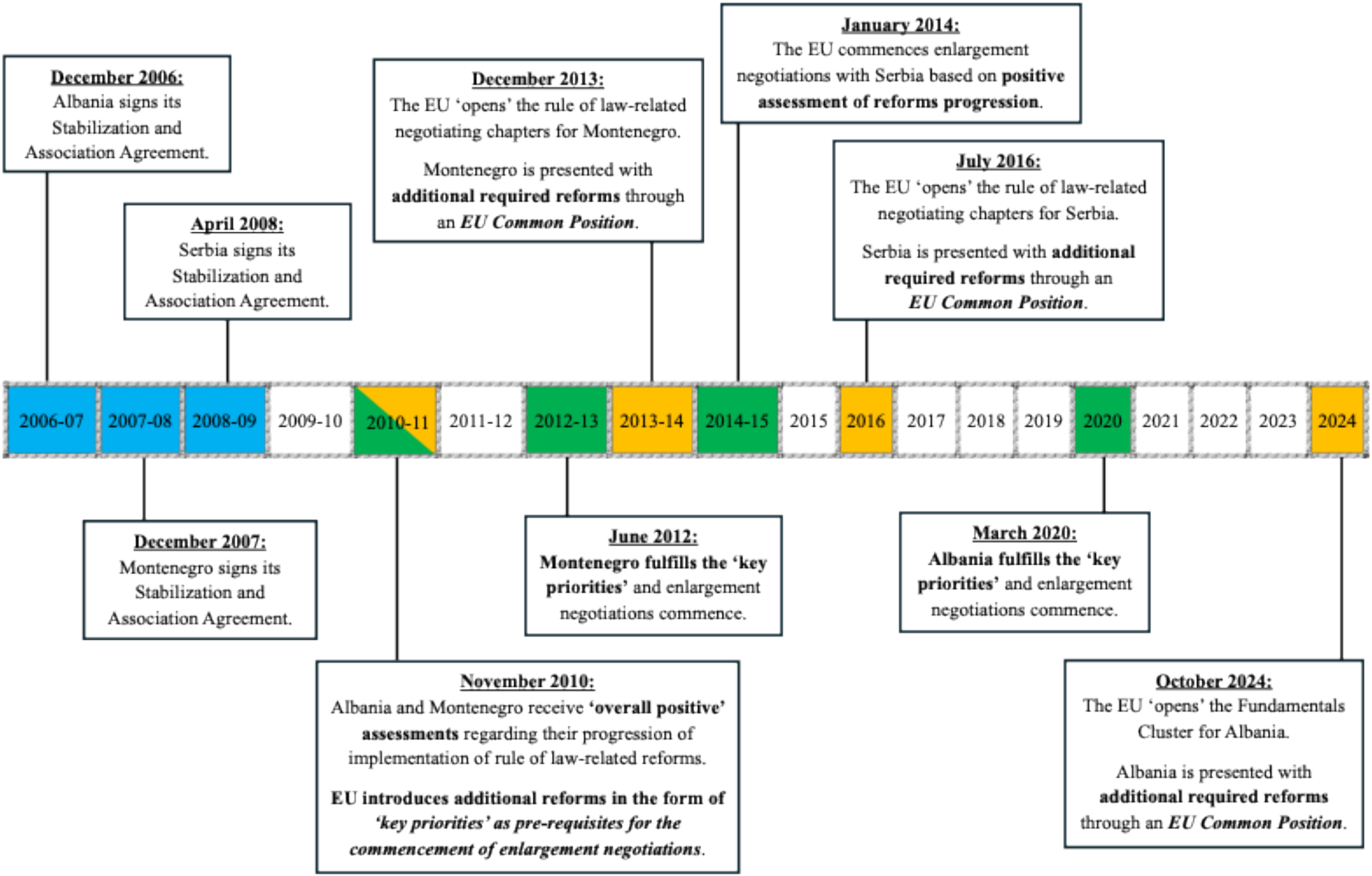

Figure 7: Detailed timeline regarding implementation process of rule of law-related reforms in Albania, Montenegro and Serbia (2006-2024)

Colors – Blue: Signing of Stabilization and Association Agreement / Green: Reforms deemed sufficient/Positive assessment / Yellow: Additional reforms imposed

Conclusion

Discussion of Findings

The analysis of important EU documents assists in effectively answering this paper's research question, specifically: *Why has it been challenging for Western Balkan countries to fulfill the enlargement requirements focused on the rule of law?* This research used three Western Balkan countries, namely Albania, Montenegro and Serbia, as case studies to analyze their 'track record' of rule of law-related reforms implementation based on EU demands mainly articulated within each country's Stabilization and Association Agreement. Furthermore, the other documents were studied to investigate whether the EU asked the three countries for additional reforms, except for the ones articulated in their Stabilization and Association Agreements. The analysis of the documents yielded important scientific and societal results.

Throughout the years, Albania, Montenegro and Serbia have implemented a variety of different reforms that focus on upholding the rule of law. Despite being given a very broad basis to 'build upon' – the Stabilization and Association Agreements – all countries have made significant efforts to reinforce their national institutions, guarantee the independence of their judiciaries, ensure accountability of public officials and fight corruption and organized crime (CoEU 2006, 188, 194; CoEU 2007, 23, 29; CoE 2008, 38, 44). Albania, Montenegro and Serbia have extensively approached problematic situations pertaining to the undermining of the rule of law within their borders and successfully tried to implement reforms. Despite not annually providing positive assessments, the European Commission often praises the reforms implementation of the countries. Thus, hypothesis 1 (***H1***) is rejected.

The broadness of the rule of law reforms articulated in the countries' Stabilization and Association Agreements, combined with the EU institutions' unique abilities during the process of enlargement, allow for numerous delays to take place. Throughout the years, the European Commission has praised the reform attempts of the Western Balkans countries. Yet, this research has observed the soon after every official positive assessment granted by the EU, additional reforms are being imposed as pre-requisites to EU membership. Moreover, the EU oftentimes introduces already sufficiently implemented reforms as new with the request of "further reforming". Thus, only causing for further delays in the EU enlargement process. Overall, despite

the European Commission positively assessing various rule of law-related reforms annually, various obstacles are being created regarding the future membership of Western Balkans states. The obstacles, namely the new reforms, make it challenging for Albania, Montenegro and Serbia to fulfill their rule of law-related requirements. Consequently, hypothesis 2 (***H2***) is not rejected.

Strengths and Limitations & Future Research Possibilities

Having concluded this research, certain strengths and limitations can be articulated. An aspect that can be regarded as both a strength and limitations is that no previous research exists on the research question. Thus, resulting to extensive research, but also benefiting this paper by allowing for the establishment of a strong theoretical framework. Further, this research scores high in internal validity as it accurately reflects that the cause behind the challenging realization of the countries' rule of law requirements have been the additional reforms tasked by the EU. Moreover, this research scores relatively low on transferability as the results cannot be generalized to many more case studies, except for potentially the remaining three Western Balkans countries. That is because a core part of the data, namely the Stabilization and Association Agreement, is not part of the enlargement negotiations of non-Western Balkans candidate-states. Lastly, this research scores high on replicability. The (online) availability as well as transparent method of data collection and data analysis enable the reproduction of this research with the conclusion of similar findings to the ones presented here.

Based on the context of this research, certain possibilities for future research are identified. Recently, the European Council, the council of EU heads of state and government, held a summit and discussed the negative rule of law situation in Hungary as well as rule of law-related issues that have been observed in Slovakia, Sweden and Belgium (CoE 2025). Seeing as rule of law crises continue to target the EU's stability, it would not be surprising if the EU introduced further benchmarks or any 'key priorities' to its Western Balkans candidate-states. Having concluded this research, the presentation of additional rule of law reforms to ensure protection of this value by future member-states seems like a very likely scenario. Overall, due to the various rule of law crises that the EU has experienced over the recent years, the constant introduction of additional rule of law-related reforms does not seem like a 'fantasy', but rather a situation waiting to happen.

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