

Democratisation in south-eastern Europe through integration into the EU: Formalism or meaningful differentiation?

Abstract

This article presents an analysis of democratisation in countries of south-eastern Europe in the context of EU membership. After a brief theoretical overview of the EU's capacity for democratisation, the article highlights the increased attention that researchers have paid to the quality of democracy and, in particular, to the rule of law as key mechanisms guaranteeing the successful functioning of representative democracy. The purpose of the article is to find empirical evidence for whether the EU has learned lessons from the accession of Bulgaria and Romania that can apply in its relations with candidate countries from the western Balkans regarding democratisation. The research objective is the interaction between the EU and candidate countries, realised through the main instrument of pre-accession conditionality – the annual reports of the European Commission which are used to monitor and evaluate the progress of each applicant towards meeting EU membership criteria. The author concludes that this leads the Commission to a constancy of approach but which leaves aside the issue of the specificity of candidate countries.

Keywords: Europeanisation, democratisation, European Union, candidate states, quality of democracy, conditionality

Research problem

In recent years, the starting assumption that the processes of democratisation in the countries of central and eastern Europe are sustainable and irreversible have been put in doubt. The literature devoted to the promotion of democracy recognises the importance of the EU model of democratisation through integration (Dimitrova, 2004; Sadurski, 2004; Papadimitriou and Phinnemore, 2004; Pridham, 2008; Morlino and Sadurski, 2010; Spendzharova and Vachudova, 2012; Dimitrova and Buzogany, 2014), a model that has indeed had a positive impact on post-Communist transitions in these countries. However, many currently visible features indicate the deterioration of democratic stability and effectiveness. Nearly three decades after the fall of the Berlin Wall, the political situation in central and east European countries is marked by stark contrasts between the achievements and the shortcomings of democracy. Accession to the EU is an unquestionable sign that democratic governance has been established in that member state, but the problem is that some countries in the region, assumed to have a consolidated democracy, are showing signs of retreat

(Rupnik, 2007; Rupnik and Zielonka, 2013; Mendelski, 2015; Ágh, 2015, 2016; Magyar, 2016).

Central and east European countries were subjected to stricter conditions than other countries at previous stages of enlargement, as all scholars of the eastern enlargement have noted. Nevertheless, for the lack of a more detailed specification, it is hard to assess whether these criteria have been fulfilled beyond the minimum requirement for ‘free and fair elections’ and for a set of democratically-constructed institutions with ensured separation between and mutual control of powers.

The problem is that the national models of democratic political systems in EU countries are very different from one another in terms of structure, procedures and practices. That is why it is impossible to identify ‘commonly recurring’ elements without falling into an abstract formalism that fails to capture the essential function of representative democracy as a basic mechanism for the self-regulation of modern societies, a mechanism that ensures accountable governance.

Hence, in assessing the progress made by candidates for EU membership, the applied assessment approach is likewise formal, all the more so as there is still no clarity as to what democracy implies and what the EU means by democracy (Cruz 2004). According to De Ridder and Kochenov (2011), the lack of clarity in the official membership criteria for democracy, means that the Commission is, in fact, given *carte blanche* to fill those criteria with specific political meaning; this is a task that the Commission ultimately fails to fulfil, having neither the capacity nor the competencies to pursue such a complicated and excessively delicate political task.

This situation justifies conducting a large-scale research project to study the contribution of EU policies to the promotion of human rights at world level. The project aims to analyse how the EU conceptualises notions of human rights, rule of law and democracy. The main conclusion of the research is that the EU might set a priority on human rights, rule of law and democracy, with these being mentioned in the EU treaties, but in fact it is made clear nowhere how the EU conceptualises these values (Timmer *et al.* 2014).

The basic problem facing the policy of Europeanisation through integration is that the democratisation processes the EU is promoting are interpreted and assessed based on observations of western democracies and are difficult to apply in central and eastern Europe in view of the different contexts in those countries. At the same time, the external EU influence exerted towards the democratisation of societies has initial limitations which depend, in each separate case, on the specificity of a country (Schimmelfennig and Sedelmeier, 2004; Börzel and Risse, 2012). Disregard for the contextual conditions of accession leads to a situation where central and east European countries are, formally and legally, part of the EU but, in terms of real, effective membership, they have joined the EU only ‘partially’, as authors like Rupnik, Ágh, Pippidi, Mendelski, Slapin, Tomini, etc. have asserted.

The main distinguishing feature of the EU's approach to eastern enlargement is pre-accession conditionality¹ (Hughes *et al.* 2005; Grabbe, 2006; Pridham, 2007; Phinnemore, 2009; Chiva and Phinnemore, 2011; Gateva, 2015). The emphasis on conditionality in the eastern enlargement policy stems from the goal of solving the problem of a qualitative transition, i.e. implementing sweeping reforms in candidates for EU membership. The European Commission (EC) is an institution that manages conditionality with regard to contents and procedure, and the EC progress reports are hence the basic instrument for implementing the conditionality policy. In a certain sense, we may even say that the reports are starting to function as if they themselves were the conditionality mechanism. As imprecise as it would be to equate EC reports with the EU conditionality policy, it is true that, due to the reports' central role in conditionality, they are viewed as representative of the political messages expressing the direction, preferences and pace of EU enlargement towards central and east European countries.

The growing importance of conditionality is essentially an *ad hoc* solution to a key problem since the EU, by its very nature a voluntary union formed for the mutual benefit of partner countries, has no reason to have designed coercive instruments. But, in the case of post-Communist countries, they are in need of some external influence towards an accelerated transformation that would not naturally come about by force of their inner historical development, especially in the case of 'reluctant regimes' (Grabbe, 2006). The introduction of this principle behind EU enlargement not only represents an admission of the qualitative difference of the candidate countries but also creates a mechanism for competition between them which stimulates intense internal reforms. In other words, this principle simultaneously performs a protective function with respect to the EU, by omitting the unreformed societies, as well as a stimulating function for those societies that are inclined to carry out reforms. This dual function of pre-accession conditionality has determined the rise of this instrument, initially only one of many in the 'toolkit' (Grabbe, 2006), to a position of central importance, defining the nature of EU expansion policy itself in the course of eastwards expansion (Gateva, 2015).

The problem involved in successfully using EU enlargement policy as a means for democratisation is that, in its relations with the western Balkan candidate countries, the EU faces the double challenge of solving harder tasks with weaker instruments, i.e. implementing radical reforms in countries that have fundamental economic, political and institutional problems (Carothers, 2002; Rupnik, 2011; Börzel, 2011; Elbasani, 2013; Kmezic, 2017). Also, the EU cannot offer the same incentives for reform that were possible in the case of central and east European countries – primarily because of the remoteness in time and the comparative uncertainty of the accession of western Balkan countries.² This fundamentally different situation entails

1 'The principle of conditionality – one of the key components of EU's strategy in post-communist Central and Eastern Europe – is widely acknowledged to be the driving force behind the process of enlargement-led Europeanisation.' (Papadimitriou and Gateva, 2009: 5).

2 Even the exceptionally important EU-western Balkans summit in Sofia, taking place on 16-17 May 2018 (which brought the topic of west Balkans integration into Europe back on the EU

the need to develop enlargement policy as such, a policy that researchers claim, by its very nature, to be constantly innovative.

EU policy for the next enlargement (following the fifth one), especially in the last five-six years, clearly testifies that the experience accumulated from the second wave of eastwards enlargement has been seriously considered and has justified important innovations in the approach to enlargement – specifically, innovations in the application of pre-accession conditionality.

The experience related to Bulgaria and Romania has made visible the evolutionary nature of enlargement conditionality and points to an important advance in membership requirements – from the transfer of the *acquis* to monitoring sustainable results in its application (Gateva, 2015). Proof that lessons have been learned from the use of conditionality in the fifth enlargement is that the EU has given priority to the rule of law as a basic condition of progress towards accession for western Balkan countries (Gateva, 2015; Fagan and Sircar, 2015; Kmezic, 2017). The EU's new approach is based on the principle that questions of the judicial system and fundamental rights (Chapter 23 of the *acquis*) and justice, freedom and security (Chapter 24):

Should be tackled early in the accession process, and the corresponding chapters opened accordingly on the basis of action plans, as they require the establishment of convincing track records. (European Commission COM (2011) 666)

One proof of the new quality of the approach is the conditioning of progress towards membership with progress in the area of justice, which is a prerequisite for the opening of subsequent negotiating chapters. The emphasis is now on the quality of results, not on the acceptance of governments' promises as a basis for progress.

Another very important element in this new perspective is that the EU is trying to avoid a top-down approach to European integration by including other stakeholders, such as civil society organisations, in addition to national government officials (Fagan and Sircar, 2015; Kmezic, 2017). This change is indeed fundamental because it represents an opportunity to avoid the kinds of mistakes in previous enlargements that Grabbe cautioned against a decade ago: the result of top-down integration is Europeanisation only for the upper crust of state officials (Grabbe, 2006); and such a superficial Europeanisation is easily reversible. The participation of non-governmental organisations may bring the integration process closer to the societies of candidate countries, as in previous enlargements national societies have been seen to remain cast somewhat aside. The specificity of the western Balkans case, similar to the cases of Bulgaria and Romania, requires that it be considered separately.

However, this means that the correlation between, on the one hand, continuity in the principles of the political approach and, on the other, significant change in the mechanisms of the pre-accession conditionality by which this approach is being implemented is far from self-evident, or unquestionably clear. The claim that the experience gained from the Bulgarian-Romanian enlargement has influenced the way EU

agenda), clearly emphasised that the Union confirms its commitment to these countries' membership, but that this remains conditional on their achieving the political, legal and economic standards defined in the Copenhagen criteria.

enlargement policy is conducted should be empirically tested to establish whether, and how far, the European Union, as represented by the European Commission, has changed its way of promoting democracy and the rule of law.

Empirical study

In order to answer this question, the study presented in this article chose as its research objective the level of interaction between the EU and candidate countries, as realised through the basic instrument of pre-accession conditionality – the EC's annual progress reports monitoring and evaluating each country's progress towards achieving the benchmarks for EU membership.

In stating this research objective, some important qualifications must be made. The interaction between the EU and candidates for membership is an extremely complicated political process that has various geopolitical, international, inter-party and intra-party aspects, including personal stances and interpersonal relationships (Gallagher, 2013). In fact, EU enlargement has always primarily been a political issue (Smith, 2003). This means that neither the nature nor the character, much less the course, of this process can be understood if we parenthesise the political level of negotiations and decision-making, a level at which national and party affiliations and contradictions are particularly important.

In the framework of this study, however, the focus is intentionally placed only on the official positions of the European Commission, declared in its annual monitoring reports on progress towards accession. This is a very small fragment of the full picture of the enlargement process. Moreover, the positions expressed in the reports have no binding force to determine whether a country should, or should not, join the EU.

On the other hand, it is important to emphasise that the reports are not just one among many discourses through which the political process is realised, such as diplomatic, media, intergovernmental, civic, expert discourses, etc. It is possible, but would not be correct, to view the EC reports as one among many discourse practices because they are charged with tasks and expectations that are beyond the capacity of other types of discourse. The reports claim to be objective observations and assessments that implement EU pre-accession conditionality as a basic instrument of enlargement policy (Smith, 2003; Grabbe, 2006; Phinnemore, 2009; Papakostas, 2012; Gateva, 2015; etc.).

It is essential to understand that this instrument is neither abstract nor neutral with regard to the process it serves to promote. Thus, the in-depth, detailed understanding of the particularities of the instrument would help us understand the political process it means to realise. The literature devoted to Europeanisation, and particularly to eastwards enlargement, constantly reiterates that a key condition for the effectiveness of pre-accession conditionality applied through monitoring (along with other instruments (Grabbe, 2006)) is the objective, consistent and impartial application of conditionality. Moreover, national governments are called upon, though not legally obliged, to take the reports as a basic reference point for their local reform policies: acting in accordance with the Commission's recommendations is a basic indicator of a society's progress towards achieving the standards of EU membership.

That is why we believe the EU reports are symptomatic of the character of EU policy regarding conditionality-based enlargement.

Based on a thorough content analysis of all the EC's progress reports for Bulgaria (for the period 1998-2006), and for Serbia and Macedonia (for the period 2006-2016), we will trace the specificities of the interaction both in terms of the quality of the general 'conditional regional norm' for Europeanisation through preparation for EU membership of the south-east European countries and in terms of national particularities. The results of our analysis of the empirical facts obtained through the study will be discussed as confirming, or refuting, the capacity of the political approach to EU enlargement, as applied to south-east European countries, to be renewed while remaining consistent in its general orientation to a detailed and differentiated perspective on the candidate countries (Gateva, 2015). The countries to be analysed have been selected in view of their typological similarity and on the simultaneous condition that they must significantly differ within the framework of their qualitative comparability.

Due to the understandable technical and temporal constraints of a study conducted by a sole researcher, our aim will be to test the validity of conceptual assertions on the smallest number of cases permitting justified conclusions. That is why the cases of only three south-east European countries have been studied. In this specific situation, the study must aim at three typologically different cases which, however, provide a degree of qualitative commensurability. The countries selected are Bulgaria, Serbia and Macedonia.³

This article drawn from our continuing research aims to test whether the lessons learned from past EU enlargements, specifically from the cases of Bulgaria and Romania, have led to a differentiated application of conditionality for candidate coun-

3 In the report *Aftershocks: What Did the Crisis Do to Europe?* (2013), Marin Lessenski analysed the results of the Catch-up Index for 2012. The index evaluates the performance of 35 countries – EU members, candidate countries and potential candidates – in terms of four categories: economy; quality of life; democracy; and governance. In comparing south-east European societies with the old member states plus Malta and Cyprus, the author finds that: 'When the overall, aggregate score is taken into account, all the Balkan countries score well below the maximum and average results. The only country to make it past the EU15+2 minimum score is Croatia, but this minimum score belongs to Greece, another Balkan country. When the ranking is taken into account, Balkan countries occupy the last positions.' (Lessenski, 2013: 53). One of the conclusions for the Balkan countries features in the title of one subsection: 'The Balkans as a bunch of identical twins.' (Lessenski, 2013: 52).

In the framework of the quantitative measurement of the socio-political differences between member states and candidates for EU membership, based on 34 indicators including a wide range of the most important qualitative aspects of social life, European societies can be divided into three clusters, which are persistent in time and reveal considerable typological differences between European countries (Haralampiev and Dimitrov, 2016). Both Bulgaria and Serbia are part of the lowest cluster; with regard to fighting corruption and the perception of corruption (one of the basic preconditions for successful democracy), Transparency International ranked Bulgaria in 75th place out of 176 countries for corruption perception in 2016 (*Transparency International Corruption Perceptions Index 2016*), and Serbia was relatively close to Bulgaria, in 72nd place.

tries by the Commission. If this were found to exist, such differentiation would indicate progress with respect to the observed problem of a disregard for the contextual conditions, as well as considerable formalism in assessing progress in the field of democracy.

In the following section, we present a sample of the full analysis⁴ of the progress reports for EU membership. This sample is related to:

1. the general progress of the three countries in the field of democracy
2. a comparison between the three countries with respect to this progress.

The course of strengthening democracy through the prism of EC assessments

An overview of the empirical situation

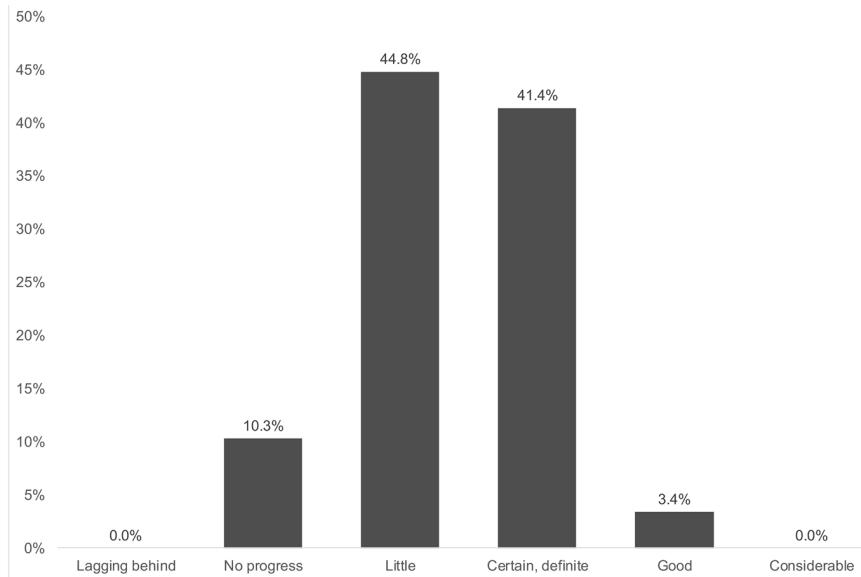
Considering the data from all EC progress reports on the three countries under observation, it is important to stress that democracy is mentioned in them very rarely: in all 29 reports on Bulgaria, Macedonia and Serbia during our period of study, the term is mentioned only 98 times (in comparison, the respective mentions for 'rule of law' and 'civil society' reach 154 and 284 respectively). This disproportion is in stark contrast to the position of equality held by democracy and rule of law in the basic EU documents, in the Copenhagen criteria and also in the new project, dating from October 2016, for an EU Pact for Democracy, Rule of Law and Fundamental Rights.⁵ The figures in question indicate there is some degree of under-estimation of the issue of quality of democracy in the EC approach to these candidate countries. Moreover, there was no evident increase in the importance the EC attached to the democracy factor in its subsequent country reports, as the highest number of mentions was for Bulgaria (38), while for Serbia there were 27 and for Macedonia, 33.

With regard to the assessment of progress made in democracy, what is common to the three countries is the very slight, but overall positive, shift in their progress. A particularly significant, and distinct, correlation is visible in this respect. The higher the level of progress, the less often that area of progress is mentioned in the reports. In all, for the three countries, the difference in the number of mentions between the categories 'little progress' and 'good progress' is over forty percentage points which, in fact, amounts to a difference of slightly over 13 times. Another indication of the low level of progress made in democracy is the total percentage of mentions for the categories 'no progress' and 'little progress': 55 per cent compared with the 45 per cent for 'some progress' and 'good progress'.

4 Plachkova, A (2018) *The Potential of the EU for Democratisation in Countries Applying for Membership: Accumulated Experience and Perspectives*, Chapter 3 (in Bulgarian) [Плачкова, А. (2018) *Потенциал на ЕС за демократизация в страните, кандидатстващи за членство в него – например опит и перспективи*, Глава III].

5 European Parliament resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2016-0409+0+DOC+PDF+V0//BG> [last accessed 22 August 2017].

Chart 1 – Assessment of progress: democracy, general overview



In terms of the meaning of concepts, it is important to say that, even though it might seem logical that weak development in some social practice would receive little attention, in this case it should be the reverse: the priority importance attached to democracy as an element of Europeanisation in EU candidate countries (Kochenov, 2004; Rupnik, 2010; Carrera *et al.* 2013) should make the lack of development of local democracies the object of special attention on the part of the EC. This means that we should be especially careful about how the Commission treats the democracy problem in the observed countries as well as generally across the whole region.

In the 29 reports taken as a whole, the most important facts that the EC registers as constituting ‘progress’ in the field of democracy are, in the first place, the ‘adoption of a law’ (22 per cent of cases), followed by ‘creating an administrative structure’ (20 per cent of cases) and ‘change of legislation’ (15.4 per cent). In other words, as a whole, changes implemented through legislation constitute more than one-third of the sources of improvements in democracy in EU candidate countries. The specialised scholarly literature on the Europeanisation of candidate countries has, in a sense, prepared us for these results because it presents at least two instances of logic related to the priority of legislative initiative.⁶

6 An indicative study in this respect is Mendelski’s *The EU’s Pathological Power: The Failure of External Rule of Law Promotion in South Eastern Europe* (2015), in which the author asserts that the success of EU influence on the rule of law in south-east European countries is connected with the quantitative aspect of the legislative changes which have been implemented at the expense of a lack of change in the quality of the legal environment.

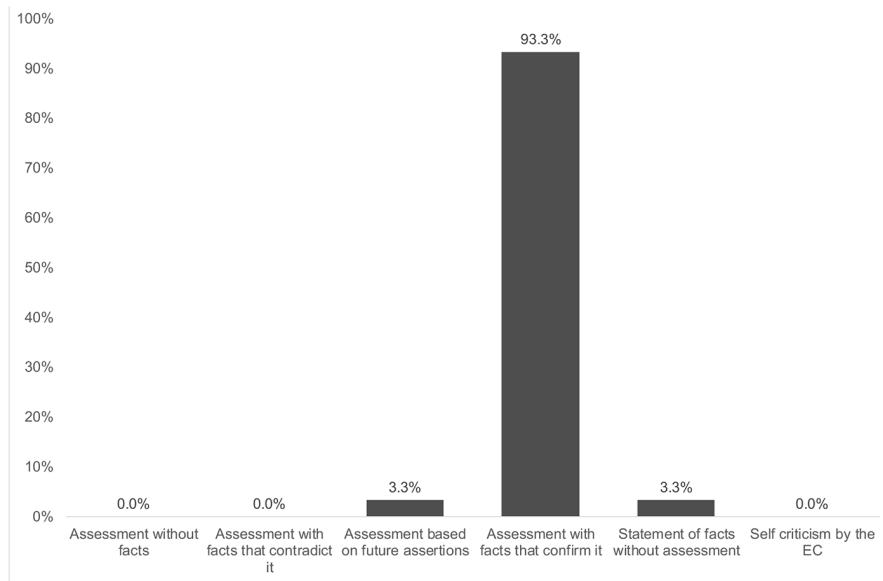
First, starting from the time of the Association Agreements, but especially in the course of preparation for accession to the EU, the transfer of European legislation, the *acquis communautaire*, has become the basic instrument for the Europeanisation of candidate countries (Hughes *et al.* 2005; Grabbe, 2006; Sedelmeier, 2011). The EC itself explains the meaning of the abstract Copenhagen criterion ‘capacity to take on the obligations of EU membership’ in terms of the transfer and implementation of Community legislation.⁷ In other words, the importance the Commission attaches to the reform-inducing potential of legislation determines its emphasis on this instrument, including with respect to the task of changing the quality of democracy.

Second, as clearly explained in the specialist literature, the Commission, as the ‘key engine of enlargement’ (Hughes *et al.* 2005; Grabbe, 2006; Pridham, 2007), prioritises the transfer of legislation because it is this that enables it to demonstrate its leading role with regard to authority and competencies. In other words, the Commission attaches special importance to that which falls within the scope of its specific mode of operation. At the same time, this is also the comparatively easiest mode of procedure, in view of the large range of expected sector reforms. It also ensures relatively objective comparability of the progress of countries competing for EU accession. Apart from this, the relevant literature points out that it is in the interest of the countries themselves to replace deep structural reforms for Europeanisation with the transfer of legislation, which facilitates a ‘Europeanisation on paper’ (Rupnik, 2007; Dimitrova, 2010; Dimitrova and Buzogany, 2013; Tomini, 2015; Ágh, 2016). In the case of a Europeanisation on paper, the EC prioritises the creation of institutions and the adoption of laws as basic indicators for recording progress towards Europeanisation. Viewed from this perspective, the EC’s conduct with respect to the countries’ progress towards democracy only confirms the persistence of the EC framework approach to enlargement.

Our second empirical research finding, concerning the quality of performance of the ‘enlargement engine’, is considerably more positive for the course of EU enlargement. In scholarly literature on this matter, we can distinguish a clearly-stated view (not only among critics and sceptics, like Kochenov, Pridham, Hughes, Sasse, Gordon and Maniokas, but also among the supporters of enlargement through pre-accession conditionality, such as Grabbe, Gateva and Dimitrova), that the EC’s assessments are inconsistent. This view is based, in some cases, on the authors’ party-political and geopolitical considerations (Pridham and Gallagher, 2000; Gallagher, 2013). But the data from the present study indicate a 93 per cent match between the facts and the EC’s assessment of those facts. Such a percentage of accuracy of judgment should be scored as ‘excellent’, no matter how we measure it.

⁷ See, for instance, the 1998 *Report of the European Commission on Bulgaria’s Progress towards Accession*, page 22 and page 4.

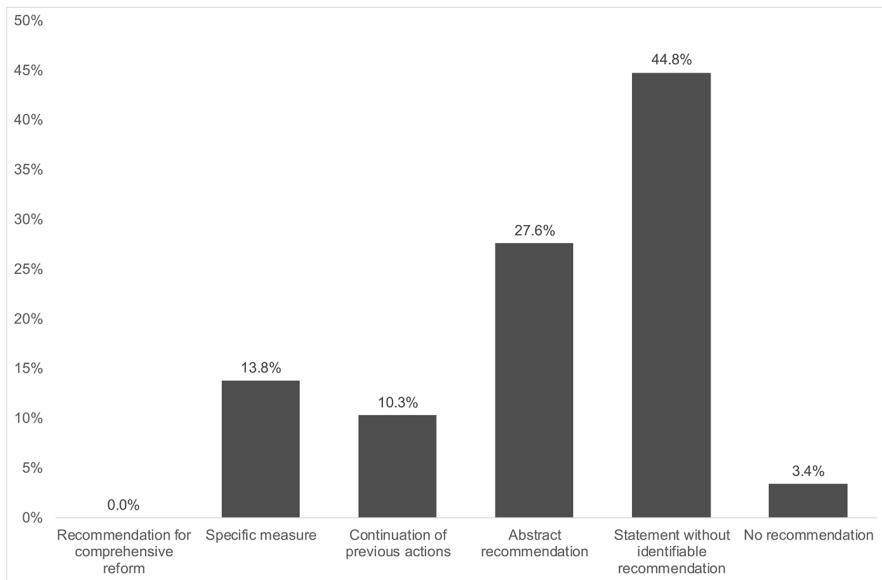
Chart 2 – Relationship between presented facts and report assessment: democracy, general overview



The role the EC plays in enlargement has a particularity: it is not limited to observation and evaluation but is, it may be assumed, complemented with partnership with the candidate countries in their preparation for EU membership. The main goal of this partnership is to establish guidelines and, if possible, provide advice as to the necessary measures and the direction and way of action of governments in implementing reform policies and the Europeanisation of their national societies. Hence, it is very important how far, and in what way, the EC fulfils this part of its expected role.

The EC's own quality of performance is certainly a positive finding with respect to the approach to candidate countries but the very next question, that regarding the counselling role of the Commission, points to a very salient problem. In nearly one-half of registered cases, the EC does not address concrete recommendations on how to compensate for lagging performance and how to achieve sustainable and visible progress in the field of democracy. There is, again, a distinct general tendency towards asymmetry in the distribution of cases. The less substantial and the more abstract a given recommendation, the more often it occurs in the reports. In only 13.8 per cent of cases are the defined measures specific, which is more than three times less than the general conclusions; while in 3.4 per cent of cases there are no recommendations at all related to democracy.

Chart 3 – Nature of the recommendations made for resolving the problem: democracy, general overview



In order to assess the substance of EC recommendations, a wide range of possibilities has been used, some of which can be divided into sub-sets. These include:

- legislation – adopting new legislation; changing existing legislation; and aligning laws
- enhancing administrative capacity – know-how training; offering facilities; and creating structures (agencies, units, departments, etc.)
- funding – greater funding, activating financial mechanisms
- international co-operation
- achieving autonomy
- establishing lines of responsibility and accountability
- developing social dialogue, dialogue between institutions, etc.

Furthermore, in addition, there are continuing efforts, political will, etc., but where no concrete measures have been identified.

Surprisingly, despite this wide range of possible recommendations, the most frequent in the field of democracy is the lack of a concrete recommendation – taking up nearly thirty per cent of cases. In second place, but with a much lower percentage, is the abstract recommendation for developing the social dialogue and dialogue between institutions. In third place, accounting for 13 per cent of cases, is the very important recommendation on establishing lines of responsibility and accountability.

This distribution of recommendations – mildly speaking – hardly indicates a good understanding of the nature of the problem as it stands in the societies under observation.

In this sense, considering the picture presented by our empirical facts, we have reasons to assume that the slow progress these countries have made towards democratisation is hardly due to internal obstacles alone: the way that EU enlargement policies are conducted, under the leading role of the Commission, is also part of the problem, at least to some degree.

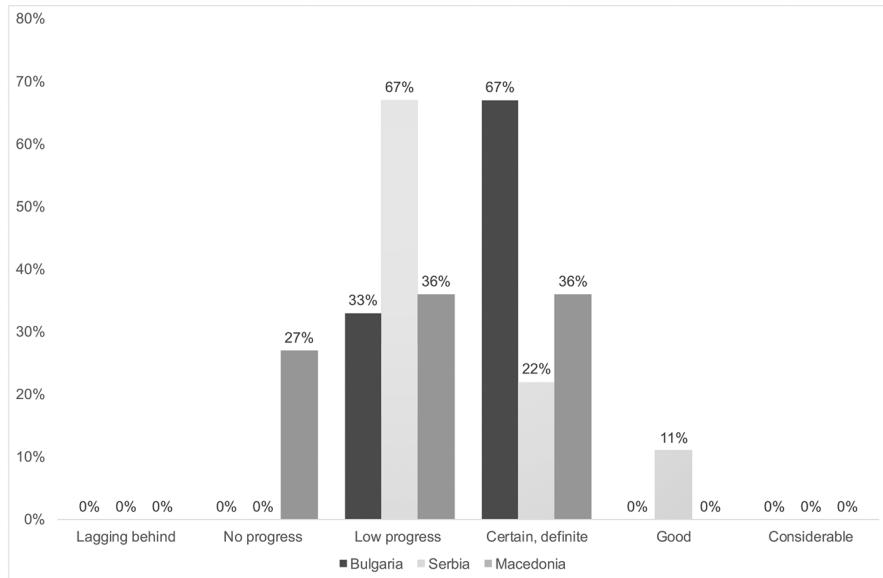
Comparison of the results of the analysis of EC reports by countries

In analysing the general progress of the three countries towards democratisation, we found a distinct asymmetry in the distribution of cases: the greater the progress made towards democracy, the less frequently this case was mentioned in comparison to the others. It is worth checking whether this general lack both of progress and regress is the same for the three countries or whether the results of the empirical study point to models of similarity and difference reflecting the real, but significantly differing, capacity of each of the three countries to make progress towards the EU membership goal. Chart 4 below offers a detailed illustration of the similarities and differences.

This graph clearly indicates three distinctly different situations expressed by the specific structure of the distribution of shares of EC assessments. The general picture in the case of Bulgaria shows a clear, unambiguously distinct tendency towards pronounced, growing progress – the distribution has a leftward asymmetry ($A = -0.857$). The picture for Serbia reflects the reverse – a likewise distinct tendency towards a prevalence of low progress – i.e. a rightward asymmetry ($A = 1.5$). The Macedonian situation is characterised by a tendency towards slightly improving progress.

This is one of the most striking manifestations of an identity of types and categories, but it also contains significant nuances of difference between the cases, albeit within the limits of the regional norm. For Bulgaria, we can observe a twice-lower percentage share of the category ‘low progress’ (33 per cent) compared with ‘certain, definite’ progress (67 per cent); for Serbia, the results are contrary: 11 per cent for ‘good’ and 22 per cent for ‘certain, definite’ progress, compared with 67 per cent for ‘low progress’. Serbia thus moves to a distance from Bulgaria, although its relative lag does not make it more similar to Macedonia, where the percentages are almost equally distributed between ‘no progress’ (27.3 per cent), ‘low progress’ (36.4 per cent) and ‘certain, definite’ progress (36.4 per cent), which makes for a very different general picture. However, unlike both Bulgaria and Macedonia, Serbia is the only country in which there is at least one case of ‘good’ progress in the field of democracy.

Chart 4 – Assessment of progress: democracy, comparison by countries



Notable in these data is the comparatively lower assessment of Macedonia's progress. This is a strong empirical indication of the presence of a detail focus by the EC as well as a differentiation of pre-accession conditionality (Gateva, 2015): the Commission is able to register differences in the performances of the countries and to reflect these in its assessments.

With regard to the factors registered as progress in the field of democracy, the general analysis for the three countries establishes the priority importance of the transfer of European legislation with respect to progress towards EU membership, which is also typical of the approach in the eastwards enlargement policy. Apart from the noted foremost importance of the transfer of legislation, the data for the different countries reveal various nuances in legislative initiative. For Bulgaria, in nearly 80 per cent of cases the leading factor is the creation of an administrative structure. This factor is among the basic ones for both Serbia and Macedonia but, in these two countries, first in order of importance, again with approximately 80 per cent, is the adoption of legislation, a percentage nearly twice as large as in the case of Bulgaria. For its part, Bulgaria has the highest percentage for adopting strategies in general – 56 per cent, which distinguishes it from the other two countries. Change of current legislation is also among the leading factors registered as progress in all three countries; in this respect, Macedonia is in first position.⁸

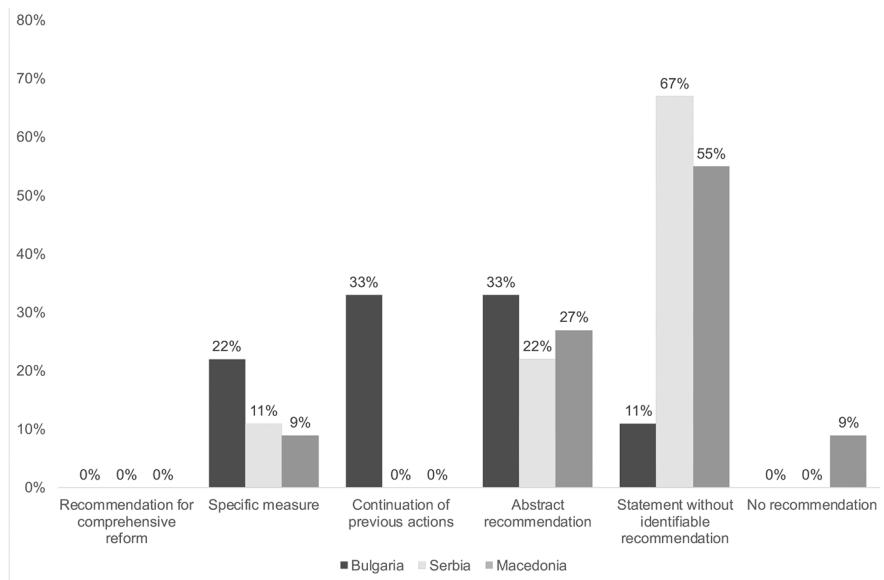
8 Macedonia is also the only country for which this set of factors were indicated due to overall lack of progress.

The general overview of the three countries emphasised the almost complete correspondence between facts and the evaluation made by the EC. The examination of the country results separately shows that the only exception regarding the democracy factor is Serbia where, in one instance, it is registered that 'The assessment is based on assertions for the future presented as facts.'⁹

A very significant particularity of the EC's approach is that, despite the insufficiently good progress towards EU membership on the part of Serbia and Macedonia, in nearly 90 per cent of reports for the two countries, there is no recognisable concrete recommendation; instead, there are abstract assertions, conclusions and even no recommendation at all in one of the reports for Macedonia.

With regard to the character of the EC recommendations for surmounting the problems in the field of democracy, the data for Serbia are similar to those for Macedonia, but differ significantly from those for Bulgaria. The basic difference is the high percentage of conclusions 'without clearly identifiable recommendations' in the former two cases: 67 per cent and 55 per cent for Serbia and Macedonia, compared to 11 per cent for Bulgaria.

Chart 5 – Nature of the recommendations made for resolving the problem: democracy, comparison by countries



In fact, if we examine the varieties in this conceptual indicator as a kind of ordinal scale indicating the degree of specificity of the recommendation made, we would

9 This refers to the particularity of the EU approach, noted in the relevant literature, to view countries' progress from the perspective of the expected, promised achievements (Maniokas, 2004; Gateva, 2015).

find that the structure of the distribution is drawn strongly towards a prevalent level of specificity in the Bulgarian case but only in comparison with the Serbian. For the latter country, the distribution is drawn distinctly in the reverse direction. The Macedonian case essentially displays an even stronger tendency to a prevalent lack of recommendations. In other words, from this perspective, the stances of the EC towards Bulgaria and Serbia are two typologically different cases, even though the differences between them may be expressed by a degree of forcefulness in the differentiated sums of the stances. The Macedonian case is only an extreme degree (i.e. stronger than in the Serbian case) of the complex and nuanced, but mostly lacking in content, stance adopted by the EC.

A review of the substantiality of the recommendations made for all three countries indicates the lack of specificity in the EC recommendations. In 67 per cent of cases for Bulgaria, 45 per cent for Serbia and 64 per cent for Macedonia, no concrete measures are pointed out that might contribute to each country's progress towards democracy. In the recommendations addressed to Bulgaria, the EC attaches priority importance to putting legislation into effect, but the importance of this recommendation is considerably lower in the cases of Serbia and Macedonia. Among the main recommendations to Serbia which do not arise as regards Bulgaria and Macedonia is the adoption of new legislation and aligning what already exists; while for Macedonia, the most frequent recommendations are achieving autonomy in the work of institutions and enhancing social dialogue and the course of dialogue between institutions.

Conclusions

In conclusion, we may say that the empirical results have confirmed one of the basic hypotheses of the empirical study, i.e. that regarding the detail focus of pre-accession conditionality. Despite the marked typological similarity between the studied countries, which reflects on the way enlargement is conducted and which makes these countries comparable, Bulgaria, Serbia and Macedonia receive different assessments through the prism of constant models (which are meant to indicate both similarities and differences). This is a sign of the detail focus as well as a level of differentiation in the way that pre-accession conditionality is applied. The most typical example of this is the conclusions and assessments for Macedonia which, in some cases, fall into extreme negative categories, reflecting that the country is undergoing severe state-political and social problems. However, in terms of the EC's principles of operation, what is even more significant is the systematic quality of the structural differences through which the concrete situations in the countries are recognised and assessed.

The main argument supporting the hypothesis of diversification and the detail focus of pre-accession conditionality, established through empirical analysis, is that the three countries under observation might all be typologically similar, but (under unvarying models of similarity) they vary significantly within the limits of the region's 'norm'. In each observed case, the sum of the conclusions of the EC's reports, reflected in the share percentages, vary in degree rather than as contrasting types; nevertheless, the conclusions are recognisably different in each case, as evidenced by the

structure of the share distributions which present differing profiles of the sets of their composite parts (i.e. the combinations of the proportions of shares based on several empirical indicators for each conceptual indicator).

This is good news as regards the development of pre-accession conditionality: in the theoretical part of this article, we emphasised the need to avoid a universal formal approach to the candidate countries. The differences that appear in the EC's assessment of the progress made by the three countries in the field of democracy and the rule of law testify to the detail focus of pre-accession policy. This means that the EC's political assessment is based on a proper interpretation of the registered facts about the complex, contradictory and ambiguous progress made by each country.

The level of progress towards accession of the three countries is, in most cases, not assessed as good or considerable, but this not particularly favourable assessment is not accompanied by a statement of the causes of such a lack of progress – contrary to expectations. In most cases, the causes are not pointed out. At the same time, the hypothesis regarding correspondence in the meaning of the EC's assessments is confirmed. Regarding observation of the processes in the three countries, we see a very high degree of correspondence in meaning between the observable facts and their political interpretation by the EC.

The data analysis does not justify the expectation that the EC will play the role of partner for the candidate countries preparing for membership by supplying them with reference points for action. The empirical data show that, in most cases, the progress reports of the EC do not make concrete recommendations that might guide governments to accelerate their progress. To the contrary, the data show that, where the need for high expertise in reform policies is greatest, as in the case of Macedonia, the EC is most reserved in giving specific advice.

The hypothesis that the emphasis falls mainly on the alignment of laws and administrative capacity as factors in the measurement of progress is confirmed by the empirical findings. This serves to indicate and underline, once again, the degree of constancy in the framework approach of the EU's enlargement policy, where the EC prioritises legislative initiative as a factor of progress towards membership.

In summarising the results of the empirical study, we may reach the conclusion that the EC, in directing the course of preparation for accession of candidate countries, is conducting a general framework policy for EU enlargement that is constant in its basic principles; key elements in it, however, are innovation and adaptation to the specificity of countries preparing for accession.

References

Ágh, A (2015) 'The Triple Crisis in the New Member States: The Historical Trajectory of NMS-8 in the Past Quarter Century' *Southeastern Europe* 39: 1-24.

Ágh, A (2016) *The Decline of Democracy in East-Central Europe: Problems of Post-Communism*.

Börzel, T (2011) *When Europeanization Hits Limited Statehood. The Western Balkans as a Test Case for the Transformative Power of Europe* KFG Working Paper Series No. 30, September 2011, Kolleg-Forschergruppe.

Börzel, T and T. Risse (2012) 'From Europeanisation to Diffusion: Introduction' *West European Politics* 35(1): 1-19.

Carothers, T (2002) 'The end of the transition paradigm' *Journal of Democracy* 13(1).

Carrera, S, E. Guild and N. Hernanz (2013) *The Triangular Relationship between Fundamental Rights, Democracy and the Rule of Law in the EU. Towards an EU Copenhagen Mechanism* Centre for European Policy Studies.

Chiva, C and D. Phinnemore (2011) *The European Union's 2007 Enlargement* Routledge.

Cruz, B (2004) *Auditing Democracy in the European Union's Member States: A Framework for Analysis* UACES European Studies Online Essays.

De Ridder, E and D. Kochenov (2011) 'Democratic Conditionality in Eastern Enlargement: Ambitious Window Dressing' *European Foreign Affairs Review* 16: 589-605.

Dimitrova, A (2004) 'Enlargement-driven change and post-communist transformations: a new perspective' in A. L. Dimitrova (Ed.) *Driven to change: The European Union's enlargement viewed from the east* Manchester University Press, pp. 1-16.

Dimitrova, A (2010) 'The new member states of the EU in the aftermath of enlargement: Do new European rules remain empty shells?' *Journal of European Public Policy* 17(1): 137-148.

Dimitrova, A and A. Buzogány (2013) 'Post-Accession Policy-Making in Bulgaria and Romania: Can Non-state Actors Use EU Rules to Promote Better Governance?' *Journal of Common Market Studies* 52.

Elbasani, A (Ed.) (2013) *European integration and transformation in the western Balkans. Europeanization or business as usual?* New York: Routledge.

Fagan, A and I. Sircar (2015) *Judicial independence in the Western Balkans: Is the EU's 'new approach' changing practices?* Maximizing the integration capacity of the European Union: Lessons and prospects for enlargement and beyond (MAX-CAP project) Working Paper No. 11.

Gallagher, T (2013) *Romania and the European Union: how the weak vanquished the strong* Oxford University Press.

Gateva, E (2015) *European Union Enlargement Conditionality* Palgrave Macmillan.

Grabbe, H (2006) *The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe* NY: Palgrave Macmillan.

Haralampiev, K, G. Dimitrov and S. Stoychev (2016) 'Measuring Sociopolitical Distances between EU Member States and Candidates: a New Path' in A. Dimitrova and G. Dimitrov (Eds.) (2016) *Has the EU's Eastern enlargement brought Europe together? Southeastern perspectives* St. Kliment Ohridski University Press.

Hughes, J. G. Sasse and C. Gordon (2005) *Europeanization and Regionalization in the EU's Enlargement to Central and Eastern Europe. The Myth of Conditionality* NY: Palgrave Macmillan.

Kmezic, M (2017) *EU Rule of Law Promotion. Judiciary reform in the Western Balkans* Routledge.

Kochenov, D (2004) *Behind the Copenhagen Facade. The Meaning and Structure of the Copenhagen Political Criterion of Democracy and the Rule of Law* European Integration Online Papers Vol. 8 No. 10, pp. 1-36.

Kornai, J and K. Eggleston (2001) *Welfare, Choice and Solidarity in Transition* Cambridge University Press.

Lessenski, M (2013) *Aftershocks: What Did the Crisis Do to Europe?* Sofia: Open Society Institute.

Mendelski, M (2015) 'The EU's Pathological Power: The Failure of External Rule of Law Promotion in South Eastern Europe' *Southeastern Europe* 39: 318-346.

Morlino, L and W. Sadurski (2010) *Democratization and the European Union* London: Routledge.

Papadimitriou, D and D. Phinnemore (2004) 'Europeanization, conditionality and domestic change: The twinning exercise and administrative reform in Romania' *Journal of Common Market Studies* 42(3).

Papakostas, N (2012) 'Deconstructing the Notion of EU Conditionality as a Panacea in the Context of Enlargement, Europeanisation after EU Accession' in Matthias Wächter and François Bafoil (Eds.) 'Transformation, Reform and Compliance in Recent EU Member States' *L'Europe en Formation* 53(2).

Phinnemore, D (2009) 'From Negotiations to Accession: Lessons from the 2007 Enlargement' *Perspectives on European Politics and Society* 10(2): 240-252.

Pridham G and T. Gallagher (2000) *Experimenting with Democracy: Regime Change in the Balkans* London: Routledge.

Pridham, G (2006) 'European Union Accession Dynamics and Democratization in Central and Eastern Europe: Past and Future Perspectives' *Government and Opposition* 41(3): 373-400.

Pridham, G (2007) 'Change and Continuity in the European Union's Political Conditionality: Aims, Approach, and Priorities' *Democratization* 14(3): 446-471.

Pridham, G (2008) 'The EU's political conditionality and post-accession tendencies: Comparison from Slovakia and Latvia' *Journal of Common Market Studies* 46(2).

Rupnik, J and J. Zielonka (2013) 'Introduction: The State of Democracy 20 Years on: Domestic and External Factors' *East European Politics and Societies* 27(1): 3-25.

Rupnik, J (2007) 'From Democracy Fatigue to Populist Backlash' *Journal of Democracy* 18(4).

Rupnik, J (2011) *The Western Balkans and the EU: 'The hour of Europe'* Chaillot Papers: Institute for Security Studies.

Sadurski, W (2004) 'Accession's democracy dividend: The impact of the EU enlargement upon democracy in the new member states of Central and Eastern Europe' *European Law Journal* 10(4).

Schimmelfennig, F and U. Sedelmeier (2004) 'Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe' *Journal of European Public Policy* 11(4): 669-687.

Sedelmeier, U (2011) 'Europeanisation in new member and candidate states' *Living Reviews in European Governance* 6(1).

Smith, K (2003) 'The Evolution and Application of EU Membership Conditionality' in M. Cremona (2003) *The Enlargement of the European Union* Oxford University Press (Collected Courses of the Academy of European Law, XII/1).

Spendzharova, A and M. Vachudova (2012) 'Catching up? Consolidating liberal democracy in Bulgaria and Romania after EU accession' *West European Politics* 35(1).

Timmer, A, B. Majtényi, K. Häusler and O. Salát (2014) *The EU's conceptualisation and operationalisation of the concepts of human rights, democracy and rule of law* FRAME Project, Work Package No. 3, Deliverable No. 2.

Tomini, L (2015) *Democratizing Central and Eastern Europe. Successes and failures of the EU* Routledge.

Toshkov, D (2012) 'Compliance with EU Law in Central and Eastern Europe. The Disaster that Didn't Happen (Yet)' *L'Europe en Formation* 53(2): 91-109.

Toshkov, D (2015) *The Effects of Eastern Enlargement on the Decision-Making Capacity of the European Union* MAXCAP Working Papers 2015/1.

Vachudova, M (2005) *Europe undivided: democracy, leverage, and integration after communism* Oxford University Press.

Мадяр, Б (2016) Посткомунистическата мафиотска държава С. Изд. Изток Запад.

Плачкова, А (2018) Потенциал на ЕС за демократизация в страните, кандидатстващи за членство в него – натрупан опит и перспективи, Глава III.

