

## The compromises involved in the EU's eastern enlargement and the quality of the result: implications for the western Balkans?

### Abstract

There is a growing volume of literature on the EU's enlargement towards the eastern part of the continent which, from the perspective of the SEER Journal, is gaining increasing importance as the EU now seeks, once again, to re-orient itself towards the countries of the western Balkans. Interest in the literature is growing not only because the results have been ambiguous but also because the nature of the process itself remains largely unexplained. This article seeks to reconstruct the concept of eastern enlargement, taking account of the reality of the national interests and compromises that shaped its direction and that of the wider notion of European integration. It draws on the belief that enlargement conditionality has been represented as having inevitable validity, thereby allowing a revision of the understanding of the role, importance and limits of that validity. The author concludes that an accelerated enlargement process has had a knock-on impact on the quality of integration itself; and that the reality of national interests has pre-determined an unfinished character to the process of Europeanisation.

**Keywords:** EU enlargement, post-communist, conditionality, EU integration, Europeanisation, differentiation

### Introduction

In February 2018, the European Commission presented its *Strategy for a credible enlargement perspective for and enhanced EU engagement with the Western Balkans*. In this way, the Commission formalised the inclusion on the Union's agenda of the topic of enlargement, which had not been foreseen at the outset of its mandate. Meanwhile, some of the positive effects expected of the previous eastern enlargement could, at this same time, be called into question. Sharing common European values is subject to serious doubt in two such countries, both of whom had previously qualified in the 90s as excellent performers in their pre-accession preparations – Hungary and Poland. On 20 December 2017, the Commission launched an unprecedented procedure against Poland, proposing that the EU Council should adopt a decision on the grounds of the clear risk of a serious breach of the rule of law, and the fundamental values of the Union, by a member state. In September 2018, the European Parliament initiated the start of the same procedure as regards Hungary.

Such processes may seem surprising and 'unprecedented', but they have not appeared out of nowhere. A growing volume of scholarly literature explores the post-accession crisis in relations between the EU and central and eastern European coun-

tries, putting forward arguments for the relationship between the influence of the EU in the pre-accession preparation process and the deterioration of the quality of governance in newly-accessioned countries (Agh, 2007; Rupnik, 2007; Schwarz, 2016; Mendelski, 2012; Slapin, 2015; Dimitrov, 2016). More than a decade after the end of eastern enlargement, interest in it is not waning but growing, not only because the results have been ambiguous but also because the very nature of the process that led to this outcome remains largely unexplained.

In this context, the purpose of this article is to reconstruct conceptually the course of eastern enlargement, taking into account the reality of national interests that determined the direction, speed and content but, no less important, the specific nature of the European integration process during this phase. In accordance with this purpose, our approach analyses the compromises achieved among member states in relation to the EU's enlargement policy towards the post-communist countries of eastern Europe, presenting these as an outcome of the balance between different national preferences based on the national interests of EU countries themselves – whether geopolitical, economic or normative (O'Brennan, 2006b; Skalmes, 2005; Moravcsik and Vachudova, 2003, 2005; Schneider, 2009; Sjursen, 2006, 2017). These compromises have led to certain outcomes in relation to enlargement policy, which should indicate a general solution to the tasks the EU faces in defending the general interests of member states.

Furthermore, it also highlights the issues involved with EU accession, and the lessons which may be learned, for the countries of the western Balkans. Their own accession process is shaped by the policies and instruments developed with regard to the accession of the countries of central and eastern Europe and, it is implicitly suggested here, is likely therefore to have similar outcomes.

The article is based on a systematic analysis of the conclusions put to the European Council, the reports of the European Commission and publications by direct participants in the events, interpreted as source documents (Christoffersen, 2007; Sajdik and Schwarzinger, 2008), as well as interviews in periodicals and a large number (over 200) of various academic research studies on the topic.<sup>1</sup>

## Research perspectives on enlargement

The literature on eastern enlargement has been gaining form and size as a relatively independent and intensively-growing sub-field of studies on European integration over the last twenty years (Sedelmeier, 2011; Gateva, 2018; Pridham, 2007). This academic tradition, however, is not homogeneous but rather contains significantly different conceptual and methodological orientations as the number of alternative directions and prioritised highlights increases as the enlargement process itself advances.

1 For the complete bibliographical list, see Veleva-Eftimova, M (2018b) *Източното разширяване на ЕС – интереси, компромиси и резултати. (политически пачуърк)* Sofia: University Publishing House.

From the results of a critical analysis of research perspectives regarding the eastern enlargement process, a few basic conclusions can be made (Veleva-Eftimova, 2018a).

First, the studies focused on EU enlargement policy through conditionality (Schimmelfennig and Sedelmeier, 2005; Ekiert, 2008; Sedelmeier, 2011; Toshkov, 2012; Gateva, 2015) fail to explain the way in which that policy is formed and established as an essential instrument of the Europeanisation of central and eastern Europe. In these works, the enlargement approach of the EU appears as a natural self-evident fact. Even when the centre of research interest becomes the change in this policy, in particular – i.e. the change in enlargement conditionality itself – it is seen as a natural, inevitable historical fact with no alternative.

Second, studies that attempt to explain the influence of member states on the dynamics of the process tendentiously weaken or completely overlook the importance of their specific national interests in relation to this impact – at the expense of adherence to values, norms and moral commitment (Friis, 1998; Schimmelfennig, 1999; Sedelmeier, 2005; Sjursen, 2006; Lasas, 2010; Piedrafita, 2012; Sjursen, 2017).

Third, studies that focus on the impact of the specific national interests of member states on the course of the enlargement process treat them, on the one hand, partly within a chronological framework (as a separate phase of the process) and in a particular field (economic and budgetary matters); while, on the other, ignoring the specific role of the policy of conditionality (Torreblanca, 2001; Papadimitriou, 2002; Smith, 2003; Skalnes, 2005; Moravcsik and Vachudova, 2005; Schneider, 2009). This is actually a direct consequence of the lack of attention being paid to the specifics of central and east European countries, justifying a particular political approach to the eastern enlargement of the EU.

Consequently, the outlined perspectives on any study of the fifth enlargement of the EU pose the question as regards the possible integration of these perspectives into a new analytical concept both summarising and specifying the subject matter. A more in-depth explanation of the peculiarity of this unique historical process could be gained from answering a question which remains an open one: what is the impact of the national interests of member states, and the compromises formulated as a result thereof, on the dynamics of the enlargement process (and, therefore, on the formulation and validation of the policy of enlargement of the EU through conditionality)?

Such an approach would, however, overturn the dominant research perspective in relation to eastern enlargement which considers enlargement conditionality as a natural fact in relation to which member states and candidate countries are 'external' influencing factors (Gateva, 2015, 2018). It adopts the national interests of EU countries as an irresistible, albeit dynamically changing, fact in relation to which enlargement policy is only a tool. This perspective allows a revision of the understanding of the role, importance and limits of validity in the policy of conditionality. From a normative perspective, relying on the expectations placed on this policy, it may seem that its application is rather more defective and declarative than effective. For example, conditionality is expected to be clear, consistent and rigorous in the application of its principles. However, its practical application in the historic course of the en-

largement process shows that this was not the case (Maniokas, 2004; Kochenov, 2014). However, the reality of the interests of EU member states makes precisely such a construction and application a basic condition for achieving a result that would, otherwise, be impossible; i.e. the accession of post-communist countries to the countries of European capitalism.

The EU was faced with the extremely complicated task of stimulating the democratisation of societies that were fundamentally different from west European ones and typologically different to each other while, in addition, possessing a number and head of population that are commensurate with those of EU countries (Inotai, 2003; Offe and Adler, 2004; Dimitrov, 2014). The latter did not, on the whole, tend to support the enlargement process due to unfavourable domestic conditions (Saryusz-Wolski, 1997: 279; Heisenberg, 2006: 233-253; Dinan, 2010: 111-115), while the recently-created Union itself had limited financial (Nello, 2012: 419-420) and institutional resources alongside no experience in the management of non-economic processes (Dimitrov, 2014: 152-157; Grabbe, 2017). Consequently, at the beginning of the 1990s, the realisation of eastern enlargement seemed virtually impossible although it was conceived as the perfect non-military solution to the whole system of problems generated by the collapse of the Berlin Wall.

At the same time, enlargement was imperatively needed in terms of the strategic interests of member states. The collapse of the communist system brought security risks to the Union which were hitherto unthinkable. The establishment of the EU was itself the result of a defensive reflex against this fundamental geopolitical change. The revolutions of 1989 indeed brought two significant foreign policy threats, identified precisely in this manner by the political elites of the member states. On the one hand, instability occurred in the central and east European neighbourhood, generating potential for regional conflicts and the emergence of a range of problems affecting so-called 'soft security' (cross-border crime, trafficking in human beings and drugs, and the potential for substantial emigration as a result of deteriorating social conditions in post-communist countries) (O'Brennan, 2006a; Mayhew, 1998: 19).

On the other hand, significant problems for the security of the EU also resulted from the fragmentation and domestic political instability of Russia under the conditions of unsettled relations with it, from a large part of member states being dependent on Russian energy supplies and from the continuation of exceptional military capacity. In this situation, the political elites in EU countries feared that Russia may try to regain control of central and east European countries. So, it was seen as a potentially aggressive power but, at the same time, precisely because of this and because of economic interests, the establishment of partnership relations with Russia was regarded as an imperative. The accession of central and east European countries to the EU seemed to be the only viable strategy through which the threat of Russian aggression towards these countries could be rejected. Simultaneously, the development of a new Russia-EU strategic partnership could be ensured and thus the stabilisation of the region adjacent to the Union delivered (O'Brennan, 2006a).

From this point of view – i.e. of the exceptional geopolitical challenges arising after the end of the Cold War – eastern enlargement represented a reciprocal exclu-

sive possibility intended to overcome them. In this sense, its rejection seems as impossible or as dangerous as its realisation did back in the 90s.

An actual assessment of the nature of the task that the EU faced at the time led to the conclusion that the solution *in general* was only possible at the cost of compromise. At least two decisive compromises are important for our purposes here.

First, something which was also fundamental but which became visible only retrospectively: accession could be viewed as a political act of adoption into the EU, but it could not represent a fact of an implemented (i.e. complete) Europeanisation. Therefore, the final stage of the process, quite normally, would be unevenly spread out in the different spheres of public life (Epstein and Jacoby, 2014). More clearly recognisable and successful in the liberal-market characteristics of the integrated economies, but much more ambiguous and problematic in the spheres of democracy and the supremacy of law.

Second, the making of compromises would be an intrinsic characteristic of the process itself and, accordingly, of the instruments of enlargement policy. This suggests compromise not only of the interests of the parties concerned but also that these would occur at each successive phase in the development of the process. Each of the phases seemed to be far from its 'final reasons' or 'end goals', but moved the *status quo* in the direction of these reasons and goals. This, however, was the price of the successful operation of an eastern enlargement which created prerequisites for an adequate response by the EU to global challenges for the sake of which the process of the realisation of enlargement had actually been commenced.

### Enlargement in practice: the changing dynamics of accession

The need to offer an explanation for the specifics of the process, entering into its depth, suggests an analysis which starts from the background of the process.

Geopolitical tensions, but also the institutional and economic incompatibility between the European Economic Community (EEC) and the Council of Mutual Economic Assistance (COMECON), determined early on the presence of limited options for the creation of commercial relations at community level during the Cold War period (Baumer and Jacobsen, 1978: 233; Mueller, 2009: 85; Statute of the Council of Mutual Economic Assistance, 1959). Those limited options stimulated, but were also a result of, the implementation of independent economic policies among the member states in relation to the countries of eastern Europe (Loth, 2005: 46; Marsh, 1978: 47).<sup>2</sup> The common commercial policy of the Community towards communist countries, introduced in the middle of the 1970s, did not turn out to be coherent as a result of the sustainable pursuit of EEC countries of their own national interests (Marsh, 1978: 45-66; Wilczynski, 1978: 194-200). Furthermore, even though this was a matter of commercial relations, it is clear that, from the earliest stages of their establishment, these have always been mixed with political considerations. Ultimately, the logic of the common market prevailed, but this was anyway likely to happen only where there was no conflict with the political arguments. Therefore, the point of

2 The relevant member states of COMECON were: Poland; Hungary; Czechoslovakia; Bulgaria; and Romania.

commercial relations between the EEC and the countries of eastern Europe was minimal; it was not possible to have a commercial policy separate from other policies, especially in the case of communist countries in which there was no market in the traditional sense of the term (Kornai, 1996).

Consequently, the contradiction between the great need for strategic expansion to the east and the lack of a legal-economic format in which such a need could be implemented was clearly visible. It was reasonable to expect that eastern enlargement would solve this historically inherited problem.

The history of previous rounds of enlargement demonstrated the presence of a major specificity of the approach of the EEC (and later the EU) in relation to candidate countries. The dynamic of the accession process – from the moment of the submission of an application for membership to the actual accession – depends to a high degree on the opinions of the member states in relation to the evolution of their national interests (Krotz and Schild, 2013; Dinan, 2010; Stirk, 2000). In this situation, it is not the preparation of applicant countries for membership that is crucial in the realisation of enlargement, but in balancing the diverse national interests of member states. During the time in which the main content of the integration process was the Common Market, this characteristic did not create significant problems for the effective integration of newcomers. The creation of the EU in 1992 changed European integration qualitatively and this led to the occurrence of tensions. From then, integration had to be realised in substantially changed conditions resulting from new, strictly political purposes – both in the field of internal order and security and in foreign policy.

The wide variety of different national interests in relation to eastern enlargement at the beginning of the 1990s (Codrell, 2007; Lippert, 2001; Krotz and Schild, 2013; Muller, 2010; Papadimitriou, 2002; Lasas, 2010; Skalnes, 2005; Piedrafita, 2012) made the reaching of a common position on the prospect of the accession of central and east European countries extremely difficult.<sup>3</sup> This prospect was strongly supported only by Germany and the United Kingdom, while the other ten states were reserved (Veleva-Eftimova, 2018a). EEC countries thus had a common problem with the future of the countries of central and eastern Europe (O’Brennan, 2006a), but no common solution to it. In this situation, a solution could only be found by two means: first, by achieving compromises between member states; and, second, by postponing the decision over time through a series of compromise solutions regarding central and eastern Europe.

The launching of the enlargement process was originally accompanied by an Association of a particular kind – the Europe Agreement (EA). The EA aimed to postpone the accession of the countries of central and eastern Europe and to propose an alternative which had the potential to involve the EU in supporting reforms in such countries but without binding it to their guaranteed future accession (Papadimitriou, 2002; Torreblanca, 2001). EAs thus featured mainly commercial content and limited political commitments on behalf of the Union, and did not include any commitments

3 For a detailed analysis of the differing national interests and the national positions reflecting them in relation to eastern enlargement, see Veleva-Eftimova, M (2018b) *op. cit.*

on the issue of membership itself (Muller-Graff, 1997). At the same time, the invitation to open negotiations and conclude an Association Agreement with central and east European countries was the result not only of taking into account the extent of implementation of the political and economic conditions, and the declared position of the EEC, but also of the influence of member states depending on their national preferences (Papadimitriou, 2002: 94, 122; Skalnes, 2005: 220; Bucar and Brinar, 2005: 93-113).

Association Agreements achieved to a high degree their economic purpose in boosting commercial relations between the EU and the countries of the region. To a somewhat lesser degree, they also achieved the political one – the provision of a framework for political dialogue which supported democratic reforms (Sedelmeier, 2005: 166). The experience from the compromise inclusion in the Association process of Bulgaria and Romania further restricted the possibilities for political pressure on reform at this stage.

At the same time, in plain perspective, it was through the process of the application of the EA process that the EU, in the identity of the European Commission, acquired unprecedented experience of interaction with post-communist countries: the latter started to learn what was required from a partner country; and the Commission learned what was the real situation regarding which fundamental reforms must be carried out so that the implementation of the free market could be made possible, with all of its normative base and the institutions which ensure its effective application.

The decisions taken at Copenhagen (1993) once again postponed eastern enlargement but also openly recognised it both as a possibility and as something that was likely to happen. The Union took a key decision in accepting the prospect of the accession of the countries of Central and Eastern Europe by adopting membership criteria. However, this decision led to a delay in making specific commitments concerning the process of eastern enlargement. The membership criteria that were set were the result of compromise between the member states supporting eastern enlargement and those which were against it (Lippert, 2001; Sedelmeier, 2005). Therefore, they contained the potential for differing interpretations depending on the circumstances. The conditions looked like an opening of the road for the accession of central and eastern European countries but, due to their uncertainty, they also contained the capacity for closing it down – against whom and whenever necessary. This uncertainty was extremely useful in practical terms in order that those countries wishing to become members of the EU would have to make the effort to meet the criteria. This compromise delayed the taking of strategic decisions on eastern enlargement for the indefinite future, but the more important thing is that, unlike the EA, it put this enlargement within a politically-visible horizon so that it did, in fact, open the road for accession.

The adoption of the pre-accession strategy at Essen (1994), whose main innovation was the White Paper on adaptation to the rules of the internal market (*Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union*), was yet another attempt to delay eastern enlargement. The strategy was implemented rapidly, but this accelerated pace was achieved

at the price of insignificance in terms of the actual content of the strategic development. Due to its compromise character, satisfying the diverse interests of the member states, it was limited mostly to technical instructions for market integration. This appeared to be politically non-engaging for the member states but, at the same time, it was intended to expand the benefits for companies exporting to and investing in the countries of central and eastern Europe. In addition, these same technical recommendations could be used as grounds for rejecting ambitions for membership (Sedelmeier, 2005: 85-86).<sup>4</sup> This compromise, however, allowed the process to advance and to acquire practical dimensions precisely because the decisions did not seem politically so significant. They did, however, determine a qualitative transformation of enlargement – from delay towards realisation.

The White Paper had important implications for the pre-accession preparation of candidate countries because they oriented their reform actions according to it while the two parties – the European Commission and the applicant countries – continued to acquire further experience (arising from the process) in their relations with each other. Its role was not unambiguous. On the one hand, high confidence in attitudes towards the EU as a partner was undermined due to the inconsistent use of the White Paper – first as an optional instruction for market reforms; then as a basis for assessing progress in the preparations (Rollo, 1997: 253; Grabbe, 2006: 11). On the other hand, on the basis of the instructions for full integration into the common market, candidate countries received encouragement to complete at least this economic transition, as well as a clear indication that their progress was being carefully monitored, in a comparative perspective, creating competition and an incentive for progress (Gaudissart and Sinnaeve, 1997: 21; Baun, 2000: 64-67).

This final reference is especially important. The EU is based on a contract for partnership among countries which realise the benefits of the interaction and on the presumption of voluntary participation and compliance with the rules. Therefore, across the entire legal base of the EU, instruments for coercion are not present regarding the pre-accession preparations of candidate countries. The post-communist societies, however, were not enthusiastic about fundamental change, as was apparent in 1990. In the course of preparations for integration, it became clear that many of the reforms needed to be compelled (Grabbe, 2006).

In this context, the application of the White Paper gained a surprisingly large amount of authority because, through the creation of competitive relations among the applicant countries, the substitute for the unthinkable tool of coercion may be found. It was precisely this unforeseen effect that premised the conversion of conditionality into a central policy instrument for enlargement (among others in the toolbox, in-

- 4 At the time of the publication of the White Paper – May 1995 – most of the countries of central and eastern Europe (Poland, Hungary, Czech Republic, Bulgaria, Romania, Slovakia, Slovenia, Lithuania, Latvia and Estonia) had already submitted formal applications for membership, and criteria to assess these had been adopted (Copenhagen, 1993). According to these criteria, the market did not limit economic integration and neither was economic integration the only criterion. However, the member states of the EU adopted, and the European Commission only offered, instructions for market integration.

cluding financing, offering models, twinning, etc), but only in the course of application and not as a pre-conceived tool in a political approach to enlargement.

Accession: a history based on the making of compromise

The first EU engagement decisions regarding the accession of central and east European countries were taken at the end of 1995. Substantial momentum for them had been obtained via the accession of Sweden, Finland and Austria, the first two of which actively supported the accession of the Baltic States (Lithuania, Latvia and Estonia) (Fritch, 2005: 211) while Austria supported Slovenia and Hungary (Wiarda, 2006: 222). Consequently, the new members reinforced the position of the existing advocates of enlargement – Germany, the United Kingdom and also Denmark (Mayhew, 1998: 13). Regardless of the impetus this gave to starting the process of enlargement, the economic difficulties, combined with those arising from the construction of economic and monetary union (Heisenberg, 2006: 233-253; Dinan, 2010: 111-115), political disagreements on the institutional reform of the Union (Krotz and Schild, 2013: 127 Laursen, 2005: 155, 160-161) and growing public scepticism towards the accession of central and east European countries (Saryusz-Wolski, 1997: 279, 282; Wood, 2002: 24-26), reduced support for enlargement. By the middle of 1997, the main strategic issues – *how many* of the candidate countries should be adopted, *which* ones they should be and *how* their preparations for EU membership should be ensured – remained open questions.

The launching of the process of eastern enlargement in December 1995, when the European Council requested the European Commission to prepare an official view on the readiness for membership of the associated central and east European countries, changed the content of the debate on the accession of the post-communist countries. The positive answer to the principal question of *whether* to start enlargement to the east opened a series of strategic sub-questions – with *how many* and with *which* of the candidates should negotiations be opened and what should be the approach to others outside of this selection. The answers to these questions ought to have resolved the central problem of enlargement – how the interests of the new member states could be taken into account while, at the same time, avoiding unacceptable casualties on the part of the old countries without leading to resistance among third parties. The balance between the benefits and the losses arising from enlargement, and consequently the magnitude of the costs, are different for EU countries, as were their international commitments and their answers to the strategic issues that arose; and, in individual cases, they were incompatible.

Compromise solutions which sought to balance those differences led to the first application of conditionality through the differentiation of candidate countries to those which were more advanced in their pre-accession preparation compared to the conditions for membership (Poland, Hungary, the Czech Republic, Slovenia and Estonia) and those which lagged behind (Slovakia, Lithuania, Latvia, Bulgaria and Romania). At the same time, these compromises illustrated the opportunities for the political use of conditionality. The candidates may have been differentiated, but this differentiation took on a highly formal nature. On the one hand, it was based not so much on objective measurements of readiness for membership (Maniakas, 2004:

23-24; Grabbe, 2006: 13-14; Kochenov, 2014: 11-14) as on the preferences of member states as determined by their interests (Avery, 2009: 257; Gateva, 2015: 67, 69; Mayhew, 1998: 176). On the other hand, this differentiation had been limited by the decision of the European Council in December 1997 in Luxembourg to open the pre-accession process formally for all candidates even though actual negotiations began only with the five more advanced ones.

The strategic approach of the EU on the questions of with *how many* and with *which* candidate should talks be opened underwent significant change at the end of 1999. This resulted in a new set of compromises as consequences of the change in the national interests of member states in relation to eastern enlargement due to a series of increased geopolitical risks (including the Kosovo crisis in 1999) (Papadimitriou, 2002: 184; Grabbe, 2006: 18-19; Gateva, 2015: 117). The European Council in December 1999 in Helsinki, when negotiations were opened with the second group of candidate countries for membership, legitimised this key change. The initial, though formal, differentiation of the candidates, depending on the degree of compliance with the requirements for membership, was replaced by a group-style negotiation – the ‘regatta’ principle. Candidates started from comparable positions and finished depending on the speed and intensity of their pre-accession preparations and the course of the negotiations for membership, and not from the date of their start. In other words, the operation of the principle of differentiation was transferred (postponed) from the phase preceding the opening of the negotiations to the phase of the negotiation process itself.

Along with answers to the questions of *how many* and *which* countries should be included in the accession process, the launching of eastern enlargement also required an answer to the question of how effective control of this process could be ensured for EU member states. The compromises between them led to the adoption and implementation of an enhanced pre-accession strategy. This strategy reproduced the controversial (compromise) nature of the Copenhagen criteria – on the one hand, the need to support preparations for accession; on the other, to make this accession uncertain (Maniokas, 2004: 19). This character was reflected in its basic elements – Pre-Accession Partnerships and Monitoring Reports by the European Commission – setting as prerequisites the opportunity for their political use by EU countries (Sajdik and Schwarzinger, 2008: 33; Sedelmeier, 2010: 417).

The adoption of criteria for membership in Copenhagen in 1993 had created the opportunity for conditionality to gain ground as a central element in candidate countries’ pre-accession preparation processes, while the two pre-accession strategies of Essen (1994) and Luxembourg (1997) formally confirmed this principle. At the same time, the demonstrated possibilities of the political use of conditionality – in the selection of candidates with which to open negotiations in Luxembourg (1997) and Helsinki (1999), as well as in the formulation and evaluation of the implementation of Pre-Accession Partnerships – increased the uncertainty concerning the enlargement process for the countries of central and eastern Europe. This internally contradictory situation predicted the relatively low level of implementation of the pre-accession programmes which had been drawn up as well as the launching of an active

search for political instruments with which to influence the decision-making process in the EU going beyond the proclaimed rules of the Union itself.

The delay of action on the principle of differentiation for this specific phase of the negotiation process once again confronted the EU with the need to respond to the strategic issues – *when, which and how many* – of the candidates would join. The time for the acquisition of membership (when) was highly dependent on performance against two pre-conditions. The first of these was a priority on the agenda of the Union – reaching agreement among member states on the open-ended question of the negotiation of institutional reforms; while the second was directly connected to the process of eastern enlargement itself – the negotiation of common positions on the problematic chapters (the level of funding, and the type and size of the transitional periods which the candidate countries would receive during the negotiations). The implementation of both these pre-conditions directly affected the national interests of EU countries as well as the answers to the other two strategic questions. The substantial differences between interpretations of the achievement of influence determined the considerable level of discrepancy between national positions regarding the first question (Keller-Noellet and Milton, 2015: 196) as well as the second (Mayhew, 2000: 3-16). These positions predetermined the level of difficulty in finding solutions and, respectively, the need to achieve compromises.

Despite the unsatisfactory results, from the point of view of the simplification of the decision-making process (Maurer, 2005: 21; Smith, 2003: 112-114), the Nice Treaty achieved its primary strategic goal – it made possible the finalisation of the enlargement process. Against the backdrop of the widely-shared impression that antipathy between large and small countries of the EU would not allow the negotiation of institutional reform, the agreements reached at Nice undoubtedly constituted success (Avery, 2004: 46). Indeed, they opened the way to make progress on the negotiations on the accession of central and east European countries such that, at the beginning of 2001, this process gained a new dynamism.

The positive outcome of the Intergovernmental Conference provided a basis for the European Council in Nice to adopt the proposal of the European Commission to draw up a roadmap of negotiations for EU membership which, incidentally, looked more like a technical tool with no major political commitments for EU member states (Avery, 2004: 40). The adoption of the roadmap in December 2000 had a positive effect in accelerating the achievement of compromises between member states but, at the same time, it adversely affected the implementation of the principle of differentiation. The roadmap was drawn up on the basis of the pace of the Luxembourg group, and the countries of the Helsinki group initially found themselves in a more disadvantaged position. Those candidates not only lagged behind in the negotiations but also suffered as a result of the application to them of the rule that chapters would be opened in accordance with their individual work programmes despite these having been drawn up before the adoption of the roadmap (Sajdik and Schwarzinger, 2008: 115). In this regard, combining pre-accession preparations with the roadmap created problems for the Helsinki group. And, because these problems were the result not only of their lagging behind in the pre-accession preparations, the correct application of the principle of differentiation turned out to be very hard to implement.

The adoption of a final date for accession – at the summit in Gothenburg in June 2000 – had a direct impact on the effectiveness of the policy of conditionality during the negotiation process. Engaging with a specific time period more or less guaranteed accession, even if reforms in the candidate countries did not ensure the necessary conditions for this. In this situation, the more the risk of postponing membership reduced, the more likely it was that the reform process would be delayed (Steunenberg and Dimitrova, 2007: 3, 12).

The compromise decision for the conclusion of negotiations with the ten countries – taken at Laeken in December 2001 – was not based solely on the implementation of conditionality but also on the influence of political factors (the Polish case).<sup>5</sup> Doubts regarding objectivity in the application of conditionality undermined its effectiveness for the countries of the next round (Bulgaria and Romania) (Smith, 2003: 130).

Formulating compromises and common positions between the member states on the difficult chapters – energy (Sajdik and Schwarzinger, 2008: 98, 104, 270; Bucar and Brinar, 2005: 106); the free movement of people (Schneider, 2009: 168; Piedrafita, 2012: 288); the Common Agricultural Policy (Krotz and Schild, 2013: 166; Hofhansel, 2005: 107); and regional policy (Mayhew, 2000: 38; Schneider, 2009: 67) – determined the dynamics of the negotiations on these chapters. This, in turn, affected the course of the entire negotiation process. Therefore, the principle of differentiation in relation to the candidates increasingly lost importance. The completion of the negotiations on one chapter depended not only on progress in the pre-accession preparations of the candidate but on finding a compromise in the common position of the existing member states.

The final compromise in the negotiation process – from December 2002 regarding Poland – which actually delivered its successful completion, presented in a concentrated form the characteristics of the previous compromises. This was not based on objective logic but on political arguments (Keller-Noellet and Milton, 2015: 223-225; Christoffersen, 2007: 97). In this situation, giving preference to a candidate was not a consequence of the application of the principle of differentiation in relation to conditionality, i.e. a function of the high evaluation of a country's pre-accession preparations, but of the unilateral passage of the national interests of one key country in the EU.

The sum of the enumerated compromises between EU countries provided for the accelerated completion of the enlargement process and an observation of the timetable provided for by the EU. This result contributed to enhancing the prestige of the Union internationally and for the realisation of the basic objective of enlargement – ensuring stability and security in eastern Europe and, therefore, overcoming the geopolitical risks for the countries of the EU. Prerequisites were created for the eco-

5 The treatment of Poland is a classic example in this direction. A number of representatives of the member states publicly declared the inevitability of Polish accession in the first wave of candidate countries. Consequently, Polish accession seemed guaranteed, regardless of the pace of progress in the pre-accession preparation of the country (Lasas, 2010: 126-127).

conomic and political rapprochement of the countries of central and eastern Europe with the old member states of the EU.

At the same time, the compromise strategic decisions on the issues – *how many, which and when* – represented just another episode in the consistent undermining of the policy of conditionality. The systematic neglect of the principle of differentiation during negotiations deprived this policy of a basic tool for putting pressure on the candidate countries and restricted the operation of conditionality which, otherwise, would have had to ensure the effectiveness of the pre-accession preparations. In this sense, the success of the unforeseen acceleration of the enlargement process (Avery, 2004: 59) was directly related to the quality of the result. The Union took the risk of accepting new, insufficiently-prepared member states although the policy of conditionality had been very demanding in relation to the candidates themselves.

## Conclusion

More than ten years on, the measuring of the political and economic effects of enlargement confirms to a high degree the doubts which surround the quality of the end result of the process. The outcome can be summarised quickly: the economic effects have exceeded the political ones many times over; significant trade and capital flows ran towards the new countries; and, while the new states continue to be poorer than the old members, as had been the case on accession, the difference in economic well-being has, at least, been narrowed (Epstein and Jacoby, 2014).

In contrast to the positive influence of the EU in terms of economic development, which can be conclusively proven with facts, in terms of the political evolution it has been barely noticeable. Attempts to limit corruption and the oligarchic mastery of the state, undermining political competition, have not been particularly successful. Moreover, the political events in Poland and in Hungary during 2017-2018 illustrate that EU membership does not guarantee the irreversibility of democratic processes (Epstein and Jacoby, 2014; Magyar, 2016).

The research results presented here give reason for the conclusion to be made that the nature of the steps towards compromise, shaping the policy on enlargement, reflect the content of compromises among the divergent national interests of EU countries and, respectively, predetermined the compromise nature of the entire process. These compromises settled the form, content and application of the tools of enlargement policy in each of the phases of the process – the Association Agreements, the White Paper, the Policy of Conditionality and the Accession Partnerships – and thus had a decisive impact also on the nature of the Europeanisation of the countries of central and eastern Europe. The latter is, also, a compromise.

This, however, is the price of the successful completion of the process within the timespan of only a single decade and, accordingly, to determining, albeit partially, the initial controversy – it was not possible to reject eastern enlargement, but neither was it possible to implement this as a one-off act. In other words, the unsurmountable reality of the national interests of the countries of the European Union underpinned the realisation of eastern enlargement but, at the same time, pre-determined its unfinished character – the act of accession was effected, but without the completion of the Europeanisation of the newcomers becoming a fact.

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