

# THE SPECIFICITIES OF THE COMMISSION'S APPROACH TOWARDS THE WESTERN BALKANS: LESSONS LEARNT FROM THE EASTERN ENLARGEMENT

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## **Abstract:**

*The subject of enlargement has greatly raised its priority due to the current geopolitical atmosphere of instability and insecurity close to the Eastern borders of the European Union. Meanwhile, the suboptimal results of the Eastern enlargement process are becoming more and more evident, giving grounds to question the taken-for-granted until recently „transformative power“ of the EU. This „self-congratulatory“ rhetoric, viewing the process as a „constant success story“, has been the foundation of both the practical instruments of the enlargement policy, and the mainstream academic literature, having the task to examine them.*

*Through a combination of qualitative and quantitative analysis, using the case study of Bulgaria as a symptomatic example, the paper identifies the basic principles upon which the EC's approach towards the accession interaction with the CEECs was built. A critical review of the current enlargement strategy, based on the findings of the empirical study, will allow us to understand whether the lessons from the Eastern enlargement have been implemented successfully.*

**Key words:** EU enlargement policy, Western Balkans, transition in CEE

## **Introduction:**

The subject of enlargement has greatly raised its priority due to the current geopolitical atmosphere of instability and insecurity close to the Eastern borders of the European Union. At the same time, it remains one of the most uncertain and controversial EU policies. Reaching a consensus on its principles and methodology has already proven to be extremely difficult in the

case of the Western Balkans and Turkey (Grabbe & Aktoudianakis 2022; Džankić, Keis & Kmezić 2018; Fenko & Stahl 2018; Karacarska 2018; Vachudova 2018; Zhelyazkova, Damjanovski, Nechev & Schimmelfennig 2018; Gateva 2015; Plachkova 2019), and will be challenged even further by the application of Ukraine, Georgia and Moldova and their urge for a fast-track membership in response the geopolitical circumstances.

The controversy and uncertainty of the enlargement policy are tightly connected to the suboptimal results of the Eastern enlargement process, experienced today. The concerns about the outcomes of this enlargement round led to the creation of a new rapidly evolving enlargement methodology, stressing on the importance of achieving results in „fundamental democratic, rule of law and economic reforms“, rather than legal harmonisation. This declaration in itself shows understanding of a major methodological weakness of the preceding accession process. The calls for such a change in the approach towards the Western Balkans are becoming more frequent in the academic world too, as the process unfolds. (Dimitrov & Plachkova 2020; Džankić, Keis & Kmezić 2018; Fenko & Stahl 2018; Vachudova 2018, Karacarska 2018; Koneska 2018; Hillion 2004; Dimitrov 2022; Plachkova 2019; Veleva 2018).

The aim of this report will be to understand whether the basic principles behind the new approach to enlargement take into account the lessons learnt from the Eastern enlargement process, and therefore, can lead to fundamentally different results.

In order to achieve this:

- Firstly, through a combination of qualitative and quantitative empirical analysis, we will identify the underlying logic of the EU's approach towards the Eastern enlargement process. The task will be to identify the basic principles of the approach which led to the specific results.
- Based on this analysis, the article will provide a critical review of the most recent enlargement methodology in order to understand whether the lessons learnt from the Eastern enlargement have been applied successfully to the Western Balkan applicant states.

For the empirical analysis, the paper will use the case study of Bulgaria as a symptomatic example. The Bulgarian experience on the path to EU accession is extremely valuable for two main reasons:

- Firstly, the Bulgarian case has become an early symptom for the failure of the basic mechanisms of the enlargement policy, founded on the principle of conditionality.
- Secondly, from all current member states, Bulgaria is closest to the Western Balkan states in terms of history, culture, language. The proximity increases the usability of the results in this particular enlargement round.

## **Empirical analysis:**

This article will make an attempt to reconstruct this logic of the Eastern enlargement process, focusing on the specificities in the approach of the main EU actor - the European Commission, who is the architect and executor of the enlargement policy. In the academic literature on Europeanisation the Commission is referred to as the „engine“ of EU enlargement (Majone 2009; Grabbe 2006, Smith 2003); „the key locomotive pulling the enlargement process along“ (Hughes, Sasse & Gordon 2005: 166).

## **Empirical sources and research method:**

The paper will report the findings of a combination of a qualitative and quantitative analysis of empirical data collected through 46 in-depth, semi-structured interviews, conducted with highest level politicians (prime ministers, deputy prime-ministers, ministers of foreign affairs, other ministers, diplomats and experts) who have participated in Bulgaria's preparation process for EU membership<sup>1</sup>.

For the purpose of this article, the analysis will use the respondents' answers to the following question: *„In your opinion, is it true that the European Commission was „Bulgaria's best friend“ in the process of preparation for EU membership?“*

The analysis of the discourses about the Bulgarian participation for EU membership will be carried out in three stages. Firstly, all the different semantic, axiologic, emotive and verbal aspects of individual interpretations in the answers will be identified. In the second stage, these aspects will be grouped and ordered in such a way that they form an integral meaningful entity. Finally, the aspects that are considered most relevant in providing understanding about the logic of the Commission's approach in the overall interaction process will be selected and analysed quantitatively in terms of ratio between the logically oppositional categories. Through the results of this analysis, the paper will explain the underlying pattern of political interaction in the course of preparation of the CEE countries for EU membership and its connection to the current performance in these countries in terms of democracy, rule of law, quality of life and economic well-being.

## **Main conceptual indicators:**

The analysis will cover the full spectrum of perceptions about the Commission's approach and the parameters of the interaction process, according to the following conceptual indicators:

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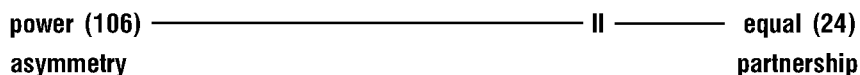
<sup>1</sup> The interviews were conducted in a joint study carried out by a research team from the Jean Monnet Centre of Excellence at the Faculty of Philosophy at Sofia University „St. Kliment Ohridski“ and the Bulgarian Diplomatic Institute at MoFA. The project was carried out by the: Prof. Ingrid Shikova, Prof. Georgi Dimitrov, Assoc. Prof. Mirela Veleva, Lubomira Popova, Biliانا Decheva, Svetlozar Kovachev

- Specific parameters of the interaction process:
  - showing power asymmetry between the actors (ex. „The Commission has always sought ways to demonstrate superiority“) v/s showing a relationship of equal partners (ex. „Bulgaria was working well with the European Commission“, „our most distinctive partner“, „a question of mutual interest“)
  - unilateral mode of action (ex. „the EC gives direction“, „rates our progress“, „they gave 40 million“) v/s bilateral interaction (ex. „they were cooperative“, „there was interaction“)
- The approach of the Commission:
  - consistent (ex. „it was clearly explained what exactly needs to be done in order to fulfil the criteria“) v/s inconsistent (ex. „constant change in the Commission’s position“, „comments post-factum“)
  - effective interaction (ex. „my experience with the EC was successful“) v/s ineffective interaction (ex. „Brussels administration“<sup>2</sup>)

### Empirical Findings:

In the following section of the report we will present the empirical results of the analysis. They are crucial for understanding the basic principles behind the enlargement strategy towards Bulgaria, which is part of the overall enlargement policy of the EU to the countries of CEE. As a first step, this goes through analysing the initial standing of the actors in the formation of the interaction.

**1. perceptions about the interaction process: power asymmetry/ equal partnership (4,4:1)**



The diagram shows that the two sides in the process interact under a massively perceived presumption of power asymmetry – a problem which is at the core not only in the enlargement policy, but also the mainstream literature on Europeanisation (Schimmelfennig 2012; Sedelmeier 2011; Grabbe 2006; Schimmelfennig & Sedelmeier 2005; Smith 2003). This is a serious problem, considering that even the title of the post-accession instrument introduced for Bulgaria and Romania is „Cooperation and Verification Mechanism“, i.e. cooperation is prioritised. However, this mechanism is a direct continuation of the political approach from the pre-accession phase, therefore there is practically no cooperation (Dimitrov et al. 2013).

This predetermined position of inequality reflects on the very interaction between the two main actors:

<sup>2</sup> Bureaucratic mode of operation

**2. perceptions about the interaction process: unilateral/ bilateral**  
**(2,5:1)**

**unilateral (69) ————— II ————— bilateral (28)**

The classification of interpretative accents shows that according to the collective memory of the Bulgarian negotiating team, the interaction was 'one-sided' – the Commission 'corrected'; 'gave directions'; 'set criteria'; 'expressed an opinion on our progress'.

The mode of interaction is closely related to the overall perception of consistency of the EC's approach. Therefore, this characteristic will be examined on the next step:

**3. perceptions about the Commission's approach: inconsistent/consistent**  
**(4,7:1)**

**inconsistent (14) ————— II ————— consistent (3)**

Here the dominance of interpretative accents that express impressions of 'inconsistency' makes a strong demonstration – the ratio is almost 5:1. For the representatives of the Bulgarian team, the Commission experts, „when all the work is done, they say: „Ah-ah-ah, but there are some changes...” (interview 28); „it was not clear what exactly was going on“; „it was not clear who was in charge“ (interview 27, 40).

Having established the position that the two main actors occupy in the interaction process, we will check the perceptions of the participants regarding its effectiveness:

**4. perceptions about the interaction process: ineffective/ effective**  
**(1,6:1)**

**ineffective (54) ————— II ————— effective (34)**

First of all, it must be emphasised that there is a large number of references on this major point – 88 in total. The interpretative accents which define the interaction as ineffective outweigh those that characterise it as effective by nearly 60%. For the participants in the process, the representatives of the Commission „tried to explain“, but „they use Brussels vocabulary“ and we „did not understand anything at first“ (interviews 24, 40, 46). One of the respondents shared that „There have also been cases where they told us: „We will not negotiate now“, without an explanation (interview 35), while other talks about a „relationship crisis“ (interview 28). Of course, there is also the opposite point of view, according to which the representatives of the Commission „go into details“ and „were very instrumental“ (interviews 5, 37), but it can be observed more than 1.5 times less. The dual role of the Commission is evident here – depending on the specific issues, its interest can be directed towards a more efficient and quick solution, which implies a search for effective communication. In the opposite case, when the Commission needs to save time, thwart political disagreements or

simply slow down the process, it is logical that the communication led by this actor is qualified as ‘inefficient’.

The Commission is the only clearly identifiable interlocutor on the EU side, which conducts the process and communicates daily with the representatives of the Bulgarian team. Therefore, this dominance of the perceptions of ineffectiveness in the communication in fact determines the prospects of achieving a shared result – with ineffective communication, there are very slim chances to reach a common goal. The inefficient communication is a consequence of the overall uncertainty of the process and the floating end goal, dependent on political considerations. It is the specific role that the Commission occupies that establishes a tendency towards ‘simplification’, with a view to faster completion, which, however, cannot substitute the deficiency of substantive meaning.

### **A critical analysis of the „new“ enlargement methodology:**

The conclusions drawn from the empirical analysis have a high value as a resource for rethinking the EU’s enlargement policy, as they provide understanding about the fundamental principles behind the EU’s approach to the integration of post-communist societies. To date, the suboptimal results of the Eastern enlargement, and more specifically, the accession of Bulgaria to the EU, can be explained (and in some sense, justified) with the uncertainty and ambiguity of the process, the lack of knowledge about ‘the other side’, the ambiguity of the task itself, the lack of applicable tools and mechanisms (facts that were empirically proven as key features of the process). As far as the preparations of the Western Balkan countries are concerned, however, to date, fifteen years after the accession of Bulgaria and Romania, such an explanation cannot be productive.

The need for a paradigmatic change in the EU enlargement policy has been recognized both on the institutional level, and by the governments of the member states, as well as by analysts and researchers of the process (Džankić, Keis & Kmezić 2018; Fenko & Stahl 2018; Karacarska 2018; Vachudova 2018; Dimitrov 2016). After a series of failed attempts to reach a consensus on the enlargement policy towards the Western Balkans, and in response to a proposal by the French President Emmanuel Macron, in February 2020, the European Commission published a new „enlargement methodology“<sup>3</sup>. In the document presenting it, the focus is clearly placed on achieving real results and reforms, rather than synchronising the local legislation with the EU one. This declaration itself shows a recognition of a fundamental problem with the previous approach to enlargement – it becomes clear that the main focus so far has been on ‘rule transfer’.

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<sup>3</sup> A more Credible, Dynamic, Predictable and Political EU Accession Process, Directorate-General for Neighbourhood and Enlargement Negotiations, European Commission: [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_20\\_181](https://ec.europa.eu/commission/presscorner/detail/en/IP_20_181); [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology\\_en.pdf?fbclid=IwAR0fg26rYrBUKQzmguLegrSxJa0XN9QQ8hD0th-bXt28YKg3PG6p08kGbtS](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf?fbclid=IwAR0fg26rYrBUKQzmguLegrSxJa0XN9QQ8hD0th-bXt28YKg3PG6p08kGbtS)

The review of the new methodology shows fundamental changes in the approach, referring to the higher priority of the rule of law and the functioning of the judicial system; the focus on structural reforms and administrative capacity building; the recognition of the general public as a priority partner of the European institutions in the process and primary recipient of the Commission's policies; and a clear effort to build public trust in the process. The serious problems in the region related to corruption, embezzlement, non-public character of state policies, subordinate role of the legal system, find a central place in the new approach. This is done by positioning the relevant negotiating chapters in a shared cluster titled „fundamentals“, which are both the first chapters to be open and the last to be closed. These facts prove the need for a radical change in the EU's approach to the preparation of the candidate and potential candidate states for membership, which has been clearly understood by the institutions in charge.

At the same time, the document refers to the aim of „enhancing“ the process. In other words, the approach is productive in its core, but needs certain modifications to increase its effectiveness. Considering this, there is no grounds to expect a major methodological change, but rather, cosmetic improvements. It is worth reviewing the specific measures proposed by the EC and accepted by all stakeholders as a solution to the fundamental problems identified.

The introduction of „phasing-in“ to individual policies and the gradual inclusion of the different states in the common market and the various EU programs and funds should be pointed out as a substantial methodological change in the approach. Underpinned by appropriate mechanisms and tools to support and assess progress in reforms, this change would represent a step towards solving one of the central problems of the process – namely, the perception of membership as an end goal in itself. If, in the course of the process, applicants gain access to precisely those benefits that the particular country could use most productively (depending on its internal priorities and capacity), then the goal of signing a membership treaty as soon as possible at any cost would lose its value, at least partially.

In order to track the potential effectiveness of this methodological change, it is important to see how the requirements are defined, what is the process against which a country's progress and readiness in one or another sector is measured, and what are the instruments through which the EC assists and supports the reform process.

Notably, the central mechanism for conducting enlargement – „accession conditionality“ – remains the same. In the document, it is defined as the „core“ of the accession policy. Moreover, the weight of this instrument seems to be further enhanced by the changes introduced. Here are the most prominent among them:

First of all, the problem of inconsistency and ambiguity of the criteria and the general uncertainty of the process is recognised (although this is stated

not as a political but as a methodological problem for the enlargement policy itself). Ensuring better „predictability“ has been stated as a top priority. It is clear that, in practice, this will be achieved by introducing „objective, precise, detailed, strict and verifiable“ conditions and, in general, more conditionality in the progress of *acquis* transfer. Thus, the solution to this problem fits entirely within the framework of the previous methodology. The centrality of conditionality is guaranteed, and the presumption of power asymmetry in its logic of construction and application is reinforced. This creates even more favourable conditions for simplifying the process to the formal aspect of Europeanisation, because the fulfilment of the criteria for rule transfer remains a key evaluation factor.

At the same time, it becomes obvious that these newly formulated „clearer conditions“ will again be communicated to applicants through the Commission's annual reports. This contradicts to the aim of „ensuring greater transparency“ and setting clear expectations from the outset. However, the window for political considerations still remains open, which eliminates the claim of predictability in the actions.

The recognised key role of the public in the process is another clearly states change in the approach. The weak communication with the citizens in the candidate countries is presented as the main problem in the previous methodology. According to the new approach, „to ensure sustainability of reforms and facilitate monitoring of implementation, all key reforms in the countries should be carried out in a fully transparent and inclusive way, with key stakeholder involvement“. However, the solution to this deficit in the new program once again goes through the mediation of the national governments, which have the commitment to inform the citizens and to initiate a dialogue. In this way, the key role of the leading political figures is further strengthened. The process continues to be driven by elites, on whom public participation in European integration will depend. The numerous civil and branch organisations and local and regional structures seem to be marginalised once again.

A stronger political guidance has been identified as a key element „strengthening the whole accession process“. This should be achieved through regular intergovernmental conferences at the ministerial level and enhanced dialogue with the governments of the candidate countries. This priority again contradicts to the establishment of civil society as a key partner in the effort.

It can be concluded that there has been a considerable success in identifying the main problems and deficits in the enlargement policy. The solutions sought, however, emanate from the same methodological approach which initially produced them. Thus, the expectation of a qualitative change in the result is unrealistic.



## **Conclusions and recommendations:**

With a view to an instrumental use of the results of the conducted research, the paper will provide some practical recommendations to the EU's enlargement policy towards the countries of the Western Balkans, namely:

- Rethinking the central mechanism of the enlargement policy – the accession conditionality. This principle is the most vivid manifestation of:
  - the presumption of power asymmetry;
  - the perception of the process as a mathematical calculation;
  - the tendency to neglect the dynamics of the process, taking place in the interaction of actors, perceptions, interests, values;
  - the expectation for cooperation by the national governments, due to the high perceived value of the prize offered;

which are all rooted in the EU approach, and then carried into the academic mainstream literature.

The accession conditionality can be replaced by the principle of phased-in access to the integration policies, embedded in the new methodology. Of course, this concept should be developed indepthly. It must be tied not to written rules, but to the real state of development in the societies of the candidate countries.

The conclusions drawn lead to the next recommendation, namely:

- A methodological change in the process of assessing the progress. The closure of negotiating chapters should not be based primarily on the transposition of the EU legislation into national legal systems and the implementation of the recommendations (benchmarks) given in the report. It is necessary to create a complex methodology for assessing progress, which is linked to the actual functioning, achievements and developments in the individual sectors;
- In this line of thought, it is essential to maintain the tendency towards transparency and predictability in the negotiations. This should not be at the expense of the depth of the required reforms, but quite the opposite. Conditions should not be simple and quantifiable. They should necessarily be complex because they concern fundamental changes in an entire societal model. This complexity must be overcome not by simplifying the requirements themselves, but by an active partnership between the EU institutions and all interested groups. This leads to the next recommendation, namely;
- Decentralisation of the process by limiting the influence of local governments and seeking direct contact with regional leaders, civil groups, branch organisations. Recognizing the complex structure of actors and the dynamics of their interests, and using these interests as guidelines in the prioritisation process;

- Linking of European funds to national priorities, which, however, should be formulated precisely with the active participation of this complex structure of subjects;
- Monitoring the implementation of the set priorities through an active partnership with the civil sector and the administration.

The adoption of these recommendations will greatly increase the degree of complexity in the implementation of a country's preparation for EU membership. It will require a much more substantial resource (financial and human), expertise, commitment, and a willingness to continuously improve based on feedback and constructive criticism.

This is precisely where the academic literature should play a key role in the process of improving the enlargement policy. Instead of repeating its basic principles and thereby, confirming their rightness, the academic literature should fulfil its basic function to offer critical analysis, usable for the needs of improving the policy in practice. It is in this direction that the paper claims to have made a serious contribution.

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